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**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, JANUARY 17, 2007, 7:00 P.M.

Call to Order

Pledge of Allegiance

Invocation – Abe Phiefer, New Horizons Foursquare Church

Presentations

Westwood Ranch Neighborhood to address City Council about their neighborhood and becoming an “official” City neighborhood.

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** [Attach 1](#)

Action: Approve the Minutes of the January 3, 2007 Special Session and the January 3, 2007 Regular Meeting

2. **Purchase of Fire Department Uniforms and Work Clothing** [Attach 2](#)

These purchases are for Fire Fighter uniforms and work clothing for the Fire Department.

Action: Authorize the City Purchasing Division to Award the Fire Department Employee Uniforms and Work Clothing Price Agreements to Hole in the Wall, for Baseball Caps, Watch Caps, Tee Shirts, Belts, Sweat Pants, Shorts, and Coats Contained in Category I and Skaggs Public Uniforms & Equipment for the Dress Shirts and Nomex Pants Contained in Category II for the Year 2007

Staff presentation: Jim Bright, Interim Fire Chief

3. **LED Bulb Purchase for Traffic Signal Conversions** [Attach 3](#)

*** Indicates New Item

® Requires Roll Call Vote

Purchase LED bulbs for traffic signals from Traffic Signal Controls, Inc. in Longmont, Colorado. This purchase will be a piggyback onto the CDOT award. State pricing has been confirmed.

Action: Authorize the Purchasing Division to Purchase LED bulbs from Traffic Signal Controls Inc. in the Amount of \$122,405.50

Staff presentation: Mark Relph, Public Works and Utilities Director

4. **Setting a Hearing on the Shetland Meadows Annexation Located at 3022 and 3024 D ½ Road** [File #ANX-2006-344] [Attach 4](#)

Request to annex 5.99 acres, located at 3022 and 3024 D ½ Road. The Shetland Meadows Annexation consists of two parcels.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 07-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Shetland Meadows Annexation, Located at 3022 and 3024 D ½ Road

®Action: Adopt Resolution No. 07-07

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shetland Meadows Annexation, Approximately 5.99 Acres, Located at 3022 and 3024 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 21, 2007

Staff presentation: Adam Olsen, Associate Planner

5. **Setting a Hearing on the Sunlight Annexation Located at 172 and 174 Sunlight Drive** [File #ANX-2006-348] [Attach 5](#)

Request to annex 11.29 acres, located at 172 and 174 Sunlight Drive. The Sunlight Annexation consists of two parcels, including a portion of 28 1/2 Road, and is a four part serial annexation.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 08-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Sunlight Annexation, Located at 172 and 174 Sunlight Drive, Including a Portion of 28 1/2 Road Right-of-Way

®Action: *Adopt Resolution No. 08-07*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunlight Annexation No. 1, Approximately 0.01 Acres, Located at 174 Sunlight Drive

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunlight Annexation No. 2, Approximately 0.07 Acres, Located at 174 Sunlight Drive

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunlight Annexation No. 3, Approximately 5.69 Acres, Located at 174 Sunlight Drive

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunlight Annexation No. 4, Approximately 5.52 Acres, Located at 172 and 174 Sunlight Drive, Including a Portion of the 28 1/2 Road Right-of-Way

Action: *Introduction of Proposed Ordinances and Set a Hearing for February 21, 2007*

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing on the Jobsite Annexation Located at 839 and 841 21 1/2 Road** [File #ANX-2006-347] [Attach 6](#)

Request to annex 25.23 acres, located at 839 and 841 21 ½ Road. The Jobsite Annexation consists of 2 parcels.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 09-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Jobsite Annexation, Located at 839 and 841 21 ½ Road

®Action: *Adopt Resolution No. 09-07*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Jobsite Annexation, Approximately 25.23 Acres, Located at 839 and 841 21 ½ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 21, 2007*

Staff presentation: David Thornton, Principal Planner

7. **Setting a Hearing on the Costopoulos Annexation Located at 2966, 2968, and 2970 D Road** [File #ANX-2006-328] [Attach 7](#)

Request to annex 10.67 acres, located at 2966, 2968, and 2970 D Road. The Costopoulos Annexation consists of three parcels.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 10-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Costopoulos Annexation, Located at 2966, 2968, and 2970 D Road and a Portion of the D Road Right-of-Way

®Action: *Adopt Resolution No. 10-07*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Costopoulos Annexation, Approximately 10.67 Acres, Located at 2966, 2968, and 2970 D Road and a Portion of the D Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for February 21, 2007

Staff presentation: Faye Hall, Associate Planner

8. Setting a Hearing on the Gummin Annexation Located at 2215 Magnus Court [File #ANX-2006-100] [Attach 8](#)

Request to annex 6.60 acres, located at 2215 Magnus Court. The Gummin Annexation consists of one parcel.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 11-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Gummin Annexation, Located at 2215 Magnus Court and a Portion of the Magnus Court Right-of-Way

®Action: Adopt Resolution No. 11-07

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gummin Annexation, Approximately 6.60 Acres, Located at 2215 Magnus Court and a Portion of the Magnus Court Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for February 21, 2007

Staff presentation: Faye Hall, Associate Planner

9. Rescinding the Annexation Request for the Bookcliff Veterinary Hospital Annexation Located at 564 29 Road [File #ANX-2005-076] – Continued from December 20, 2006 [Attach 9](#)

Request to continue the rescinding of the annexation request for the 2.93 acre Bookcliff Veterinary Hospital property located at 564 29 Road to the February 7, 2007 City Council Meeting.

Action: Continue to the February 7, 2007 City Council Meeting

Staff presentation: Scott D. Peterson, Senior Planner

10. **Setting a Hearing on the Preliminary Plan and Planned Development for Fairway Villas Located at 2065 South Broadway** [File #PP-2006-208]

[Attach 10](#)

Request for Preliminary Subdivision Plan and Planned Development Ordinance approval for the proposed Fairway Villas residential subdivision located at 2065 South Broadway.

Proposed Ordinance Establishing Standards for the Planned Development (PD) Zone District and Preliminary Development Plan for the Fairway Villas Subdivision Located at 2065 South Broadway

Action: Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007

Staff presentation: Scott D. Peterson, Senior Planner

11. **Setting a Hearing on Amending the Planned Development Zoning of the Hilltop Commons Cottages Located at 625 27 1/2 Road** [File #PP-2006-250]

[Attach 11](#)

Request for an amended Planned Development zoning ordinance and Preliminary Development Plan for revision and expansion of The Commons to include additional property and change the proposed use within the project.

Proposed Ordinance Amending Ordinance No. 3527 Zoning the Commons Planned Development to Revise the Preliminary Development Plan and Include Additional Acreage Located at 625 27-1/2 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007

Staff presentation: Kristen Ashbeck, Senior Planner

12. **Setting a Hearing on Zoning the River Trail Annexation Located at 3141 D Road** [File #ANX-2006-330] [Attach 12](#)

Request to zone the 17.405 acres River Trail Annexation, located at 3141 D Road, to RMF-8 (Residential Multi-family - 8).

Proposed Ordinance Zoning the River Trail Annexation to RMF-8 Located at 3141 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007

Staff presentation: Ken Kovalchik, Senior Planner

13. **Setting a Hearing on Rezoning the Hilltop Bacon Center Located at 1405 Wellington Avenue** [File # CUP-2006-313] [Attach 13](#)

A request to rezone property at 1405 Wellington Avenue from RMF-8 to a Residential Office (RO) zone district in order to bring an existing Unlimited Group Home known as the Hilltop Bacon Center in compliance with the Zoning and Development Code.

Proposed Ordinance Rezoning the Hilltop Bacon Center Located at 1405 Wellington Avenue from RMF-8 to Residential Office (RO)

Action: Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007

Staff presentation: Kristen Ashbeck, Senior Planner

14. **Setting a Hearing on Vacating Mesa County Parking Lot Right-of-Way Located Adjacent to 420 South 6th Street** [File #SPR-2006-192] [Attach 14](#)

Request to vacate right-of-way located along the eastern boundary of South 6th Street.

Proposed Ordinance Vacating a Portion of the Right-of-Way for South 6th Street Located Adjacent to 420 South 6th Street, Mesa County Parking Lot

Action: Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007

Staff presentation: Senta L. Costello, Associate Planner

- 15. **Setting a Hearing on Vacating a Right-of-Way Adjacent to 2953 Highway 50 in Buena Vista Drive** [File #VR-2006-307] [Attach 15](#)

A request to vacate the cul-de-sac bulb located in Buena Vista Drive adjacent to 2953 Highway 50.

Proposed Ordinance Vacating Right-of-Way Located Adjacent to 2953 Highway 50 in Buena Vista Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for February 21, 2007

Staff presentation: Ronnie Edwards, Associate Planner

- 16. **Setting a Hearing on Vacating a Portion of the Public Right-of-Way, River Run Subdivision, Located at 3060 D Road** [File #FP-2006-301] [Attach 16](#)

Request to vacate the north 10 feet of a portion of D Road, abutting and lying south of Lot 1, Junction East Subdivision, (the site of the proposed River Run Subdivision) the physical address for which is 3060 D Road, consisting of 0.083 acres of land.

Proposed Ordinance Vacating a Portion of the D Road Right-of-Way Adjacent to the River Run Subdivision Located at 3060 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007

Staff presentation: Lori V. Bowers, Senior Planner

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

- *** 17. **Grand Junction Economic Partnership Incentive Request** [Attach 22](#)

An infrastructure grant request in the amount of \$300,000 to fund infrastructure for the relocation of Leitner Poma at Bookcliff Technology Park. The monies will be

used to provide necessary infrastructure such as sewer, water and road improvements to make the site developable. Leitner Poma is a manufacturer of cable transportation systems and snowcat groomers

Action: Consider the Request to Fund the Infrastructure Grant in the Amount of \$300,000

Staff presentation: Sheryl Trent, Interim Community Development Director

18. **DDA Tax Increment Funding Ballot Issue** [Attach 17](#)

Downtown Development Authority is requesting Council approval to submit to the qualified (downtown) electors at the April 3, 2007 special municipal election, a ballot question authorizing the issuance of bonds by the City or Grand Junction to finance development projects within the DDA boundaries.

Resolution No. 12-07 – A Resolution of the Council of the City of Grand Junction Approving the Downtown Development Authority's Call for an Election to be Held for the Purpose of Submitting a Proposed Ballot Measure to the Qualified Electors of the Downtown Development Authority District and Authorizing a Mail Ballot Election

®Action Adopt Resolution No. 12-07

Staff presentation: Harold Stalf, Executive Director, DDA

19. **Public Hearing – Referring Charter Amendments to the April 3, 2007 Regular Municipal Election** [Attach 18](#)

The City Council reviewed the proposed Charter amendments and directed City Staff to draft the ballot questions for the April 3, 2007 regular municipal election.

Ordinance No. 4014 – An Ordinance Placing Charter Amendments to Repeal Obsolete Provisions, Bring the Charter into Compliance with Certain State Law Provisions, Allow the Publication of Proposed Ordinances by Title Only, and to Change the Number of Required Signatures on a Petition to Ascertain if the City Should Purchase a Franchise; on the Election Ballot for the Regular Municipal Election to be Held the 3rd day of April, 2007

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4014

Staff presentation: John Shaver, City Attorney

20. **Set Title for TABOR Ballot Proposal** [Attach 19](#)

The proposed Resolution sets a ballot title for the April 3, 2007 regular municipal election regarding retaining revenues above the amounts allowed under Article X, Section 20 of the Colorado Constitution.

Resolution No. 13-07 – A Resolution Setting a Title and Submitting to the Electorate on April 3, 2007 a Measure to Retain and Spend Revenues as Defined by Article X, Section 20 of the Colorado Constitution

®Action: Adopt Resolution No. 13-07

Staff presentation: David Varley, City Manager
Ron Lappi, Administrative Services and Finance Director

21. **Public Hearing – Authorization of the Issuance of \$22,925,000 in Bonds for the Riverside Parkway Project** [Attach 20](#)

The issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, series 2007, and other funds should complete the Riverside Parkway project by the end of 2008.

Ordinance No. 4015 – An Ordinance Authorizing the Issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2007, and Pledging Certain Revenues of the City for the Payment of the Bonds

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4015

Staff presentation: Ron Lappi, Administrative Services and Finance Director

22. **Public Hearing – Apple Acres Annexation and Zoning Located at 3025 E Road** [File #ANX-2006-302] [Attach 21](#)

Request to annex and zone 8.84 acres, located at 3025 E Road, to RMF-5 (Residential Multi Family 5 du/ac). The Apple Acres Annexation consists of one parcel.

a. Accepting Petition

Resolution No. 14-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Apple Acres Annexation, Located at 3025 E Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4016 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Apple Acres Annexation, Approximately 8.84 acres, Located at 3025 E Road

c. Zoning Ordinance

Ordinance No. 4017 – An Ordinance Zoning the Apple Acres Annexation to RMF-5 Located at 3025 E Road

®Action: Adopt Resolution No. 14-07 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4016 and 4017

Staff presentation: Adam Olsen, Associate Planner

23. **Non-Scheduled Citizens & Visitors**

24. **Other Business**

25. **Adjournment**

Attach 1
Minutes from the Previous Meetings
GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JANUARY 3, 2007

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, January 3, 2007 at 5:39 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present was City Attorney John Shaver.

Council President Doody called the meeting to order.

Councilmember Beckstein moved to go into executive session for personnel matters under Section 402 (4) (f)(I) of the Open Meetings Law regarding City Council employees, specifically the Municipal Judge. Councilmember Palmer seconded the motion. The motion carried.

The City Council will not be returning to open session.

The City Council convened into executive session at 5:39 p.m.

Stephanie Tuin, MMC
City Clerk

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

January 3, 2007

The City Council of the City of Grand Junction convened into regular session on the 3rd day of January 2007, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present were City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey.

Proclamations / Recognitions

President of the Council Doody recognized his two brothers' birthdays.

Administer Oath of Office to the New Firefighters

Council President Jim Doody called the new firefighters up to the podium and proceeded to administer the oath of office to them as a group.

Proclaiming January 2007 as “National Mentoring Month” in the City of Grand Junction

Proclaiming January 15, 2007 as “Martin Luther King, Jr. Day” in the City of Grand Junction

Certificate of Appointments

To the Visitor and Convention Bureau Board of Directors

Brian Barry, Richard Martindale, and Paul Petersen were present to receive their certificates for the Visitor & Convention Bureau Board of Directors.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Thomason read the list of items on the Consent Calendar noting that item #7, the grant application, will be moved to Items for Individual Consideration. It was moved by Councilmember Spehar, seconded by Councilmember Hill and carried by roll call vote to approve Consent Calendar Items #1 through #8 with the exception of #7 being moved to Individual Consideration.

Councilmember Hill asked to place a TABOR fact finding report under Other Business.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the December 18, 2006 Workshop and the Minutes of the December 20, 2006 Regular Meeting

2. **Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-07 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 01-07

3. **Setting a Hearing for the Authorization of the Issuance of \$22,925,000 in Bonds for the Riverside Parkway Project**

The issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, series 2007, and other funds should complete the Riverside Parkway project by the end of 2008.

Proposed Ordinance Authorizing the Issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2007, and Pledging Certain Revenues of the City for the Payment of the Bonds

Action: Introduction of Proposed Ordinance and Set a Hearing for January 17, 2007

4. **Setting a Hearing on Zoning the Apple Acres Annexation, Located at 3025 E Road** [File #ANX-2006-302]

Request to zone the 8.84 acre Apple Acres Annexation, located at 3025 E Road, to RMF-5 (Residential Multi Family 5 du/ac).

Proposed Ordinance Zoning the Apple Acres Annexation to RMF-5 Located at 3025 E Road

Action: Introduction of Proposed Ordinance and Set a Hearing for January 17, 2007

5. **Setting a Hearing for the River Trail Annexation, Located at 3141 D Road** [File #ANX-2006-330]

Request to annex 17.405 acres, located at 3141 D Road. The River Trail Annexation consists of one parcel.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 02-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, River Trail Annexation, Located at 3141 D Road

Action: Adopt Resolution No. 02-07

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Trail Annexation, Approximately 17.405 Acres, Located at 3141 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007

6. **Contract for the Pepsi Lift Station Elimination and Highway 340 Bore**

The Pepsi Lift Station is 28 years old and in need of replacement. This project will enable the City to eliminate the Pepsi Lift Station entirely, providing a more efficient and economical means of conveying sewage from this service area.

Action: Authorize the City Manager to Execute a Contract for the Elimination of the Pepsi Lift Station and Construction of a Bore Across Hwy. 340 to Connect to the Rosevale Lift Station with Brannan Construction in the Amount of \$296,630.20

7. **Grant Application for Watershed Protection**

Moved to Individual Consideration

8. **Setting a Hearing on Referring Charter Amendments to the April 3, 2007 Regular Municipal Election**

The City Council reviewed the proposed Charter amendments and directed City Staff to draft the ballot questions for the April 3, 2007 regular municipal election.

Proposed Ordinance Placing Charter Amendments to Repeal Obsolete Provisions, Bring the Charter into Compliance with Certain State Law Provisions, Allow the Publication of Proposed Ordinances by Title Only, and to Change the Number of Required Signatures on a Petition to Ascertain if the City Should Purchase a Franchise; on the Election Ballot for the Regular Municipal Election to be Held the 3rd day of April, 2007

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 17, 2007

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Grant Application for Watershed Protection

Grant application to the Department of Local Affairs (DOLA) for Energy Impact Assistance grant: Watershed ground and surface water characterization. This will be used in conjunction with the community plan of development process now underway with the BLM, the Town of Palisade, and Genesis Oil and Gas.

Tim Moore, Assistant Public Works and Utilities Director, reviewed this item. The application is for \$100,000 from the Energy Impact Assistance Fund through the Department of Local Affairs WET (Water and Wastewater Enhancement Treatment

Initiative) grant program. He noted that the impetus of this grant application is the lease of property in the City's and the Town of Palisade's watershed to Genesis Oil and Gas for drilling and exploration. The grant will provide some funding to develop baseline data of the environment in the watershed, tracing test(s) to determine spring origins and paths of subsurface water and to evaluate potential risks of gas drilling. It will also fund the development of a monitoring and emergency response plan in case of a spill. The project cost is estimated at \$137,000; \$100,000 will come from the grant, \$12,000 will come from the Water Fund and the rest will be an in-kind contribution through staff work.

Councilmember Coons asked if the timing will be such that the work can be incorporated into the Community Plan currently in the works. Mr. Moore said yes and advised the City will hopefully hear on the grant early this year.

Councilmember Spehar asked about monitoring the activities once drilling begins. Mr. Moore said they plan to follow through with that as does the Town of Palisade.

Councilmember Hill asked about putting systems in place to update the data and who will be doing the work. Mr. Moore stated that City Staff, along with subcontracting those with expertise in those areas, will be doing the work.

Councilmember Spehar asked if by having the Watershed Ordinance, the City could require those active in the watershed to bear some of the cost. City Attorney Shaver said that is one of the assumptions and that will be an expectation. He noted that is one of the purposes of gathering the baseline data.

Councilmember Coons stated that it appears that Palisade has hired a hydro geologist and asked if the City will use the same contractor. Mr. Moore stated that they will be looking into that.

Council President Doody asked if Palisade's water is mostly from springs. Mr. Moore said that is right and the City's water is a combination of springs and surface water. The studies will include both.

Council President Doody asked how Palisade is incorporated into this grant. Mr. Moore stated that the City has some baseline information. Palisade is starting from scratch in gathering data. The net is a solid baseline for both.

Councilmember Spehar moved to approve submittal of a grant application for watershed protection measurement and authorize the City Manager to sign the application. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Adopt the 2006 Edition of the International Fire Code

Adoption of an ordinance for the 2006 edition of the International Fire Code, which is part of the 2006 International Code set currently being adopted by the City.

The public hearing was opened at 7:30 p.m.

Charles Mathis, Fire Inspector, advised the City is currently under the 2000 International Code but it is important to keep all the Codes in line and the Mesa County Building Department is in the process of adopting the 2006 building related Codes. The proposal does call for a few amendments to the International Fire Code. Mr. Mathis advised that there are new Codes every three years but Mesa County and the City have opted to only adopt new Codes every other revision.

Councilmember Coons asked why the new Codes are adopted every other revision. Mr. Mathis stated because of the adoption process and that there are not that many significant changes every three years. City Attorney Shaver also advised that there are significant costs in replacing the Code sets.

Councilmember Palmer asked if these Codes address staffing at all. City Attorney Shaver responded they do not, that is the NFPA (National Fire Protection Association) Codes.

Councilmember Palmer asked why some operational permits are excluded. Mr. Mathis stated that since 2000, the decision was made to exclude the permitting process from the Codes and they have reinstated the ones most common. The permits allow for inspections of certain activities.

Councilmember Hill disclosed for the record that a big part of his business is fire prevention with fire alarm systems. He supported the adoption and appreciated the format it was presented in.

There were no public comments.

The public hearing was closed at 7:40 p.m.

Ordinance No. 4012 – An Ordinance Adopting the 2006 Edition of the International Fire Code Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Amending Certain Provisions in the Adopted Code; Amending Article III of Chapter 18 of the Code of Ordinances; and Amending all Ordinances in Conflict or Inconsistent Herewith

Councilmember Palmer moved to adopt Ordinance No. 4012 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote with Councilmember Bonnie Beckstein being absent at the vote.

Public Hearing – Adopt the 2006 Edition of Building Related Codes

The proposed ordinance will adopt the 2006 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado. These Codes regulate building construction.

The public hearing was opened at 7:41 p.m.

Tim Moore, Assistant Public Works and Utilities Director, reviewed this item. He said these are the companion Codes of the ones just adopted. He noted a couple of minor changes made since the first reading.

There were no public comments.

The public hearing was closed at 7:42 p.m.

Councilmember Hill noted the volume of information pointing out it is a large project to bring before the Council. He stated for the public's knowledge that these Codes are compiled by other organizations but there is the ability to amend sections as they may apply specifically to this municipality.

Ordinance No. 4013 – An Ordinance Adopting and Amending the Latest Edition of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Grand Junction; and Repealing all other Ordinances and Parts of Ordinances in Conflict Herewith

Councilmember Coons moved to adopt Ordinance No. 4013 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Fee Schedules for Permits and Other Actions under the International Building Related and Fire Codes

Adoption of a resolution which will set fees for the 2006 Editions of the International Code set, including the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes, the Fire Code, and the 2005 Edition of the National Electric Code as adopted by the State of Colorado.

Tim Moore, Assistant Public Works and Utilities Director, reviewed this item. He stated that these are the fees to go along with the Codes just adopted. Mr. Moore said there is no change to the Building Code fees.

City Attorney Shaver advised that some of the Fire fees have increased slightly.

Councilmember Coons asked if the false alarm fee is new. Mr. Mathis stated that it is not new, it just wasn't incorporated into the fee Resolution previously. He reviewed the various items that his division performs without charging a fee.

Councilmember Hill disclosed again that his company installs and inspects fire alarm systems so he will abstain from this item.

Resolution No. 03-07 – A Resolution Setting Building Code Fees Under the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Codes as Well as the National Electric Code and Setting Fees for Operational and Construction Permits and False Alarm Fees for the International Fire Code in the City of Grand Junction, Colorado

Councilmember Palmer moved to adopt Resolution No. 03-07. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmember Hill abstaining.

Public Hearing – Create Alley Improvement District 2007

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following six alleys:

- East/West Alley from 3rd to 4th, between Ouray Avenue and Chipeta Avenue
- North/South & East/West Alleys from 7th to 8th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 12th to 14th, between Elm Avenue and Texas Avenue
- North/South Alley from 17th to 18th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 22nd to 23rd, between Ouray Avenue and Gunnison Avenue

The public hearing was opened at 7:51 p.m.

Tim Moore, Assistant Public Works and Utilities Director, reviewed this item. He reviewed the process that takes place under this program, everything that occurs during the construction and how fees are assessed with the City's participation in the cost. Six alleys are proposed for improvement this year.

Councilmember Coons asked Mr. Moore to detail the methods of payments. Mr. Moore advised one can pay the assessment in one lump sum or it can be amortized over ten years at 8% interest.

Councilmember Palmer asked how long it has been since the program has been reviewed. Mr. Moore said it has been a while and the Public Works Department has plans to review the program.

Councilmember Palmer asked what the benefits are to the owners and to the City. Mr. Moore said the property owners only pay about 16% of the cost, the City picks up the rest of the cost, but the benefit to the City is that the improvement is easier to maintain.

Councilmember Palmer asked if there have been any thoughts to expanding the program to sidewalks. Mr. Moore said there is a separate sidewalk program where the goal is to have sidewalks on at least one side of the road throughout the City. That has nearly been accomplished although there is a challenge in areas where there is no curb and gutter. The Public Works Department also plans to review this program this year to see how problems with the program can be resolved.

Councilmember Coons stated that she has been a beneficiary of this program, about a year ago, and it was a big improvement plus having the other utility lines upgraded at the same time. She complimented the City on how well, with minimal disruption, it was done.

Council President Doody voiced concern over the rising costs and is glad that the program will be reviewed.

City Manager David Varley stated that there have been a couple of programs that have been done similarly but there are other programs that need to be considered and perhaps implemented. This program has been sacrificed some due to other capital needs but some new ideas may be presented at budget time.

Terrance Stath, owner of 600 N. 22nd Street, spoke about the last alley to be paved, north/south from 22nd to 23rd between Ouray and Gunnison Avenue. He objected to the amount of the assessment that he is supposed to pay. He is being assessed \$15 per foot, and the other property owners are being assessed \$8 per foot. He feels that this is unfair just because he has three fourplexes and this puts him in the multi-family rate. He

feels he should be given the same assessment rate as the single-family residences. He asked that City Council not approve this tonight.

Councilmember Spehar pointed out that the petition has over 50% of property owners in favor of paving the alley.

Mr. Stath asked that he be given an assessment rate of \$8.00 per foot and stated that he questioned the validity of the petition and that it is a majority.

Council President Doody asked the City Attorney Shaver to explain the verification on the citizens that voted for the paving of this alley. Mr. Shaver stated that there are actual signatures from the people who voted for this and Mr. Stath could certainly look at these.

Barbara Leach, 318 Ouray Avenue, lives where the alley is proposed to be concreted between 3rd and 4th and Ouray and Chipeta. Her house has been there since 1905 and has a beautiful hedge in the back of her property. She works in health care, helping people with back and neck problems and believes concrete contributes to back problems. She's observed that concrete alleys melt faster and could in some way contribute to global warming. She would prefer that the alley not be concreted and that she would rather spend the money to other organizations like Marillac Clinic or Partners. She understands that she will probably have to pay for the assessment but wanted to be on record. She likes her dirt alley and would like to keep it.

There were no other comments.

The public hearing was closed at 8:14 p.m.

Councilmember Hill asked Mr. Moore to explain the criteria for the Alley Improvement District. Mr. Moore said that it is initiated by someone in the neighborhood and the City notifies the contact person for that neighborhood when to start circulating a petition. The City wants it to be a benefit. The number is looked at after receiving the petitions, the majority of owners and then a majority of linear footage along the alley. There has to be a majority of both property owners and linear footage. Without both, it is not a successful petition.

Councilmember Coons asked how the rates were originally determined. Mr. Moore stated that three groups, single family, multi-family and non-residential are the three categories and the rates were set by ordinance. City Attorney Shaver stated the rates can be adjusted by resolution.

Councilmember Beckstein asked what the benefits are to the property owners. Mr. Moore stated that there is dust and dirt with dirt alleys, so paving the alley improves air

quality, it is a lot cleaner and easier to maintain. It does help with drainage and in some cases the utilities are upgraded if the sewer lines are old, etc.

Councilmember Coons noted that there is a lot of traffic in the alleys so there are problems like rocks and mud, etc. when they are not paved.

Resolution No. 04-07 – A Resolution Creating and Establishing Alley Improvement District No. ST-07 Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Councilmember Beckstein moved to adopt Resolution No. 04-07. Councilmember Coons seconded the motion.

Councilmember Hill stated that it is good to know that the City is budgeting as a community to leverage dollars to make these improvements. He is confident that the process has been put through the test, one of the tests may be very close but the other criteria had a bigger margin. He said that the purpose of the public hearing is to hear concerns and does not necessarily mean that the matter will be voted down, but those concerns are kept in mind during the budget process.

Councilmember Palmer appreciated Mr. Stath coming down and taking the time to participate, however, the City Council cannot look at the rates this evening, but will keep it in mind. He said granted, one criteria is a slim margin but is a majority and it is a benefit to the community and neighbors. Economically it is a reasonable deal for most people. Rates will have to be a separate discussion at another time.

Councilmember Spehar stated that he supports this. There are three levels of, criteria which must be met and all of these projects passed those tests. He agree that the rates should be a separate discussion, however he is comfortable with the rates. This program is a good example of democratic process at work.

Council President Doody said that with the rising construction costs, it is a good deal for the citizens.

Motion carried by roll call vote.

Council President Doody called a recess at 8:30 p.m.

The meeting reconvened at 8:41 p.m.

Public Hearing – Hall Growth Plan Amendment, Located at 748 and 778 22 Road
[File #GPA-2006-240]

A request to amend the Growth Plan, changing the Future Land Use designation from "Estate" (one unit per 2 to 5 acres) and "Rural" (one unit per 5 to 35 acres) to "Commercial/Industrial" for fifty-two acres located at 748 and 778 22 Road.

The public hearing was opened at 8:41 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the site, the location and the history of the request. The owner asked in 2005 to be included into the 201 Persigo boundary. The City Council and Mesa County decided to look at the entire area for possible inclusion. The property was subsequently included into the boundary in March, 2006. The original designation was "Estate". An error on the Mesa County zoning map was discovered and when the Growth Plan was adopted, the property was shown as AFT. Mesa County recently acknowledged the error and changed the designation to "Commercial/Industrial".

Ms. Porter stated that the applicant plans to combine two properties for the proposed development.

Ms. Portner then reviewed that the Growth Plan Amendment criteria included the fact that an error did occur which resulted in the incorrect designation on the Growth Plan. If an error is found, then none of the other criteria need to be met. Both Staff and the Planning Commission recommend approval.

Councilmember Thomason asked about the status of the traffic study. Ms. Portner stated that the study includes a much larger area and the plan is to bring that back in February or March when a recommendation for a change to the street plan will be presented.

Doug Colaric, representing the applicant, had no additional comments. He agreed with the Staff presentation and agreed with the proposed traffic study.

There were no public comments.

The public hearing was closed at 8:52 p.m.

Councilmember Hill supports the request. Although the designation error meets the Growth Plan Amendment criteria, he feels the request probably meets some of the other criteria too.

Councilmember Spehar was also supportive as it will create some consistent land use designations that will solve some of the problems, including access.

Resolution No. 05-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 52 Acres Located at 748 & 778 22 Road, from “Estate “and “Rural” to “Commercial/Industrial”

Councilmember Spehar moved to adopt Resolution No. 05-07. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Kelley Growth Plan Amendment, Located at 849 21 ½ Road [File #GPA-2006-249]

A request to amend the Growth Plan, changing the Future Land Use designation from "Rural" (one unit per 5 to 35 acres) to "Commercial/Industrial" for 10.7 acres, located at 849 21 ½ Road.

The public hearing was opened at 8:55 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the location and the annexation which was approved on November 15, 2006. This property was also part of the recent inclusion into the 201 Persigo boundary last March. The area has been designated “Commercial/Industrial” in phases by Mesa County. The City was not part of those discussions. The application came forward before the decision was made on the larger area for inclusion. Staff thought it appropriate to consider it on its own rather than in the big picture.

Since there was no error, the other Growth Plan Amendment criteria need to be addressed. Those criteria are: 1) Subsequent events have invalidated the original premises and findings; in 1996 there were five parcels north of H Road that were shown as “Commercial” or “Commercial/Industrial” on the future Land Use Map. In 1999 Mesa County approved changes to the future land use map that re-designated 14 parcels in the 21 ½ Road area to “Commercial/Industrial”, reflecting the existing zoning established in the 1980’s for this area. In 2000 the two Jobsite properties were changed to “Commercial/ Industrial” from the “Rural” designation and zoned to Planned Industrial in 2001. The Persigo 201 boundary was expanded to include this 21 ½ Road area (including the Kelley property) on March 22, 2006. The area has been and continues to be in transition from agricultural/rural land uses to industrial land uses with urban services, including sewer; 2) The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan. The area on both sides of 21 ½ Road north of H Road continues to develop as an industrial area with the recent construction of the Jobsite facility located adjacent to the Kelley property to the south. The Jobsite final plan was approved in 2004 by Mesa County. With the Jobsite construction, sanitary sewer will be extended north from H Road to the southern border of the Kelley property. The Persigo 201 boundary was expanded to include this area (including the

Kelley property) along 21 ½ Road on March 22, 2006, supporting the premise that the character and condition of the area has changed and continues to change; 3) The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans. The amendment is consistent with the following goals and policies of the Growth Plan. Public and community facilities are adequate to serve the type and scope of the land use proposed. Jobsite is constructing sanitary sewer to the south boundary of the southern border of the Kelley property. An 8 inch Ute Water line has been constructed in 21 ½ Road north from H Road to the Jobsite development; 4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use. The City continues to hear from the community that there is an increasing need for additional industrial land especially parcels that are ten or more acres in size; 5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment. Additional industrial opportunities will be available in an area that already has existing industrial land uses. With these findings, the Staff and the Planning Commission recommend approval of the Growth Plan Amendment.

Councilmember Hill asked Ms. Portner if the City anticipates having an H ½ Road through there. Ms. Portner stated that the City does. Some of the preliminary ideas for the major street plans for this area would indicate that H ½ Road, an east/west connection is needed to funnel traffic both directions to where there might be a signal at the intersection with Highway 6. H ½ Road will very likely be a major part of the street plan.

Brian Bray, 888 26 ½ Road, representing the applicant, noted Staff has covered everything but he can answer questions. There were none.

There were no public comments.

The public hearing was closed at 9:04 p.m.

Councilmember Hill stated that the parcel is very familiar to the City Council and he feels that it has met the criteria. He is concerned with buffering to the north, but H ½ Road may play a part in that. He feels that buffering from the south, going from Commercial/Industrial to Rural is a problem because of no designated roadway.

Councilmember Doody understands that there is a need for Commercial/Industrial property and is glad the 201 was expanded to allow for this.

Resolution No. 06-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 10.7 Acres, Located at 849 21 ½ Road, from "Rural" to "Commercial/Industrial"

Councilmember Coons moved to adopt Resolution No. 06-07. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Conduct a Hearing on an Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive [File #PP-2005-226] – Continued from December 6, 2006

Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

John Shaver, City Attorney, made a recommendation that this item be continued until February 21, 2007. A new application has been submitted and Staff is reviewing it.

Councilmember Hill moved to continue the consideration to February 21, 2007. Councilmember Beckstein seconded the motion. Motion carried.

To clarify, City Attorney Shaver stated that the new application will be reviewed by the Staff and Planning Commission which may lead to the withdrawal of the previous application.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Hill reviewed what has been done regarding the possible TABOR question to be referred to the ballot. The original question proposed was surveyed in the community and the wording referring to “additional voter approved issues” became an issue so the question has been revised so that retained revenues would be only to repay the Riverside Bond debt. That question has been surveyed by the Chamber whose members supported the Chamber’s involvement. Some Councilmembers and members of Administration have been meeting with the Chamber committee. That committee is satisfied with the wording but the committee is still doing some fact finding. Meetings with various groups have been set, service clubs, and other organizations. The Issue Committee has been registered as the Committee for Debt Reduction.

The City Council appreciated Councilmember Hill’s efforts.

Council President Doody asked the City Attorney for a description of Council’s role. Mr. Shaver said Councilmember Hill’s characterization is correct, the City is in fact finding

mode and can do that up until the ballot title is set on January 17th, then there are restrictions on the amount of support that can come from the City as per the Fair Campaign Practices Act. Councilmembers can advocate the issue as long as public resources are not expended.

Adjournment

The meeting adjourned at 9:20 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Purchase of Fire Department Uniforms and Work Clothing
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Purchase of Fire Dept. Uniforms and Work Clothing					
Meeting Date		January 17, 2007					
Date Prepared		January 3, 2007				File #	
Author		Shirley Nilsen			Senior Buyer		
Presenter Name		Jim Bright			Interim Fire Chief		
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: These purchases are for Fire Fighter uniforms and work clothing for the Fire Department. Each year a Fire Fighter is allowed a clothing allowance that is up to \$475.00.

Budget: The Fire Department has budgeted \$57,600.00 from the Uniforms and Clothing funds.

Action Requested/Recommendation: Authorize the City Purchasing Division to award the Fire Department Employee Uniforms and Work Clothing Price Agreements to Hole in the Wall, for baseball caps, watch caps, tee shirts, belts, sweat pants, shorts, and coats contained in Category I and Skaggs Public Uniforms & Equipment for the dress shirts and nomex pants contained in Category II for the year 2007. Hole in the Wall is located in Grand Junction, and Skaggs Public Uniforms & Equipment is located in Salt Lake City. The City spent \$51,459.93 in 2006 for this program.

Background Information: The solicitation was advertised in the Daily Sentinel and invitations were sent to eighty four potential providers. Six responsive and responsible proposals were received from the following companies. The pricing represents the cost of outfitting a Fire Fighter with two caps, 10 shirts and three shorts for Category I:

Category I	
Company	Cost
*Hole in the Wall Grand Junction, CO	\$256.24
Skagg's Public Uniforms & Equip.	\$263.34

Salt Lake City, UT	
Neve's Uniforms & Equipment Denver, CO	\$273.95
Laurel Uniform Denver, CO	\$323.00
Creations by Ja-Mel Grand Junction, CO	\$326.80
Uniform Kingdom Grand Junction, CO	\$359.05

The following pricing represents the cost to outfit one Fire Fighter with one dress shirt and one pair of nomex pants for Category II.

Category II Company	Cost
*Skaggs Public Uniforms & Equip. Salt Lake City, UT	\$292.34
Laurel Uniform Denver, CO	\$310.00
Lorigs Inc. Colorado Springs, CO	\$324.78
Neve's Uniforms Denver, CO	\$327.80
Creations by Ja-Mel Grand Junction, CO	\$329.73
Uniform Kingdom Grand Junction, CO	\$430.80

*Recommended award

The uniforms and clothing suppliers were selected through a competitive Request for Proposal process using the following evaluation criteria:

- Net Cost
- Service
- Proven performance

Proposals were opened and evaluated by a team of representatives from Fire and Purchasing. The respondents were contacted with a request to submit the following: a letter of interest, their experience, services to be provided, a statement confirming that the pricing submitted on the proposals are firm fixed and there shall be no additional setup fees or shipping fees for individual orders, a confirmation statement that there shall be no minimum order quantities, and a detailed explanation on how ordering

procedures and returns are handled. This information facilitated the evaluation team to achieve a comparison in a fair and objective manner.

The two companies were chosen because of the following:

- Lowest cost on a comparable basis, of the clothing that a Fire Fighter will use during the year.
- Service, ease of ordering and returns
- Clothing, embroidery, and silk screen quality

The Purchasing Manager and the Interim Fire Chief agree with this recommendation.

Attach 3
LED Bulb Purchase for Traffic Signal Conversions
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		LED Bulb Purchase for Traffic Signal Conversions					
Meeting Date		January 17, 2007					
Date Prepared		December 28, 2006			File #		
Author		Susan Hyatt		Senior Buyer			
Presenter Name		Mark Relph		Public Works and Utilities Director			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Purchase LED bulbs for traffic signals from Traffic Signal Controls, Inc. in Longmont, Colorado. This purchase will be a piggyback onto the CDOT award. State pricing has been confirmed.

Budget: \$140,000 is budgeted in the CIP, Traffic Signals & Controls account for this purchase.

Action Requested/Recommendation: Authorize the Purchasing Division to purchase LED bulbs from Traffic Signal Controls Inc. in the amount of \$122,405.50.

Attachments: N/A

Background Information: The purchase of this equipment will facilitate the conversion of the city's traffic signals to LED's by replacing incandescent bulbs as part of the City's energy conservation program.

Any new traffic signal constructed in the city in the last several years has used the LED technology. This purchase is the first step in converting existing city-owned signals with incandescent bulbs to LED. City crews have been converting CDOT signals to LED this past year as CDOT has supplied the city with the equipment for the signals that we maintain under contract with CDOT.

The conversion to LED is estimated to reduce by up to 90% the cost of electricity to operate city-owned signals. The City currently spends \$68,000 per year for electricity to the signals. The payback time for this purchase is estimated at just over two years with

the reduction in electricity costs and maintenance. The conversion has the additional safety advantage of increased visibility of the signal indications. With the cost savings and reduced power draw from the LED's, it is the Transportation Engineering Division's goal to install battery back up units at key intersections to minimize interruptions to the traveling public when power outages occur.

Attach 4
Setting a Hearing on the Shetland Meadows Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Shetland Meadows Annexation - Located at 3022 and 3024 D ½ Road.						
Meeting Date	January 17, 2007						
Date Prepared	January 11, 2007					File #ANX-2006-344	
Author	Adam Olsen			Associate Planner			
Presenter Name	Adam Olsen			Associate Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 5.99 acres, located at 3022 and 3024 D ½ Road. The Shetland Meadows Annexation consists of two parcels.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Shetland Meadows Annexation and introduce the proposed Ordinance and set a hearing for February 21, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		3022 and 3024 D ½ Road	
Applicants:		Zeppelin Investments-Owner Ciavonne Roberts & Associates-Representatives	
Existing Land Use:		Large Lot Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		RSF-R	
Proposed Zoning:		RMF-5	
Surrounding Zoning:	North	RSF-R (County)	
	South	PUD (County)	
	East	RMF-5	
	West	RSF-R (County)	
Growth Plan Designation:		RM (Residential Medium 4-8 du/ac)	
Zoning within density range?		x	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.99 acres of land and is comprised of two parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Shetland Meadows Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

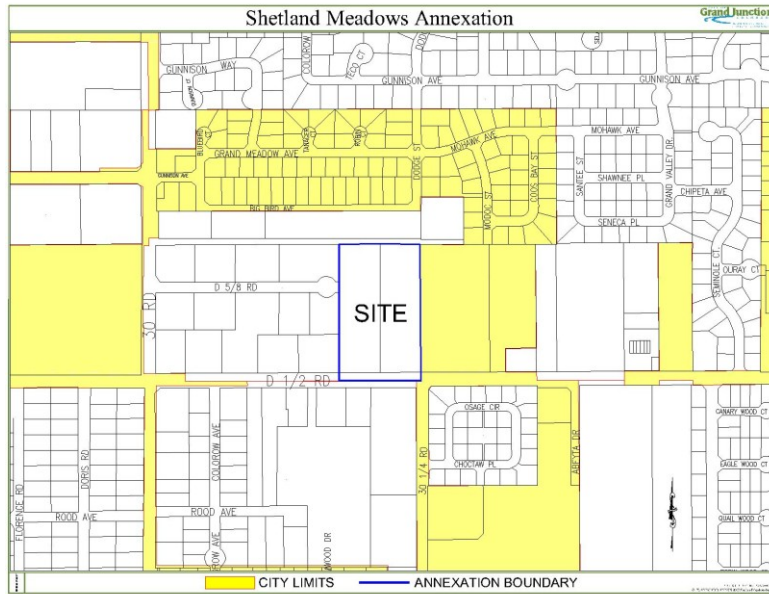
<i><u>ANNEXATION SCHEDULE</u></i>	
January 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 23, 2007	Planning Commission considers Zone of Annexation
February 7, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
February 21, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 25, 2007	Effective date of Annexation and Zoning

SHETLAND MEADOWS ANNEXATION SUMMARY

File Number:	ANX-2006-344	
Location:	3022 and 3024 D ½ Road	
Tax ID Number:	2943-162-00-030 2943-162-00-031	
Parcels:	2	
Estimated Population:	2	
# of Parcels (owner occupied):	2	
# of Dwelling Units:	2	
Acres land annexed:	5.99	
Developable Acres Remaining:	5.99	
Right-of-way in Annexation:	D ½ Road	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	RMF-5	
Current Land Use:	Large Lot Residential	
Future Land Use:	Residential	
Values:	Assessed:	\$13,660
	Actual:	\$271,600
Address Ranges:	3022 and 3024 D ½ Road	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	Grand River Mosquito

Site Location Map

Figure 1



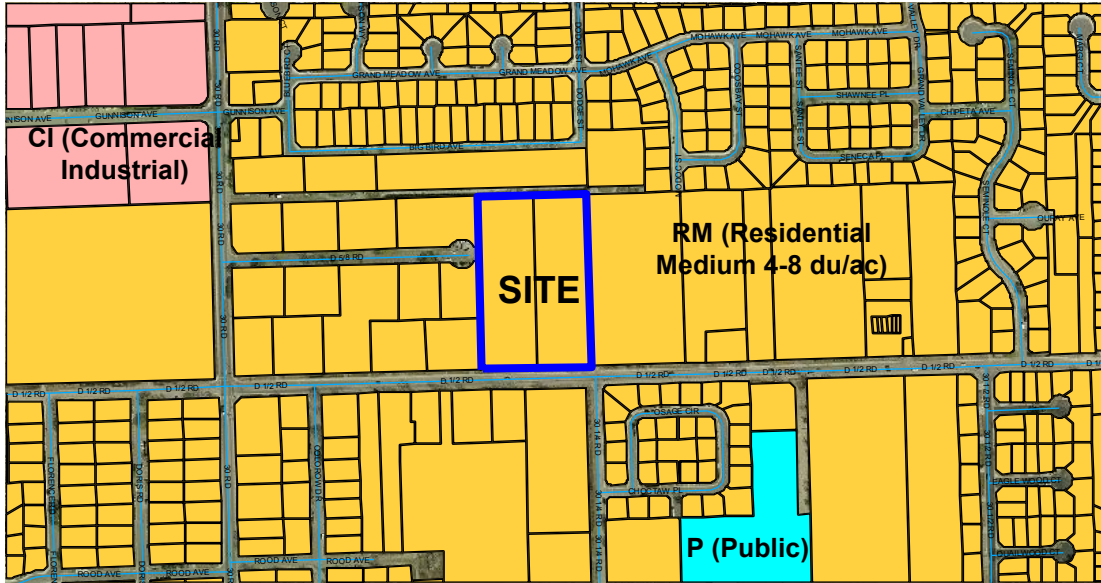
Aerial Photo Map

Figure 2



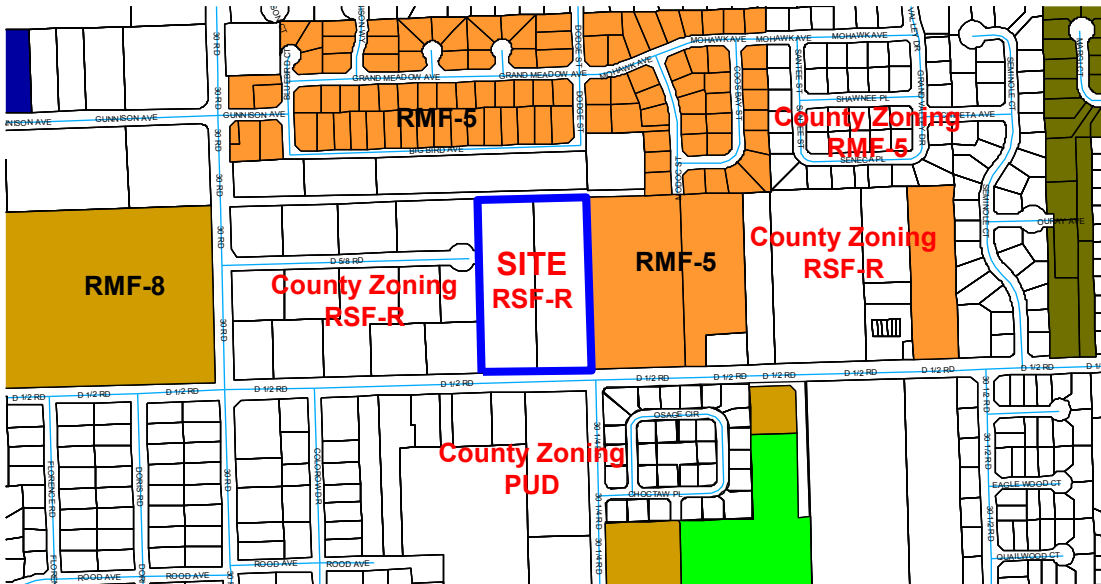
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th of January, 2007, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

SHETLAND MEADOWS ANNEXATION

LOCATED AT 3022 AND 3024 D ½ ROAD

WHEREAS, on the 17th day of January, 2007, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

SHETLAND MEADOWS ANNEXATION

A parcel of land located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE 1/4 SW 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE 1/4 SW 1/4 NW 1/4) of said Section 16 and assuming the East line of said SE 1/4 SW 1/4 NW 1/4 to bear S00°01'09"E with all bearings contained herein relative thereto, thence S00°01'09"E along said East line a distance of 658.82 feet to a point on the North line of the Fruitvale Meadows Annexation No. 2, City of Grand Junction Ordinance No. 3098, said line also being 1 foot North of and parallel with the South line of the SW 1/4 NW 1/4 of said Section 16; thence S89°56'21"W along said Annexation line a distance of 396.00 feet to a point on the West line of that certain parcel of land as described in Book 4257, Page 747, Public Records, Mesa County, Colorado; thence N00°01'09"W along the West line of said parcel a distance of 658.75 feet to the Northwest corner of said parcel; thence N89°55'42"E along said North line and its continuation, a distance of 396.00 feet, more or less to the Point of Beginning.

Said parcel contains 5.99 acres (260,880 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should

be held to determine whether or not the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 21st day of February, 2007, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
January 19, 2007
January 26, 2007
February 2, 2007
February 9, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

SHETLAND MEADOWS ANNEXATION

APPROXIMATELY 5.99 ACRES

LOCATED AT 3022 AND 3024 D ½ ROAD

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

SHETLAND MEADOWS ANNEXATION

A parcel of land located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE 1/4 SW 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE 1/4 SW 1/4 NW 1/4) of said Section 16 and assuming the East line of said SE 1/4 SW 1/4 NW 1/4 to bear S00°01'09"E with all bearings contained herein relative thereto, thence S00°01'09"E along said East line a distance of 658.82 feet to a point on the North line of the Fruitvale Meadows Annexation No. 2, City of Grand Junction Ordinance No. 3098, said line also being 1 foot North of and parallel

with the South line of the SW 1/4 NW 1/4 of said Section 16; thence S89°56'21"W along said Annexation line a distance of 396.00 feet to a point on the West line of that certain parcel of land as described in Book 4257, Page 747, Public Records, Mesa County, Colorado; thence N00°01'09"W along the West line of said parcel a distance of 658.75 feet to the Northwest corner of said parcel; thence N89°55'42"E along said North line and its continuation, a distance of 396.00 feet, more or less to the Point of Beginning.

Said parcel contains 5.99 acres (260,880 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 5
Setting a Hearing on the Sunlight Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Sunlight Annexation - Located at 172 and 174 Sunlight Drive						
Meeting Date	January 17, 2007						
Date Prepared	January 2, 2007				File #ANX-2006-348		
Author	Ronnie Edwards			Associate Planner			
Presenter Name	Ronnie Edwards			Associate Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 11.29 acres, located at 172 and 174 Sunlight Drive. The Sunlight Annexation consists of two parcels, including a portion of 28 1/2 Road, and is a four part serial annexation.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Sunlight Annexation and introduce the proposed Ordinance and set a hearing for February 21, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		172 and 174 Sunlight Drive	
Applicants:		Freestyle, Inc. – Ted Munkres	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential Single Family/Vacant	
	South	Residential Single Family	
	East	Residential Single Family	
	West	Residential Single Family/Vacant	
Existing Zoning:		County RSF-4	
Proposed Zoning:		Future Planned Residential Development	
Surrounding Zoning:	North	County RSF-4 and PD	
	South	County RSF-4	
	East	County RSF-4	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium-Low (2-4 du/ac)	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 11.29 acres of land, including a portion of 28 1/2 Road, and is comprised of two parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Sunlight Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

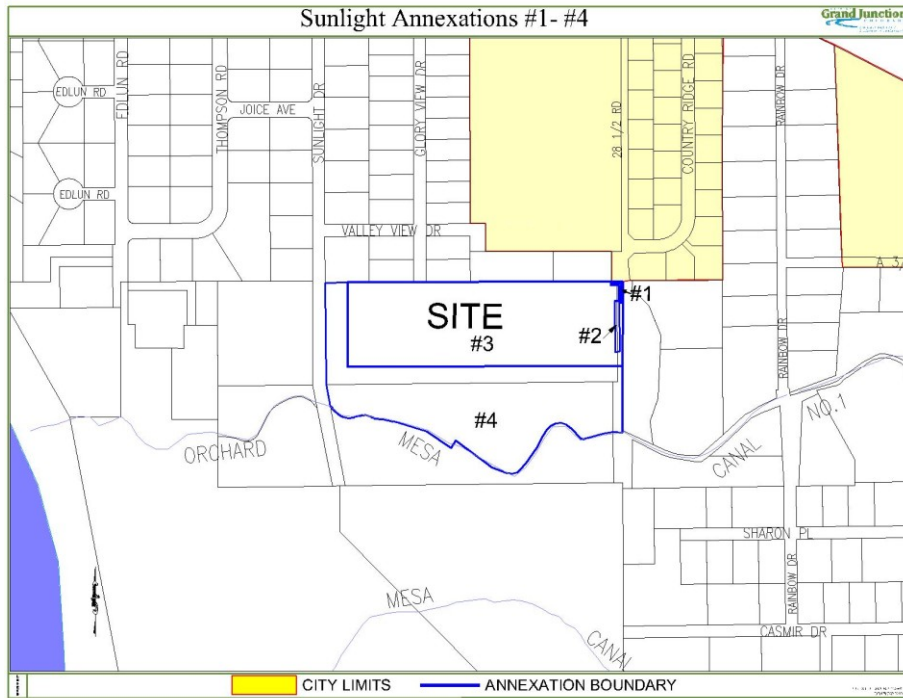
The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
January 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
TO BE DETERMINED	Planning Commission considers Zone of Annexation
TO BE DETERMINED	Introduction Of A Proposed Ordinance on Zoning by City Council
February 21, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 25, 2007	Effective date of Annexation and Zoning

ZONING: The applicant has requested deferral to apply a zone district to the annexation to allow them time to propose a Planned Development (PD) zone district in conjunction with a Preliminary Plan.

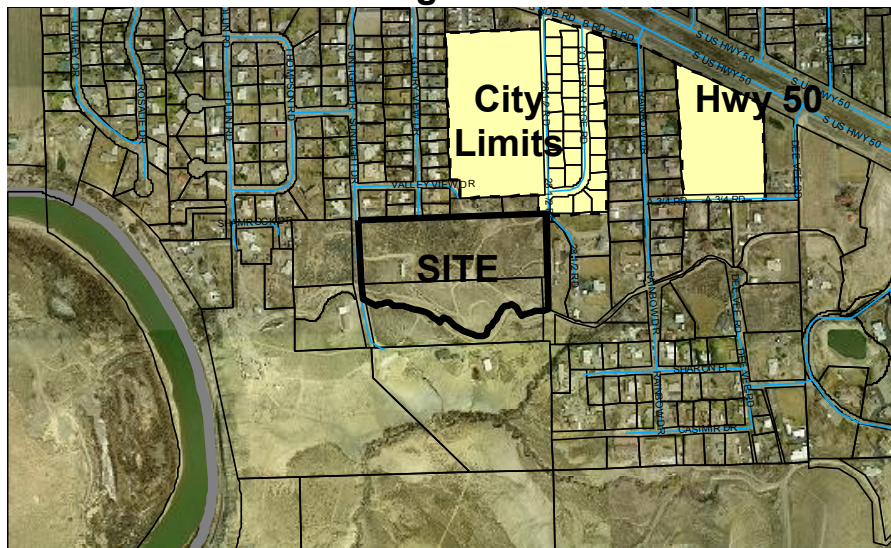
SUNLIGHT ANNEXATION SUMMARY

File Number:	ANX-2006-348	
Location:	172 and 174 Sunlight Drive	
Tax ID Number:	2943-312-00-025 and 2943-312-00-105	
Parcels:	2	
Estimated Population:	2	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	11.29 acres	
Developable Acres Remaining:	10.971 acres	
Right-of-way in Annexation:	.319 acres along 28 1/2 Road	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	Future Planned Residential	
Current Land Use:	Vacant	
Future Land Use:	Residential	
Values:	Assessed:	\$11,210
	Actual:	\$140,540
Address Ranges:	2832 to 2849 (Odd and Even)	
Special Districts:	Water:	Ute Water District
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Orchard Mesa Irrigation
	School:	District 51
	Pest:	Grand River Mosquito District



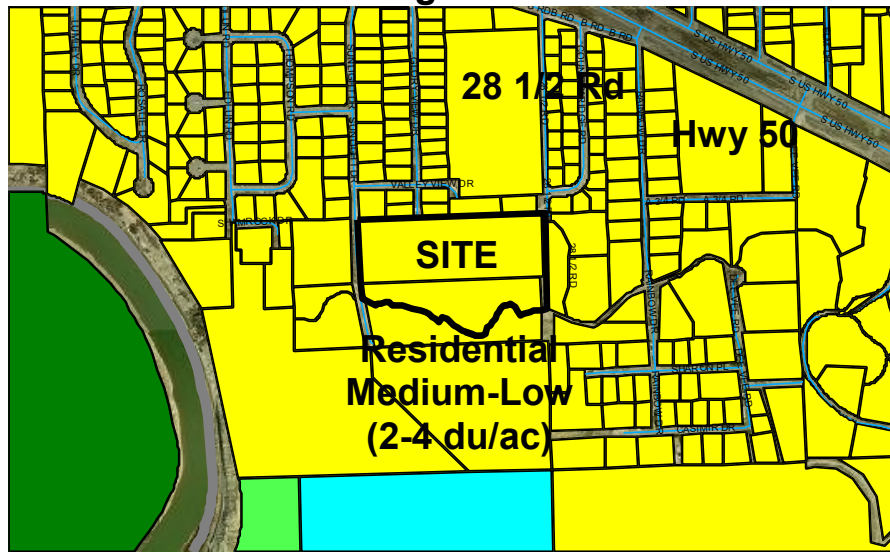
Aerial Photo Map

Figure 2



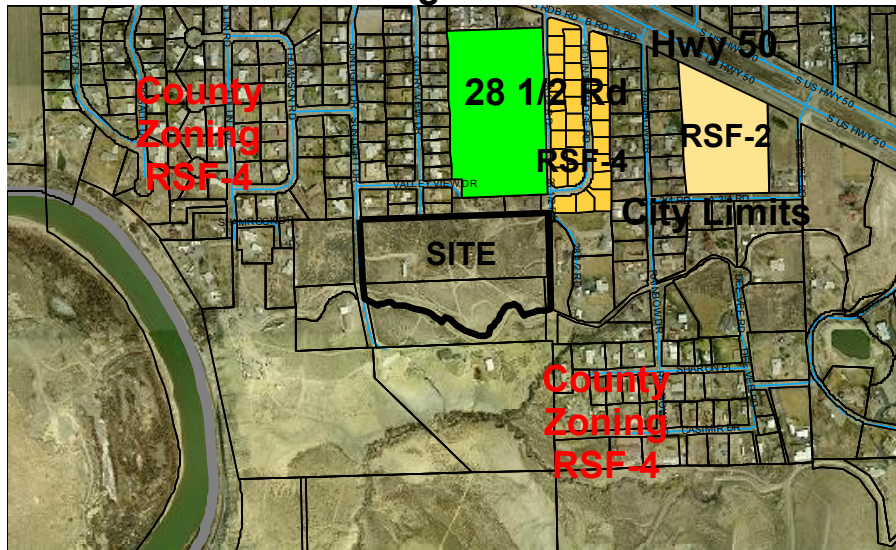
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th of January, 2007, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

SUNLIGHT ANNEXATION

**LOCATED AT 172 AND 174 SUNLIGHT DRIVE, INCLUDING A
PORTION OF 28 1/2 ROAD RIGHT-OF-WAY**

WHEREAS, on the 17th day of January, 2007, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

SUNLIGHT ANNEXATION

A Serial Annexation Comprising of Sunlight Annexation No. 1, Sunlight Annexation No. 2, Sunlight Annexation No. 3 and Sunlight Annexation No. 4

Sunlight Annexation No. 1
2943-312-00-025 & 2943-312-00-105

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 63.00 feet; thence S89°57'24"W a distance of 5.00 feet; thence N00°08'16"W along a line being 5.00 feet West of and parallel with said East line a distance of 58.00 feet to a point on a line being 5.00 feet South of and parallel with the North line of the SE 1/4 NW 1/4 of said Section 31; thence S89°57'24"W along said parallel line a distance of 28.00 feet; thence N00°08'16"W a distance of 5.00 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along said North line a distance of 33.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.01 acres (455 square feet), more or less, as described.

Sunlight Annexation No. 2
2943-312-00-025 & 2943-312-00-105

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 63.00 feet; thence S89°57'24"W a distance of 5.00 feet; thence N00°08'16"W along a line being 5.00 feet West of and parallel with said East line a distance of 58.00 feet to a point on a line being 5.00 feet South of and parallel with the North line of the SE 1/4 NW 1/4 of said Section 31; thence S89°57'24"W along said parallel line a distance of 28.00 feet; thence N00°08'16"W a distance of 5.00 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along said North line a distance of 33.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.07 acres (3065 square feet), more or less, as described.

Sunlight Annexation No. 3
2943-312-00-025 & 2943-312-00-105

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 68.00 feet to the Point Of Beginning; thence S00°08'16"E along said East line a distance of 212.58 feet; thence S89°58'03"W a distance of 896.16 feet; thence N00°01'39"W a distance of 280.41 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along the North line of said SE 1/4 NW 1/4 a distance of 857.12 feet; thence S00°08'16"E a distance of 10.00 feet; thence N89°57'24"E along a line being 10.00 feet South of and parallel with the North line of said SE 1/4 NW 1/4 a distance of 27.00 feet; thence S00°08'16"E along a line being 11.50 feet West of and parallel with

said East line of the SE 1/4 NW 1/4 a distance of 53.00 feet; thence S89°57'24"W a distance of 13.50 feet; thence S00°08'16"E along a line being 25.00 feet West of and parallel with said East line of the SE 1/4 NW 1/4 a distance of 165.00 feet; thence N89°57'24"E a distance of 15.00 feet; thence N00°08'16"W along a line being 10.00 feet West of and parallel with said East line of the SE 1/4 NW 1/4 a distance of 160.00 feet; thence N89°57'24"E a distance of 10.00 feet, more or less, to the Point of Beginning.

Said parcel contains 5.69 acres (247,769 square feet), more or less, as described.

Sunlight Annexation No. 4
2943-312-00-025 & 2943-312-00-105

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 280.58 feet to the Point of Beginning; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 214.03 feet; thence S89°51'44"W a distance of 30.00 feet to a point on the West right of way of 28 1/2 Road recorded in Book 2424, Page 593 of the Mesa County, Colorado public records; thence along the Northerly sideline of a canal easement recorded in Book 2398, Pages 49 through 51, of the Mesa County, Colorado public records the following fourteen (14) courses: (1) S81°22'39"W a distance of 33.73 feet; (2) thence 57.13 feet along the arc of a 270.04 foot radius curve, concave Southeast, having a central angle of 12°07'15" and a chord bearing S75°19'02"W a distance of 57.02 feet; (3) thence S69°15'24"W a distance of 10.81 feet; (4) thence 8.87 feet along the arc of a 7.43 foot radius curve, concave Northeast, having a central angle of 68°22'34" and a chord bearing N76°34'12"W a distance of 8.35 feet; (5) thence N42°23'49"W a distance of 49.29 feet; (6) thence 88.38 feet along the arc of a 49.03 foot radius curve, concave South, having a central angle of 103°16'38" and a chord bearing S85°58'06"W a distance of 76.89 feet; (7) thence S34°20'02"W a distance of 24.05 feet; (8) thence S28°05'51"W a distance of 44.34 feet; (9) thence S35°12'30"W a distance of 61.65 feet; (10) thence S39°12'47"W a distance of 25.61 feet; (11) thence 49.55 feet along the arc of a 39.66 foot radius curve, concave Northwest, having a central angle of 71°35'03" and a chord bearing S75°00'24"W a distance of 46.39 feet; (12) thence N69°11'59"W a distance of 55.26 feet; (13) thence 4.05 feet along the arc of a 14.47 foot radius curve, concave Northeast, having a central angle of 16°02'57" and a chord bearing N61°10'02"W a distance of 4.04 feet; (14) thence N53°08'05"W a distance of 140.34 feet; thence S35°10'58"W a distance of 27.50 feet to the centerline

of said canal easement; thence along the centerline of said canal easement the following fifteen (15) courses; (1) N56°29'58"W a distance of 96.42 feet; (2) thence N73°26'34"W a distance of 114.21 feet; (3) thence 33.26 feet along the arc of a 177.69 foot radius curve, concave Southwest, having a central angle of 10°43'27" and a chord bearing N78°48'18"W a distance of 33.21 feet; (4) thence N84°10'03"W a distance of 28.15 feet; (5) thence 8.45 feet along the arc of a 16.06 foot radius curve, concave Northeast, having a central angle of 30°08'08" and a chord bearing N69°05'59"W a distance of 8.35 feet; (6) thence N54°01'54"W a distance of 4.98 feet; (7) thence 12.30 feet along the arc of a 24.23 foot radius curve, concave Southwest, having a central angle of 29°05'22" and a chord bearing N68°34'10"W a distance of 12.17 feet; (8) thence N83°06'25"W a distance of 9.64 feet; (9) thence 19.90 feet along the arc of a 43.47 foot radius curve, concave South, having a central angle of 26°14'01" and a chord bearing S83°46'23"W a distance of 19.73 feet; (10) thence S70°39'11"W a distance of 14.85 feet; (11) thence 35.75 feet along the arc of a 48.52 foot radius curve, concave Northwest, having a central angle of 42°13'12" and a chord bearing N88°14'03"W a distance of 34.95 feet; (12) thence N67°07'18"W a distance of 10.21 feet; (13) thence N41°26'43"W a distance of 4.84 feet; (14) thence 31.52 feet along the arc of a 145.02 foot radius curve, concave Southwest, having a central angle of 12°27'14" and a chord bearing N47°40'17"W a distance of 31.46 feet; (15) thence N53°53'51"W a distance of 9.14 feet to the East line of a road right of way recorded in Book 2398, Pages 148 and 149 of the Mesa County, Colorado public records; thence N10°55'00"W along the East line of said road right of way described in Book 2398, Pages 148 and 149 a distance of 78.53 feet to a point on the South line of that certain parcel described in Book 4001, Page 471 of the Mesa County, Colorado public records; thence S89°58'04"W along the South line of said parcel described in Book 4001, Page 471 a distance of 0.78 feet to a point on the East line of a road right of way recorded in Book 788, Page 242, of the Mesa County, Colorado public records; thence N00°01'41"W along the East line of said road right of way described in Book 788, Page 242 a distance of 330.39 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along the North line of the SE 1/4 NW 1/4 of said Section 31, a distance of 75.00 feet; thence S00°01'39"E a distance of 280.41 feet; thence N89°58'03"E a distance of 896.16 feet, more or less, to the Point of Beginning.

Said parcel contains 5.52 acres (240,310 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 21st day of February, 2007, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
January 19, 2007
January 26, 2007
February 2, 2007
February 9, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

SUNLIGHT ANNEXATION NO. 1

APPROXIMATELY 0.01 ACRES

LOCATED AT 174 SUNLIGHT DRIVE

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

SUNLIGHT ANNEXATION NO. 1

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 63.00 feet; thence S89°57'24"W a distance of 5.00 feet; thence N00°08'16"W along a line being 5.00 feet West of and parallel with said East line a distance of 58.00 feet to a point on a line being 5.00 feet South of and parallel with the North line of the SE 1/4 NW 1/4 of said Section 31; thence S89°57'24"W along said parallel line a distance of 28.00 feet;

thence N00°08'16"W a distance of 5.00 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along said North line a distance of 33.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.01 acres (455 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

SUNLIGHT ANNEXATION NO. 2

APPROXIMATELY 0.07 ACRES

LOCATED AT 174 SUNLIGHT DRIVE

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

SUNLIGHT ANNEXATION NO. 2

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 63.00 feet; thence S89°57'24"W a distance of 5.00 feet; thence N00°08'16"W along a line being 5.00 feet West of and parallel with said East line a distance of 58.00 feet to a point on a line being 5.00 feet South of and parallel with the North line of the SE 1/4 NW 1/4 of said Section 31; thence S89°57'24"W along said parallel line a distance of 28.00 feet;

thence N00°08'16"W a distance of 5.00 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along said North line a distance of 33.00 feet, more or less, to the Point of Beginning.

Said parcel contains 0.07 acres (3065 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

SUNLIGHT ANNEXATION NO. 3

APPROXIMATELY 5.69 ACRES

LOCATED AT 174 SUNLIGHT DRIVE

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

SUNLIGHT ANNEXATION NO. 3

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 68.00 feet to the Point Of Beginning; thence S00°08'16"E along said East line a distance of 212.58 feet; thence S89°58'03"W a distance of 896.16 feet; thence N00°01'39"W a distance of 280.41 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along the North line of said SE 1/4 NW 1/4 a distance of 857.12 feet;

thence S00°08'16"E a distance of 10.00 feet; thence N89°57'24"E along a line being 10.00 feet South of and parallel with the North line of said SE 1/4 NW 1/4 a distance of 27.00 feet; thence S00°08'16"E along a line being 11.50 feet West of and parallel with said East line of the SE 1/4 NW 1/4 a distance of 53.00 feet; thence S89°57'24"W a distance of 13.50 feet; thence S00°08'16"E along a line being 25.00 feet West of and parallel with said East line of the SE 1/4 NW 1/4 a distance of 165.00 feet; thence N89°57'24"E a distance of 15.00 feet; thence N00°08'16"W along a line being 10.00 feet West of and parallel with said East line of the SE 1/4 NW 1/4 a distance of 160.00 feet; thence N89°57'24"E a distance of 10.00 feet, more or less, to the Point of Beginning.

Said parcel contains 5.69 acres (247,769 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

SUNLIGHT ANNEXATION NO. 4

APPROXIMATELY 5.52 ACRES

**LOCATED AT 172 & 174 SUNLIGHT DRIVE, INCLUDING
A PORTION OF 28 1/2 ROAD RIGHT-OF-WAY**

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

SUNLIGHT ANNEXATION NO. 4

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 31, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of the SE 1/4 NW 1/4 of said Section 31, and assuming the North line of the SE 1/4 NW 1/4 of said Section 31 to bear N89°57'24"E with all bearings contained herein relative thereto; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 280.58 feet to the Point of Beginning; thence S00°08'16"E along the East line of the SE 1/4 NW 1/4 of said Section 31 a distance of 214.03 feet; thence S89°51'44"W a distance of 30.00 feet to a point on the West right of way of 28 1/2 Road recorded in Book 2424, Page 593 of the

Mesa County, Colorado public records; thence along the Northerly sideline of a canal easement recorded in Book 2398, Pages 49 through 51, of the Mesa County, Colorado public records the following fourteen (14) courses: (1) S81°22'39"W a distance of 33.73 feet; (2) thence 57.13 feet along the arc of a 270.04 foot radius curve, concave Southeast, having a central angle of 12°07'15" and a chord bearing S75°19'02"W a distance of 57.02 feet; (3) thence S69°15'24"W a distance of 10.81 feet; (4) thence 8.87 feet along the arc of a 7.43 foot radius curve, concave Northeast, having a central angle of 68°22'34" and a chord bearing N76°34'12"W a distance of 8.35 feet; (5) thence N42°23'49"W a distance of 49.29 feet; (6) thence 88.38 feet along the arc of a 49.03 foot radius curve, concave South, having a central angle of 103°16'38" and a chord bearing S85°58'06"W a distance of 76.89 feet; (7) thence S34°20'02"W a distance of 24.05 feet; (8) thence S28°05'51"W a distance of 44.34 feet; (9) thence S35°12'30"W a distance of 61.65 feet; (10) thence S39°12'47"W a distance of 25.61 feet; (11) thence 49.55 feet along the arc of a 39.66 foot radius curve, concave Northwest, having a central angle of 71°35'03" and a chord bearing S75°00'24"W a distance of 46.39 feet; (12) thence N69°11'59"W a distance of 55.26 feet; (13) thence 4.05 feet along the arc of a 14.47 foot radius curve, concave Northeast, having a central angle of 16°02'57" and a chord bearing N61°10'02"W a distance of 4.04 feet; (14) thence N53°08'05"W a distance of 140.34 feet; thence S35°10'58"W a distance of 27.50 feet to the centerline of said canal easement; thence along the centerline of said canal easement the following fifteen (15) courses; (1) N56°29'58"W a distance of 96.42 feet; (2) thence N73°26'34"W a distance of 114.21 feet; (3) thence 33.26 feet along the arc of a 177.69 foot radius curve, concave Southwest, having a central angle of 10°43'27" and a chord bearing N78°48'18"W a distance of 33.21 feet; (4) thence N84°10'03"W a distance of 28.15 feet; (5) thence 8.45 feet along the arc of a 16.06 foot radius curve, concave Northeast, having a central angle of 30°08'08" and a chord bearing N69°05'59"W a distance of 8.35 feet; (6) thence N54°01'54"W a distance of 4.98 feet; (7) thence 12.30 feet along the arc of a 24.23 foot radius curve, concave Southwest, having a central angle of 29°05'22" and a chord bearing N68°34'10"W a distance of 12.17 feet; (8) thence N83°06'25"W a distance of 9.64 feet; (9) thence 19.90 feet along the arc of a 43.47 foot radius curve, concave South, having a central angle of 26°14'01" and a chord bearing S83°46'23"W a distance of 19.73 feet; (10) thence S70°39'11"W a distance of 14.85 feet; (11) thence 35.75 feet along the arc of a 48.52 foot radius curve, concave Northwest, having a central angle of 42°13'12" and a chord bearing N88°14'03"W a distance of 34.95 feet; (12) thence N67°07'18"W a distance of 10.21 feet; (13) thence N41°26'43"W a distance of 4.84 feet; (14) thence 31.52 feet along the arc of a 145.02 foot radius curve, concave Southwest, having a central angle of 12°27'14" and a chord bearing N47°40'17"W a distance of 31.46 feet; (15) thence N53°53'51"W a distance of 9.14 feet to the East line of a road right of way recorded in Book 2398, Pages 148 and 149 of the Mesa County, Colorado public records; thence N10°55'00"W along the East line of said road right of way described in Book 2398, Pages 148 and 149 a distance of 78.53 feet to a point on the South line of that certain parcel described in Book 4001, Page 471 of the Mesa County, Colorado public records; thence S89°58'04"W along the South line of said parcel described in Book 4001, Page

471 a distance of 0.78 feet to a point on the East line of a road right of way recorded in Book 788, Page 242, of the Mesa County, Colorado public records; thence N00°01'41"W along the East line of said road right of way described in Book 788, Page 242 a distance of 330.39 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 31; thence N89°57'24"E along the North line of the SE 1/4 NW 1/4 of said Section 31, a distance of 75.00 feet; thence S00°01'39"E a distance of 280.41 feet; thence N89°58'03"E a distance of 896.16 feet, more or less, to the Point of Beginning.

Said parcel contains 5.52 acres (240,310 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 6
Setting a Hearing on the Jobsite Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Jobsite Annexation - Located at 839 and 841 21 ½ Road						
Meeting Date	January 17, 2007						
Date Prepared	January 11, 2007				File #ANX-2006-347		
Author	Senta L. Costello		Associate Planner				
Presenter Name	David Thornton		Principle Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 25.23 acres, located at 839 and 841 21 ½ Road. The Jobsite Annexation consists of 2 parcels.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Jobsite Annexation and introduce the proposed Ordinance and set a hearing for February 21, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		839 and 841 21 ½ Road		
Applicants:		Owner/Developer: High Desert Properties – Bond Jacobs; Representative: Vortex Engineering - Robert Jones II		
Existing Land Use:		Industrial / Vacant		
Proposed Land Use:		Industrial		
Surrounding Land Use:	North	Residential / Agricultural		
	South	Commercial/Industrial		
	East	Commercial/Industrial		
	West	Vacant		
Existing Zoning:		County PUD (Industrial)		
Proposed Zoning:		City I-1		
Surrounding Zoning:	North	County PUD (Industrial)		
	South	County PUD (Industrial)		
	East	County PUD (Industrial)		
	West	County RSF-R		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 25.23 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Jobsite Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

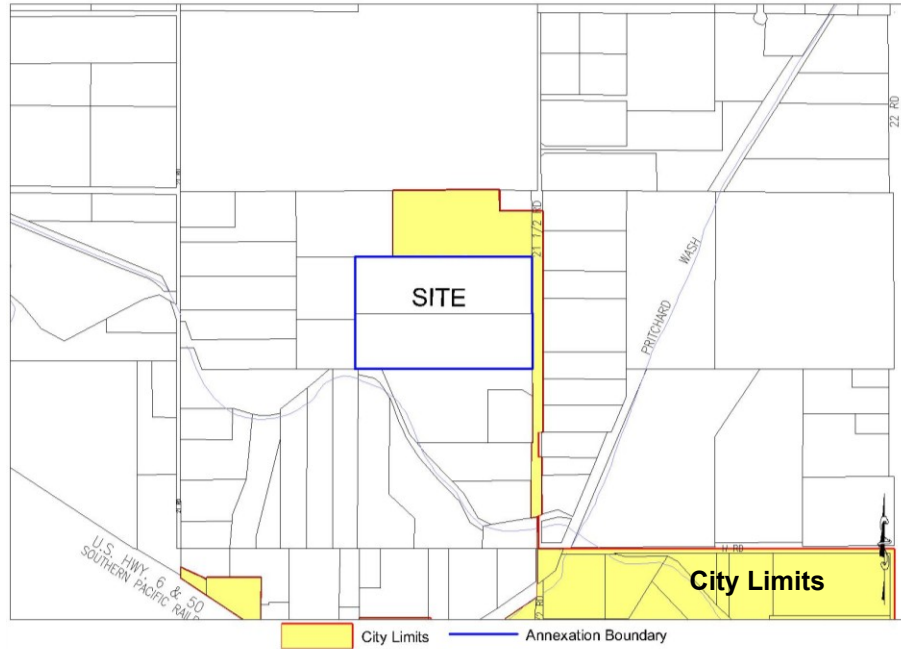
<u>ANNEXATION SCHEDULE</u>	
January 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 23, 2007	Planning Commission considers Zone of Annexation
February 7, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
February 21, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 25, 2007	Effective date of Annexation and Zoning

JOBSITE ANNEXATION SUMMARY

File Number:		ANX-2006-347
Location:		839 and 841 21 ½ Road
Tax ID Number:		2697-253-00-123 / 2697-253-00-122
Parcels:		2
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		25.23 acres
Developable Acres Remaining:		19.58 acres
Right-of-way in Annexation:		0.0 acres
Previous County Zoning:		PUD (Industrial)
Proposed City Zoning:		I-1
Current Land Use:		Vacant / Industrial
Future Land Use:		Industrial
Values:	Assessed:	= \$929,500
	Actual:	= \$3,205,130
Address Ranges:		839 – 841 21 ½ Road (odd only)
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Lower Valley Fire
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Jct Drainage
	School:	Mesa County School District #51
	Pest:	None

Site Location Map

Figure 1



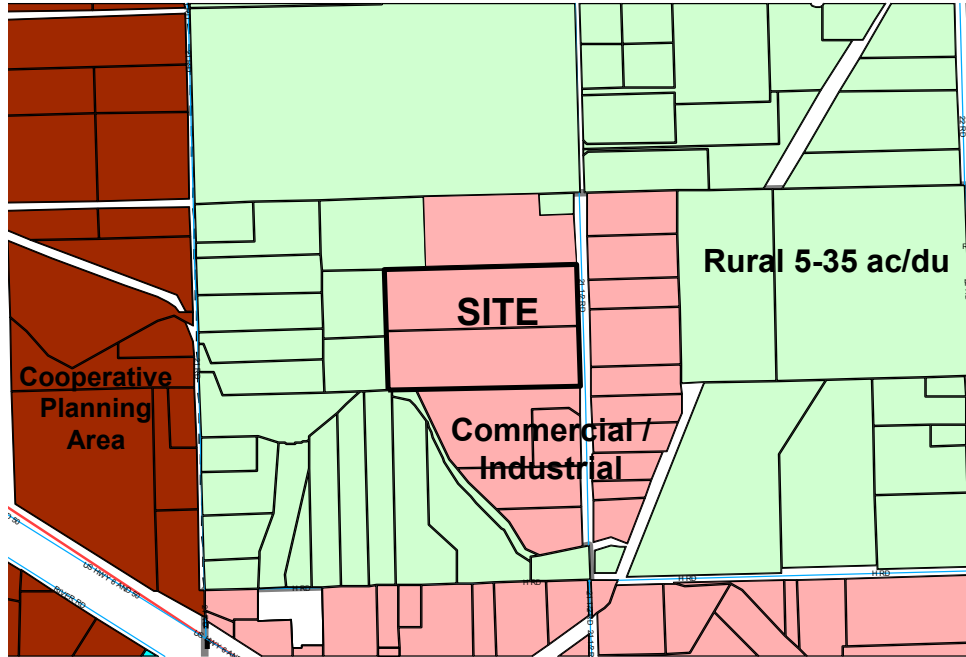
Aerial Photo Map

Figure 2



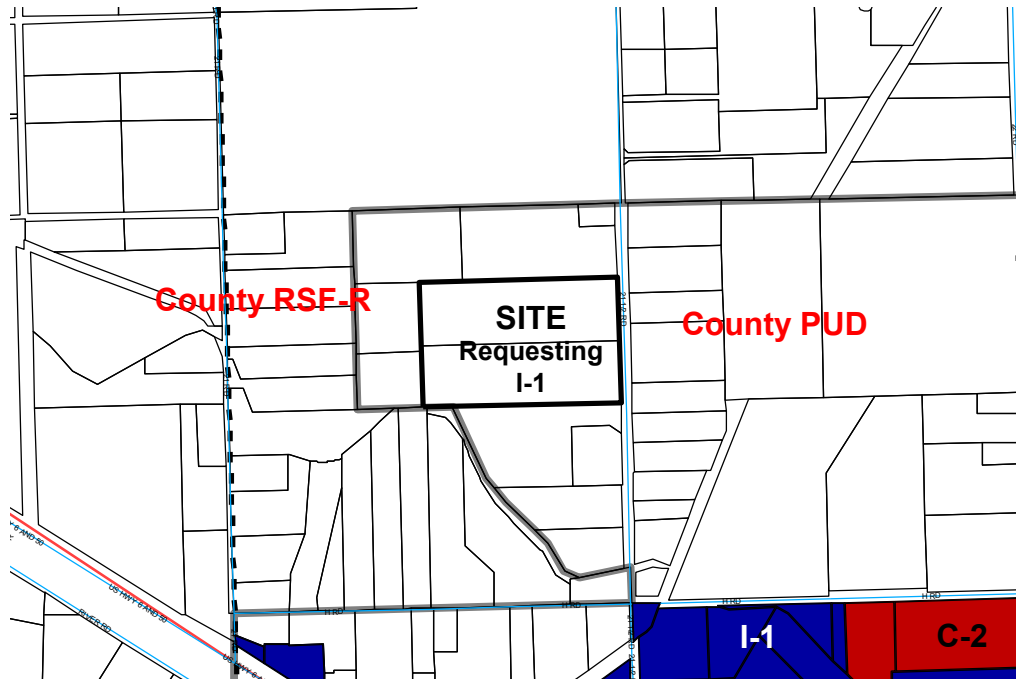
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th of January, 2007, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

JOBSITE ANNEXATION

LOCATED AT 839 AND 841 21 ½ ROAD

WHEREAS, on the 17th day of January, 2007, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

JOBSITE ANNEXATION

A certain parcel of land located in the North half of the Southwest Quarter (N 1/2 SW 1/4) of Section 25, Township 1 North, Range 2 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Parcels A & B, Kipp Simple Land Division, as same is recorded in Plat Book 18, Page 90, Public Records of Mesa County, Colorado.

Said parcel contains 25.23 acres (1,099,207 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 21st day of February, 2007, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single

ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
January 19, 2007
January 26, 2007
February 2, 2007
February 9, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

JOBSITE ANNEXATION

APPROXIMATELY 25.23 ACRES

LOCATED AT 839 AND 841 21 ½ ROAD

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

JOBSITE ANNEXATION

A certain parcel of land located in the North half of the Southwest Quarter (N 1/2 SW 1/4) of Section 25, Township 1 North, Range 2 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Parcels A & B, Kipp Simple Land Division, as same is recorded in Plat Book 18, Page 90, Public Records of Mesa County, Colorado.

Said parcel contains 25.23 acres (1,099,207 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 7
Setting a Hearing on the Costopoulos Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Costopoulos Annexation - Located at 2966, 2968 & 2970 D Road						
Meeting Date	January 17, 2007						
Date Prepared	January 5, 2007				File #ANX-2006-328		
Author	Faye Hall			Associate Planner			
Presenter Name	Faye Hall			Associate Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 10.67 acres, located at 2966, 2968 and 2970 D Road. The Costopoulos Annexation consists of three parcels.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Costopoulos Annexation and introduce the proposed Ordinance and set a hearing for February 21, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2966, 2968 & 2970 D Road		
Applicants:		Owners: Marcus & Carol Costopoulos and Hill & Davidson, LLC. Representative: Tom Logue		
Existing Land Use:		Residential & Agriculture		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Future Park		
	South	Residential & Agriculture		
	East	Residential		
	West	Residential & Agriculture		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RMF-8		
Surrounding Zoning:	North	City RMF-8		
	South	County RSF-R		
	East	City RSF-4		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.67 acres of land and is comprised of three parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Costopoulos Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

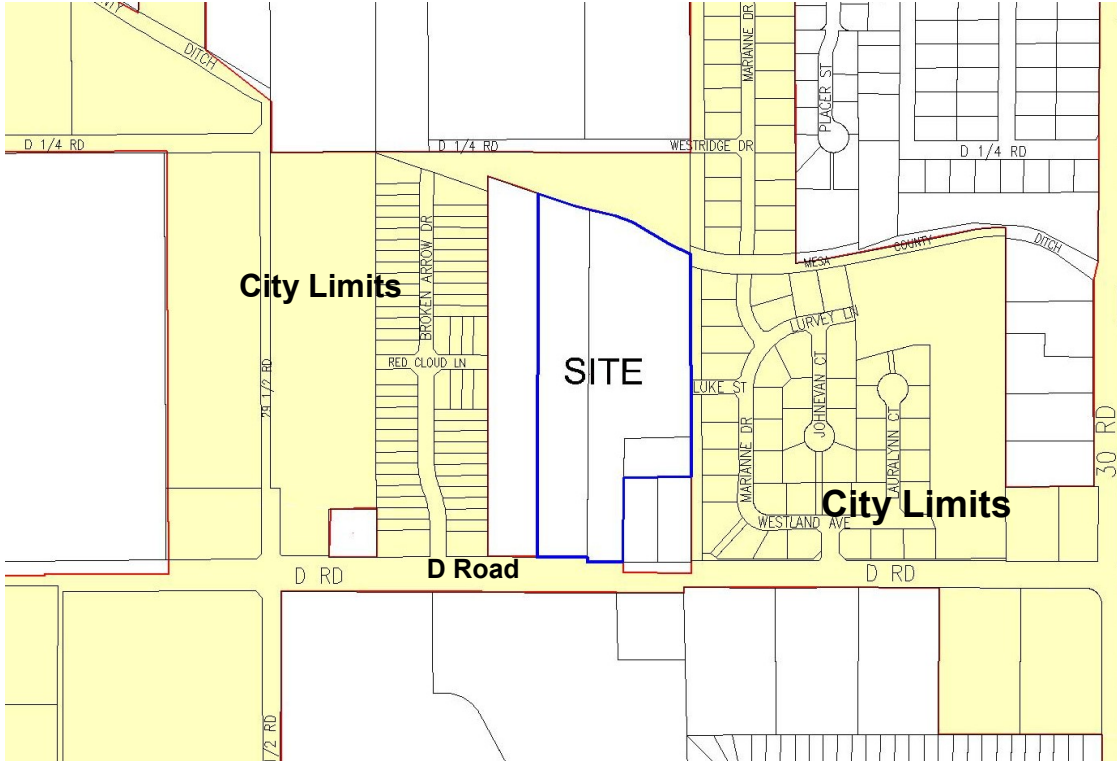
<i>ANNEXATION SCHEDULE</i>	
January 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 23, 2007	Planning Commission considers Zone of Annexation
February 7, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
February 21, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 25, 2007	Effective date of Annexation and Zoning

COSTOPOULOS ANNEXATION SUMMARY

File Number:	ANX-2006-328	
Location:	2966, 2968 & 2970 D Road	
Tax ID Number:	2943-174-00-185, 196 & 214	
Parcels:	3	
Estimated Population:	5	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	2	
Acres land annexed:	10.67 acres	
Developable Acres Remaining:	10.62 acres	
Right-of-way in Annexation:	.05 acres (2388 sq ft)	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	RMF-8	
Current Land Use:	Residential & Agriculture	
Future Land Use:	Residential	
Values:	Assessed:	\$37,830
	Actual:	\$210,140
Address Ranges:	2966 thru 2970 even only	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	Grand Junction Rural Fire
	Irrigation/ Drainage:	Grand Junction Drainage Grand Valley Irrigation
	School:	District 51
	Pest:	N/A

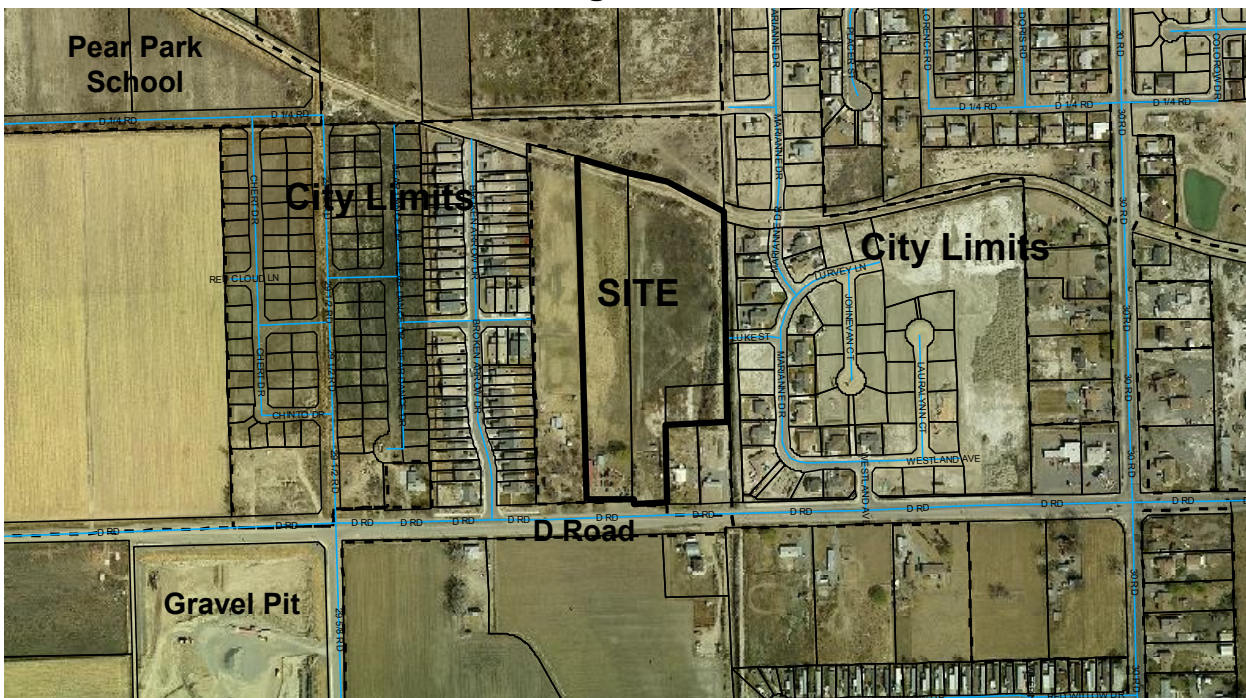
Site Location Map

Figure 1



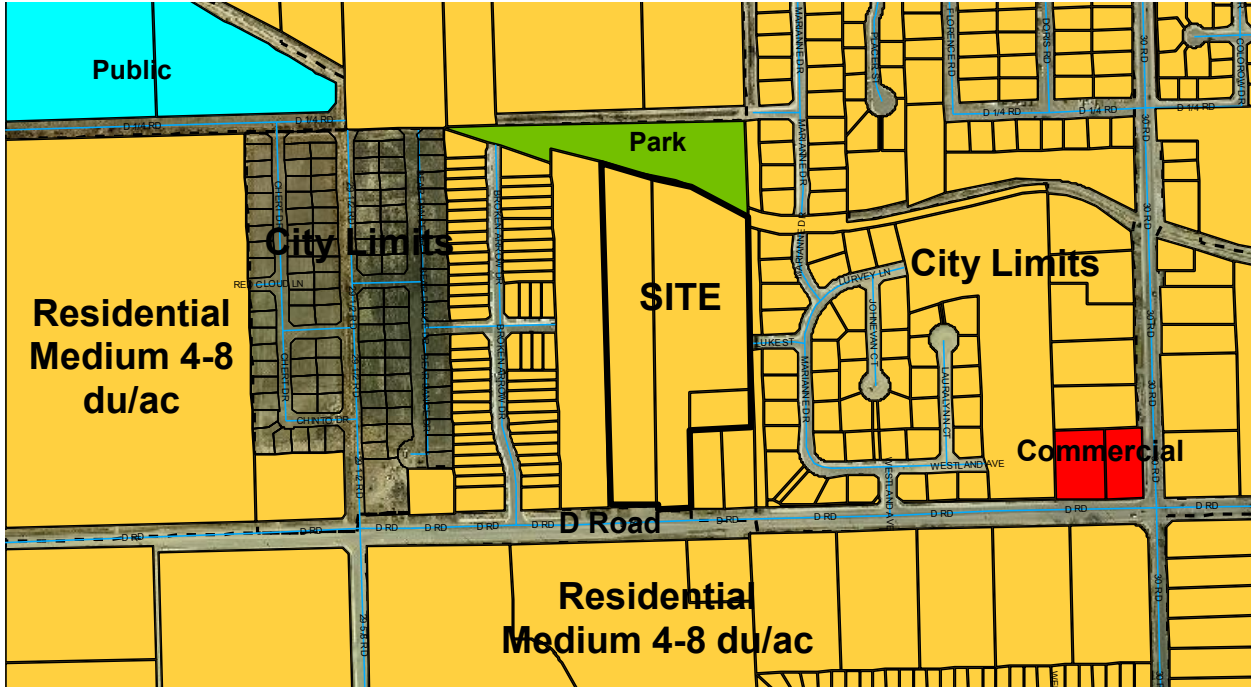
Aerial Photo Map

Figure 2



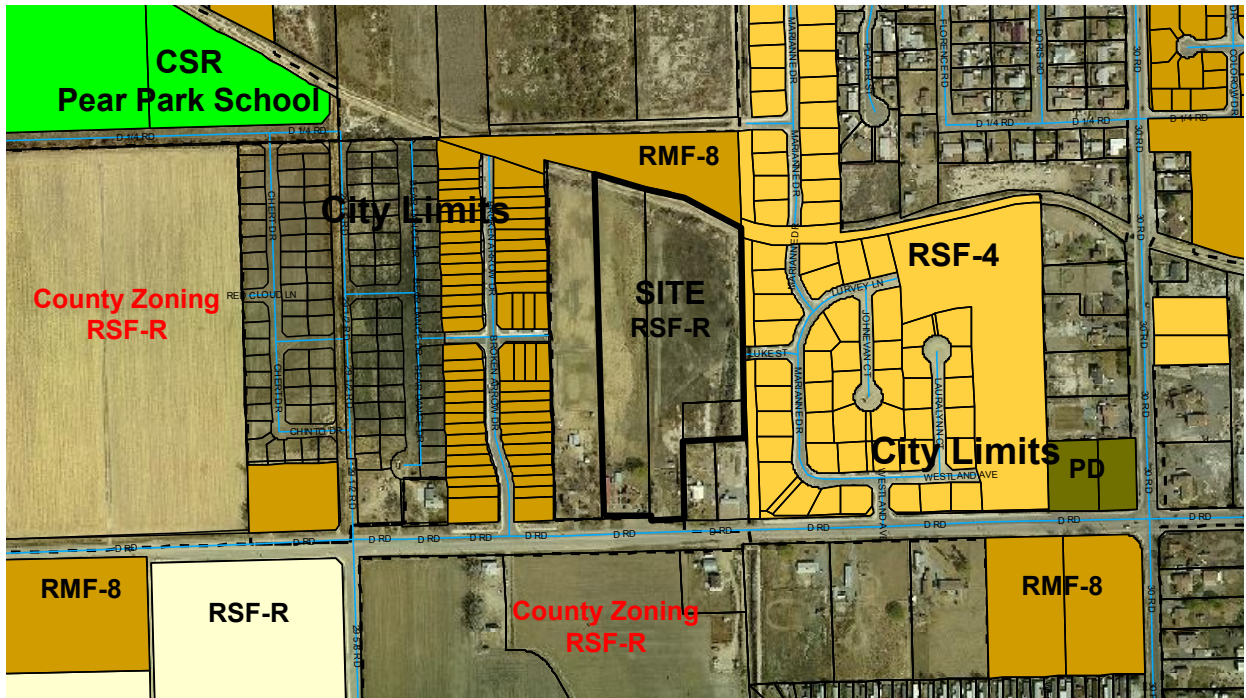
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th of January, 2007, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

COSTOPOULOS ANNEXATION

**LOCATED AT 2966, 2968 AND 2970 D ROAD AND A PORTION OF THE D ROAD
RIGHT OF WAY**

WHEREAS, on the 17th day of January, 2007, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

COSTOPOULOS ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SW 1/4 SE 1/4 of said Section 17 and assuming the East line of the SW 1/4 SE 1/4 of said Section 17 bears N00°01'01"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N00°01'01"W along said East line a distance of 295.00 feet to the POINT OF BEGINNING; thence S89°59'02"W a distance of 209.95 feet to the Northwest corner of that certain parcel of land as described in Book 3242, Pages 120-121, Public Records of Mesa County, Colorado; thence S00°00'39"E along the West line of said parcel a distance of 256.02 feet to a point on the Parham Annexation, City of Grand Junction, Ordinance No. 3349; thence S89°58'44"W along said Parham Annexation a distance of 119.39 feet; thence N00°01'13"W a distance of 20.00 feet to the Southeast corner of that certain parcel of land as described in Book 3668, Pages 624-625, Public Records of Mesa County, Colorado, also being a point on the North line of D Road; thence S89°58'44"W along said North line a distance of 159.48 feet to the Southwest corner of said parcel; thence N00°01'47"W along the West line of said parcel a distance of 1133.39 feet to a point on said Parham Annexation and also being a point on the centerline of the Grand Valley Canal; thence along said Parham Annexation the following five (5) courses: (1) S71°47'41"E a distance of 129.55 feet; (2) thence S76°07'49"E a distance of 132.54 feet; (3) thence S70°42'51"E a distance of

60.07 feet; (4) thence S59°25'31"E a distance of 137.94 feet; (5) thence S67°31'11"E a distance of 67.05 feet to the East line of the SW 1/4 SE 1/4 of said Section 17; thence S00°01'01"E along the East line of said SW 1/4 SE 1/4 of said Section 17 a distance of 702.16 feet, more or less, to the Point of Beginning.

Said parcel contains 10.67 acres (464,991 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 21ST day of February, 2007, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
January 19, 2007
January 26, 2007
February 2, 2007
February 9, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

COSTOPOULOS ANNEXATION

APPROXIMATELY 10.67 ACRES

**LOCATED AT 2966, 2968 AND 2970 D ROAD AND A PORTION OF THE D ROAD
RIGHT OF WAY**

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF GRAND JUNCTION, COLORADO:**

That the property situate in Mesa County, Colorado, and described to wit:

COSTOPOULOS ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SW 1/4 SE 1/4 of said Section 17 and assuming the East line of the SW 1/4 SE 1/4 of said Section 17 bears N00°01'01"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N00°01'01"W along said East line a distance of 295.00 feet to the POINT OF BEGINNING; thence S89°59'02"W a distance of 209.95 feet to the

Northwest corner of that certain parcel of land as described in Book 3242, Pages 120-121, Public Records of Mesa County, Colorado; thence S00°00'39"E along the West line of said parcel a distance of 256.02 feet to a point on the Parham Annexation, City of Grand Junction, Ordinance No. 3349; thence S89°58'44"W along said Parham Annexation a distance of 119.39 feet; thence N00°01'13"W a distance of 20.00 feet to the Southeast corner of that certain parcel of land as described in Book 3668, Pages 624-625, Public Records of Mesa County, Colorado, also being a point on the North line of D Road; thence S89°58'44"W along said North line a distance of 159.48 feet to the Southwest corner of said parcel; thence N00°01'47"W along the West line of said parcel a distance of 1133.39 feet to a point on said Parham Annexation and also being a point on the centerline of the Grand Valley Canal; thence along said Parham Annexation the following five (5) courses: (1) S71°47'41"E a distance of 129.55 feet; (2) thence S76°07'49"E a distance of 132.54 feet; (3) thence S70°42'51"E a distance of 60.07 feet; (4) thence S59°25'31"E a distance of 137.94 feet; (5) thence S67°31'11"E a distance of 67.05 feet to the East line of the SW 1/4 SE 1/4 of said Section 17; thence S00°01'01"E along the East line of said SW 1/4 SE 1/4 of said Section 17 a distance of 702.16 feet, more or less, to the Point of Beginning.

Said parcel contains 10.67 acres (464,991 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 8
Setting a Hearing on the Gummin Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Gummin Annexation - Located at 2215 Magnus Court						
Meeting Date	January 17, 2007						
Date Prepared	January 5, 2007			File #ANX-2006-100			
Author	Faye Hall		Associate Planner				
Presenter Name	Faye Hall		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to annex 6.60 acres, located at 2215 Magnus Court. The Gummin Annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Gummin Annexation and introduce the proposed Ordinance and set a hearing for February 21, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map; Aerial Photo
3. Growth Plan Map; Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2215 Magnus Court		
Applicants:		Owner: Daniel Gummin Representative & Developer: Sonshine II Development and Construction, LLC – Kim Kerk		
Existing Land Use:		Vacant Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Vacant Residential		
	East	Residential		
	West	Vacant Residential		
Existing Zoning:		County RSF-4		
Proposed Zoning:		Requesting RSF-2, Recommending RSF-E		
Surrounding Zoning:	North	County RSF-4		
	South	City RSF-E		
	East	County RSF-4		
	West	County RSF-4		
Growth Plan Designation:		Residential Low ½ - 2 ac/du		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 6.60 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Gummin Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

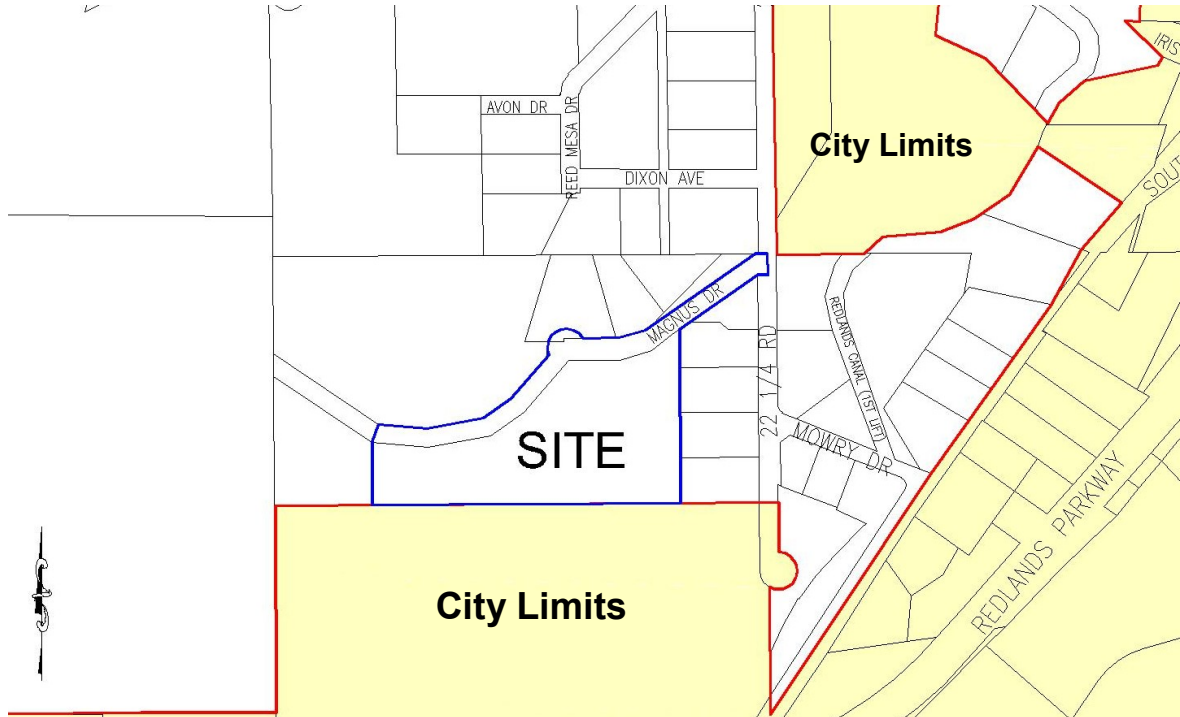
<u>ANNEXATION SCHEDULE</u>	
January 17, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 23, 2007	Planning Commission considers Zone of Annexation
February 7, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
February 21, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 25, 2007	Effective date of Annexation and Zoning

GUMMIN ANNEXATION SUMMARY

File Number:	ANX-2006-100	
Location:	2215 Magnus Court	
Tax ID Number:	2945-182-00-018	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	6.60 acres	
Developable Acres Remaining:	5.12 acres	
Right-of-way in Annexation:	1.48 acres (64,564 sq ft)	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	Requesting RSF-2, Recommending RSF-E	
Current Land Use:	Vacant Residential	
Future Land Use:	Residential	
Values:	Assessed:	\$26,750
	Actual:	\$92,250
Address Ranges:	2215 Magnus Court	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire
	Irrigation/ Drainage:	Redlands Water & Power
	School:	District 51
	Pest:	N/A

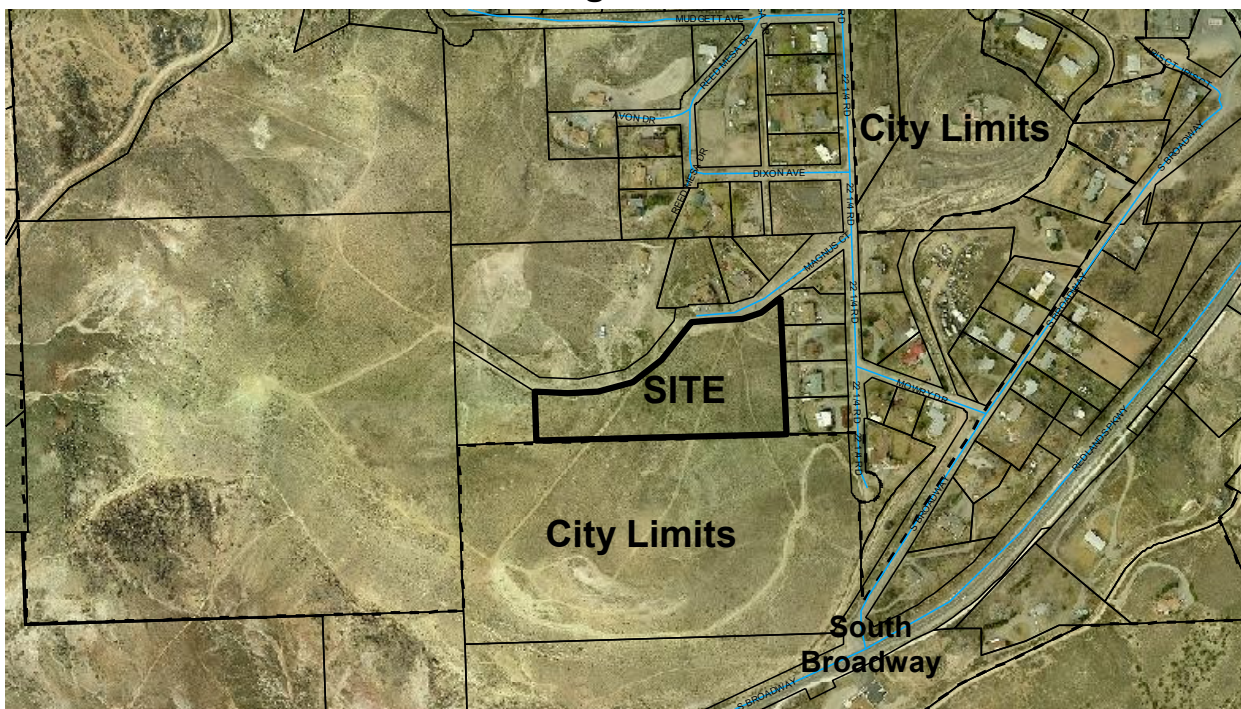
Site Location Map

Figure 1



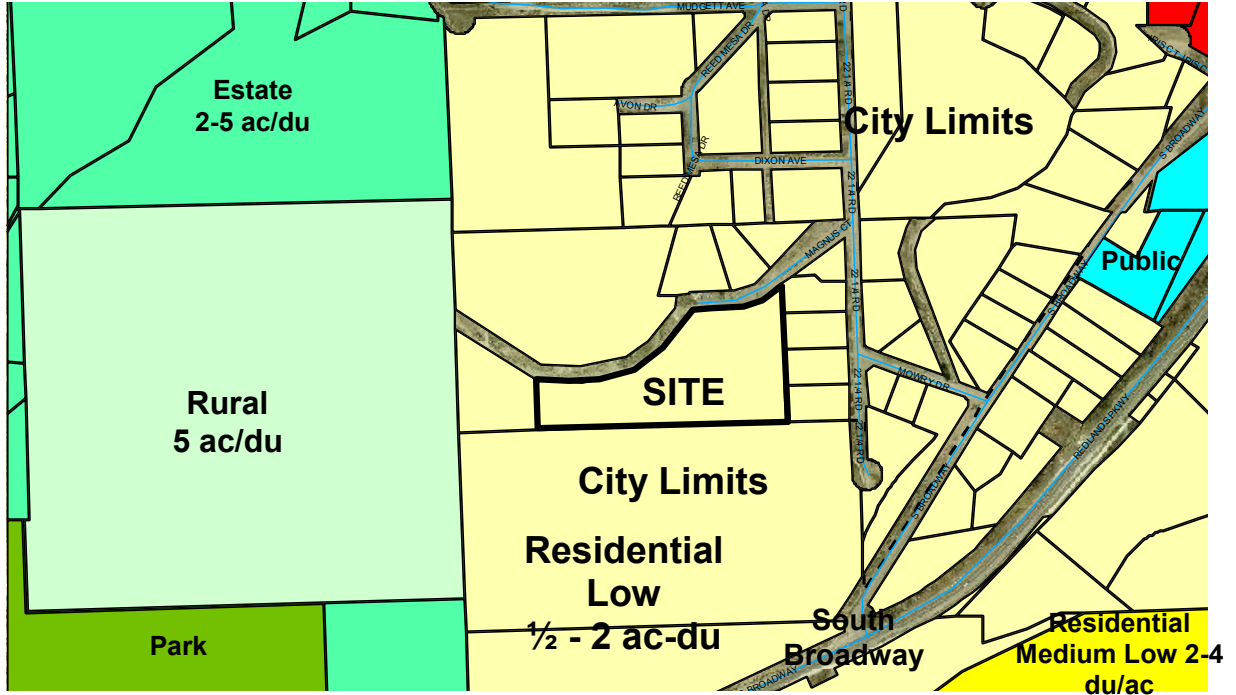
Aerial Photo Map

Figure 2



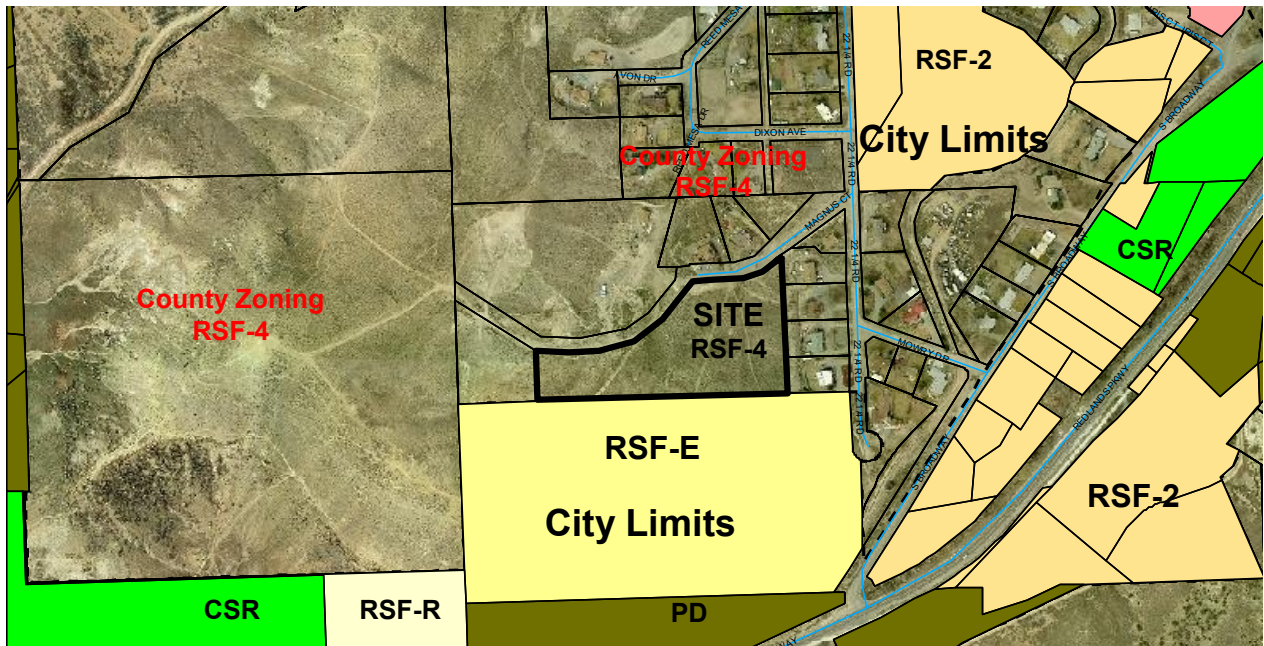
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th of January, 2007, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

GUMMIN ANNEXATION

**LOCATED AT 2215 MAGNUS COURT AND A PORTION OF THE MAGNUS COURT
RIGHT OF WAY**

WHEREAS, on the 17th day of January, 2007, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

GUMMIN ANNEXATION

A certain parcel of land lying in the North Half (N 1/2) of Lot 1 of Section 18, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 5 of Mullins Subdivision as same is recorded in Plat Book 12, Page 264, Public Records of Mesa County, Colorado; and assuming the South line of the North Half of said Lot 1 of Section 18 bears S89°50'26"W with all other bearings contained herein being relative thereto; thence S89°50'26"W along said South line a distance of 817.98 feet to the Southeast corner of that certain parcel of land as described in Book 3908, Page 288, Public Records of Mesa County, Colorado; thence N00°08'08"W along the East line of said parcel, a distance of 163.43 feet to the Northeast corner of said parcel; thence N19°22'30"E a distance of 51.66 feet to a point on the North line of Magnus Court as same is recorded in Book 1378, Page 534, Public Records of Mesa County, Colorado; thence S85°10'19"E along said North line a distance of 130.42 feet; thence N79°50'25"E along said North line a distance of 151.14 feet; thence N54°50'25"E along said North line a distance of 91.28 feet; thence N40°37'48"E along said North line a distance of 154.08 feet; thence 148.59 feet along the arc of a 50.00 foot radius curve concave Southeast, having a central angle of 170°16'38" and a chord bearing N64°42'01"E a distance of 99.64 feet to a point on the North line of Magnus Court as same is recorded in Book 794, Page 336, Public Records of Mesa County, Colorado; thence N89°50'19"E along said North line a distance of 97.58 feet; thence N73°43'19"E along said North line a distance of 71.25 feet; thence N55°21'06"E along said North line a distance of 354.75 feet to a point on the North Line of said Lot 1 of Section 18; thence N89°50'19"E a

distance of 32.91 feet to the Northeast corner of said Lot 1 of Section 18; thence S00°10'49"E along the East line of the North Half of said Lot 1 of Section 18 a distance of 55.21; thence S89°49'11"W a distance of 25.00 feet to the Northeast corner of Lot 1 of said Mullins Subdivision; thence S55°21'06"W along the North line of said Lot 1 a distance of 255.05 feet to the Northeast corner of that certain parcel of land as described in Book 3509, Page 852, Public Records of Mesa County, Colorado and also being the West line of said Mullins Subdivision; thence S00°10'19"E along the East line of said parcel a distance of 459.40 feet, more or less, to the Point of Beginning.

Said parcel contains 6.60 acres (287,641 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 21ST day of February, 2007, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
January 19, 2007
January 26, 2007
February 2, 2007
February 9, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

GUMMIN ANNEXATION

APPROXIMATELY 6.60 ACRES

**LOCATED AT 2215 MAGNUS COURT AND A PORTION OF THE MAGNUS COURT
RIGHT OF WAY**

WHEREAS, on the 17th day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 21st day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

GUMMIN ANNEXATION

A certain parcel of land lying in the North Half (N 1/2) of Lot 1 of Section 18, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 5 of Mullins Subdivision as same is recorded in Plat Book 12, Page 264, Public Records of Mesa County, Colorado; and assuming the South line of the North Half of said Lot 1 of Section 18 bears S89°50'26"W with all other bearings contained herein being relative thereto; thence S89°50'26"W along said South line a distance of 817.98 feet to the Southeast corner of that certain parcel of land as described in Book 3908, Page 288, Public Records of

Mesa County, Colorado; thence N00°08'08"W along the East line of said parcel, a distance of 163.43 feet to the Northeast corner of said parcel; thence N19°22'30"E a distance of 51.66 feet to a point on the North line of Magnus Court as same is recorded in Book 1378, Page 534, Public Records of Mesa County, Colorado; thence S85°10'19"E along said North line a distance of 130.42 feet; thence N79°50'25"E along said North line a distance of 151.14 feet; thence N54°50'25"E along said North line a distance of 91.28 feet; thence N40°37'48"E along said North line a distance of 154.08 feet; thence 148.59 feet along the arc of a 50.00 foot radius curve concave Southeast, having a central angle of 170°16'38" and a chord bearing N64°42'01"E a distance of 99.64 feet to a point on the North line of Magnus Court as same is recorded in Book 794, Page 336, Public Records of Mesa County, Colorado; thence N89°50'19"E along said North line a distance of 97.58 feet; thence N73°43'19"E along said North line a distance of 71.25 feet; thence N55°21'06"E along said North line a distance of 354.75 feet to a point on the North Line of said Lot 1 of Section 18; thence N89°50'19"E a distance of 32.91 feet to the Northeast corner of said Lot 1 of Section 18; thence S00°10'49"E along the East line of the North Half of said Lot 1 of Section 18 a distance of 55.21; thence S89°49'11"W a distance of 25.00 feet to the Northeast corner of Lot 1 of said Mullins Subdivision; thence S55°21'06"W along the North line of said Lot 1 a distance of 255.05 feet to the Northeast corner of that certain parcel of land as described in Book 3509, Page 852, Public Records of Mesa County, Colorado and also being the West line of said Mullins Subdivision; thence S00°10'19"E along the East line of said parcel a distance of 459.40 feet, more or less, to the Point of Beginning.

Said parcel contains 6.60 acres (287,641 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 9
Rescinding the Annex. Request for the Bookcliff Vet. Hosp. Annex.
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Request to continue the rescinding of the annexation request for the Bookcliff Veterinary Hospital Annexation located at 564 29 Road						
Meeting Date	January 17, 2007						
Date Prepared	January 11, 2007				File #ANX-2005-076		
Author	Scott D. Peterson		Senior Planner				
Presenter Name	Scott D. Peterson		Senior Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to continue the rescinding of the annexation request for the 2.93 acre Bookcliff Veterinary Hospital property located at 564 29 Road to the February 7, 2007 City Council Meeting.

Budget: N/A

Action Requested/Recommendation: Continue to Adopt Resolution rescinding Resolution Number 94-05 and corresponding annexation ordinance that referred a petition to the City Council for the annexation of lands to the City of Grand Junction; set a hearing on the annexation and exercised land use control to the February 7, 2007 City Council Meeting.

Attach 10

**Setting a Hearing on the Prelim. Plan and Planned Dev. for Fairway Villas
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject		Preliminary Development Plan and Planned Development Ordinance – Fairway Villas – 2065 South Broadway					
Meeting Date		January 17, 2007					
Date Prepared		January 10, 2007			File # PP-2006-208		
Author		Scott D. Peterson		Senior Planner			
Presenter Name		Scott D. Peterson		Senior Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: Request for Preliminary Subdivision Plan and Planned Development Ordinance approval for the proposed Fairway Villas residential subdivision located at 2065 South Broadway.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed Ordinance and set a hearing for February 7, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

- Site Location Map / Aerial Photo Map
- Future Land Use Map / Existing City and County Zoning Map
- Planned Development Ordinance
- Exhibit A - Preliminary Subdivision Plan

BACKGROUND INFORMATION					
Location:		2065 South Broadway			
Applicants:		Redlands Investment Properties LLC, Owners			
Existing Land Use:		Vacant land			
Proposed Land Use:		46 lot single-family residential subdivision			
Surrounding Land Use:	North	Tiara Rado Golf Course (Driving Range)			
	South	The Seasons residential subdivision and Tiara Rado Golf Course (10 th hole and fairway)			
	East	Monument View Ranch Subdivision (Residential)			
	West	The Beach (Swim and Fitness Club)			
Existing Zoning:		PD, Planned Development			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	CSR, Community Services and Recreation			
	South	PD, Planned Development and CSR, Community Services and Recreation			
	East	RSF-E, Residential Single-Family - Estate			
	West	AFT (County Zoning)			
Growth Plan Designation:		Residential Medium High (8 – 12 DU/Ac.)			
Zoning within density range?		X	Yes		No

ANALYSIS:

1. **Background:**

The proposed forty-six (46) lot residential subdivision located at 2065 South Broadway consists of 11.8 acres and is located adjacent to Tiara Rado Golf Course and The Seasons residential subdivision and will have a maximum density of 3.9 units per acre. The current zoning of PD, Planned Development was established upon annexation in 1994. The original annexation ordinance incorporated the standards established with the original Planned Unit Development (PUD) approved by Mesa County and established an overall density for The Seasons and this property to not exceed 4.4 units per acre. The current Growth Plan Map and designation of Residential Medium High indicates this parcel of land could have a density range of 8 – 12 dwelling units per acre. This designation was put in place to recognize the ability for the property to be developed at higher density, however, since the original PUD and the subsequent annexation zoning ordinance predates the establishment of minimum density requirements with the 2000 Code changes, the Planning Commission and City Council found that the proposal to develop at 3.9 units per acre is consistent with the Growth Plan. The Planning Commission and City Council reviewed this Growth Plan Consistency Review application in May, 2006 and found the proposed density is consistent with the Growth Plan (City file # GPC-2006-116).

The proposed development will take access from South Broadway in two (2) locations, at the north and east. The interior street network was approved under the Alternative Street Standards per Chapter 15 of the TEDS Manual (Transportation Engineering Design Standards) and includes sidewalk on only one (1) side of the street, but the subdivision does include open space trails that meander throughout the proposed subdivision and also along South Broadway. On-street parking would be signed to be allowed on only one-side of the street with a minimum proposed street width of 22' from flowline to flowline which meets Fire Department standards.

The proposed subdivision development will also necessitate changes to the 10th fairway of Tiara Rado Golf Course to help mitigate golf balls from impacting the development. The developer has agreed to pay the City for costs associated to enlarge the sand bunker at the green, move the fairway landing area to be straight away (lengthening the hole before the dogleg left) and installing numerous large trees along the property line between the proposed homes and the fairway to discourage golfers from attempting to “cut the corner.” It is important to note that there will always be golf balls that will be errant and land in the subdivision and that the developer will relay this information to the potential home buyers and also state in the proposed subdivision covenants.

The developer is proposing to install a split-rail fence and required landscaping adjacent to South Broadway in a separate tract that would be owned and maintained by the home owners association. In keeping with the open space feel of the subdivision, no six foot (6') tall solid fencing or any height solid fencing or wall will be allowed along property lines adjacent to the proposed open space tracts (Tracts A, B, C, D & E). Split rail fencing would be allowed however, adjacent to the proposed open space tracts with a maximum height of 3.5'.

2. Consistency with the Growth Plan:

The proposed development meets the goals and policies of the Growth Plan and Future Land Use Map (See Background Information). The area is currently zoned PD, Planned Development with the Growth Plan Future Land Use Map showing this area as Residential Medium High (8 – 12 DU/Ac.).

3. Section 2.8 B. 2. of the Zoning and Development Code:

A Preliminary Subdivision Plan can only be approved when it is in compliance with all of the following criteria:

- a. The Growth Plan, Grand Valley Circulation Plan, Urban Trails Master Plan and other adopted plans.

The proposed development meets the goals and policies of the Growth Plan, Grand Valley Circulation Plan and Urban Trails Master Plan. The developer is proposing off-street trails throughout the subdivision along with the dedication of a pedestrian easement adjacent to the Redlands Canal.

- b. The Subdivision standards of Chapter Six.

The proposed development is in compliance with the design standards of Chapter Six of the Zoning and Development Code.

- c. The Zoning standards contained in Chapter Three.

The proposed development is in compliance with the underlining default zoning district of RMF-8 as specified in Chapter 3 with the exception of Lot 16, Block 1, which does not meet the minimum lot width requirement of 40' at the front setback line. Per Section 3.2 C. of the Zoning and Development Code, the minimum lot width can be varied by the Planning Commission on irregularly shaped lots. As proposed by the developer, Lot 16, Block 1 is around 35' in width at the front setback line. The Planning Commission was supportive of the applicants request to vary the minimum lot width as the lot has an adequate building envelope, is at the end of a cul-de-sac and is over 10,600 sq. ft. in size which exceeds the minimum requirement of 4,000 sq. ft. in the RMF-8 zoning district.

- d. Other standards and requirements of this Code and all other City policies and regulations.

The proposed development meets or exceeds all other applicable standards and requirements of the Zoning and Development Code and other City policies and

regulations. The development also is in compliance with the development standards of Chapter Five, PD, Planned Development.

- e. Adequate public facilities and services will be available concurrent with the subdivision.

All required public facilities are either available or will be constructed with the proposed development.

- f. The project will have little or no adverse or negative impacts upon the natural or social environment.

There have been no adverse or negative impacts upon the natural or social environment that have been identified with the proposed development.

- g. Compatibility with existing and proposed development on adjacent properties.

The proposed development is compatible with existing residential development to the south (The Seasons). The proposed development is compatible with the residential densities as identified in the Growth Plan and Future Land Use Map. In fact, the developer is actually proposing a less dense development than what the Growth Plan would allow.

- h. Adjacent agricultural property and land uses will not be harmed.

Adjacent properties will not be harmed by this development as the proposal is for residential detached single-family homes adjacent to current single-family home development.

- i. Is neither piecemeal development nor premature development of agricultural land or other unique areas.

The proposed single-family residential development is neither piecemeal nor premature development of agricultural land or other unique areas.

- j. There is adequate land to dedicate for provision of public services.

Adequate land for public services has been provided for the development.

- k. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

The City will not incur an undue burden for maintenance or improvement of land and/or facilities as a result of the proposed residential development. The developer has agreed to pay the City for costs associated with proposed changes to the 10th fairway of Tiara Rado Golf Course to help mitigate golf balls from impacting the development.

4. Section 2.12 C. 2. of the Zoning and Development Code:

In conjunction with the Preliminary Plan, a new PD Ordinance is being proposed. The proposed PD Ordinance establishes the RMF-8 Zoning District as the default zone and identifies specific deviations. The following review criteria must be considered:

- a. The ODP review criteria in Section 2.12 B;

The proposed Preliminary Plan meets or exceeds the approval criteria for an Outline Development Plan as specified in Section 2.12 B.

- b. The applicable Preliminary Subdivision Plan criteria in Section 2.8 B;

See Item # 3 in Staff Report.

- c. The applicable Site Plan Review criteria in Section 2.2 D. 4;

N/A. The application is for a Preliminary Plan, not a Site Plan Review.

- d. The approved ODP, if applicable;

N/A. The applicant has submitted a Preliminary Plan for review and approval, and not an Outline Development Plan.

- e. The approved PD rezoning ordinance, if adopted with an ODP;

The property is currently zoned PD, Planned Development. The proposed PD Ordinance will establish the RMF-8 Zoning District as the underlining default zoning district for the Fairway Villas subdivision.

- f. An appropriate, specific density for all areas included in the preliminary plan approval;

The proposed subdivision development will have a density of 3.9 units per acre. The Planning Commission and City Council reviewed the Growth Plan Consistency Review

application in May, 2006 and found the proposed density is consistent with the Growth Plan (City file # GPC-2006-116).

- g. The area of the plan is a least five (5) acres in size or as specified in an applicable approved ODP.

The proposed subdivision is 11.8 acres in size.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Fairway Villas application, PP-2006-208 for Preliminary Plan approval, the Planning Commission made the following findings of fact and conclusions:

1. The proposed Preliminary Plan is consistent with the goals and policies of the Growth Plan and Future Land Use Map.
2. The Preliminary Plan is consistent with the purpose of Section 2.8 B. 2. and 2.12 C. 2. of the Zoning and Development Code.
3. The required 40' lot width at the front setback line for Lot 16, Block 1 to be reduced to 35' in accordance with Section 3.2 C. of the Zoning and Development Code.

RECOMMENDED PLANNING COMMISSION MOTION:

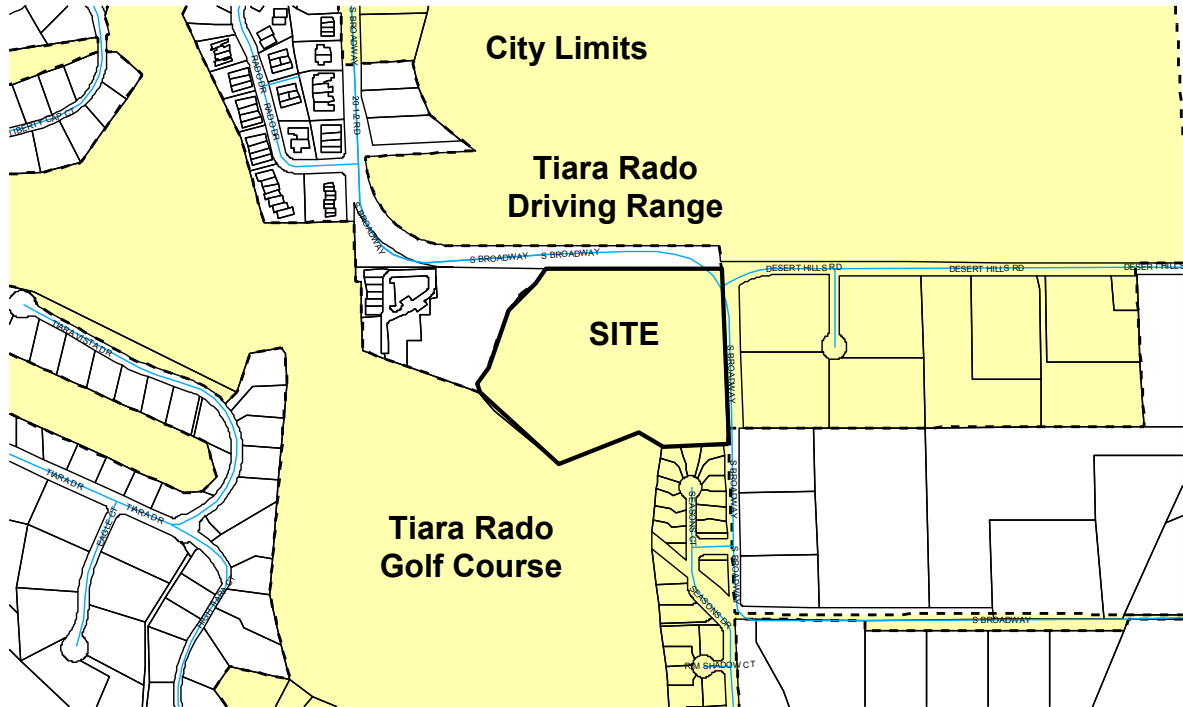
The Planning Commission recommends that the City Council approve the Preliminary Subdivision Plan for Fairway Villas, file number PP-2006-208, and PD, Planned Development Ordinance with the findings of fact and conclusions listed in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
Planned Development Ordinance
Exhibit A - Preliminary Subdivision Plan

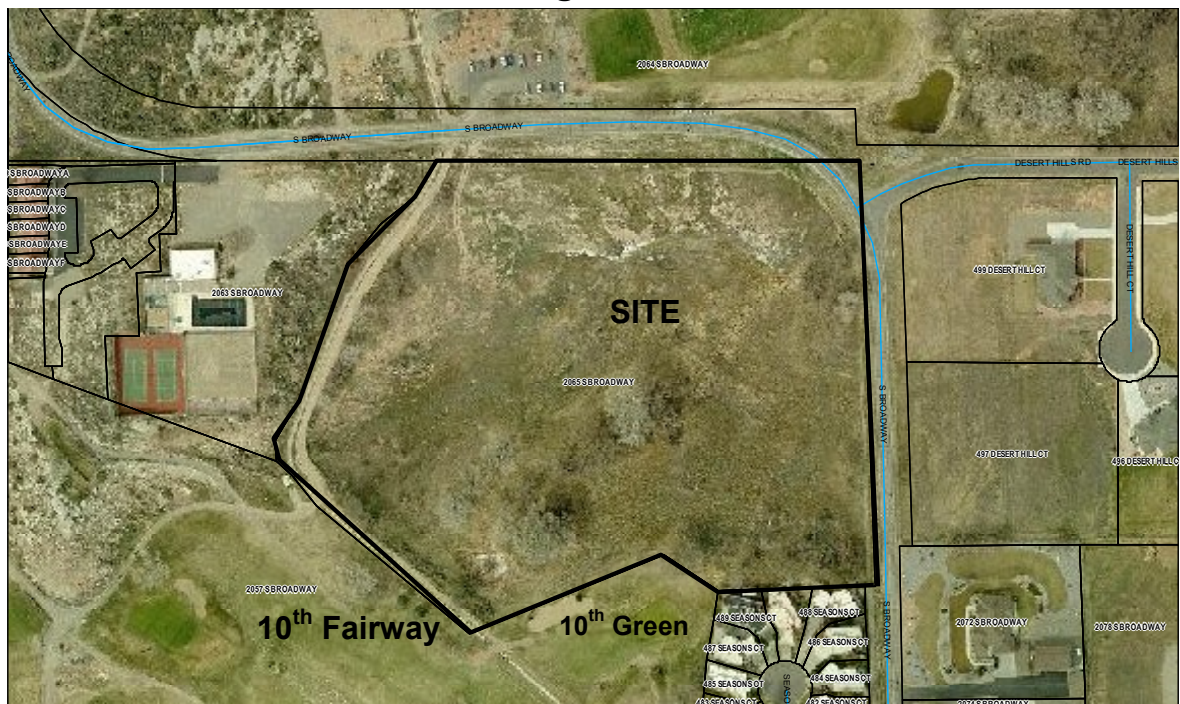
Site Location Map – Fairway Villas

Figure 1



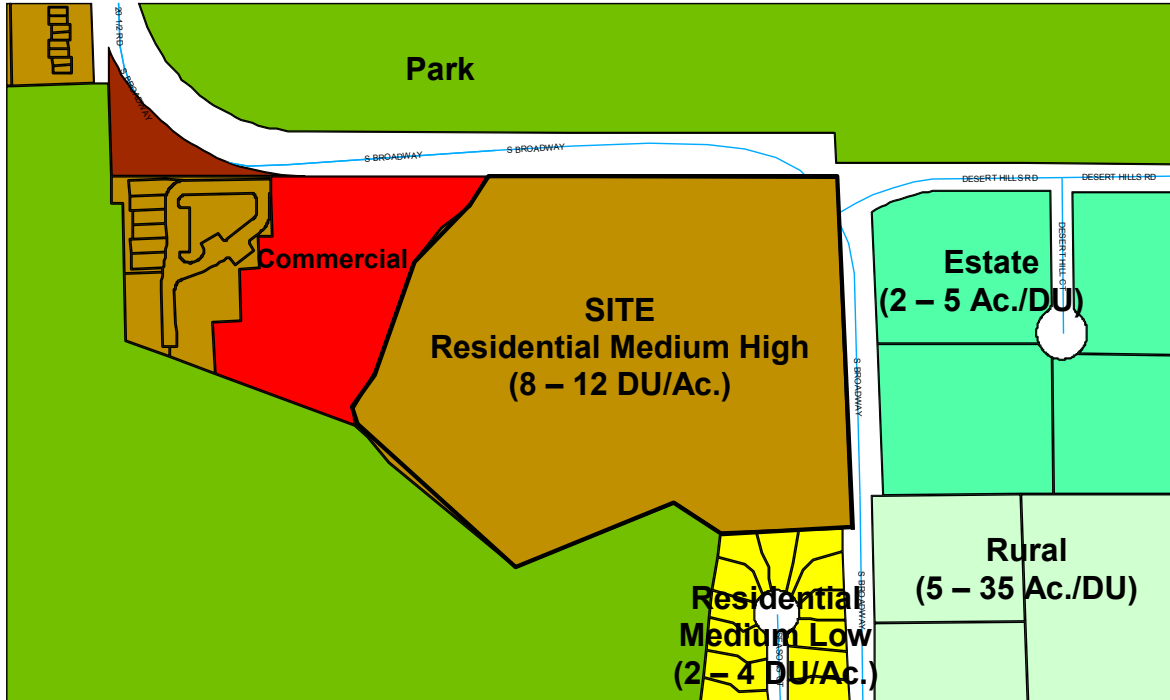
Aerial Photo Map – Fairway Villas

Figure 2



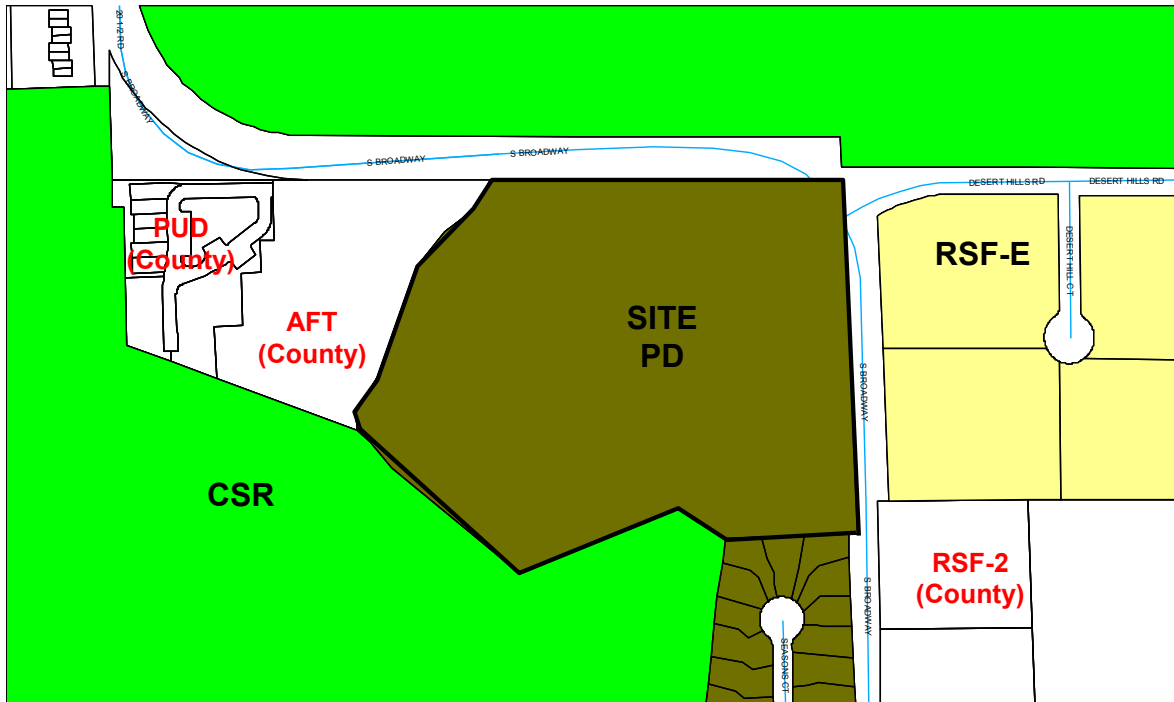
Future Land Use Map – Fairway Villas

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING STANDARDS FOR THE PLANNED DEVELOPMENT (PD) ZONE DISTRICT AND PRELIMINARY DEVELOPMENT PLAN FOR THE FAIRWAY VILLAS SUBDIVISION LOCATED AT 2065 SOUTH BROADWAY

RECITALS.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the Preliminary Plan for the Fairway Villas subdivision with an existing zoning of PD, Planned Development Zone District, finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The subdivision meets the criteria found in Section 2.8 and Chapter Five of the Zoning and Development Code.

After due consideration, the Planning Commission forwarded a recommendation to City Council to adopt the proposed Preliminary Plan and PD Ordinance. The City Council finds that the request meets the goals and policies set forth in the Growth Plan and the requirements of the Zoning and Development Code.

This PD Ordinance will establish the default zoning district, RMF-8, Residential Multi-Family – 8 units/acre.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT: the proposed Fairway Villas residential subdivision more particularly described in Community Development Department file PP-2006-208 shall be consistent with the approved Preliminary Plan (Exhibit A) and shall be subject to the following:

Allowed Uses:

Restricted to the uses allowed in the RMF-8 zone district with the following modification:

Single-family detached units only, no attached, duplex, or multi-family units allowed.

Deviations from Bulk Standards:

Shall meet the bulk standards of the RMF-8 zone district with the following modifications:

1. Lot 16, Block 1, was approved by the Planning Commission in accordance with Section 3.2 C. of the Zoning and Development Code to reduce the required 40' lot width at the front setback line to have a minimum lot width of 35' +/-.
2. Six foot (6') tall solid fencing or any height solid fencing or wall will not be allowed along property lines adjacent to the proposed open space tracts (Tracts A, B, C, D & E). Split rail fencing would be allowed adjacent to the proposed open space tracts with a maximum height of 3.5'.
3. Proposed density shall not exceed 4.4 units per acre.

INTRODUCED on first reading on the _____ day of _____, 2007 and ordered published.

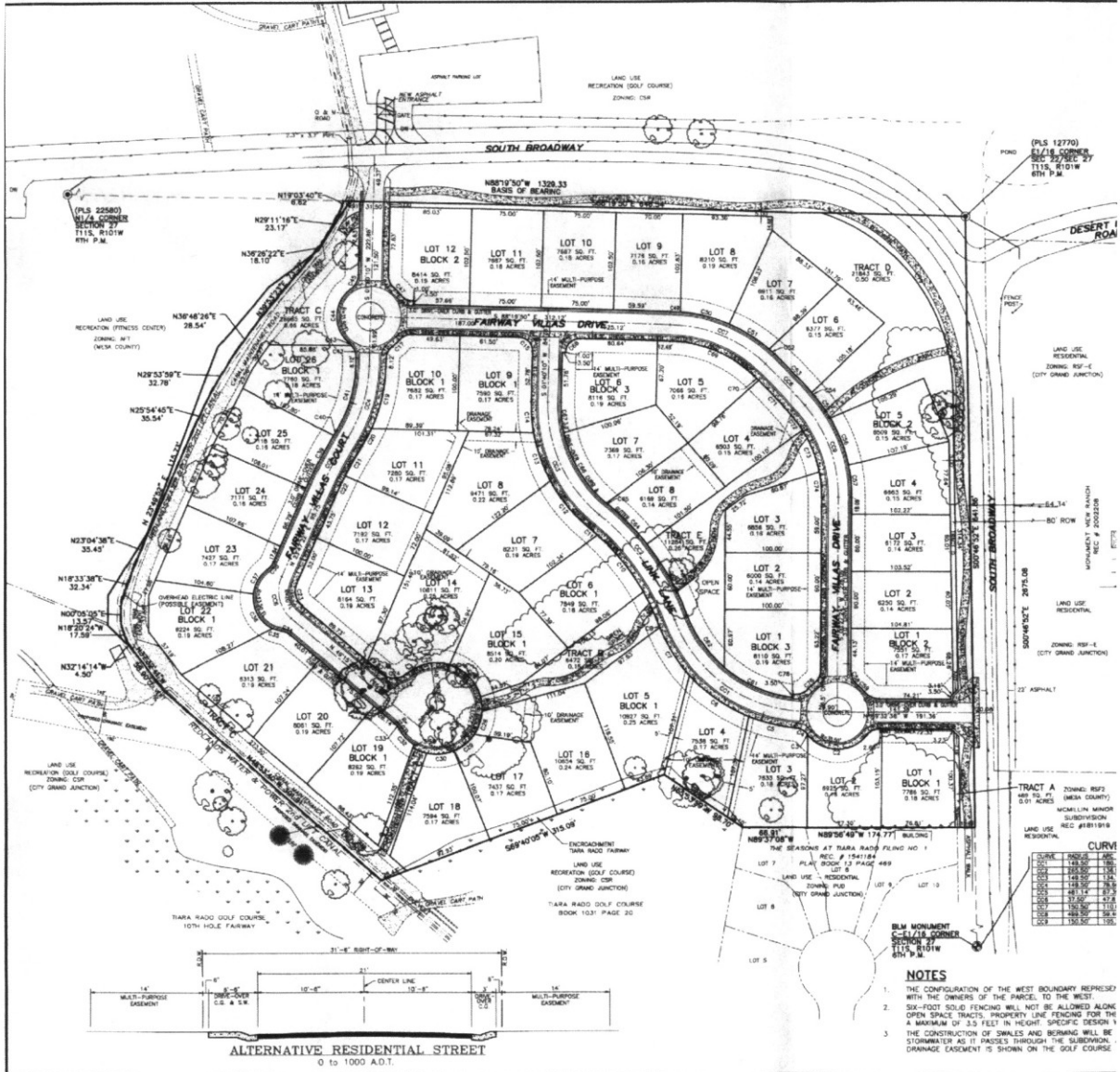
ADOPTED on second reading this _____ day of _____, 2007

ATTEST:

President of Council

City Clerk

EXHIBIT "A"



Attach 11

Setting a Hearing on Amending the Planned Development Zoning of the Hilltop Commons Cottages

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Hilltop Commons Planned Development					
Meeting Date	January 17, 2007					
Date Prepared	January 11, 2007			File PP-2006-250		
Author	Kristen Ashbeck		Senior Planner			
Presenter Name	Kristen Ashbeck		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Request for an amended Planned Development zoning ordinance and Preliminary Development Plan for revision and expansion of The Commons to include additional property and change the proposed use within the project.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed amended Planned Development zoning ordinance and set a Public Hearing for February 7, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

- Location and Aerial Photo Maps
- Future Land Use and Zoning Maps
- Original Approved Preliminary Development Plan
- Amended Planned Development Zoning Ordinance
- Proposed Amended Preliminary Development Plan

BACKGROUND INFORMATION				
Location:		625 27-1/2 Road		
Applicants:		Owner: Hilltop Health Services Developer: Same Representative: Patrik Davis Associates, John Eloë		
Existing Land Use:		Assisted Living Facility, Duplex Cottage Units and Vacant		
Proposed Land Use:		Same with Additional Cottage Units		
Surrounding Land Use:	North	Church and Multifamily Residential (Nellie Bechtel)		
	South	Attached and Detached Single Family Residential		
	East	Detached Single Family (Spring Valley)		
	West	Detached Single Family		
Existing Zoning:		Planned Development (PD) and Residential Multifamily 8 units per acre (RMF-8)		
Proposed Zoning:		All Planned Development		
Surrounding Zoning:	North	RMF-8		
	South	RMF-8		
	East	RMF-5		
	West	RMF-8		
Growth Plan Designation:		Residential Medium High 8-12 du/ac and Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: The Hilltop Commons project currently consists of an assisted living facility and 20 cottage units. Since approval of the original Planned Development for the project, Hilltop has acquired additional property and is proposing to utilize it to add 42 more cottage units on the expanded site. This plan requires

consideration of an amended Planned Development zoning ordinance to establish the underlying zoning for this plan and a Preliminary Development Plan.

RECOMMENDATION: Planning Commission will hear this item at its January 23, 2007 meeting. Results of the hearing will be provided to Council with staff report for second reading.

ANALYSIS:

1. Background:

A Planned Development zone and Preliminary Development Plan was originally approved for The Commons project in 1997. That plan included an assisted living facility of up to 306 beds (to date only 74 beds have been established), cottage units (20 have been constructed) and an enrichment (recreation) center. Since then, Hilltop has acquired additional property adjacent to the southwest corner of the original plan. The new property consists of 3 parcels totaling 5.4 acres.

The current plan is to revise the previously-approved plan to delete the proposed enrichment center, include the newly-acquired properties in the Planned Development zone and construct 42 additional cottage units in the area where the recreation center was to be located and in the newly-acquired areas. The new cottage units will be accessed directly from Hermosa Avenue or from a private drive that intersects with Hermosa Avenue (refer to attached Preliminary Development Plan).

2. Consistency with the Growth Plan

The Future Land Use Map of the Growth Plan shows the area of the previously-approved plan and one of the new parcels as Residential Medium High 8 to 12 units per acre and the other two new parcels as Residential Medium 4 to 8 units per acre.

The density of the assisted living facility is calculated as two beds equal one dwelling unit (Section 3.6.B.5). Thus, the density of the proposed plan with the 306-bed assisted living facility and 62 total cottages on the new site of 20.2 total acres is 10.6 units per acre. This density is within the acceptable range of both the Residential Medium High future land use classification of the older part of the plan. The actual density of the 42 new cottages within the revised area and additional land which has a Residential Medium density classification is 4.4. Thus the proposed project is consistent with the Growth Plan.

3. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

- 1) The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies.

See above discussion regarding consistency with the Growth Plan. The Circulation Plan is not applicable since there are no new streets proposed within the development.

- 2) The zoning criteria provided in Section 2.6 of the Zoning and Development Code.

- a. The proposed Planned Development zone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, stormwater or drainage problems, water, air or noise pollution, excessive nighttime lighting or other nuisances.

The proposed plan will be a less intensive use, thus more compatible with the neighborhood than the previously-approved plan since the enrichment center is no longer included in the plan. No other adverse impacts are anticipated.

Drainage from the new cottage units and access drives will be directed to an existing detention facility constructed with the first phases of the project. Overall, drainage from the new project is much lower than was originally considered with the large enrichment center and associated parking lot.

No other utility concerns have been identified. There are several utility lines that cross the southern areas of the site for which easements are required. The easements will be dedicated as needed on the subdivision plat that is presently under review for administrative approval.

- b. The proposed revision to the existing PD zone is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with the criterion which requires that public facilities and services are available when the impacts of any proposed development are realized.

Staff has determined that public infrastructure can address the impacts of any development consistent with the underlying RMF-8 zone district, therefore this criterion is met.

- c. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines.

The Commons offers several housing types and takes advantage of infill on a currently vacant site. This proposal is consistent with and furthers the goals and Policies of the Growth Plan.

- d. Adequate public facilities and services are currently available or will be made available and can address the impacts of development consistent with the proposed underlying RMF-8 zone district.

The majority of this project and the necessary public facilities and services already exist. The addition of more cottage units will not burden the existing facilities and services.

- 3) The proposed plan for The Commons is consistent with the planned development requirements of Chapter 5 of the Zoning and Development Code.

The setback standards proposed as outlined in the Planned Development ordinance are consistent with the underlying zone of RMF-8. The original plan included different maximum building heights and were carried forward as outlined in the amended ordinance.

Since The Commons is a residential project and surrounding land use primarily residential with varying density, the requirement for screening and buffering does not apply.

Off-street parking is provided for both the assisted living facility and the existing and proposed cottage units as required by Code. The plan includes additional parking areas provided for overflow parking for visitors.

- 4) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.

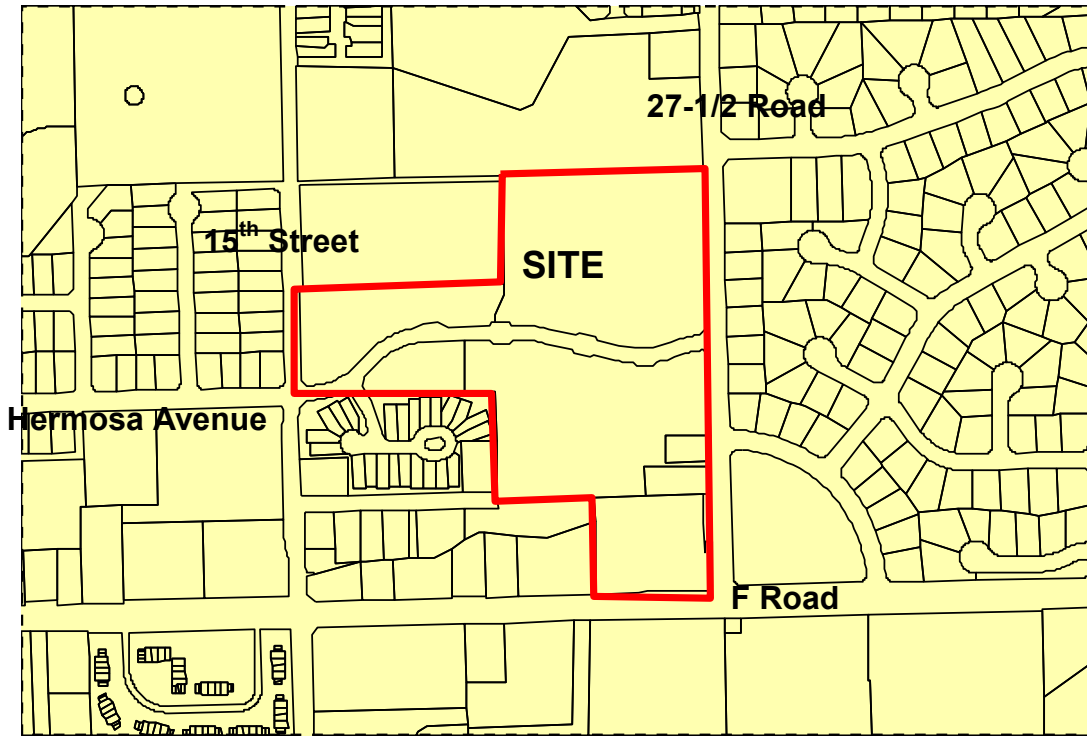
The project meets all requirements for Site Plan Review. Final Plans will be reviewed administratively for each phase of the new cottages as well as any future phases of the assisted living facility as originally approved. Staff is currently reviewing the site plan for the first phase of new cottage units (18 units).

- 5) The area of the plan is at least five (5) acres in size.

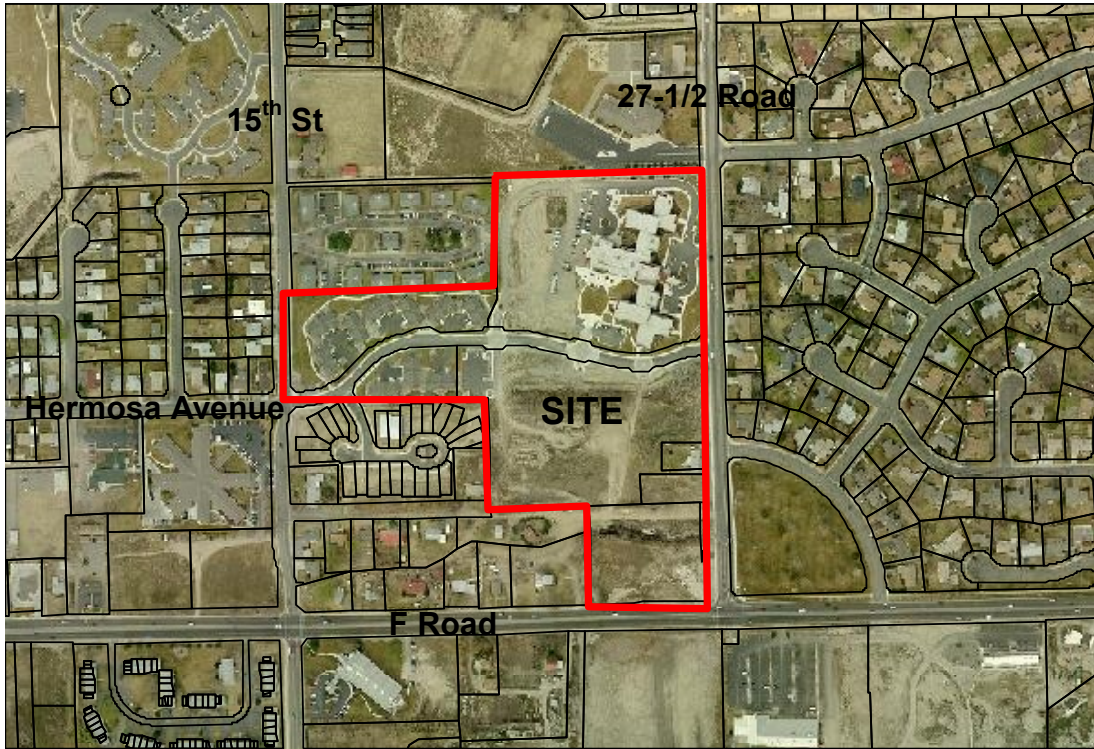
The new area of The Commons will add 5.4 acres to the existing 18.8-acre project for a total project acreage of 24.2 acres.

PHASING SCHEDULE: The applicant has not outlined a specific Phasing Schedule other than that the new cottages will be constructed in 3 phases as shown on the Preliminary Development Plan. The default schedule per section 2.8.B.4. of the Zoning and Development Code is that the Preliminary Development Plan shall be valid for one year from the date of approval, during which the applicant shall obtain final approval for all or a portion of the property.

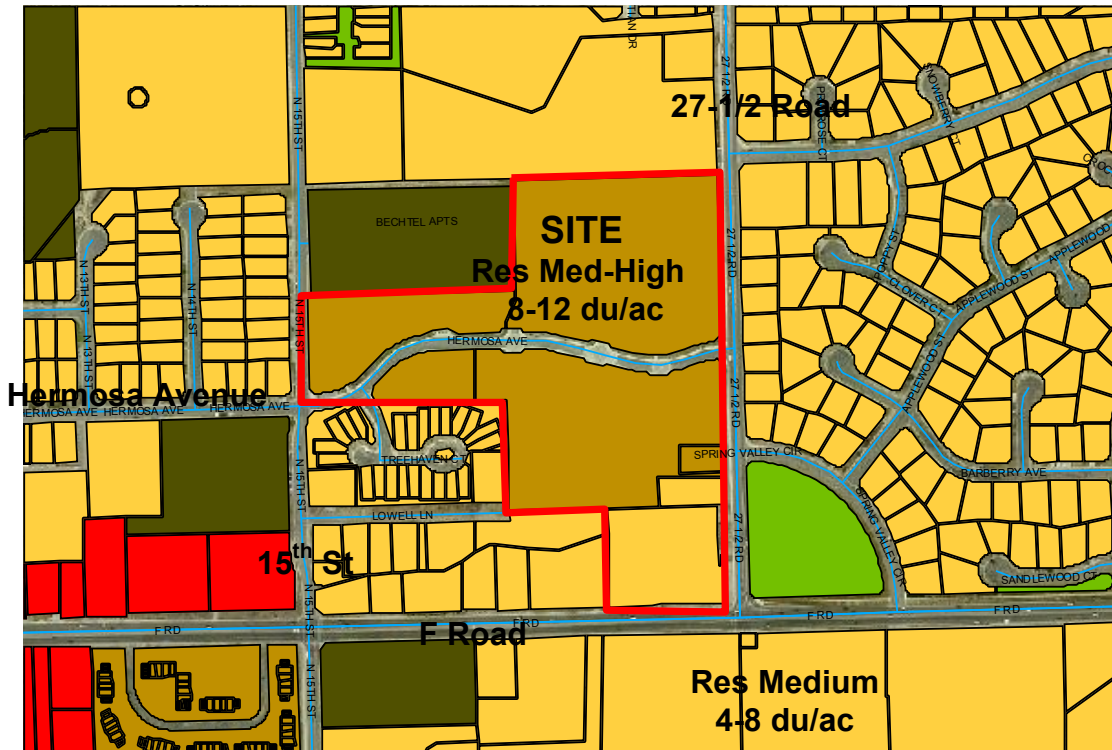
Site Location Map



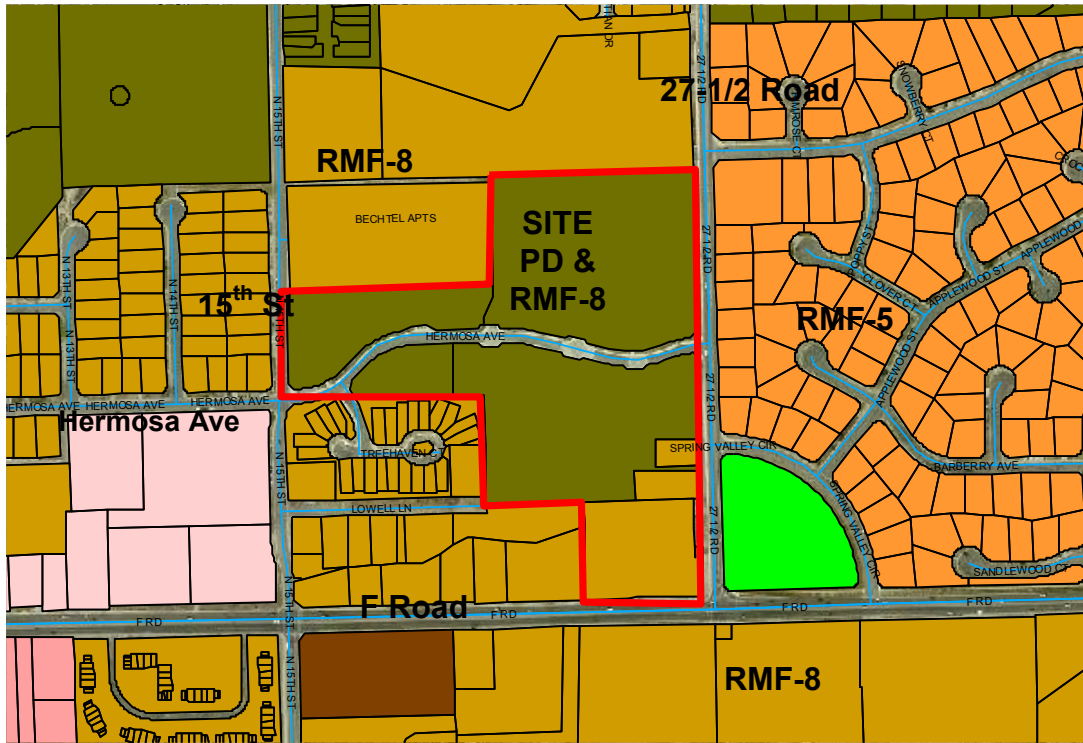
Aerial Photo Map

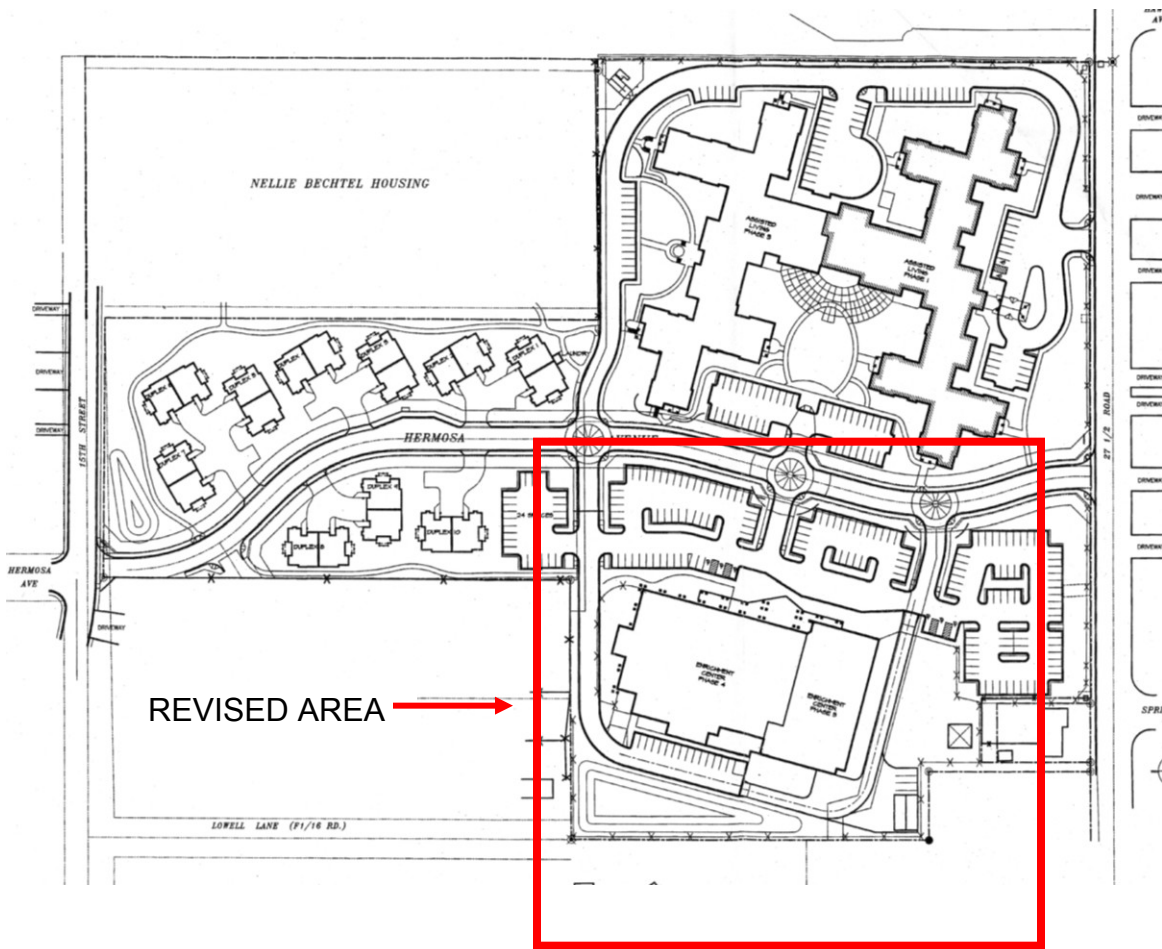


Future Land Use Map



Existing City Zoning





ORIGINALLY APPROVED PRELIMINARY DEVELOPMENT PLAN

CITY OF GRAND JUNCTION

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 3527
ZONING THE COMMONS PLANNED DEVELOPMENT
TO REVISE THE PRELIMINARY DEVELOPMENT PLAN AND
INCLUDE ADDITIONAL ACREAGE
LOCATED AT 625 27-1/2 ROAD**

Recitals.

This Zoning Ordinance amends Ordinance No. 3263 “Zoning Three Parcels of Land Located North of Patterson Road Between North 15th Street and 27-1/2 Road to PD (The Commons Assisted Living Facility)” to address revisions to the previously-approved Planned Development Preliminary Development Plan and include additional acreage within the project area.

The overall density of the proposed amended plan is 10.6 units per acre which is consistent with the Growth Plan Future Land Use Map which designates this property as Residential Medium 4-8 units per acre and Residential Medium High 8-12 units per acre on the Growth Plan Future Land Use Map.

The proposed Planned Development Zoning for The Commons project shall have an underlying zone district of Section 3.3.G. of the Zoning and Development Code, Residential Multifamily 8 Units per Acre (RMF-8) that will prevail for the primary uses, bulk standards and signage listed below:

Primary Land Use(s):

- Assisted Living (up to 306 beds)
- 62 Attached Single Family Cottage Units

Minimum Lot Area/Minimum Street Frontage:

- NA – Attached Single Family Units will not be subdivided into separate lots

Maximum Height of Structures:

- Cottages – 1 story, 20 feet
- Assisted Living Building, 2 story wings – 40 feet
- Assisted Living Building, 3 story areas – 50 feet

Minimum Front Yard Setback:

- Principal Structure-20 Feet
- Accessory Structure-25 Feet

Minimum Side Yard Setback:

- Principal Structure-5 Feet
- Accessory Structure-3 Feet

Minimum Rear Yard Setback:

Principal Structure-10 Feet
Accessory Structure-5 Feet
Maximum Coverage of Lot by Structures: 70 Percent

Signage: 4 freestanding signs as shown on originally approved Preliminary Development Plan (existing)
Each sign shall not exceed 12-feet wide x 5-feet high, with the maximum height of 6 feet
Signs shall not be illuminated

Refer to attached Exhibit A, Preliminary Development Plan for amended area.

The Planning Commission and City Council hereby find that the request is in compliance with the Zoning and Development Code.

The City Council finds that the proposal satisfies the requirements for an amendment to/establishment of a Planned Development zone per section 2.12.C.2 of the Zoning and Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the land described below is hereby zoned Planned Development (PD) as more particularly described herein:

That real property described as a tract of land comprised of Lot 2A, The Cottages at The Commons, as shown on plat recorded at Plat Book 19, Pages 325 and 326, and Unplatted Parcels located in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 1, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Southwest Quarter of said Section 1, whence the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 1 bears North 00 degrees 02 minutes 26 seconds East, a distance of 1319.92 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence North 89 degrees 49 minutes 06 seconds West, a distance of 41.41 feet, along the South line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; thence North 00 degrees 02 minutes 26 seconds East, a distance of 37.50 feet to a point on the North right-of-way line of F (Patterson) Road, as described in Book 1472, Pages 232 and 233 and in Book 1535, Pages 866 and 867, the POINT OF BEGINNING; thence, along said North right of way line the following three (3) courses: (1) North 89 degrees 49 minutes 06 seconds West, a distance of 198.50 feet; (2) South 82 degrees 09 minutes 55 seconds West, a distance of 25.06 feet; (3) South 89 degrees 31 minutes 27 seconds West, a distance of 131.20 feet; thence North 00

degrees 01 minutes 29 seconds East, a distance of 297.50 feet, along the West line of those parcels as described in Book 3648, Page 946; thence, around the boundary of Lot 2A, The Cottages at The Commons, as described in Plat Book 19, Pages 325 and 326 the following twenty four (24) courses: (1) North 89 degrees 48 minutes 58 seconds West, a distance of 302.50 feet; (2) North 00 degrees 02 minutes 26 seconds East, a distance of 329.88 feet; (3) North 89 degrees 47 minutes 34 seconds West, a distance of 93.30 feet; (4) North 00 degrees 00 minutes 08 seconds East, a distance of 156.99 feet; (5) South 89 degrees 59 minutes 52 seconds East, a distance of 81.56 feet; (6) South 44 degrees 58 minutes 43 seconds East, a distance of 14.14 feet; (7) South 89 degrees 59 minutes 52 seconds East, a distance of 52.07 feet; (8) North 45 degrees 01 minutes 17 seconds East, a distance of 14.15 feet; (9) South 89 degrees 59 minutes 52 seconds East, a distance of 2.77 feet; (10) along a curve to the right, having a delta angle of 15 degrees 05 minutes 36 seconds, with a radius of 378.00 feet, an arc length of 99.58 feet, with a chord bearing of South 82 degrees 27 minutes 04 seconds East, with a chord length of 99.29 feet; (11) South 74 degrees 54 minutes 16 seconds East, a distance of 85.59 feet; (12) South 29 degrees 54 minutes 16 seconds East, a distance of 14.14 feet; (13) South 74 degrees 54 minutes 16 seconds East, a distance of 50.29 feet; (14) North 60 degrees 05 minutes 45 seconds East, a distance of 14.14 feet; (15) South 74 degrees 54 minutes 16 seconds East, a distance of 69.31 feet; (16) along a curve to the left, having a delta angle of 10 degrees 07 minutes 06 seconds, with a radius of 322.00 feet, an arc length of 56.86 feet, with a chord bearing of South 79 degrees 57 minutes 49 seconds East, with a chord length of 56.79 feet; (17) South 42 degrees 46 minutes 25 seconds East, a distance of 14.61 feet; (18) along a curve to the left, having a delta angle of 8 degrees 50 minutes 29 seconds, with a radius of 332.00 feet, an arc length of 51.23 feet, with a chord bearing of North 88 degrees 41 minutes 23 seconds East, with a chord length of 51.18 feet; (19) North 41 degrees 29 minutes 39 seconds East, a distance of 15.00 feet; (20) along a curve to the left, having a delta angle of 10 degrees 02 minutes 10 seconds, with a radius of 322.00 feet, an arc length of 56.40 feet, with a chord bearing of North 77 degrees 17 minutes 26 seconds East, with a chord length of 56.33 feet; (21) North 72 degrees 16 minutes 21 seconds East, a distance of 36.51 feet; (22) along a curve to the right, having a delta angle of 17 degrees 19 minutes 22 seconds, with a radius of 178.00 feet, an arc length of 53.82 feet, with a chord bearing of North 80 degrees 55 minutes 54 seconds East, with a chord length of 53.61 feet; (23) South 89 degrees 57 minutes 34 seconds East, a distance of 1.42 feet;

(24) South 44 degrees 56 minutes 57 seconds East, a distance of 26.28 feet; thence, along the West right-of-way line of 27½ Road, as described in documents recorded in Mesa County records at the following Book and Pages: Book 749, Page 491, Book 912, Page 613, Book 1472, Pages 232 and 233, Book 1535, Page 389, Book 2588, Pages 674 and 675, Book 2588, Pages 676 and 677, and Book 2604, Pages 70 and 71, the following 5 courses: (1) South 00 degrees 02 minutes 26 seconds West, a distance of 422.79 feet; (2) South 89 degrees 39 minutes 49 seconds East, a distance of 2.00 feet;

(3) South 00 degrees 57 minutes 25 seconds East, a distance of 86.18 feet; (4) South 00 degrees 02 minutes 26 seconds West, a distance of 186.39 feet; (5) South 36 degrees 52 minutes 52 seconds West, a distance of 24.86 feet to the POINT OF BEGINNING.

Said parcel containing an area of 9.59 acres, as described.

AND Lot 1, Lot 3, and Lot 4, The Cottages at The Commons, as shown on plat recorded at Plat Book 19, Pages 325 and 326.

Said Lots containing an area of 10.63 acres, as described.

INTRODUCED for FIRST READING and PUBLICATION this ____ day of _____, 2007.

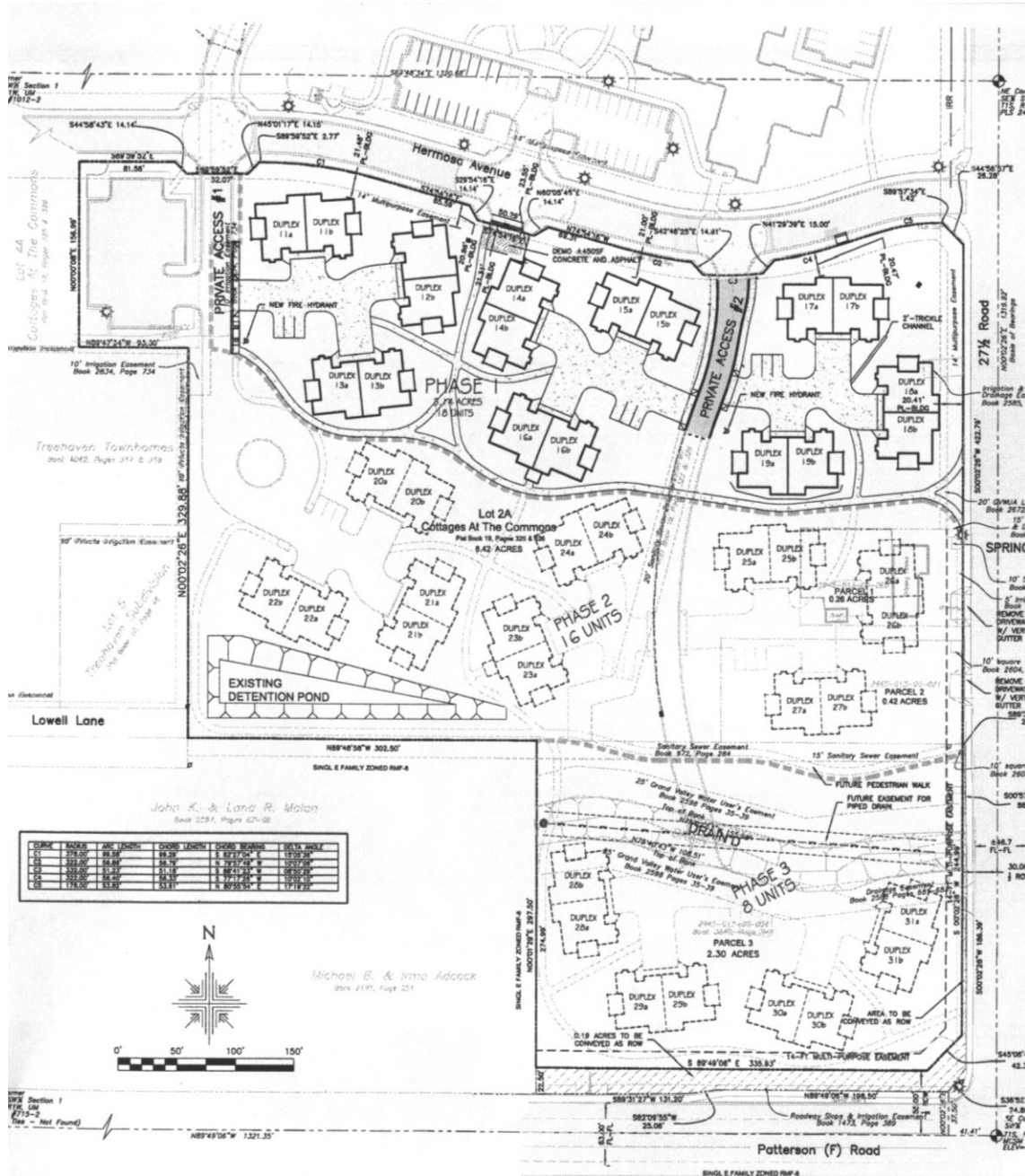
PASSED on SECOND READING this _____ day of _____, 2007.

ATTEST:

City Clerk

President of City Council

EXHIBIT A: PRELIMINARY DEVELOPMENT PLAN HILLTOP COMMONS – AMENDED AREA



Attach 12
Setting a Hearing on Zoning the River Trail Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the River Trail Annexation, located at 3141 D Road.					
Meeting Date		January 17, 2007					
Date Prepared		January 8, 2007			File #ANX-2006-330		
Author		Ken Kovalchik		Senior Planner			
Presenter Name		Ken Kovalchik		Senior Planner			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input checked="" type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Request to zone the 17.405 acres River Trail Annexation, located at 3141 D Road, to RMF-8 (Residential Multi-family - 8).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for February 7, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		3141 D Road		
Applicants:		West of the Rockies Development, Owners		
Existing Land Use:		Residential/Agriculture		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential/Agriculture		
	East	Residential/Agriculture		
	West	Residential/Agriculture		
Existing Zoning:		Mesa County – RSF-R		
Proposed Zoning:		RMF-8		
Surrounding Zoning:	North	RMF-5		
	South	AFT (County)		
	East	RSF-R (County); RSF-4 (City)		
	West	RSF-R		
Growth Plan Designation:		Residential Medium – RM (4-8 du/ac)		
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RMF-8 zone district is consistent with the Growth Plan designation of Residential Medium. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4 and 5 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The surrounding area is developed with residential type uses and the area is designated as Residential Medium on the Future Land Use Map.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be provided at the time of further development of the property.

- The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs.

Response: The subject property is being zoned with a City designation due to the annexation and is comparable with the surrounding area.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. RSF-4
- b. RMF-5

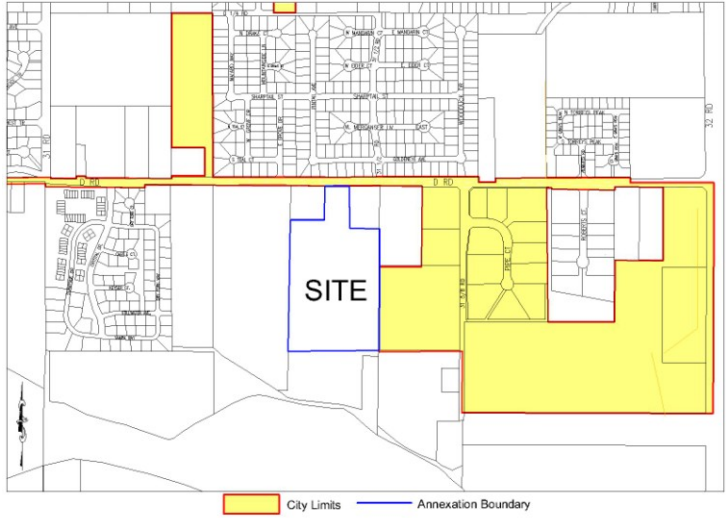
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

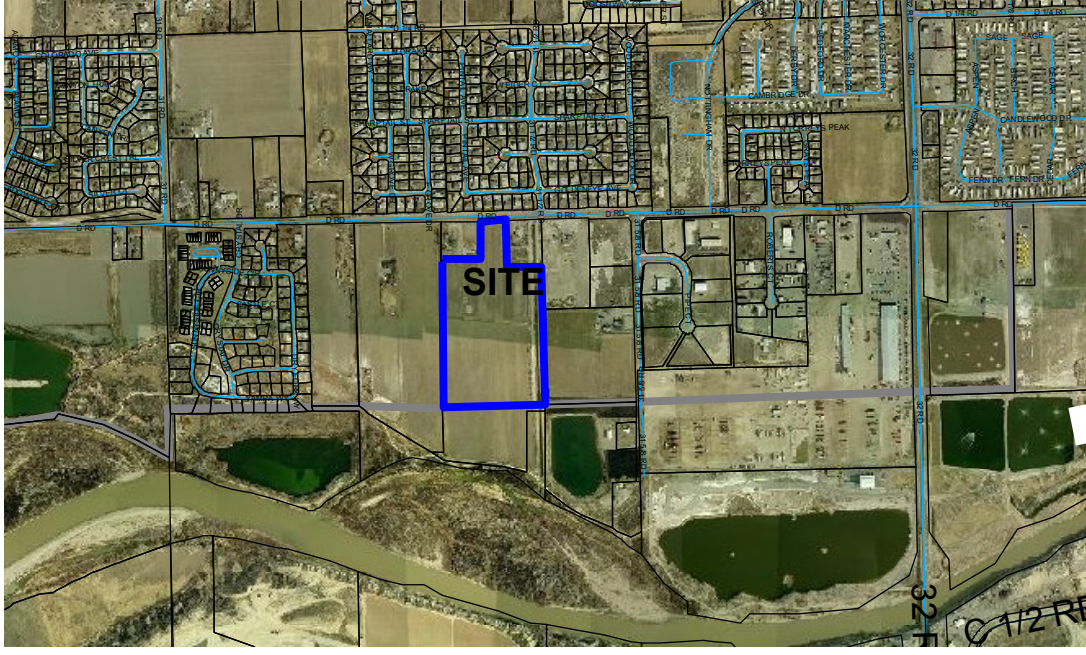
Figure 1

River Trail Subdivision Annexation



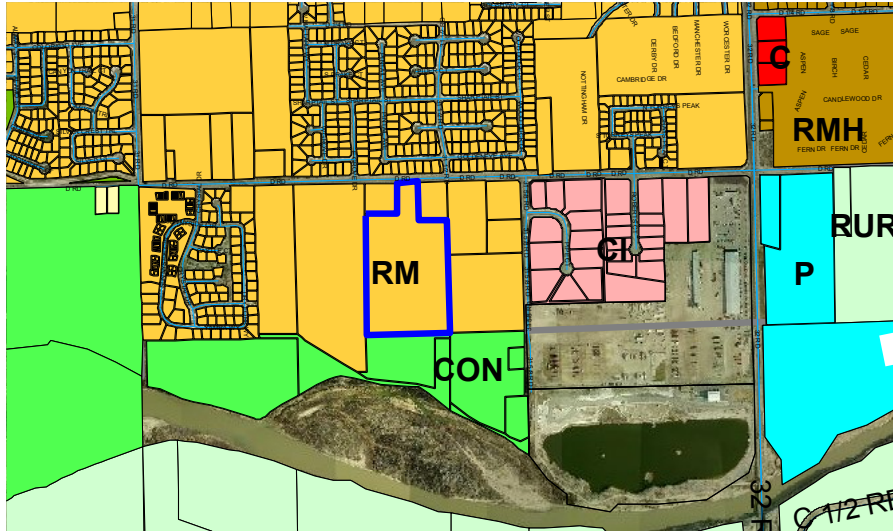
Aerial Photo Map

Figure 2



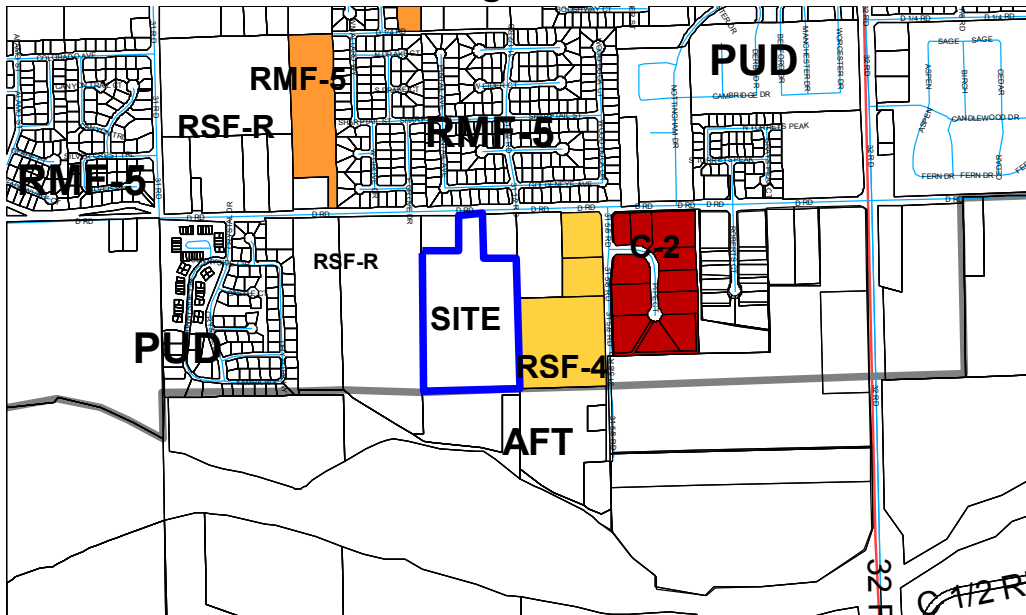
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE RIVER TRAIL ANNEXATION TO
RMF-8**

LOCATED AT 3141 D ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the River Trail Annexation to the RMF-8 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned RMF-8 (Residential Multi-family - 8).

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 22, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE1/4 NW1/4 of said Section 22, and assuming the East line of the NE1/4 NW1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W, along the East line of the NE1/4 NW1/4 of said Section 22, a distance of 363.01 feet to the Southeast corner of that certain parcel of land as described in Book 2433, Page 133, Public Records, Mesa County, Colorado and also being the POINT OF BEGINNING; thence S00°28'30"W, along said East line of the NE1/4 NW1/4 a distance of 956.87 feet to the Southeast corner of said NE1/4 NW1/4; thence N89°53'19"W, along the South line of said NE1/4 NW1/4 a distance of 705.08 feet to the Southwest corner of that certain parcel of land as described in Book 4134, Page 917, Public Records, Mesa County, Colorado; thence N00°14'12"E along the West line of said parcel a distance of 1021.85

feet to the Southwest corner of that certain parcel of land as described in Book 2228, Pages 755-756, Public Records, Mesa County, Colorado; thence S89°53'18"E a distance of 265.00 feet to the Southeast corner of said parcel; thence N00°14'12"E along the East line of said parcel a distance of 268.00 feet to a point on the South line of D Road; thence S89°53'17"E along said South line, being a line 30.00 feet South of and parallel with the North line of the NE1/4 NW1/4 of said Section 22, a distance of 205.45 to a point on the West line of said parcel as recorded in Book 2433, Page 133, Public Records, Mesa County, Colorado; thence S00°28'30"W along said West line a distance of 333.01 to the Southwest corner of said parcel; thence S89°53'18"E along the South line of said parcel a distance of 240.00 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 17.405 acres (761,966 square feet), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 13
Setting a Hearing on Rezoning the Hilltop Bacon Center
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Hilltop Bacon Center Rezone						
Meeting Date	January 17, 2007						
Date Prepared	January 11, 2007				File CUP-2006-313		
Author	Kristen Ashbeck		Senior Planner				
Presenter Name	Kristen Ashbeck		Senior Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: A request to rezone property at 1405 Wellington Avenue from RMF-8 to a Residential Office (RO) zone district in order to bring an existing Unlimited Group Home known as the Hilltop Bacon Center in compliance with the Zoning and Development Code.

Budget: N/A

Action Requested/Recommendation: Introduce the proposed ordinance and set a Public Hearing for February 7, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

- Site Location and Aerial Photo Maps
- Future Land Use and Existing Zoning Maps
- Hilltop Bacon Campus Site Plan
- Proposed Rezone Ordinance

BACKGROUND INFORMATION			
Location:	1405 Wellington Avenue		
Applicants:	Owner/Developer: Hilltop Health Services Corporation, Mike Stahl Representative: Patrik Davis Associates, Patrik Davis		
Existing Land Use:	Unlimited Group Living Facility		
Proposed Land Use:	Same		
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family and Multifamily Residential	
	East	Attached and Detached Single Family Residential	
	West	Single Family Residential	
Existing Zoning:	Residential Multifamily 8 units per acre (RMF-8)		
Proposed Zoning:	Residential Office (RO)		
Surrounding Zoning:	North	RMF-8	
	South	Planned Development (PD) and RMF-24	
	East	PD	
	West	RMF-8	
Growth Plan Designation:	Residential Medium 4-8 units per acre		
Zoning within density range?	X	Yes	No

PROJECT DESCRIPTION: Hilltop Health Services Corporation is proposing to demolish an existing community building on the campus of the Hilltop-Bacon Center and construct a new 13,400 square foot community building in the same location. In order to do so, the applicant is requesting a rezone to an RO zone district to allow for the new community building and to bring the existing Unlimited Group Living Facility into compliance with the Zoning and Development Code. Under the current RMF-8 zoning, both the use and site are non-conforming.

ANALYSIS:

1. Background

Hilltop Health Services Corporation (Hilltop) has operated an Unlimited Group Living Facility (12 or more persons) for 65 brain injured adults and up to 59 youth at the Hilltop-Bacon Center (the Center) on the 6.6 acre site at 1405 Wellington Avenue since 1987. The Center was “grandfathered” in under the 2000 Zoning and Development Code which has required, and Hilltop has complied with, annual registration of all such facilities since 2001.

The site currently has 7 residential structures, a community building and 2 small shop/maintenance buildings. Hilltop is proposing to demolish the existing community building and reconstruct a larger community building in the same location on the site. All other buildings on the site will remain and continue with their present use.

Since it is a non-conforming use and site, the Code only allows for minimal expansion of buildings (20%). The proposed new community building exceeds that allowance. Thus, in order to bring the use and site into compliance with the Code, the applicant is proposing to rezone the property to Residential Office and obtain a Conditional Use Permit for the Unlimited Group Facility. This change in zoning and construction of the new building will not affect the function of the Center, it will only allow the use to continue as conforming and create a more adequate space for the same uses to be carried out. Planning Commission approved the Conditional Use Permit at its January 9, 2007 meeting, contingent upon Council approval of the rezone.

2. Consistency with the Growth Plan

The Growth Plan Future Land Use Map shows this site as Residential Medium 4 to 8 units per acre. Per Section 3.4.A.1. of the Zoning and Development Code, the requested zoning of Residential Office (RO) implements the Residential Medium density land use classification.

The density of a Group Living Facility is calculated as two beds equal one dwelling unit (Section 3.6.B.5). Thus, the density of the Hilltop-Bacon Center with 120 beds on a 6.6 acre site is 9.1 units per acre. The RO zone district allows a density of up to 16 units per acre which conflicts with the Growth Plan classification of 4 to 8 units per acre. However, Section 3.6.B.9 addresses such conflicts and allows the density to exceed the Growth Plan density by 120% (9.6 units per acre). The density of the Hilltop-Bacon Center of 9.1 is within this allowed increase thus consistent with the Growth Plan.

3. Section 2.6.A of the Zoning and Development Code

Zone requests must meet all of the following criteria for approval:

1. The existing zoning was in error at the time of adoption; or

Response: *With the City's 2000 update of the zoning map, the existing RMF-8 zoning of the Hilltop-Bacon Center made the then-existing use of an Unlimited Group Living Facility non-conforming rather than zoning the property with a zone district such as RO that could have made the use conforming.*

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth/growth trends, deterioration, development transitions, etc.;

Response: *There has been no change in the character of the neighborhood; the applicant seeks to improve the property that would have a positive influence on the surrounding area.*

3. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

Response: *The proposed rezone is compatible with the neighborhood that is a mix of residential densities. The zoning change will not affect the current use but does bring the site and use into compliance with the Growth Plan and Code.*

4. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: *Since this is an existing use, all public facilities and services are available to meet the needs of the project.*

5. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs; and

Response: *This rezone does not require additional land to accommodate the proposal. The facility that is being reconstructed that prompts this rezone already exists on the property*

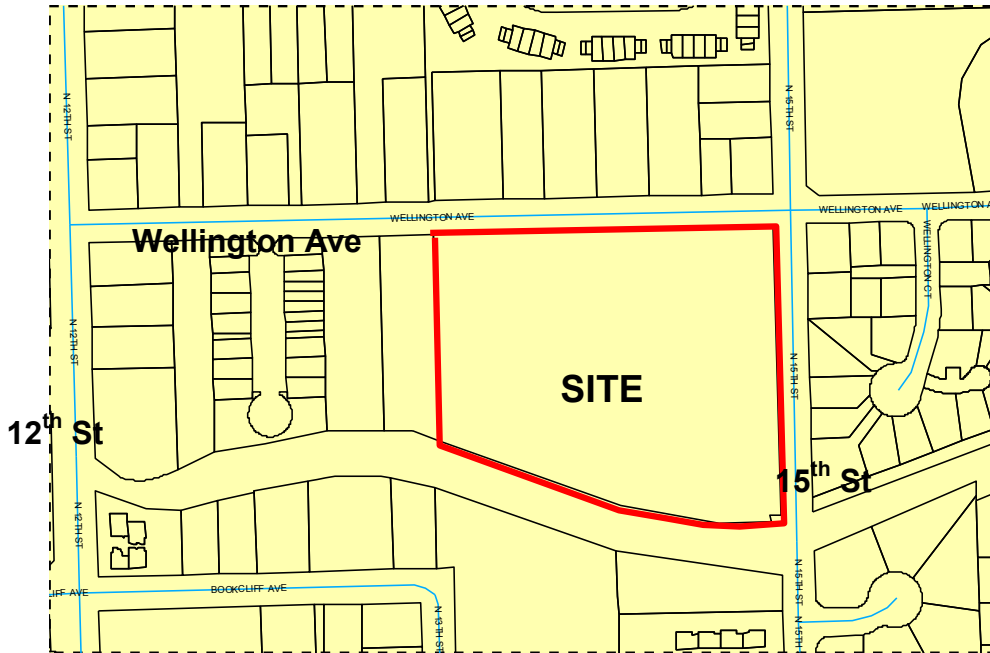
6. The community will benefit from the proposed zone.

Response: *The proposed zoning will allow for this facility to continue to operate as a conforming use, providing much-needed services for brain-injured and youth clients.*

PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS: Planning Commission heard this item at its January 9, 2007 meeting. After reviewing the Hilltop-Bacon Center application, CUP-2006-313 for a rezone, Planning Commission recommended approval with the following findings of fact and conclusions:

1. The requested rezone is consistent with the Growth Plan.
2. The review criteria in Section 2.6 of the Zoning and Development Code have all been met.

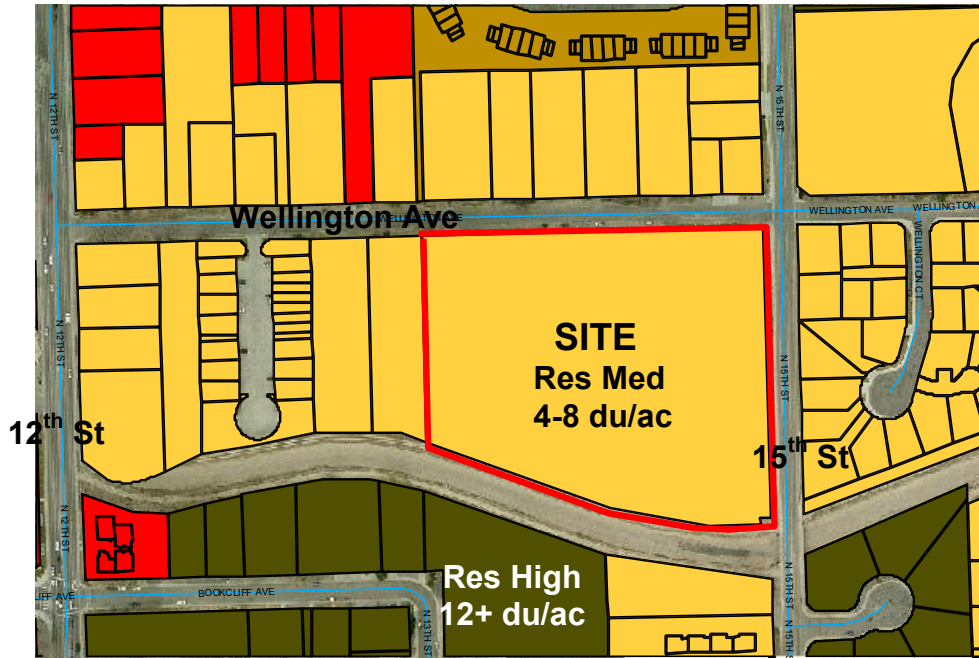
Site Location Map



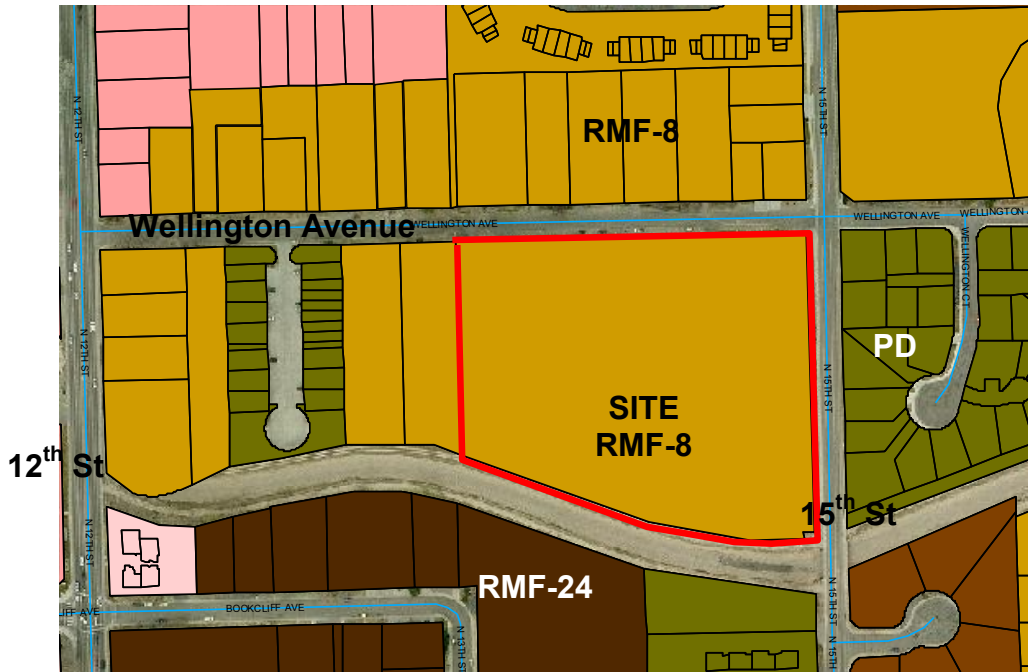
Aerial Photo Map



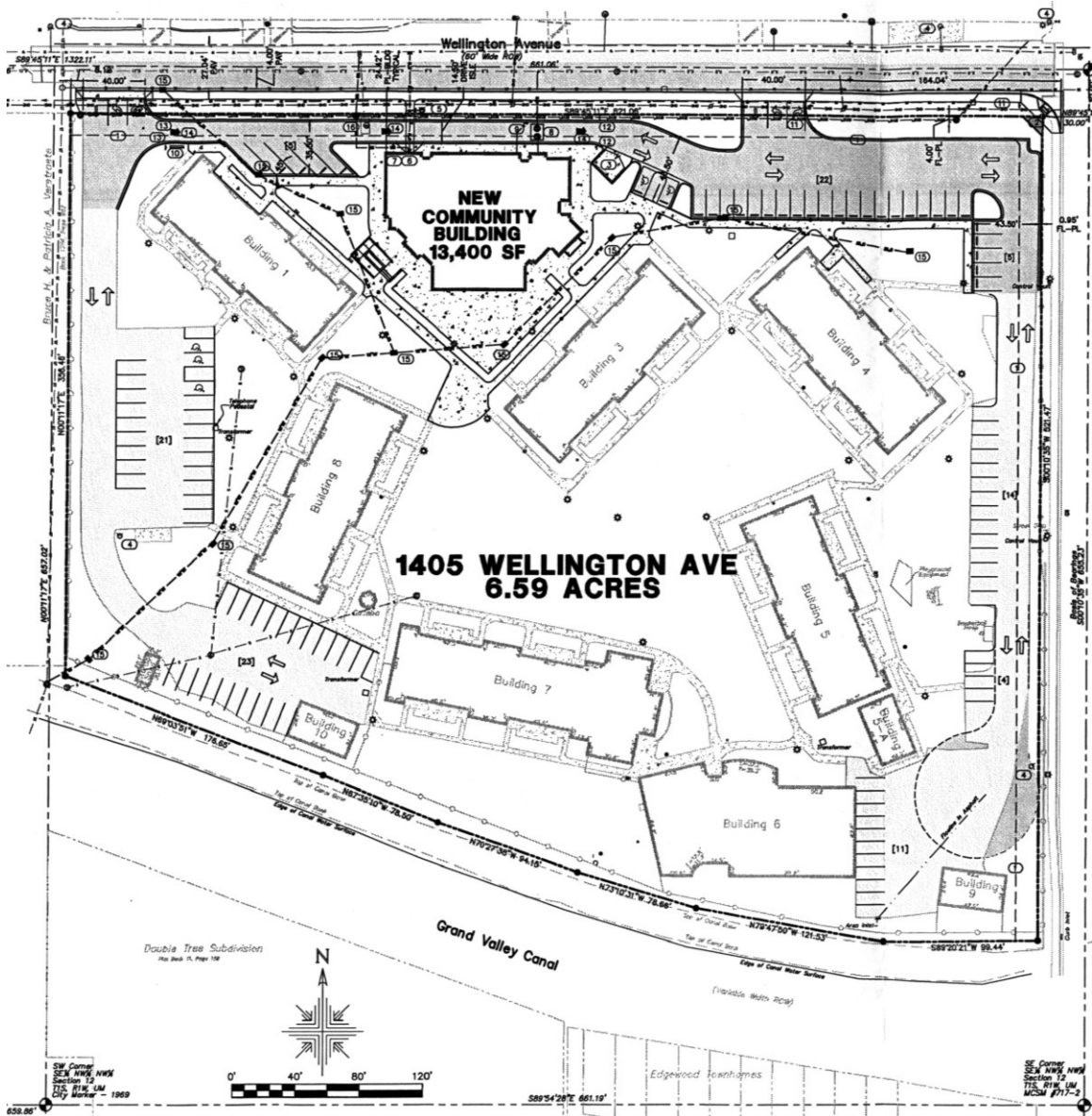
Future Land Use Map



Existing City Zoning



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



Hilltop Bacon Campus Site Plan

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING THE HILLTOP BACON CENTER LOCATED
AT 1405 WELLINGTON AVENUE
FROM RMF-8 TO RESIDENTIAL OFFICE (RO)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the property at 1405 Wellington Avenue RO finding that: 1) the RO zone district is consistent with and implements the land use category as shown on the Growth Plan Future Land Use Map (Residential Medium 4-8 units per acre); 2) is consistent with the Growth Plan's goals and policies; and 3) is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RO zone district be established.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT THE FOLLOWING PROPERTY SHALL BE ZONED RESIDENTIAL OFFICE
(RO):**

That part of Block 10 of Fairmont Subdivision, according to the plat recorded November 4, 1890 in Plat Book 1 at Page 19 of Mesa County Records lying north of the ROW of the Grand Valley Irrigation Company's canal; TOGETHER WITH the east 20 ft of the vacated road ROW adjacent to the West side of said Block 10 and lying north of the ROW of said canal; in the city of Grand Junction; EXCEPT a parcel of land for road and utility ROW purposes conveyed to City of Grand Junction by instrument recorded August 2, 1984 in Book 1504 at Page 660.

INTRODUCED on FIRST READING this ____ day of _____, 2007 and ordered published.

ADOPTED on SECOND READING this ____ day of _____, 2007.

President of Council

Attest:

City Clerk

Attach 14
Setting a Hearing on Vacating Mesa County Parking Lot Right-of-Way
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Mesa County Parking Lot Right-Of-Way Vacation –420 South 6 th Street					
Meeting Date	February 7, 2007					
Date Prepared	February 1, 2006				File #SPR-2006-192	
Author	Senta L. Costello		Associate Planner			
Presenter Name	Senta L. Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Request to vacate right-of-way located along the eastern boundary of South 6th Street.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage and publication of the proposed ordinance.

Background Information: See attached Staff report/Background information

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Zoning Map
4. Proposed Vacation Ordinance
5. Exhibit A

AGENDA TOPIC: Vacation of Public Right-of-Way, S 6th Street, Mesa County Parking Lot (SPR-2006-192).

ACTION REQUESTED: Vacation of Public Right of Way

BACKGROUND INFORMATION			
Location:		Adjacent to 420 S 6 th Street	
Applicants:		Owner/Applicant: Mesa County – Sue Gormley Representative: Integrated Construction Solutions – Dave Detwiler	
Existing Land Use:		Right-of-way	
Proposed Land Use:		Parking Lot	
Surrounding Land Use:	North	Janitorial Supplies	
	South	Lumber Yard	
	East	Office/Parking/New Meth Treatment Facility	
	West	Lighthouse Gospel Ministries	
Existing Zoning:		C-2	
Proposed Zoning:		C-2	
Surrounding Zoning:	North	C-1	
	South	C-2	
	East	C-1/C-2	
	West	C-2	
Growth Plan Designation:		Commercial	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request to vacate 944 square feet along the eastern side of the South 6th Street right-of-way.

RECOMMENDATION: Approval.

ANALYSIS

1. Background

The building on the site has been historically used for office space. The property was purchased by Mesa County in September 2000 and the building demolished in September 2006. The applicant plans on constructing a surface parking lot, with the potential of a parking garage in the future. The additional land gained through the vacated right-of-way will make the future parking garage a more achievable goal.

Fiscal Information

The Real Estate Department has determined the following information regarding the right-of-way. The area requesting to be vacated is 944 square feet and is valued at 50% of the value, as the area is being retained as a multi-purpose easement. The area equates to an estimated monetary value of \$4,500.00.

2. Consistency with the Growth Plan

This project is consistent with the following Goals and Policies of the Growth Plan:

- Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.
 - Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.
 - Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services (“leap-frog” development) will be discouraged.
- Goal 10: To retain valued characteristics of different neighborhoods within the community.
 - Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

3. Section 2.11.c of the Zoning and Development Code

Requests to vacate any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.
 - Vacating 944 square feet of the South 6th Street right-of-way is not in conflict with the Growth Plan, major street plan and other adopted plans and policies of the City
- b. No parcel shall be landlocked as a result of the vacation.
 - No parcels will be landlocked as a result of the vacation.
- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
 - Access to parcels in the area will not be affected by the vacation.
- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).
 - There will be no adverse impacts to the general community or the neighborhood.
- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.
 - Adequate public facilities and services will not be inhibited by the vacation.
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
 - The vacation will reduce maintenance requirements for public services.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the S 6th Street vacation application, SPR-2006-192 for the vacation of a public right-of-way, staff makes the following findings of fact and conclusions:

4. The requested right-of-way vacation is consistent with the Growth Plan.
5. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
6. The right-of-way as depicted on "Exhibit A" will be retained as a Multi-Purpose Easement.

STAFF RECOMMENDATION:

Staff recommends approval of the requested right-of-way vacation, SPR-2006-192 to the City Council with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwarded a recommendation of approval of the requested right-of-way, SPR-2006-192 to the City Council with the findings and conclusions listed above.

Attachments:

Vicinity Map / Aerial Photo
Growth Plan Map / Zoning Map
Ordinance
Vacation Exhibit

Site Location Map

Figure 1



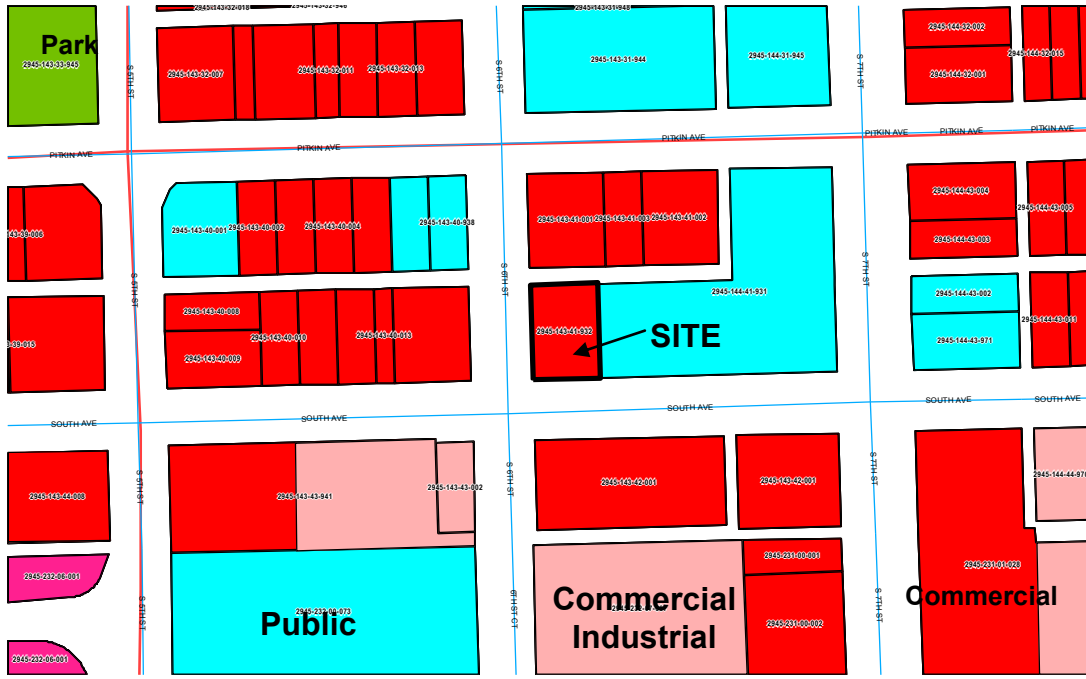
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY
FOR SOUTH 6TH STREET
LOCATED ADJACENT TO 420 SOUTH 6TH STREET
MESA COUNTY PARKING LOT**

RECITALS:

A vacation of the dedicated right-of-way for South 6th Street has been requested by the adjoining property owner.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The vacation area shall be retained as a multi-purpose easement.

The following right-of-way is shown on "Exhibit A" as part of this vacation.

Dedicated right-of-way to be vacated:

A portion of the ROW of South Sixth Street fronting Lot 30 of Block 149 in the City of Grand Junction, County of Mesa, State of Colorado, being more particularly described as follows: BEG at the SW COR of said Lot 30; thence along the extension of South line of said Lot 30, N89°51'34"W, a DIS of 7.48 ft; thence N00°01'27"E a DIS of 125.98 ft to the extension of the north line of said Lot 30; thence N89°50'18"E a DIS of 7.51 ft to the NW COR of said Lot 30; thence S00°02'11"W at DIS of 125.98 ft to the POB.

Containing 944 sq ft, more or less.

Introduced for first reading on this ____ day of _____, 2007

PASSED and ADOPTED this _____ day of _____, 2007.

ATTEST:

President of City Council

City Clerk

Attach 15
Setting a Hearing on Vacating a Right-of-Way Adjacent to 2953 Highway 50
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Right-of-Way Vacation – 2953 Highway 50					
Meeting Date		January 17, 2007					
Date Prepared		December 27, 2006			File #VR-2006-307		
Author		Ronnie Edwards		Associate Planner			
Presenter Name		Ronnie Edwards		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: A request to vacate the cul-de-sac bulb located in Buena Vista Drive adjacent to 2953 Highway 50.

Budget: N/A

Action Requested/Recommendation: Introduction of Proposed Ordinance and Set a Hearing for February 21, 2007.

Background Information: See attached.

Attachments:

1. Site/Aerial Map
2. Future Land Use/Zoning Map
3. Ordinance/Exhibit Map
4. Multi-purpose Easement Conveyance/Exhibit Map

BACKGROUND INFORMATION				
Location:		2953 Highway 50		
Applicants:		City of Grand Junction		
Existing Land Use:		Right-of-Way		
Proposed Land Use:		Residential/Multi-purpose Easement		
Surrounding Land Use:	North	Residential Single Family		
	South	Residential Single Family		
	East	Residential Single Family		
	West	Residential Single Family		
Existing Zoning:		County RSF-R		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	County RSF-R		
	South	City RSF-4		
	East	County RSF-R		
	West	County RSF-R		
Growth Plan Designation:		Residential Medium-Low (2-4 du/ac)		
Zoning within density range?		N/A	Yes	No

PROJECT DESCRIPTION: The proposal is to vacate the cul-de-sac bulb adjacent to Buena Vista Drive, retaining the area as a multi-purpose easement, and obtaining a 10' multi-purpose easement adjacent to Buena Vista Drive from the vacated area to Highway 50.

ANALYSIS:

1. Background:

The applicant proposes to vacate a portion of the right-of-way, which is the bulb portion of an offset cul-de-sac, leaving the remainder of the road right-of-way for what is now the constructed Buena Vista Drive. The road was originally platted, but not constructed, as a stub with a cul-de-sac turnaround to Orchard Mesa Irrigation District property. The property was sold to a developer and annexed as part of Red Tail Ridge Filing One development in 2003. The subject area is presently part of the front yard

of 2953 Highway 50 and contains an encroachment of an accessory structure associated with the single family residence. The proposed vacation will not affect the current infrastructure configuration. The adjacent property owner will be required to dedicate a 10' multi-purpose easement adjacent to Buena Vista Drive from the subject area to Highway 50 to resolve some minor encroachment for the roadway prism slope. The bulb portion of the offset cul-de-sac will be retained as a multi-purpose easement, as it has not been determined by the applicant or the property owner whether there are existing utility service lines in subject area.

2. Consistency with the Growth Plan:

Policy 10.2 states that the City will consider the needs of the community at large and the needs of the individual neighborhoods when making development decisions.

3. Section 2.11.c of the Zoning and Development Code:

Requests to vacate any public right-of-way or easement must conform to all of the following:

g. The Growth Plan, major street plan and other adopted plans and policies of the City.

Granting the right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

h. No parcel shall be landlocked as a result of the vacation.

No parcel will be landlocked by the requested vacation as the adjacent property will continue to have direct access from Buena Vista Drive. The subject area will be retained as a multi-purpose easement.

i. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Access to the adjoining parcel will not be restricted to the point where access is unreasonable, economically prohibitive nor will it reduce or devalue any property.

j. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities

and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced.

k. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

Provision of adequate public facilities and services will not be inhibited to any property. The bulb portion of the offset cul-de-sac will be retained as a multi-purpose easement and a 10' multi-purpose easement will be dedicated to resolve some minor encroachment for the roadway prism slope from the subject area to Highway 50.

l. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

This proposal provides a benefit to the City as the vacated area will become the responsibility of the owner of the abutting property for maintenance. The City will benefit by retaining the subject area as a multi-purpose easement, as well as a 10' multi-purpose easement adjacent to Buena Vista Drive for public use.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the right-of-way Vacation application, VR-2006-307, for the vacation of the cul-de-sac bulb adjacent to Buena Vista Drive, City Council makes the following findings of fact and conclusions:

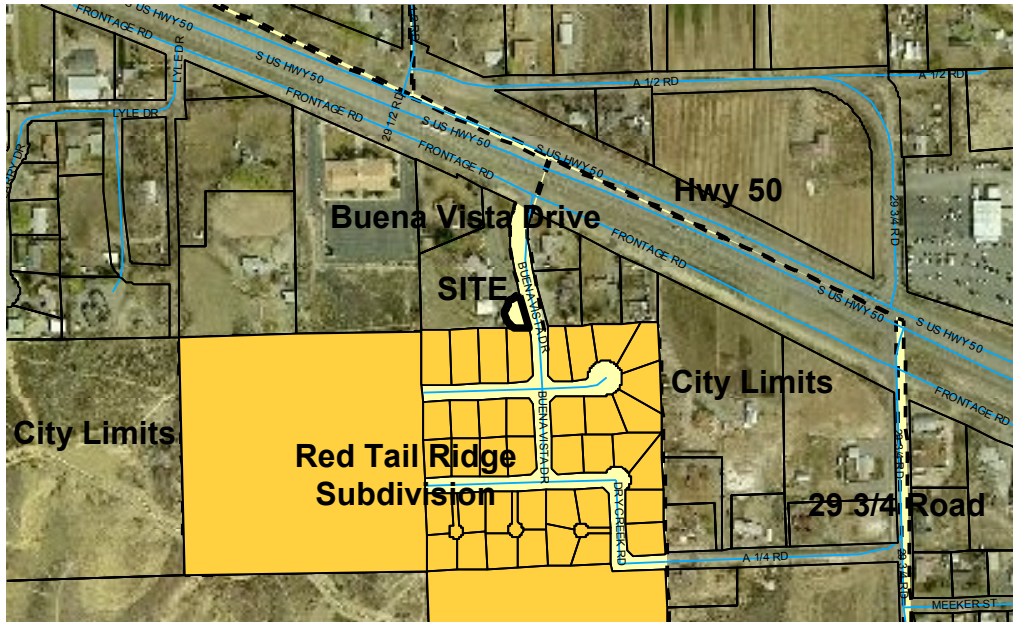
1. The requested right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
3. The subject area being vacated will be retained as a multi-purpose easement.
4. A 10' multi-purpose easement will be dedicated to the City to resolve a minor encroachment for the roadway prism slope.

PLANNING COMMISSION RECOMMENDATION:

At their January 9, 2007 hearing, Planning Commission recommended approval of the Right-of-Way Vacation request.

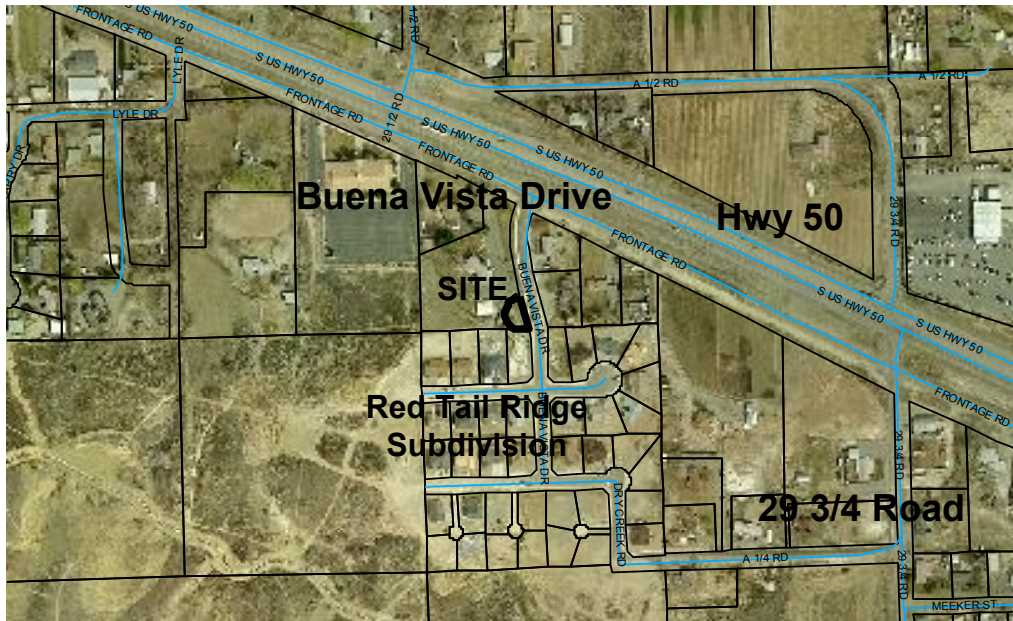
Site Location Map

Figure 1



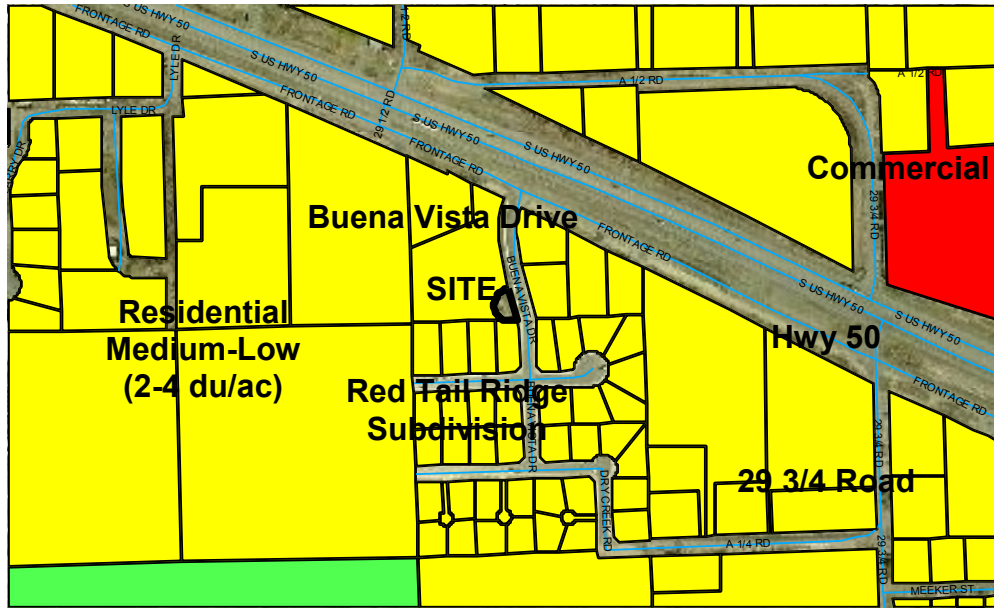
Aerial Photo Map

Figure 2



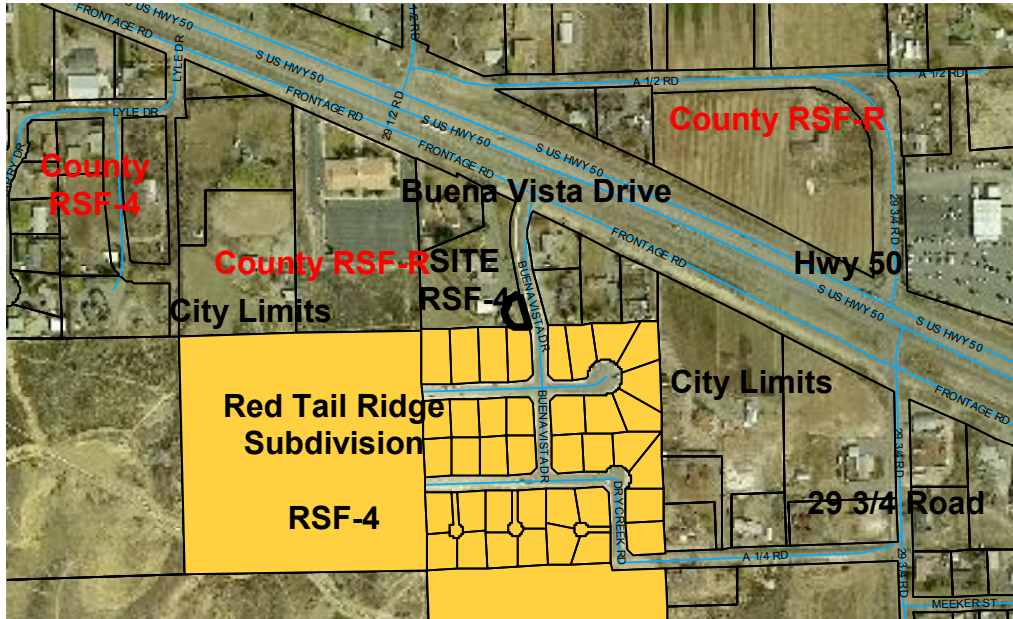
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY
LOCATED ADJACENT TO 2953 HIGHWAY 50
IN BUENA VISTA DRIVE**

Recitals:

A request to vacate the bulb portion of an offset cul-de-sac adjacent to 2953 Highway 50 has been submitted to the City of Grand Junction. The City will reserve and retain the area by incorporating said area into a Multi-Purpose Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated. The adjacent property owner will be required to dedicate a 10' multi-purpose easement adjacent to Buena Vista Drive from the subject area to Highway 50 to resolve a minor encroachment for the roadway prism slope.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain the area in a Multi-Purpose Easement, on, along, over, under, through and across the entire area of the hereinafter described right-of-way adjacent to 2953 Highway 50, as well as obtaining a 10' multi-purpose easement adjacent to Buena Vista Drive from the subject area to Highway 50.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. The following described right-of-way is hereby vacated:

EXHIBIT A

A parcel of land situate within the Re-plat of Buena Vista Subdivision adjacent to Lot 3 as recorded in Plat Book 9 at Page 167 of the Mesa County records, being more particularly described as follows:

Commencing at the C-S 1/16 corner of Section 32, Township 1 South, Range 1 East of the Ute Meridian, the basis of bearing being N89°31'13"E to the SE 1/16 corner of said Section 32; thence N00°02'06"W a distance of 657.71 feet to the southwest corner of

said Lot 3; thence N89°35'19"E a distance of 299.30 feet along the south line of said Lot 3 to the point of beginning, being the south corner of said Cul-de-sac to be vacated; thence along the arc of a non-tangent curve to the right 157.08 feet, having a central angle of 114°35'30" and a radius of 50.00 feet, the chord of which bears N09°24'41"W a distance of 100.00 feet; thence S09°24'41"E a distance of 100.00 feet along said chord to the point of beginning. Said parcel contains 3927 square feet, more or less.

2. The City hereby reserves and retains the said area in a Multi-Purpose Easement on, long, over, under, through and across the entire area of the above described right-of-way, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a Multi-Purpose Easement for the installation, operation, maintenance, repair and replacement of existing and future utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation, maintenance, repair and replacement of traffic control facilities. Street lighting, landscaping, trees and grade structures, as approved by the City, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

Introduced for first reading on this _____ day of _____, 2007

PASSED and ADOPTED this _____ day of _____, 2007

ATTEST:

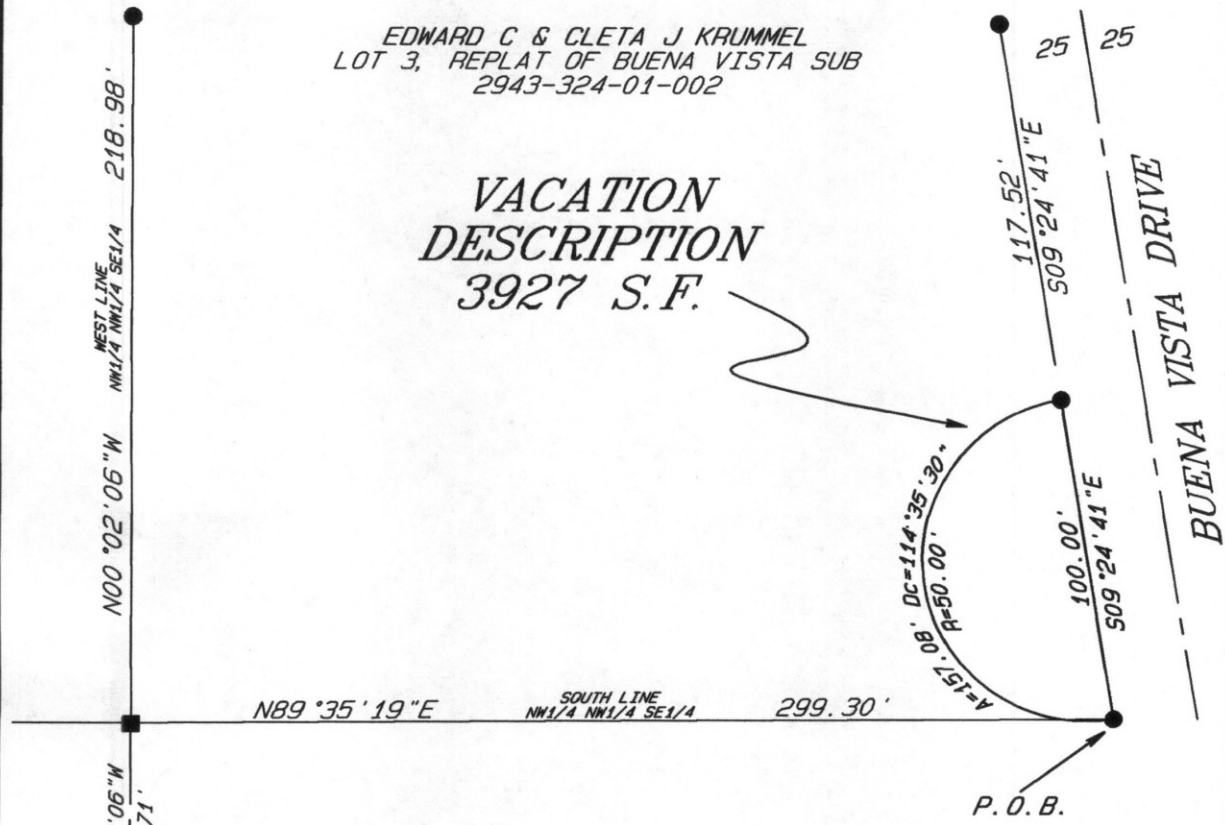
President of City Council

City Clerk

EXHIBIT A

EDWARD C & CLETA J KRUMMEL
LOT 3, REPLAT OF BUENA VISTA SUB
2943-324-01-002

VACATION
DESCRIPTION
3927 S.F.



SCALE 1" = 100'

D H SURVEYS INC.
(970) 245-8749
JOB #665-02-01

GRANT OF MULTI-PURPOSE EASEMENT

Edward C. Krummel and Clela J. Krummel, Grantors, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to the **City of Grand Junction, a Colorado home rule municipality, Grantee**, whose address is 250 North 5th Street, Grand Junction, Colorado 81501, a Perpetual Multi-Purpose Easement for the use and benefit of Grantee and for the use and benefit of the Public Utilities, as approved by Grantee, as a perpetual easement for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, as approved by Grantee, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also for the installation, operation maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, as approved by Grantee, on, along, over, under, through and across the following described parcel of land, to wit:

A certain multi-purpose easement Located in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, Township 1 South, Range 1 East, Ute Principal Meridian, County of Mesa, State of Colorado being more particularly described as follows:

The East 10.00 feet of a portion of Lot 3, Replat of Buena Vista Subdivision Except Lots 1 & 2 recorded in Plat Book 9, Page 167 of the Mesa County, Colorado public records.

Lying north of the right-of-way of the 50.00 foot cul-de-sac of Buena Vista Drive.

Said easement containing 2,536 square feet more or less as described herein and depicted on "**Exhibit A**" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery, the said Grantors hereby covenanting with Grantee that the Easement area shall not be burdened or overburdened by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of Grantee and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area, the said Grantors hereby further covenanting with Grantee that Grantors have good title to the aforescribed premises; they have good and lawful right to grant this Easement; that they will warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Executed and delivered this _____ day of _____, 2007.

Edward C. Krummel

Cleta J. Krummel

State of Colorado)
)ss.
County of Mesa)

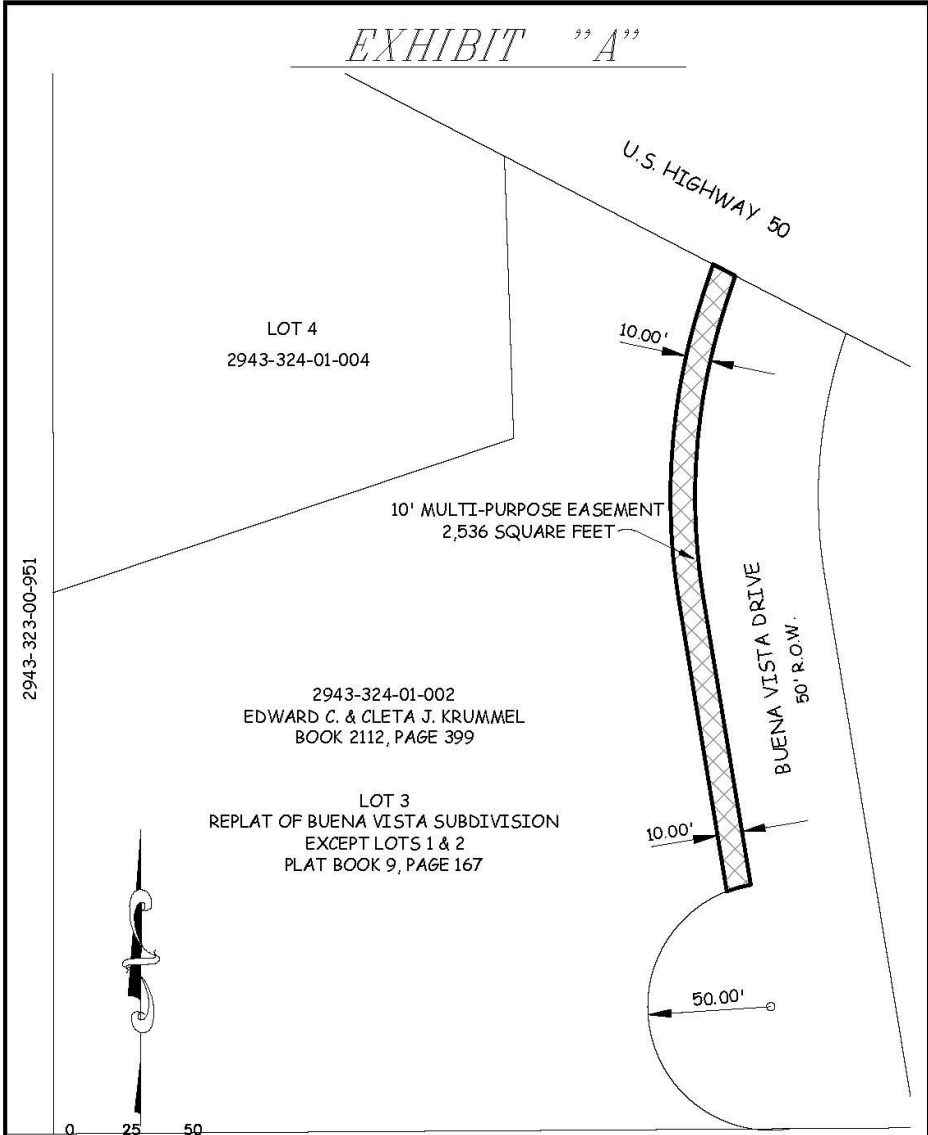
The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by Edward C. Krummel and Cleta J. Krummel.

My commission expires _____.

Witness my hand and official seal.

Notary Public

EXHIBIT "A"



2943-323-00-951

LOT 4
2943-324-01-004

10' MULTI-PURPOSE EASEMENT
2,536 SQUARE FEET

2943-324-01-002
EDWARD C. & CLETA J. KRUMMEL
BOOK 2112, PAGE 399

LOT 3
REPLAT OF BUENA VISTA SUBDIVISION
EXCEPT LOTS 1 & 2
PLAT BOOK 9, PAGE 167

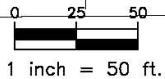
10.00'

10.00'

50.00'

BUENA VISTA DRIVE

50' R.O.W.



1 inch = 50 ft.

RED TAIL RIDGE SUBDIVISION
BOOK 3710, PAGES 279 & 280

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



DRAWN BY: T.L.P.
DATE: 9-16-2006
SCALE: 1" = 50'
APPR. BY: PTX

2943-324-01-002

10' MULTI-PURPOSE EASEMENT TO
THE CITY OF GRAND JUNCTION

CITY OF
Grand Junction
COLORADO

Attach 16

Setting a Hearing on Vacating a Portion of the Public Right-of-Way, River Run Subdivision

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Vacation of Public Right-of-Way, River Run Subdivision					
Meeting Date	January 17, 2007					
Date Prepared	January 5, 2007				File # FP-2006-301	
Author	Lori V. Bowers			Senior Planner		
Presenter Name	Lori V. Bowers			Senior Planner		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: Request to vacate the north 10 feet of a portion of D Road, abutting and lying south of Lot 1, Junction East Subdivision, (the site of the proposed River Run Subdivision) the physical address for which is 3060 D Road, consisting of 0.083 acres of land.

Budget: There is no impact to the budget due to this being unimproved right-of-way.

Action Requested/Recommendation: Introduce the proposed ordinance and set a public hearing date of February 7, 2007, for adoption of the ordinance. The Planning Commission at their January 9th meeting recommended that the Council approve the vacation of the excess right-of-way.

Attachments:

- Staff Report
- Vicinity Map/Aerial Photo
- Future Land Use Map/Zoning Map
- Ordinance
- Exhibit "A"

Background Information: See attached Staff Report

ANALYSIS:

1. Background: The property was annexed into the City as the Theobold Annexation, in August of 2005. The annexation area consisted of 4.41 acres of land and was zoned RMF-8 upon annexation. The River Run Subdivision consists of one parcel located at 3060 D Road (Lot 1, Junction East Subdivision). The applicants received approval for a 22-lot single-family residential subdivision in October 2005. Vacation of the adjacent right-of-way was not discussed during the preliminary review of this subdivision. During preparation of the final plat for review, the applicants had discussions with the City Engineering Staff and discussed the requirements for the typical D Road cross section. The typical cross section for D Road requires only forty (40') feet of right-of-way. Fifty feet (50') of right-of-way exists in this area, therefore the applicants request consideration of the vacation of ten (10') feet of right-of-way adjacent to their proposed subdivision, as shown on Exhibit A. If the vacation of right-of-way is granted, forty feet (40') of right-way is adequate for the proposed design of D Road in this area. The D Road design consists of two drive lanes with a third center lane for turning, as well as a detached pedestrian path.

2. Consistency with the Growth Plan: The proposed subdivision and existing zoning of RMF-8, is consistent with the Future Land Use designation of Residential Medium and therefore is consistent with the Growth Plan. The vacation of excess right-of-way does not affect the recommended density of this site.

3. Section 2.11.c of the Zoning and Development Code

Requests to vacate any public right-of-way or easement must conform to all of the following:

m. The Growth Plan, major street plan and other adopted plans and policies of the City.

The Growth Plan is not affected by the vacation of excess right-of-way nor does it affect the recommended densities for surrounding properties. D Road is classified as a minor arterial and 40 feet of right-of-way is what is required for this portion of the road.

n. No parcel shall be landlocked as a result of the vacation.

No parcels will be landlocked due to the vacation of the additional right-of-way. The requested area to be vacated will be integrated into the approved River Run Subdivision which will provide its own public streets for access to the development.

- o. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

There are no restricted access issues with this request since the actual alignment of D Road is already in place. There is no schedule at this time in the Capital Improvements Projects for improvements to D Road.

- p. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There are no identifiable adverse impacts that would result from vacating this right-of-way. The need for public facilities and services in this area can be situated in the existing D Road right-of-way as it is improved.

- q. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

Existing and future public facilities and services would not be inhibited to this or any other nearby property. The River Run Subdivision will be extending necessary facilities and services north of D Road through Allison Way and Kalinda Trail, which will connect to Morning Dove Court, in the Parkwood Estates Subdivision, Filing Two.

- r. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The elimination of an unused and unbuilt right-of-way along D Road will relieve the City of any responsibility for managing or maintaining this right-of-way.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the River Run Subdivision application, FP-2006-301 for the vacation of a public right-of-way, staff and the Planning Commission make the following findings of fact and conclusions:

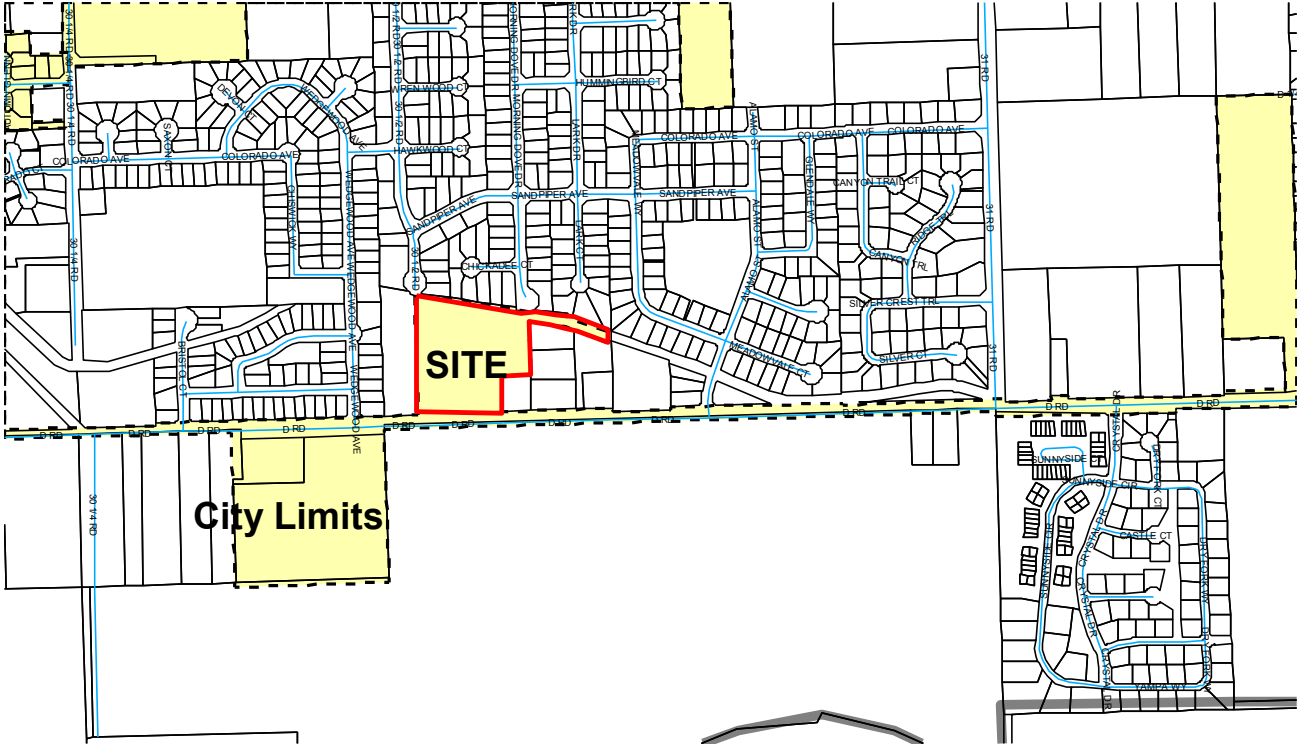
7. The requested right-of-way vacation is consistent with the Growth Plan.
8. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwards a recommendation of approval of the requested right-of-way vacation; file number FP-2006-301 to the City Council with the findings and conclusions listed above.

Site Location Map

3060 D Road – ROW vacation



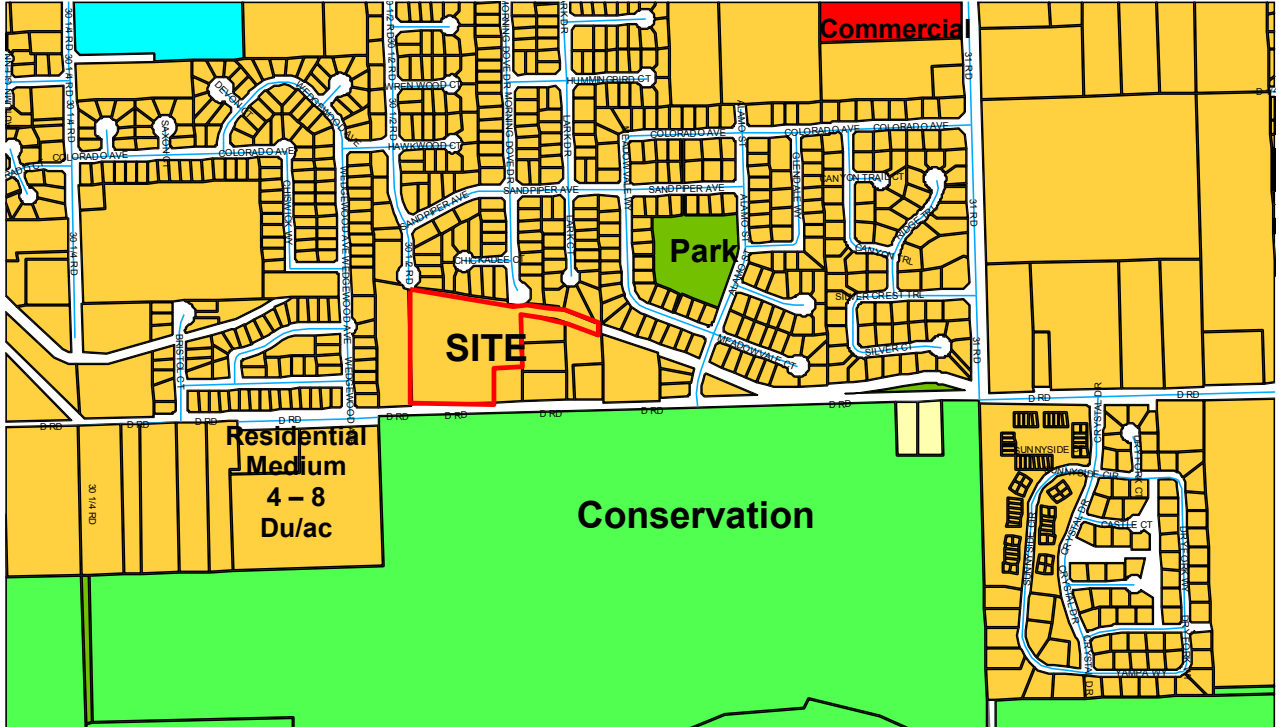
Aerial Photo Map

3060 D Road – ROW vacation



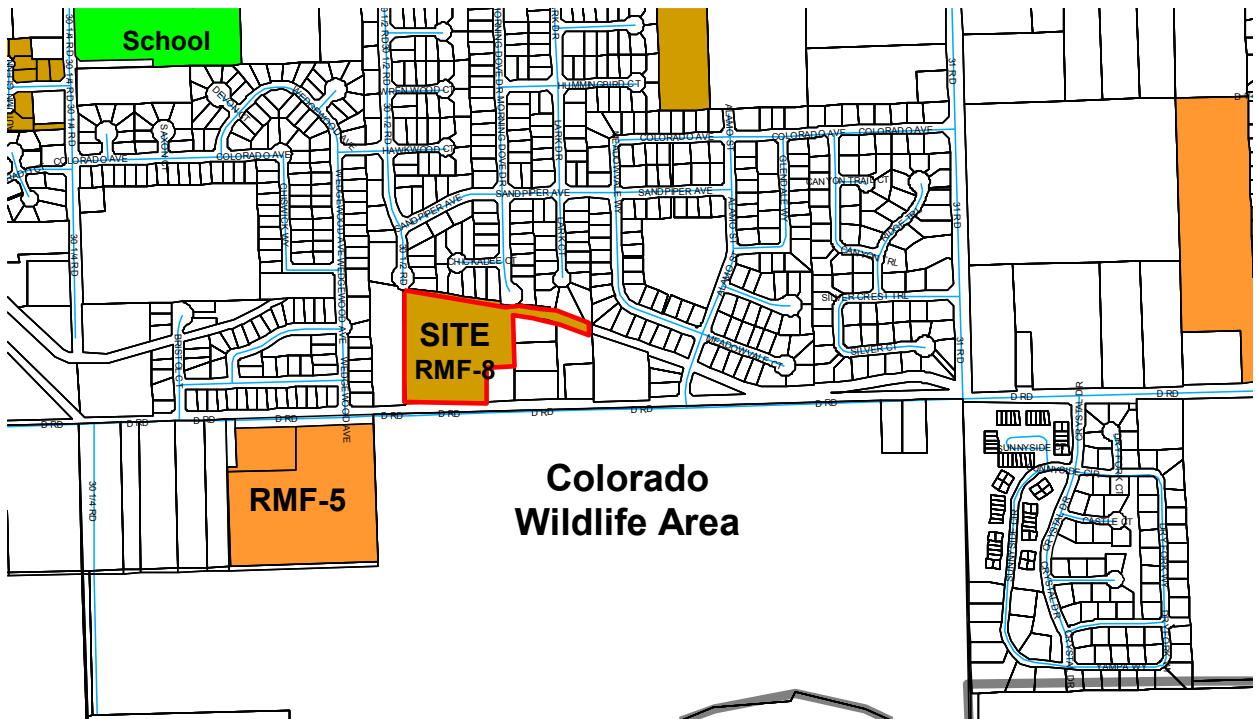
Future Land Use Map

3060 D Road – ROW vacation



Existing City and County Zoning

3060 D Road – ROW vacation



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF THE D ROAD RIGHT-OF-WAY
ADJACENT TO THE RIVER RUN SUBDIVISION
LOCATED AT 3060 D ROAD**

RECITALS:

A vacation of the dedicated right-of-way has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated right-of-way for River Run Subdivision is hereby vacated subject to the listed conditions:

3. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The vacated Right-of-Way, in its entirety be retained as a multi-purpose easement.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

The north 10 feet of that part of D Road, abutting and lying south of Lot 1 of Junction East Subdivision, according to the Plat thereof recorded in Plat Book 12, Page 263 of the records in the Mesa County Clerk and Recorder. Situated in the SW ¼ of the SE ¼ of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and more fully described as follows;

Beginning at the southwesterly corner of said Lot 1, which bears N 89° 55'25" E, 150.00 feet and N 00°03'35" E, 50.00 feet from the S ¼ corner of said Section 16 and

considering the south line of the SW ¼ of the SE ¼ of said Section 16 to bear N 89°55'25" E, with all other bearings contained herein relative thereto;

1. Thence N 89° 55'25" E, 361.10 feet;
2. Thence S 01° 41'35" W, 10.00 feet;
3. Thence S 89° 55'25" W, 360.81 feet;
4. Thence N 00° 03'35" E, 10.00 feet to the point of beginning.

Portion of D Road, as described above contains 0.083 acres more or less.

Introduced for first reading on this _____ day of _____, 2007

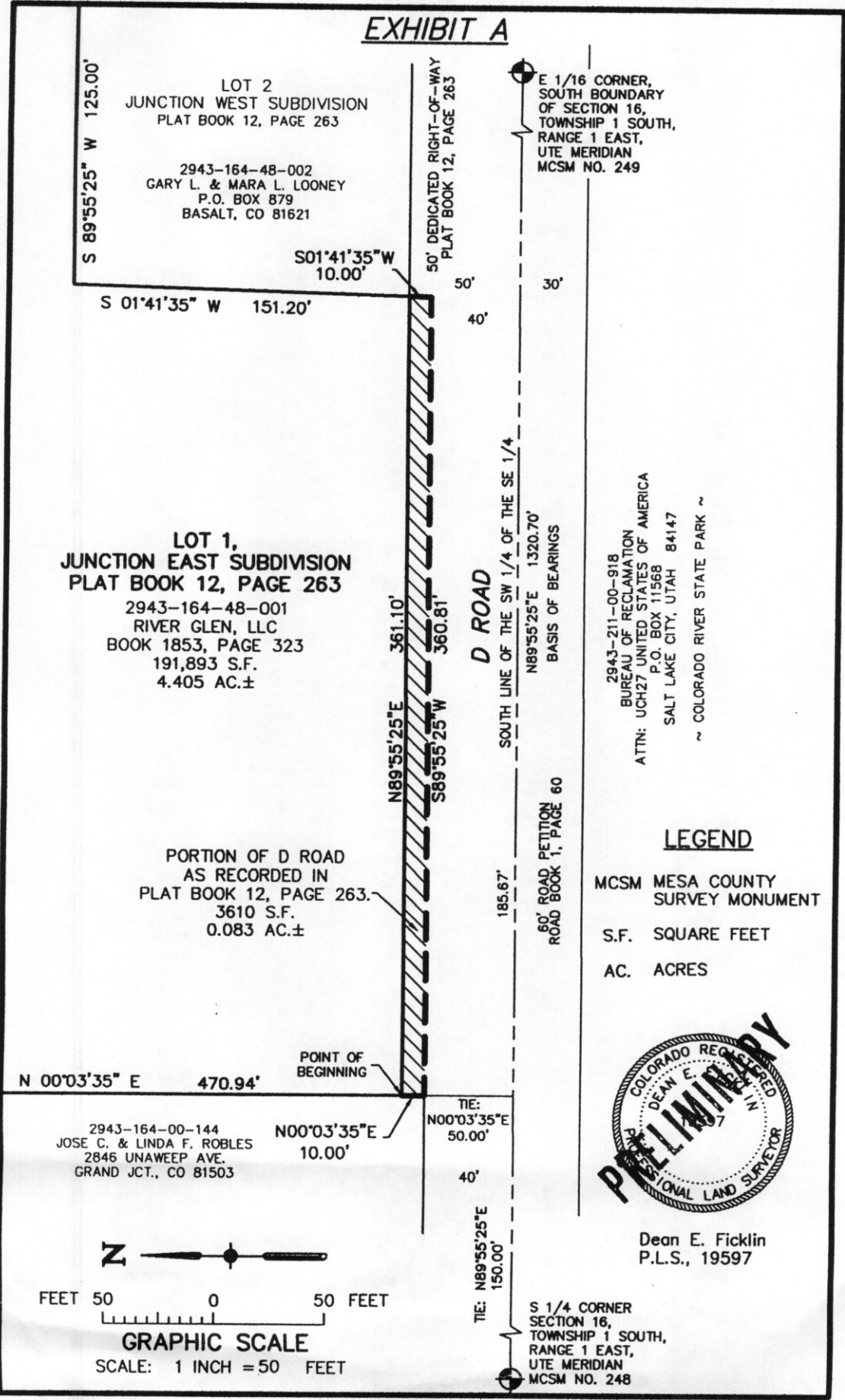
PASSED and ADOPTED this _____ day of _____, 2007.

ATTEST:

President of City Council

City Clerk

EXHIBIT A



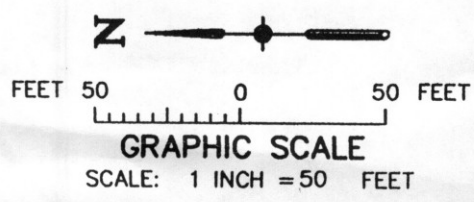
2943-211-00-918
 BUREAU OF RECLAMATION
 ATTN: UCH27 UNITED STATES OF AMERICA
 P.O. BOX 11568
 SALT LAKE CITY, UTAH 84147
 ~ COLORADO RIVER STATE PARK ~

LEGEND

- MCSM MESA COUNTY SURVEY MONUMENT
- S.F. SQUARE FEET
- AC. ACRES



Dean E. Ficklin
 P.L.S., 19597



S 1/4 CORNER
 SECTION 16,
 TOWNSHIP 1 SOUTH,
 RANGE 1 EAST,
 UTE MERIDIAN
 MCSM NO. 248

Attach 17
DDA Tax Increment Funding Ballot Issue
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		DDA Tax Increment Funding Ballot Issue				
Meeting Date		January 17, 2007				
Date Prepared		January 10, 2007			File #	
Author		Harold Stalf		DDA Executive Director		
Presenter Name		Harold Stalf		DDA Executive Director		
Report results back to Council		<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Downtown Development Authority is requesting Council approval to submit to the qualified (downtown) electors at the April 3, 2007 special municipal election, a ballot question authorizing the issuance of bonds by the City or Grand Junction to finance development projects within the DDA boundaries.

Budget: The cost of this small in-house election is estimated at \$4,200, to be paid for out of the TIF fund.

Action Requested/Recommendation: Approval to place the TIF Bonding Resolution on the April 3rd special mail ballot election.

Attachments:

DDA Resolution
 City Resolution

Background Information: The original TIF (Tax Increment Financing) authorization was adopted in 1981 with funding commencing in 1982. Due to the economic factors of the local economy at the time, little was realized from this program for nearly a decade. Given the “sunset” provision by the State of Colorado on this funding source at twenty-five years, an extension was ushered through the State Legislature in 2002 permitting a five year extension which was approved by the eligible downtown electorate in November, 2004. However, when attempting to issue bonds for the purpose of capital investment in downtown, bond counsel recommended that the TABOR language authorizing the issuance of debt was vague and therefore needed to have that aspect of the question reaffirmed with the voters.

This resolution will set an election of the downtown electorate for April, 3 2007 to consider the authorization of specific debt instruments for this purpose. Approval will not result in a tax increase for downtown property owners, nor would disapproval result in a decrease. The diversion of funds to focus on downtown capital improvements through 2012 was approved in 2004 and remains valid. However, the question of debt needs to be reaffirmed.

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF THE GRAND JUNCTION
DOWNTOWN DEVELOPMENT AUTHORITY SUBMITTING TO THE
QUALIFIED ELECTORS OF THE GRAND JUNCTION DOWNTOWN
DEVELOPMENT AUTHORITY, AT AN ELECTION TO BE HELD ON
APRIL 3, 2007, A BALLOT QUESTION AUTHORIZING THE ISSUANCE
OF BONDS BY THE CITY OF GRAND JUNCTION TO FINANCE
DEVELOPMENT PROJECTS PURSUANT TO THE GRAND JUNCTION
DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT**

WHEREAS, the Grand Junction Downtown Development Authority (the "Authority"), is a duly organized and existing Downtown Development Authority under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the Board of the Authority (the "Board") have been duly appointed and qualified; and

WHEREAS, the City Council (the "Council") of the City of Grand Junction, Colorado (the "City") has heretofore approved the Plan of Development (the "Plan") for the Authority; and

WHEREAS, the interest of the Authority and the public interest and necessity demand and require the financing of certain development projects described in the Plan (the "Projects"); and

WHEREAS, Section 31-25-809, C.R.S., authorizes the City to issue bonds, payable solely from tax increment revenues generated by properties within the boundaries of the Authority, to pay all or any part of the cost of the Projects; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval in advance for the creation of any debt by the City; and

WHEREAS, the Plan contemplates the use of tax increment financing as provided in Section 31-25-807(3), C.R.S., to finance the costs of the Projects; and

WHEREAS, pursuant to Section 31-25-807(3)(b), C.R.S., the Board may call an election on the question of issuing bonds or otherwise providing for loans, advances or indebtedness ("Financial Obligations") and pledging the tax increment revenues to the payment of such Financial Obligations; and

WHEREAS, it is contemplated by the Board that Financial Obligations will be incurred, and tax increment revenues pledged for the payment thereof, over the period of time that the use of tax increment financing is available to the Authority; and

WHEREAS, the estimated cost of the Projects is approximately \$18,000,000; and

WHEREAS, TABOR requires that ballot issue elections (as defined in TABOR) be held on certain specified election days; and

WHEREAS, April 3, 2007 is the City's regular election and one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

WHEREAS, the Board desires to call an election to be held on April 3, 2007, subject to approval by the Council, as provided in Section 31-25-807(3)(b), C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY, IN THE CITY OF GRAND JUNCTION AND STATE OF COLORADO:

All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council, the Authority Board, or the officers of the Authority or the City, directed toward the Election and the objects and purposes herein stated are hereby ratified, approved and confirmed. All terms used herein and not otherwise defined shall have the meanings set forth in Title 31, Article 25, Part 8, C.R.S. (the "DDA Act"), Title 31, Article 10 (the "Municipal Election Code") or TABOR.

Pursuant to TABOR, the Municipal Election Code and the DDA Act, the Board hereby calls for an election for the Authority on April 3, 2007 (the "Election"). The Board hereby determines that at the Election there shall be submitted to the qualified electors of the Authority the question set forth in Section 3 hereof. The Authority hereby determines that, upon approval by the Council, the City Clerk shall conduct the election on behalf of the Authority and act as the designated election official.

The Board hereby authorizes and directs the designated election official to submit to the qualified electors of the Authority at the Election a question in substantially the following form:

"SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$18,000,000 WITH A REPAYMENT COST OF \$20,000,000, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD

SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW; AND IF THIS QUESTION IS APPROVED, THE AUTHORITY TO ISSUE DEBT PURSUANT TO BALLOT ISSUE 5T AT THE CITY'S NOVEMBER 2, 2004 ELECTION SHALL BE OF NO FURTHER EFFECT?"

The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

If a majority of the votes cast on the question of increasing City debt for the purposes specified in the Plan submitted at the Election shall be in favor of same, the City, acting on behalf of the Authority, shall be authorized to proceed with the necessary action to comply with such question.

Any authority to increase City debt, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase City debt, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

If any section, subsection, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this Resolution, the intent being that the same are severable.

All orders, resolutions, bylaws, ordinances or regulations of the Authority, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this January 11, 2007.

Chairperson

(SEAL)

Attest:

Secretary

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 GRAND JUNCTION DOWNTOWN)
 DEVELOPMENT AUTHORITY)

I, Diane Keliher, the duly chosen, qualified and acting Secretary to the Grand Junction Downtown Development Authority (the "Authority"), Mesa County, Colorado, do hereby certify that:

The foregoing pages are a true, perfect and complete copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the Authority at a regular meeting of the Board held at the regular meeting place of the Board on Thursday, January 11, 2007.

The Resolution was duly moved and seconded, and the Resolution was finally adopted at the meeting of January 11, 2007, by an affirmative vote of a majority of the members of the Board as follows:

<u>Boardmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Karen Vogel				
Scott Howard				
Harry Griff				
Jim Doody				
Steve Thoms				
Bill Keith				
Peggy Page				
Doug Simons				
Bill Wagner				

The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

The Resolution was approved and authenticated by the signature of the Chairperson of the Board, sealed with the Authority seal, attested by the Secretary and recorded in the minutes of the Board.

There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

Notice of the meeting of January 11, 2007 in the form attached hereto as Exhibit A was posted not less than 24 hours prior to the meeting in accordance with law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Authority this January __, 2007.

(SEAL)

Secretary to the Board of Directors of the
Grand Junction Downtown Development
Authority

EXHIBIT A

(Attach Copy of Meeting Notice)

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GRAND
JUNCTION APPROVING THE DOWNTOWN DEVELOPMENT
AUTHORITY'S CALL FOR AN ELECTION TO BE HELD FOR THE
PURPOSE OF SUBMITTING A PROPOSED BALLOT MEASURE TO
THE QUALIFIED ELECTORS OF THE DOWNTOWN DEVELOPMENT
AUTHORITY DISTRICT AND AUTHORIZING A MAIL BALLOT
ELECTION**

WHEREAS, the City of Grand Junction, in the Colorado (the "City"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires that ballot issue elections (as defined in TABOR) be held on certain specified election days; and

WHEREAS, April 3, 2007 is the City's regular election and one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, it is the desire of the City to conduct an independent mail ballot election within the Grand Junction Downtown Development Authority (the "Authority") district on the election date; and

WHEREAS, pursuant to Article II, Section 25 of the Charter, for the purposes of participating in a mail ballot election, the City shall be governed by all applicable provisions of the Municipal Election Code, being Article 10 of Title 31, C.R.S., and the Mail Ballot Election Act, being Article 7.5 of Title 1, C.R.S.; and

WHEREAS, at its regular meeting on January 11, 2007 the Board of Directors of the Authority, by resolution attached as Exhibit A, called for an election (the "DDA Election") of the qualified electors of the for the purpose of submitting to the electors a question regarding the issuance of debt by the City to finance development projects in furtherance of the Authority plan of development; and

WHEREAS, Section 31-25-807(3)(b), C.R.S. requires approval by the City Council for such DDA Election; and

WHEREAS, Section 31-25-807(3)(b), C.R.S., requires that the DDA Election be held and conducted in the manner prescribed by law for the holding and conducting of other regular or special elections in the municipality; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GRAND JUNCTION as follows:

All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Title 31, Article 25, Part 8, C.R.S. (the "DDA Act"), the Municipal Election Code, the Mail Ballot Election Act, and TABOR.

Pursuant to the applicable laws of the State of Colorado, the Council hereby determines that at the City's regular election to be held on April 3, 2007, there shall be submitted to the qualified electors of the Authority the question set forth in Section 3 below.

The Council hereby authorizes and directs the designated election official to submit to the qualified electors of the Authority, at the election a question in the substantially the following form:

"SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$18,000,000 WITH A REPAYMENT COST OF \$20,000,000, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW; AND IF THIS QUESTION IS APPROVED, THE AUTHORITY TO ISSUE DEBT PURSUANT TO BALLOT ISSUE 5T AT THE CITY'S NOVEMBER 2, 2004 ELECTION SHALL BE OF NO FURTHER EFFECT?"

The City Clerk is hereby appointed as the Designated Election Official for the City for purposes of performing acts required or permitted by law in connection with the election.

The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section,

subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this _____ day of _____,
2007.

(SEAL)

CITY OF GRAND JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the "City") and Clerk to the City Council of the City (the "Council"), do hereby certify that:

The foregoing pages are a true, correct and complete copy of a resolution (the "Resolution") which was adopted and approved by the Council at a regular meeting thereof held on January 17, 2007 which Resolution has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

The Resolution was duly adopted and approved at the meeting of January 17, 2007, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Jim Doody				
Bonnie Beckstein				
Bruce Hill				
Gregg Palmer				
Jim Spehar				
Teresa Coons				
Doug Thomason				

The members of the Council were present at such meetings and voted on the passage of such Resolution as set forth above.

The Resolution was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Resolution.

Notice of the meeting of January 17, 2007 in the form attached hereto as Exhibit A was posted at City Hall in accordance with law.

WITNESS my hand and the seal of the City affixed this ____ day of _____, 2007.

City Clerk and Clerk to the Council

(SEAL)

EXHIBIT A

(Attach Notice of Meeting of January 17, 2007)

Attach 18
Public Hearing – Referring Charter Amendments
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Ballot Titles for Charter Amendments					
Meeting Date	January 17, 2007					
Date Prepared	January 3, 2007				File #	
Authors	Stephanie Tuin John Shaver			City Clerk City Attorney		
Presenters Name	John Shaver			City Attorney		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City Council reviewed the proposed Charter amendments and directed City Staff to draft the ballot questions for the April 3, 2007 regular municipal election.

Budget: The additional printing cost on the ballot and then the reprinting of City Charter.

Action Requested/Recommendation: Consider final passage and final publication of the proposed ordinance.

Attachments: Proposed ordinance

Background Information:

The last significant Charter amendments took place in April, 1987. The majority of the changes proposed are to make the Charter consistent with the City Code and consistent with changes that have occurred since 1987 in state and federal law. Some changes are deletions of obsolete provisions and there are three substantive changes. In addition to the proposed changes, staff is asking that the City Clerk be authorized as follows:

"The City Clerk shall be authorized to reformat and republish the Charter as needed with the approved amendments. The City Clerk is authorized to replace all uses of the word "councilmen" to the word "councilmembers". The City Clerk shall include up-to-date information in the section entitled "OFFICIAL DATA" when the Charter is republished, from time to time."

ORDINANCE NO. _____

AN ORDINANCE PLACING CHARTER AMENDMENTS TO REPEAL OBSOLETE PROVISIONS, BRING THE CHARTER INTO COMPLIANCE WITH CERTAIN STATE LAW PROVISIONS, ALLOW THE PUBLICATION OF PROPOSED ORDINANCES BY TITLE ONLY, AND TO CHANGE THE NUMBER OF REQUIRED SIGNATURES ON A PETITION TO ASCERTAIN IF THE CITY SHOULD PURCHASE A FRANCHISE; ON THE ELECTION BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD THE 3rd DAY OF APRIL, 2007

Recitals.

Pursuant to §151 of the Grand Junction City Charter, "The Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment or measure at any one election."

The last Charter amendments were taken to the voters in 1997.

The City Council has reviewed the City Charter and found there are numerous provisions that have become obsolete or are in conflict with State law.

Also, there are three changes in the provisions in the City Charter that are to be presented to the City voters to determine if the change would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a question of proposed amendments to Sections 36, 38, 45, 48, 54, 57, 70, 72, 88, 93, 101, 103, 105, 107, 108, 121, 123, 143, 148, 149, 152, and 153 to make corrections, clarifications and bring the Charter into compliance with modern practices be placed on the April 3, 2007 ballot. The specific changes are as follows:

36. Membership. This section shall be amended to read as follows:

36. Membership and District Boundaries.--The council shall consist of seven members to be designated as ~~councilmen~~members, one of which ~~councilman~~ shall be elected by the registered electors of the entire city from each of the districts ~~hereinafter described~~ as determined from time to time by resolution of the City Council, and two members to be elected from the city large. The council shall be the judge of the election and qualification

of its own members; shall determine its own rules; shall punish its own members for disorderly conduct, and may compel the attendance of its members. The council may from time to time, by resolution, by two-thirds vote of all its members, change the boundaries of the districts, ~~hereby created, and said districts, until so changed by the council, shall be designated and described as follows:~~

~~Established by Resolution No. 114-06 Dated September 6, 2006.
(The current district boundary legal descriptions are here.)~~

Annexations lying within the boundaries as extended will be considered as being included within a particular district.

38. Salaries. The title of this section shall be amended to read as follows:

38. Salaries, meetings.

45. Meetings. The title of this section shall be amended to read as follows:

45. Meetings, duties of the City Clerk.

48. Sale of Real Estate. This section shall be amended to read as follows:

48. Sale of Real Estate.--The council shall have the following power: (a) to sell and dispose of water works, ditches, gas works, electric light works, or other public utilities, public buildings, real property used or held for park purposes or any other real estate used or held for any governmental purposes, providing, however, that before any sale thereof shall be made the question of such sale and the terms and consideration thereof shall be submitted to and ratified by a majority vote of the ~~registered electors of the city who shall have paid a property tax therein during the preceding calendar year~~ qualified electors voting, and the vote thereon shall be by ballot ~~deposited in a separate ballot box~~ at a regular municipal election or at a special election called and held in the manner provided for by law; and (b) by ordinance or resolution to sell and dispose of and to lease any other real estate owned by the municipality, upon such terms and conditions as such city council may determine at a regular or special meeting; and deeds of conveyance duly executed and acknowledged by the proper officers of the city and purporting to have been made in pursuance of these provisions shall be deemed prima facie evidence of due compliance with all the requirements hereof.

54. Record of Ordinances. This section shall be amended to read as follows:

54. Record of Ordinances.--~~A true copy of every ordinance when adopted shall be numbered and recorded in a book marked "Ordinance Record," and a certificate of adoption and publication shall be authenticated by the certificate of the publisher and by the signature of the mayor and clerk. The ordinances adopted by the vote of the~~

~~registered electors of the city shall be separately numbered and recorded, commencing with "People's Ordinance No. 1."~~

The city clerk shall permanently retain on file a true and accurate copy of all ordinances, resolutions and evidence of proper publication. Ordinances adopted by a vote of the electors shall be permanently retained separately. The term "on file" includes permanent electronic, tape or other methods.

57. City Manager - Bond - Discharge. This section shall be amended to read as follows:

57. City Manager--Bond--Discharge.--The city manager shall be the administrative head of the city and shall be responsible for the conduct of all its departments. He shall receive a salary to be fixed by the council by ordinance. ~~Before taking office, he shall file with the council a surety company bond in the penal sum of \$10,000, conditioned upon the true, honest and faithful performance of the duties of his office.~~ The city manager may be discharged or removed by a vote of a majority of the members of the council.

70. Judge and Jurisdiction. This section shall be amended to read as follows:

70. Judge and Jurisdiction.--The judge of the municipal court of the city shall have all the jurisdiction, powers, duties and limitations ~~of a police magistrate~~ as provided for a municipal court in Sections 4931 to 4945, inclusive, of the Revised Statutes of Colorado, 1908, by state law or by ordinance, except as otherwise provided by this Charter, and shall have exclusive original jurisdiction to hear, try and determine all charges of misdemeanor as declared by this Charter, and all causes arising under this Charter or any of the ordinances, regulations or other rules of the city for a violation thereof. There shall be ~~no trial by jury, and there shall be no change of venue from said court.~~

72. Public Money. This section shall be amended to read as follows:

72. Public Money.--~~The cash balance of the City in the hands of the City Treasurer shall be deposited by the same in such bank or banks of the City of Grand Junction as the City Council may from time to time direct. Nothing herein shall prevent said Treasurer, under the orders of the City Council, from temporarily having such funds otherwise deposited, or from having any such funds otherwise invested.~~ Investment policies and policies for accounts and deposits shall be established by resolution of the City Council. No demand for money shall be approved, allowed, audited or paid unless it shall be in writing, dated and sufficiently itemized to identify the demand against the City.

88. Pensions. This section shall be amended to read as follows:

88. Pensions.--The City Council by ordinance may continue, alter, establish and provide for pensions for any class of employees of the City, by continuation or amendment of the

present pension plan of the City or otherwise, and may provide for the manner, method and funds under and with which any pension plan may operate; once established by the Council by ordinance, the city manager, acting with the written consent of the respective board, may alter or amend, but not end or terminate, such pensions or other retirement plans. Any such pension plan may require contributions from employees, may provide for benefits arising out of employment prior to the adoption or amendment thereof, may be made of a permanent character as to any class of employees, and may be in conjunction with any pension or security arrangement of the United States of America, the State of Colorado or any agency of either of them.

93. Department of water and sewers. This section shall be amended as follows:

93. Department of Water and Sewers, Rates-Regulations. ~~There is hereby created the department of water and sewers, which shall embrace all property rights and obligations of the city in respect to water, waterworks and sewers, and shall, as far as practicable, be~~ (a) The city manager shall administer water, waterworks and sewers, as separate entities administered as an entity. All contracts, records and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of its assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department. Nothing herein contained, however, shall be construed to interfere with the powers and duties conferred by this Charter upon the city manager.

(b) The city council shall by ordinance or ordinances resolution fix rates, establish regulations for the use of the water and sewer systems, ~~provide for the orderly administration of the department,~~ and impose fines and penalties for the violation thereof.

All prior resolutions dealing with water and sewer are hereby ratified.

(c) The city council, pursuant to ordinance and without an election, may borrow money or issue interim warrants or revenue bonds for the purpose of acquiring, constructing, improving or extending the water system or the sewer system; provided that such borrowing shall be repaid, and such warrants and bonds shall be made payable solely out of the net revenue derived from the operation of the water system or sewer system, or either or both of such systems.

(d) The revenues derived from the operation of the water or sewer systems shall be used for the maintenance, operation, extension and improvement of either or both of such systems and for interest on and discharging of principal of bonds and other obligations incurred in the acquisition, construction, improvement and extension of either or both of such systems. Whenever such revenues produce a surplus over and above such costs, such surplus may be used to create reasonable capital improvement or reserve funds, and to the extent the surplus is not so used it shall be the duty of the Council to reduce the rates to consumers so that, as far as practicable, the people may receive the benefits of the department at not more than actual cost.

(e) All consumers of water for domestic use outside of the city limits shall pay not more than double the rates so established and fixed for users within the city limits.

(f) Nothing herein contained shall be construed to prevent the Council from issuing bonds or other obligations payable solely out of the net revenue derived from the operation of any other utilities or income producing projects in the manner provided by law.

101. No Extra Compensation. This section shall be amended to read as follows:

101. No Extra Compensation. No officer or employee shall solicit or receive any pay, commission, money, ~~pass, free ticket, free service~~ or thing of value, upon terms more favorable than those granted to the public generally or derive any benefit, profit or advantage, directly or indirectly from or by reason of any dealings with or service for the city, by himself or by others, from or by reason of any improvements, alterations, or repairs required by authority of the city, except his lawful compensation or salary as such officer or employee. ~~No officer or salaried employee of the city shall, except as otherwise provided by this Charter, accept directly or indirectly from any railroad, telegraph, or telephone company, or from any owner of any public utility franchise in the city, any pass, frank, free ticket, free service or other service upon terms more favorable than those granted to the public generally.~~ Any violation of this section shall be a misdemeanor.

103. Official Books and Documents. This section shall be amended to read as follows:

103. Official Books and Documents.--(a) All books, records, and papers of each office, department, board or commissioner, are city property and must be kept as such by the proper official or employee during his continuance in office, and delivered to his successor, ~~who shall give duplicate receipts therefor, one of which shall be filed with the city clerk.~~ The failure to so deliver such books, records, and papers shall be a misdemeanor.

~~(b) Certified copies or extracts from the books, records, and files shall be given by the officer, board, commission or employee having the same in custody to any person demanding the same, and paying for such copy, or extract; but the records of the police department shall not be subject to inspection or copy without the permission of the mayor.~~

~~(c)~~ (b) All equipment, collections, models, materials, construction tools and implements, which are collected, maintained, used, or kept by the city, or by any department, board or commission, shall be city property, and be turned over by the custodian thereof to his successor, or duly accounted for.

105. Franchise Granted Upon Vote. This section shall be amended to read as follows:

105. Franchise Granted Upon Vote.--No franchise relating to any street, alley or public place of the said city shall be granted except upon the vote of the registered electors, and the question of its being granted shall be submitted to such vote upon deposit with the ~~treasurer~~ city manager of the expense (to be determined by said ~~treasurer~~ city manager)

of such submission by the applicant for said franchise, and no such franchise shall be granted unless a majority of such electors voting thereon vote in favor thereof.

107. Franchise Specify Street. This section shall be amended to read as follows:

107. Franchise Specify Streets.--All franchises or privileges hereafter granted for ~~laying tracks or pipes, or supplying heat, light or power, shall plainly specify on what particular~~ the use of streets, alleys, avenues, or other public property or right-of-way, ~~the same shall apply; and any other franchise shall state the bounds of the district or districts in which it shall be exercised; and no franchise or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.~~

108. Power to Regulate Rates and Fares. This section shall be amended to read as follows:

108. Power to Regulate Rates and ~~Fares~~Charges.--All power to regulate the rates, ~~fares,~~ rentals and charges for service by public utility corporations or any other franchisee or user of any public property, streets, alleys and rights-of-way is hereby reserved to the people to be exercised by them by ordinance of the council, or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient, and adequate service to the public and reasonable extensions of such service ~~and of such public utility, works and facilities~~. The granting of a franchise or other permission to use public property shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant ~~itself~~ of permission.

121. City Maintain General Supervision - Reports - Inspection. This section is amended to read as follows:

121. City Maintain General Supervision--~~Reports--Inspection~~.--The city shall maintain general supervision and police control over all public utility companies insofar as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law.

It shall require every person or corporation operating under a franchise or grant from the city, to submit to the council within sixty days after the first day of January of each year, an annual report verified by the oath of the president, the treasurer, or the general manager thereof.

Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the council, or by ordinance; and the council shall have the power, either through its members or by experts or employees duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

Any such person, persons, or corporations which shall fail to make any such report, shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each and every day thereafter, during which he shall fail to file such report, to be sued for and recovered in any court of record having jurisdiction.

~~The mayor shall, either personally or through the city's inspectors or employees, duly authorized by the council, enter into or upon and inspect the buildings, plants, power houses, and all properties of any such person, persons, or corporation, and shall inspect the same at least once a year, and shall immediately thereafter report to the council a detailed and complete statement of such inspection.~~

123. Books of Account - Examination. This section shall be amended to read as follows:

123. Books of Account--Examination.--The city, when owning any public utility, shall keep the books of accounts for such public utility, and in such a manner as to show the true and complete financial result of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the city of the public utility owned; all cost of maintenance, extension and improvement, all operating expenses of every description, in case of such city operation; if water or other service shall be furnished for the use of any department of the city without charge, the accounts shall show, as nearly as possible, the value of such service, such accounts shall also show reasonable allowance for interest, depreciation, and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. ~~The council shall cause to be printed annually for public distribution, a report showing the financial results, in form as aforesaid, of such city ownership or ownership and operation. The accounts of such public utility kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the council the result of his examination. Such expert accountant shall be selected in such manner as the council may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the council may prescribe.~~

143. Regulations. This section is amended to read as follows and relocated under Article XIV, OTHER REGULATIONS:

143. Other Regulations.--The council may, ~~by ordinance,~~ authorize the city manager to make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this article ~~charter, any ordinance, resolution or the policies of the Council.~~

148. Penalty for Violation. This section is hereby amended to read as follows:

148. Penalty for Violation.--Any person 18 years of age or older who shall violate any of the provisions of this Charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be

punished by a fine not exceeding one hundred ~~(\$100.00)~~ thousand (\$1,000.00) dollars, or by imprisonment in the city jail not exceeding ~~three months~~ one year, or by both such fine and imprisonment. Any person under 18 years of age who violates any of the provisions of this Charter for the violation of which no punishment has been provided herein, shall be punished by a fine not exceeding one thousand (\$1,000.00) dollars, and/or be required to perform useful public service not to exceed 48 hours or any combination thereof.

149. Definition of Misdemeanor. This section shall be amended to read as follows:

149. Definition of Misdemeanor.--The term "misdemeanor," as used in this Charter, shall mean a violation thereof, or of any ordinance, resolution or regulation of which the municipal court ~~or magistrate~~ thereof shall have jurisdiction, ~~and shall not have the meaning attached to it in Chapter XXXV entitled "Crimes," Revised Statutes of Colorado, 1908.~~

152. Reservation of Power. This section shall be amended to read as follows:

152. Reservation of Power.--The power to supersede any law of the state, now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the city, ~~acting by ordinance.~~

153. Budget Plan - Warrants. This section is amended as follows:

153. Budget Plan--Warrants.--The city council by ordinance shall adopt a budget plan for the city and shall establish the procedure for ~~issuing and registering city warrants~~ paying the City's debts and expenses.

2. That the ballot question also include the repeal of Sections 63, 66, 76, 85, 86, 87, 96, 104, 112, 114, 122, 140, 150, 154, 155, and 156. The specific changes shall be as follows:

63. Chief of Police - Fire Chief. This section is hereby repealed.

~~63. Chief of Police - Fire Chief. There shall be a chief of police and fire chief who shall be respectively heads of the police department and fire department and who, under the direction and control of the city manager, shall have full power to conduct the affairs of those departments.~~

66. Finance Director - City Treasurer. This section is hereby repealed.

~~66. Finance Director - City Treasurer. There shall be a Finance Director who shall be custodian of the moneys of the City, and who, unless another is so designated, shall be ex officio City Treasurer. He shall be the head of the Finance Department of the City. He shall pay money from the City treasury upon warrant signed by the Manager and~~

~~countersigned by the Finance Director and upon check signed by the Finance Director or his deputy. He shall have such other powers and duties as the Council may by ordinance provide.~~

76. Certificate of Assessment. This section shall be repealed.

~~76. Certificate of Assessment. It shall be the duty of the Finance Director to procure, as soon as available each year, a certificate from the County Assessor of the total amount of property assessed for taxation within the limits of the City, as shown by the assessment roll in the Assessor's office.~~

85. City Indebtedness. This section shall be repealed.

~~85. City Indebtedness. The indebtedness of the city shall be incurred and limited as provided in Article XI of the Constitution of the State of Colorado.~~

86. Special Statutes Continuing in Force. This section is hereby repealed.

~~86. Special Statutes Continuing in Force. The provisions of Sections 6657 and 6658 of the Revised Statutes of Colorado, 1908, relating to sidewalks, and of Sections 6687 to 6694 thereof inclusive, relating to refunding bonds, are hereby made and declared to be in full force and effect in the city until otherwise provided by ordinance.~~

87. Resident Labor Given Preference in Public Work. This section is hereby repealed.

~~87. Resident Labor Give Preference in Public Work. In the performance of all public work in the city, whether by contract or otherwise, preference shall be given to resident labor and no alien labor shall be employed. Seventy five percent of all such labor shall be resident labor if obtainable.~~

96. Rates - Regulations - fines - financing. This section shall be repealed. (combined with Sec. 93 above)

~~96. Rates Regulations Fines Financing. (1) The city council shall by ordinance or ordinances fix rates, establish regulations for the use of the water and sewer systems, provide for the orderly administration of the department, and impose fines and penalties for the violation thereof.~~

~~(2) The city council, pursuant to ordinance and without an election, may borrow money or issue interim warrants or revenue bonds for the purpose of acquiring, constructing, improving or extending the water system or the sewer system; provided that such borrowing shall be repaid, and such warrants and bonds shall be made payable solely out~~

~~of the net revenue derived from the operation of the water system or sewer system, or either or both of such systems.~~

~~(3) The revenues derived from the operation of the water or sewer systems shall be used for the maintenance, operation, extension and improvement of either or both of such systems and for interest on and discharging of principal of bonds and other obligations incurred in the acquisition, construction, improvement and extension of either or both of such systems. Whenever such revenues produce a surplus over and above such costs, such surplus may be used to create reasonable capital improvement or reserve funds, and to the extent the surplus is not so used it shall be the duty of the Council to reduce the rates to consumers so that, as far as practicable, the people may receive the benefits of the department at not more than actual cost.~~

~~(4) All consumers of water for domestic use outside of the city limits shall pay not more than double the rates so established and fixed for users within the city limits.~~

~~(5) Nothing herein contained shall be construed to prevent the Council from issuing bonds or other obligations payable solely out of the net revenue derived from the operation of any other utilities or income producing projects in the manner provided by law.~~

104. Payment of Debts. This section is hereby repealed.

~~104. Payment of Debts.—Failure of any employee to promptly pay any legal indebtedness contracted by him while in the service of the city shall be ground for his removal from such employment.~~

112. Special Privileges on Street Railroad. This section is hereby repealed.

~~112. Special Privileges on Street Railroad.—The grant of every franchise for a street, suburban, or interurban railroad shall provide that all United States mail carriers and all policemen and firemen of the city in uniform, and all elective officers shall, at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroads within the boundaries of the city without paying therefor, and with all the rights of other passengers.~~

114. Street Sprinkling, cleaning and Paving. This section shall be repealed.

~~114. Street Sprinkling, Cleaning and Paving.—Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside such track.~~

122. Books of Record and Reference. This section is hereby repealed.

~~122. Books of Record and Reference.~~—The mayor shall provide and cause to be kept in his office the following books of record and reference:

~~First.~~ A franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said records shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.

~~Second.~~ A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest as the mayor may, from time to time, acquire. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record, and in writing, report the same to the council. All such annual reports, or a synopsis thereof, shall be published once in two daily newspapers of general circulation, published in the city, or printed and distributed in pamphlet form, as the council may determine.

~~The provisions of this section shall apply to all persons or corporations operating under any franchise now in force or hereafter granted by the city.~~

140. Several Ordinances at One Election. This section shall be repealed.

~~140. Several Ordinances at One Election.~~—Provisions shall be made on each ballot for voting upon all proposed ordinances submitted at that election.

150. Continuing Bonds, Etc. This section is hereby repealed.

~~150. Continuing Bonds, Etc.~~—All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the city before this Charter takes effect, and all taxes, fines, penalties, forfeitures incurred or imposed, due or owing the city, shall be enforced or collected and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter; and all legal acts done by or in favor of the city shall be and remain as valid as though this Charter had not been adopted.

154. Termination of Offices of Commissioners. This section is hereby repealed.

~~154. Termination of Offices of Commissioners.--The several offices known and designated as commissioner of public affairs, commissioner of finance and supplies, commissioner of highways, commissioner of health and civic beauty and commissioner of water and sewers shall be abolished and cease to exist at 10:00 o'clock a.m. on January 2, 1922; and the office and position and term of any and all such commissioners are hereby abolished at 10:00 o'clock a.m. on the 2nd day of January, 1922, and no salaries or compensation shall be paid to or be received by such commissioners after such date.~~

~~All powers and duties heretofore conferred or imposed upon said commissioners or upon the mayor are hereby conferred and imposed upon the city manager, except such as are by this Charter, as hereby amended, specifically conferred or imposed upon the council or other officers, employees or departments of the city.~~

155. Membership of First Council - Recall. This section is hereby repealed.

~~155. Membership of First Council--Recall.--These amendments and repealed shall go into effect at ten o'clock a.m. on January 2, 1922, and from said date, and until their successors, to be chosen at the general municipal election in April, 1925, are elected and qualified, the council shall consist of the following persons who shall so hold office as members of the council, representing the several districts of the city and the city at large, with the same rights, duties and powers as if elected thereto, and vacancies in the membership so designated shall be filled in the manner provided for in this Charter, to-wit:~~

~~District A -- L. O. Marshall
District B -- Reed G. Miller
District C -- W. R. Dowrey
District D -- W. E. Meders
District E -- T. J. Hampson
At Large -- William Murr
At Large -- W. G. Hirons~~

~~But such persons shall be subject to recall, as provided in Article III of the Charter, except that the petition for recall of such persons need not contain any statement of the grounds therefor:~~

~~The adoption of this amendment and its taking effect shall not be held to terminate without appropriate action by the council or city manager, the tenure or authority of persons holding appointive offices or employment under the city.~~

156. Powers and Duties. This section is hereby repealed.

~~156. Powers and Duties.--The council taking office January 2, 1922, shall have the power and it shall be its duty to pass such special appropriation or ordinance as may be~~

~~necessary to pay the salary of the city manager and other officers and employees for the year 1922; and the warrants for the payment of such salary, after being duly allowed and audited, may be drawn against such appropriation, and the amounts so required for the payment of such warrants, or so much thereof as may be necessary, shall be payable out of any available moneys not otherwise appropriated, or, failing such moneys, the warrants shall be registered and payable out of the revenue for the next ensuing fiscal year.~~

3. That the title of Article XIV be retitled to "Other Regulations"

ARTICLE XIV. FRANCHISES AND PUBLIC UTILITIES. This Article shall be renamed **OTHER REGULATIONS.**

4. That Section 28, Petition for Recall, be amended by changing the number of signatures on a recall petition as follows:

28. Petition for Recall. This section shall be amended to read as follows:

28. Petition for Recall.--Any registered elector of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed, and a specific statement of the grounds of removal. The clerk shall thereupon deliver to the elector making such affidavit, a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which said removal is sought, the grounds of such removal as stated in said affidavit, and shall demand the election of the successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of said clerk. Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said clerk within thirty days of its issuance. Said petitions before being returned and filed, shall be signed by registered electors equal in number to at least twenty-five per centum of the last preceding vote cast for all the candidates for ~~Governor of the State of Colorado by the electors of the city~~ all candidates for that particular office at the last preceding regular election held in the municipality, and to each such signature shall be attached his place of residence, giving the street and number. Such signatures need not all be on one paper. One of the signers of each such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

5. That Section 51, Publication of Ordinances, be amended to allow for the publication of ordinances by title only, as follows:

51. Publication of Ordinances. This section shall be amended to read as follows:

51. Publication of Ordinances.--Every proposed ordinance shall be published by title once ~~in full~~ in a daily newspaper of the city, ~~at least ten days~~ before its final passage; and, after such final passage, it again shall be published once by title in a daily newspaper of general circulation in the city ~~as amended and completed~~, except that an emergency ordinance passed as heretofore provided shall take effect upon passage and be so published ~~within three days in full~~; ~~provided that, in lieu of publication of an ordinance in a newspaper both prior to and after passage thereof, by authority of the Council, any ordinance~~ it may be published in book or pamphlet form available for public inspection. ~~There shall be no final passage of an ordinance so placed in book or pamphlet form until hearing thereon by the Council with notice of such hearing published once in a daily newspaper at least ten days prior thereto. Such notice shall state the time and place of such hearing, a description which the Council deems sufficient to apprise interested persons of the purpose of the ordinance, and the place at which the ordinance is available for inspection. Such an ordinance shall be subject to protest under Section 136 of Article XVI of this Charter and "final passage and final publication" thereof shall be deemed to be the time of passage of the ordinance following such hearing.~~

6. That Section 125 entitled City May Purchase, operate or Sell--Procedure be amended to proscribe the number of signatories on a petition to ascertain whether the City should purchase, operate or sell a franchise as follows:

125. City May Purchase, Operate or Sell - Procedure. This section is amended to read as follows:

125. City May Purchase, Operate or Sell--Procedure.--(a) Every grant, extension, or renewal of a franchise or right shall provide that the city may upon the payment therefor of its fair valuation, purchase, and take over the property and plant of the grantee in whole or in part; such valuation shall be made as provided in the grant, but shall not include any value of the franchise or right of way through the streets, or any earning power of such property. The valuation may include, as part of the cost of the plant, interest on actual investment during the period of construction, and prior to operation. Such grant may provide that if the purchase is made within five years of the time when the franchise is granted, the city shall pay an additional sum or bonus of not to exceed ten per centum (10%) on the actual value of the tangible property, exclusive of the franchise value, which additional sum or bonus shall be reduced proportionately from such five-year period to the end of the franchise period when no bonus shall be given.

The procedure to effect such purchase shall be as follows:

When the council shall, by resolution, direct that the ~~mayer~~ city manager shall ascertain whether any such property or part thereof, should be acquired by the city, or in the absence of such action of the council, when a petition subscribed by registered electors

of the city, equal in number to at least ten per centum (10%) of the ~~last preceding vote cast in the city for all candidates for Governor of the State of Colorado~~ registered electors of the city requesting that the ~~mayor~~ city manager shall ascertain whether any such property or part thereof, should be acquired by the city, shall be filed with the clerk, the ~~mayor~~ city manager shall forthwith carefully investigate said property and report to the council--

- (1) At what probable cost said property may be acquired;
- (2) What, if any, probable additional outlays would be necessary to operate the same;
- (3) Whether, if acquired, it could be operated by city at a profit or advantage in quality or cost of service, stating wherein such profit or advantage consists;
- (4) Whether, if granted, it could be paid out of its net earnings, and, if so, within what time and
- (5) Such other information touching the same as he shall have acquired.

Such report shall be made in writing, shall include a statement of facts in relation thereto with such particularity as will enable the council to judge the correctness of his findings and immediately after submission to the council, shall be filed with the city clerk, recorded in the public utility record, and published once in each of two daily newspapers of general circulation published in the city, or printed and distributed in pamphlet form, as the council may determine.

If a petition subscribed by registered electors of the city, equal in number to at least ten per centum (10%) of the ~~last preceding vote cast in the city for all candidates for Governor of the State of Colorado~~ registered electors of the city, requesting that the question whether or not the city shall acquire said property, shall be submitted to a vote of the people, shall within sixty days after the filing of said report be filed with the clerk, the council shall provide by ordinance for the submission of the question to a vote of the registered electors.

(b) Every grant reserving to the city the right to acquire the plant as well as the property, if any, of the grantee situated in, on, above, or under the public places of the city, or elsewhere, used in connection therewith, shall in terms specify the method of arriving at the valuation therein provided for, and shall further provide that upon the payment by the city of such valuation, the plant and property so valued, purchased and paid for, shall become the property of the city by virtue of the grant and payment thereunder, and without the execution of any instrument of conveyance and every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, for the effectual securing of efficient service and for the continued maintenance of the property in good order and repair and its continuous use throughout the entire term of the grant. The grant

may also provide that in case such reserved right to operate or to take over such plant or property is not exercised by the city, and it shall, prior to payment for the same secure a bid for the property, and grant a new franchise for the same service or utility, as provided in Paragraph c of this section, or grant the right to another person or corporation to operate said utility, so occupied and used by its grantor, under the former grant, that the title to and possession of the plant and property so taken away be transferred directly to the new grantee upon the terms upon which the city may have purchased it.

(c) Whenever any plant or property shall become the property of the City of Grand Junction, the city shall have the option at any time, then or thereafter, either to operate the same on its own account, or by ordinance to lease the same or any part thereof, together with the franchise or right to use the streets or other public property in connection therewith, for periods not exceeding twenty-five years, under such rules and regulations as it may prescribe, or by ordinance to sell the same; provided, however, that no such ordinance shall be adopted except by a majority vote of the registered electors of the city.

7. Inasmuch as these questions shall be placed on the April 3, 2007 ballot, the City Council hereby sets the ballot titles as follows:

City of Grand Junction B

Shall there be amendments to the Grand Junction City Charter, Sections 36, 38, 45, 48, 54, 57, 70, 72, 88, 93, 101, 103, 105, 107, 108, 121, 123, 143, 148, 149, 152, and 153 and the repeal of Sections 63, 66, 76, 85, 86, 87, 96, 104, 112, 114, 122, 140, 150, 154, 155, and 156 concerning the elimination of obsolete and conflicting provisions?

FOR THE AMENDMENTS

AGAINST THE AMENDMENTS

City of Grand Junction C

Shall there be an amendment to the Grand Junction City Charter Section 28, Petition for Recall, to the number of registered electors required to sign a recall petition?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

City of Grand Junction D

Shall there be an amendment to the Grand Junction City Charter Section 51, Publication of Ordinances, to allow for the publication of ordinances by title only?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

City of Grand Junction E

Shall there be an amendment to the Grand Junction City Charter Section 125, City May Purchase, Operate of Sell--Procedure, relative to franchises, to change the number of signatures required on a petition to ascertain whether or not the city shall acquire said property?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

8. The City Clerk shall be authorized to reformat and republish the Charter as needed with the approved amendments. The City Clerk is authorized to replace all uses of the word "councilmen" to the word "councilmembers". The City Clerk shall include up-to-date information in the section entitled "OFFICIAL DATA" when the Charter is republished, from time to time.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED THIS 3RD DAY OF JANUARY, 2007.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

President of the City Council

Attest:

City Clerk

Attach 19

Set Title for TABOR Ballot Proposal

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Set Title for TABOR Ballot Proposal					
Meeting Date	January 17, 2007					
Date Prepared	January 3, 2007					
Author	Ron Lappi		Admin. Services and Finance Dir.			
Presenter Name	David Varley Ron Lappi		City Manager Admin. Services and Finance Dir			
Report results back to Council		No	X	Yes	When	April 4, 2007
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The proposed Resolution sets a ballot title for the April 3, 2007 regular municipal election regarding retaining revenues above the amounts allowed under Article X, Section 20 of the Colorado Constitution.

Budget: If approved by the City Council this Resolution will place a TABOR question before the voters that will have a very positive impact on the City's finances. There is no cost to this Resolution other than the cost of the election, which is already expected to take place on April 3, 2007. Any savings to the City as a result of passage of this ballot question will be used for other road, street and bridge projects.

Action Requested/Recommendation: Pass the Resolution as proposed and extensively discussed at previous workshops, to set the ballot title for a TABOR question at the regular municipal election of April 3, 2007.

Attachments: Proposed Resolution and Ballot Title

Background Information:

The City Council of the City of Grand Junction has been discussing a possible TABOR question during three different workshops throughout 2006, and concluded that now is an appropriate time to ask the voters to allow us to retain and use the additional TABOR revenues as calculated under Article X, Section 20 of the Colorado Constitution for a specific purpose. Although various forms of the question were extensively discussed the City Council believes that use of these potential funds for a specific purpose will receive voter support and approval. The Council focused in on using the retained revenues for the payment of the Riverside Parkway Debt exclusively. Having these resources available to assist with the annual debt payments on these bonds, will provide some additional resources to the City that will be used exclusively for other road, street and bridge projects throughout the community. The passage of this ballot question should also result in the early payment of the twenty year \$80 million bonded debt authorized by the voters. Because of the difficulty in projecting new construction, growth of the City's boundaries, the Denver/Boulder CPI, and actual City revenue growth in future years, the amounts made available for payment of the debt service and/or amounts available for other road, street and bridge projects are difficult to estimate and project the timing. However, the City Council of the City of Grand Junction and the City Staff believe this ballot question if approved will have a positive impact on the City of Grand Junction and its voters and taxpayers.

RESOLUTION NO. -07

**A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON
APRIL 3, 2007 A MEASURE TO RETAIN AND SPEND REVENUES AS DEFINED BY
ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION**

RECITALS.

In 1992, the Colorado electorate amended the Colorado Constitution by the passage of the "Taxpayers Bill of Rights" (TABOR Amendment). The Amendment requires, among other things that any time fiscal year revenues exceed the limitation imposed by the Amendment for the fiscal year, then the local government must refund the excess revenues unless the voters approve otherwise.

It has been shown in recent studies that a significant portion of the City's general government revenue is derived from sales tax paid by visitors, shoppers and tourists. Because the City is principally funded by sales tax, the tax burden on City residents is reduced. Sales tax funding of municipal services provides a means of sharing the cost of services among all users. Sales tax will be the primary source of excess revenues under those revenue limits imposed by the TABOR Amendment. As a result, approval of the ballot question would allow the City of Grand Junction to retain this important tax revenue, for use to pay a portion of the Riverside Parkway Bonded Debt.

The ballot question does not repeal the TABOR provisions, especially those that require voter approval of any future government debt or tax increases.

The ballot question will not increase taxes or tax rates.

The passage of this ballot question will provide assistance with the Riverside Parkway Bonded Debt and is intended to result in the early payment of these bonds.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT:**

1. The ballot question will maximize resources for the accelerated payment of the Riverside Parkway Bonded Debt.
2. Principal and interest from all retained excess revenues will be added to debt service payments budgeted by the City and allocated solely for additional payment toward the Riverside Parkway debt at the earliest possible date
3. The following question be submitted to the registered electors on Tuesday, April 3, 2007.

City of Grand Junction-A

“SHALL THE CITY OF GRAND JUNCTION, COLORADO, WITHOUT ANY INCREASE IN TAXES, BE AUTHORIZED TO RETAIN ALL REVENUES IN EXCESS OF AMOUNTS WHICH THE CITY IS PERMITTED TO SPEND UNDER ARTICLE X, SECTION 20 (TABOR) OF THE COLORADO CONSTITUTION FOR 2006 AND SUBSEQUENT YEARS UNTIL THE RIVERSIDE PARKWAY BONDED DEBT IS PAID IN FULL, WITH ALL AMOUNTS RETAINED TO BE USED FOR PAYMENT OF THE RIVERSIDE PARKWAY BONDED DEBT?”

YES

NO

Adopted this _____ day of _____, 2007.

President of the Council

ATTEST:

City Clerk

Attach 20

**Public Hearing – Authorization of the Issuance of \$22,925,000 in Bonds
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Ordinance Authorizing the Issuance of \$22,925,000 in Bonds for the Riverside Parkway Project					
Meeting Date	January 17, 2007					
Date Prepared	January 11, 2007				File #	
Author	Ron Lappi			Admin. Svcs. & Finance Director		
Presenter Name	Ron Lappi			Admin. Svcs. & Finance Director		
Report results back to Council		No	<input checked="" type="checkbox"/>	Yes	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: An ordinance authorizing the issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, series 2007, and pledging certain revenues of the City for the payment of the bonds.

Budget: These funds will be used for final construction of the Riverside Parkway beginning in early 2007 and completion estimated for the end of 2008. The debt service on these bonds together with the 2004 bonds will result in a fairly level debt service for the City of Grand Junction that is already planned for in the Sales Tax CIP Fund. It is estimated that the total for this issue will approximate \$7.0 million annually for the next six years, while we are paying on both the 2004 bonds and this issue. Total debt service will go back to approximately \$6.2 in 2014.

Action Requested/Recommendation: Hold a public hearing and consider final passage of the ordinance authorizing the issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, series 2007, and pledging certain revenues of the City for the payment of the bonds.

Attachments: Bond Ordinance Authorizing the Issuance of the Bonds

Background Information: The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically

approved for the construction of the Riverside Parkway from 24 Road to 29 Road, together with appropriate connections where needed, and a portion of the I-70 Interchange construction cost at 29 Road. Our City engineers and outside consulting engineers have estimated that the City will spend most of the \$57 million from the first bond issue by the end of February, 2007. After bond issuance and closing on the remaining bonds, now set for March 1, 2007, these proceeds and other funds should complete the project by the end of 2008. This bond ordinance and related marketing and closing documents authorizes the second of the two bond sales required to complete this project on schedule. The security pledged for the repayment of these bonds is all General Fund Revenues and specifically all Sales and Use Tax Revenues including the Sales Tax CIP Fund revenues. It is estimated that the annual debt service will only use a very small portion of these total revenues, and that pledged revenues exceed the annual debt service by a factor of 10 to 14 to one.

Standard and Poors recently upgraded the City's General Fund Bonds to AA. We will have to confirm this rating with them prior to the final marketing and issuance of this final Riverside Parkway bond issue. With this rating and the bonds only having a six year life, the City will be selling the bonds, without Bond Insurance, over the internet at a public competitive sale on February 22nd with closing on March 1st, the same date of the original \$57,075,000 in bonds. Although the bonds will be in \$5,000 increments and sold competitively, we do expect to have a great deal of institutional interest in buying large blocks of the bonds. Local brokers throughout the community can bid on any of the maturities for their own portfolios or for their customers. The all in true interest cost of selling this second and final issue should be lower than the original very good rate of 4.29%, if the markets stay close to where they are today.

In order to complete this second bond issuance we have engaged Dee Wisor, as Bond Counsel, D.A. Davidson (previously Kirkpatrick Pettis) Russ Caldwell, as Financial Advisor/Underwriter, and American National Bank as Bond Registrar and Paying Agent. All of these organizations assisted us with the original bond issue in 2004, as well as the election.

ORDINANCE NO. ____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF
CITY OF GRAND JUNCTION, COLORADO, GENERAL
FUND REVENUE BONDS, SERIES 2007, AND PLEDGING
CERTAIN REVENUES OF THE CITY FOR THE
PAYMENT OF THE BONDS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Additional Bonds: the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Section 22 and 23 hereof and having a lien on the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the 2007 Bonds.

Additional Pledged Revenues: has the meaning set forth in Section 22.A.

Bond Account: the account by that name created by Section 19 hereof.

Bonds: the Outstanding 2004 Bonds, the Outstanding 2007 Bonds and any Additional Bonds.

Business Day: a day on which banks located in the City and in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

Charter: the home rule Charter of the City, including all amendments thereto prior to the date hereof.

City: the City of Grand Junction, Colorado.

Closing Date: the date of delivery of payment for the 2007 Bonds.

Commercial Bank: any depository for public funds permitted by the laws of the State for political subdivisions of the State which is in good standing and has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Continuing Disclosure Certificate: the undertaking executed by officers of the City simultaneously with the delivery of the 2007 Bonds which enables the Purchasers to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission.

Council: the Council of the City or any successor in functions thereto.

Election: the City's election held on November 4, 2003.

Fiscal Year: the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve month period as may from time to time be designated by the Council as the Fiscal Year of the City.

General Fund: the General Fund of the City.

Governmental Obligations: any of the following which are noncallable and which at the time of investment are legal investments under the laws of the State for the moneys proposed to be invested therein:

direct general obligations of, or obligations the payment of principal of and interest on which are unconditionally guaranteed by, the United States of America;

bonds, debentures, notes, or other evidences of indebtedness issued by the Export-Import Bank of the United States, the Federal Financing Bank, the Farmers Home Administration, the General Services Administration, the U.S. Maritime Administration, or the U.S. Department of Housing and Urban Development; or

evidences of ownership interests in obligations described in paragraph (i) or (ii) above.

Letter of Representations: the Letter of Representations between the City and The Depository Trust Company which has previously been executed and delivered.

Maximum Annual Debt Service Requirement: the maximum amount of all required payments of principal and interest on the 2007 Bonds and on each series of Additional Bonds, respectively, which will become due in any Fiscal Year.

Ordinance: this Ordinance of the City, which provides for the issuance and delivery of the 2007 Bonds.

Outstanding: as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

Bonds theretofore cancelled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;

Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful Registered Owners thereof; or

Bonds deemed to have been paid as provided in Section 25 hereof or any similar provision of an ordinance authorizing the issuance of Additional Bonds.

For purposes of this definition, the terms Registrar and Paying Agent shall include a registrar or paying agent for any Additional Bonds.

Owner or Registered Owner: the Registered Owner of any 2007 Bond as shown on the registration books kept by the Registrar, and, where the context so requires, the Registered Owner of any Additional Bond as shown on the registration books kept by the registrar for such bonds.

Paying Agent: American National Bank, being the agent for the City for the payment of the 2007 Bonds and interest thereon, or its successors and assigns.

Permitted Investment: any investment or deposit permitted by the Charter and ordinances of the City.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Pledged Revenues:

the revenues derived from the Pledged Sales and Use Tax;

all other additional monies deposited into the City's General Fund which are not by law, by contract, or otherwise restricted or required to be used for another purpose and are legally available for payment of the principal of and interest on the 2007 Bonds, provided however, that the Pledged Revenues shall not include monies deposited to the General Fund which are the proceeds of any increase in any existing tax and or any new tax, unless such pledge is expressly authorized by the City's electors at an election called for such purpose;

any additional funds or revenues which the City hereafter pledges to the payment of the 2007 Bonds;

proceeds of the 2007 Bonds or other legally available moneys deposited into and held in the Bond Account; and

interest or investment income on the Bond Account;

all to the extent that such moneys are at any time required by Section 19 hereof to be deposited into and held in the Bond Account.

Pledged Sales and Use Tax: the proceeds of the Sales and Use Tax. "Pledged Sales and Use Tax" does not include amounts withheld by retailers and vendors to cover their expenses in collecting and remitting the Pledged Sales and Use Tax, and Pledged Sales and Use Tax does not include amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds. "Pledged Sales and Use Tax" does not include the proceeds of any increase in the Sales and Use Tax which may be approved in the future, unless such increase is expressly pledged by the City. "Pledged Sales and Use Tax" does include the proceeds derived by the City from any legally available tax or taxes or fees (other than a general ad valorem tax) which replace or supersede the Pledged Sales and Use Tax, regardless of whether such tax or taxes or fees are imposed by the City or the State or other political subdivision thereof. "Pledged Sales and Use Tax" does not include incremental sales taxes which are pledged to the payment of obligations issued pursuant to an urban renewal plan as defined in Section 31-25-103(9), Colorado Revised Statutes, a plan of development as defined in Section 31-25-802(6.4), Colorado Revised Statutes, or a value capture plan as defined in Section 43-4-508, Colorado Revised Statutes.

Pledged Sales and Use Tax Revenues: revenues derived from the Pledged Sales and Use Tax.

Project: the road improvements authorized at the Election.

Purchasers: the purchaser of the 2007 Bonds as determined after a public sale of the 2007 Bonds conducted by the Finance Director and the City's financial advisor and as set forth in the Sale Certificate.

Rebate Account: the account by that name created by the ordinance authorizing the 2004 Bonds.

Registrar: American National Bank, being the agent for the City for the registration, transfer and exchange of the 2007 Bonds, or its successors.

Registrar Agreement: the Registrar Agreement between the City and the Registrar dated as of February 15, 2007.

Regular Record Date: the fifteenth day of the calendar month next preceding each interest payment date for the 2007 Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Sale Certificate: the certificate of the City authorized pursuant to the Supplemental Public Securities Act and described in Section 6 hereof.

Sales and Use Tax: the 2.75% tax upon the sale and use of goods and services which is being levied by the City pursuant to the Sales and Use Tax Ordinances and any future or amended tax levied by the City as a sales and use tax and pledged by the Council to the payment of the Bonds.

Sales and Use Tax Ordinances: the ordinances adopted by the Council of the City for the purpose of adopting and enforcing the Sales and Use Tax and which are in effect on the date of this Ordinance and as amended by this Ordinance or as later amended or supplemented.

Special Record Date: a special date fixed to determine the names and addresses of Registered Owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 7 hereof.

State: the State of Colorado.

Supplemental Public Securities Act: Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended.

Tax Code: the Internal Revenue Code of 1986, as amended to the date of delivery of the 2007 Bonds, and the regulations promulgated thereunder.

Term Bonds: 2007 Bonds that are payable on or before their specified maturity dates from sinking fund payments established for that purpose and calculated to retire such 2007 Bonds on or before their specified maturity dates.

Trust Bank: a Commercial Bank which is authorized to exercise and is exercising trust powers.

2004 Bonds: the City's currently Outstanding General Fund Revenue Bonds, Series 2004.

2007 Bonds: the City's General Fund Revenue Bonds, Series 2007, issued pursuant to this Ordinance.

Recitals.

The City is a municipal corporation duly organized and existing under the City's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.

Section 85 of the Charter provides that indebtedness of the City shall be incurred and limited as provided in Article XI of the Colorado Constitution.

Article XI, Section 6 of the Colorado Constitution provides:

No political subdivision of the state shall contract any general obligation debt by loan in any form, whether individually or by contract pursuant to article XIV, section 18(2)(a) of this constitution except by adoption of a legislative measure which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax which together with such other revenue, assets, or funds as may be pledged shall be sufficient to pay the interest and principal of such debt. Except as may be otherwise provided by the charter of a home rule city and county, city, or town for debt incurred by such city and county, city, or town, no such debt shall be created unless the question of incurring the same be submitted to and approved by a majority of the qualified taxpaying electors voting thereon, as the term "qualified taxpaying elector" shall be defined by statute.

Except as may be otherwise provided by the charter of a home rule city and county, city, or town, the general assembly shall establish by statute limitations on the authority of any political subdivision to incur general obligation indebtedness in any form whether individually or by contract pursuant to article XIV, section 18(2)(a) of this constitution.

Debts contracted by a home rule city and county, city, or town, statutory city or town or service authority for the purposes of supplying water shall be excepted from the operation of this section.

Section 31-15-302(1)(d), C.R.S., limits the total amount of indebtedness of the City to 3% of the actual value of taxable property in the City except for debt incurred for supplying water.

The actual value of taxable property in the City is \$ 4,574,058,302.

There is currently \$54,825,000 of City debt outstanding which is subject to the debt limit.

Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation.

At the Election, the City's electors approved the following question:

SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$80,000,000, WITH A REPAYMENT COST OF \$134,000,000 (WITHOUT ANY INCREASE OF ANY EXISTING TAXES AND WITHOUT IMPOSING ANY NEW TAXES) TO PROVIDE FINANCING FOR THE PURPOSE OF ACCELERATING AND COMPLETING ROAD IMPROVEMENTS KNOWN AS THE RIVERSIDE PARKWAY (FROM 24 RD. TO 29 RD.) AND THE 29 ROAD TRANSPORTATION CORRIDOR AND PAYING COSTS OF THE FINANCING, INCLUDING RESERVES; PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT?

The notice delivered to voters at the Election as required by Article X, Section 20 of the Colorado Constitution limits the issuance of the bonds authorized at the Election as follows:

Principal Amount of Proposed Bonds:	Not to exceed \$80,000,000
Maximum Annual City Repayment Cost:	Not to exceed \$ 7,500,000
Total City Repayment Cost:	Not to exceed \$134,000,000

The City has previously issued the 2004 Bonds pursuant to the Election authorization.

The City imposes a Sales and Use Tax pursuant to the Charter and the Sales and Use Tax Ordinances.

Except for the 2004 Bonds, the City has never pledged the Sales and Use Tax to the payment of any bonds or for any purpose.

The ordinance authorizing the 2004 Bonds permits additional bonds with a parity lien on the Pledged Sales and Use Tax to be issued if for the Fiscal Year immediately preceding the issuance of any additional bonds, the amount of Pledged Sales and Use Tax Revenues in such Fiscal Year equaled or exceeded 175% of the Maximum Annual Debt Service Requirement on the Outstanding 2004 Bonds and the Additional Bonds proposed to be issued.

The limits of the ordinance authorizing the 2004 Bonds on the issuance of additional bonds have been met with the result that the Pledged Sales and Use Tax may now be pledged lawfully and irrevocably for the payment of the 2007 Bonds.

There have been filed with the City Clerk the proposed forms of the following documents: the Registrar Agreement and the Continuing Disclosure Certificate.

The Council desires to cause the 2007 Bonds to be issued, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and other officers of the City in the imposition and collection of the Sales and Use Tax, financing the Project, and selling and issuing the 2007 Bonds for those purposes are ratified, approved and confirmed.

Authorization of Project. The Project is authorized at a cost not exceeding \$22,925,000 (excluding costs to be paid from sources other than the proceeds of the 2007 Bonds).

Authorization of the 2007 Bonds. Pursuant to the Election and Section 85 of the Charter, there hereby are authorized to be issued fully registered general fund revenue securities of the City, to be designated “City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2007,” to be payable and collectible, as to principal and interest, from the Pledged Revenues.

Election to Apply Supplemental Public Securities Act to the 2007 Bonds. Pursuant to Section 11-57-204 of the Supplemental Public Securities Act, the Council hereby elects to apply the Supplemental Public Securities Act in its entirety to the 2007 Bonds. Pursuant to such election and Section 11-57-205 of the Supplemental Public Securities Act, the Council hereby delegates to the City Manager or the Finance Director the power to make the following determinations with respect to the 2007 Bonds, without any requirement that the Council approve such determinations, subject to the parameters and restrictions contained in this Ordinance:

Interest Rate. The rates of interest per annum to be borne by the 2007 Bonds, provided that the total repayment cost of the 2007 Bonds and the 2004 Bonds and the maximum annual repayment cost of the 2007 Bonds and the 2004 Bonds shall not exceed the amounts authorized at the Election.

Purchase Price. The price at which the 2007 Bonds will be sold to the Purchasers, provided that the price shall not be less than 99% of the aggregate principal amount of the 2007 Bonds.

Principal Amount. The aggregate principal amount of the 2007 Bonds, provided that such principal amount shall not exceed \$22,925,000.

Maturity Schedule. The amount of principal of the 2007 Bonds maturing in any particular year, provided that it shall not to be more than \$4,800,000 annually.

Such determinations shall be evidenced by the Sale Certificate signed by the City Manager or the Finance Director and dated and delivered as of the Closing Date, which shall not be more than 60 days from the date of adoption of this ordinance.

2007 Bond Details. The 2007 Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest) initially registered in the name of Cede & Co. as nominee for The Depository Trust Company, and shall be issued in the denomination of \$5,000 or any integral multiple thereof (provided that no 2007 Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual 2007 Bond will be issued for more than one maturity). The 2007 Bonds shall be numbered in such manner as the Registrar may determine. The 2007 Bonds shall be dated as of the date the 2007 Bonds are delivered to the Purchaser for value, and shall bear interest from their dated date until maturity at the rates per annum set forth in the Sale Certificate, payable semiannually on March 1 and September 1 in each year, commencing on September 1, 2007, except that any 2007 Bond which is reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the 2007 Bonds. The 2007 Bonds shall mature on the dates and in the amounts set forth in the Sale Certificate.

The principal of on any 2007 Bond shall be payable to the Registered Owner thereof as shown on the registration records kept by the Registrar, upon maturity thereof and upon presentation and surrender at the Paying Agent. If any 2007 Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the same interest rate borne by said 2007 Bond until the principal thereof is paid in full. Payment of interest on any 2007 Bond shall be made by check or draft mailed by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the Registered Owner thereof at the address shown on the registration records kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the Registered Owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the Registered Owner of the applicable Bond at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest. Notice of the Special Record Date and the date fixed for payment of the

defaulted interest shall be given to the Registered Owners of the 2007 Bonds not less than ten days prior to the Special Record Date by first-class mail to each such Registered Owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any 2007 Bond by such alternative means as may be mutually agreed to between the Owner of such 2007 Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the interest payment dates stated in this Section). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

Pursuant to Section 11-57-210 of the Supplemental Public Securities Act, the 2007 Bonds shall contain a recital that they are issued pursuant to certain provisions of the Supplemental Public Securities Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the 2007 Bonds after their delivery for value.

Prior Redemption. The 2007 Bonds shall not be subject to redemption prior to maturity.

2007 Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection and security of the Owners of any and all of the Outstanding 2007 Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction of any of such securities over any other thereof, except as otherwise expressly provided in or pursuant to this Ordinance.

Special Obligations. All of the 2007 Bonds, together with the interest accruing thereon, shall be payable and collectible solely out of the Pledged Revenues, which Pledged Revenues are hereby so pledged; the Owner or Owners of the 2007 Bonds may look only to the designated special accounts herein pledged for the payment of the principal of and interest on the 2007 Bonds. The full faith and credit of the City is not pledged to the payment of the 2007 Bonds; they shall constitute special, limited obligations of the City. The City has no obligation to increase any City taxes for the purpose of paying the principal of and interest on the 2007 Bonds.

No Pledge of Property. The payment of the 2007 Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the Pledged Revenues and other funds and accounts pledged for the payment of the 2007 Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the 2007 Bonds.

No Recourse Against Officers and Agents. No civil recourse shall be available for the payment of the principal of and interest on the 2007 Bonds or for any claim based thereon or otherwise upon this Ordinance or any other ordinance pertaining hereto, against any individual member of the Council or any officer or agent of the City who acts in good faith, either directly or indirectly through the Council, or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty or otherwise. By the acceptance of the 2007 Bonds and as a part of the consideration of their sale or purchase, any Person purchasing or selling such 2007 Bonds specifically waives any such recourse.

Form of 2007 Bonds and Registration Panel. The 2007 Bonds and the registration panel shall be substantially as follows (provided that any portion of the 2007 Bond text may, with appropriate references, be printed on the back of the 2007 Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

Bond Ordinance. To the extent not defined herein, terms used in this bond shall have the same meanings as set forth in the Bond Ordinance. This bond bears interest, matures, is payable, and is transferable as provided in the Bond Ordinance.

The principal of on this bond is payable upon presentation and surrender hereof at the principal office of the Paying Agent. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered in the registration records of the City maintained by the Registrar at its principal office and at the address appearing thereon at the close of business on the Record Date.

Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the 2007 Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security for the 2007 Bonds, the accounts, funds or revenues pledged to the 2007 Bonds, the terms and conditions under which additional obligations payable from the Pledged Revenues or Additional Bonds payable from the Pledged Sales and Use Tax Revenues may be issued, the rights, duties and obligations of the City and the Registrar and Paying Agent, the rights of the Owners of the 2007 Bonds, the events of default and remedies, the circumstances under which any 2007 Bond is no longer Outstanding, the ability to amend the Bond Ordinance; and by the acceptance of this bond the Owner hereof assents to all provisions of the Bond Ordinance. The principal of and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

THE 2007 BONDS ARE ISSUED PURSUANT TO AND IN FULL COMPLIANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO, THE CHARTER OF THE CITY, AND PURSUANT TO THE BOND ORDINANCE. THE FULL FAITH AND CREDIT OF THE CITY IS NOT PLEDGED TO THE PAYMENT OF THE 2007 BONDS, AND THEY CONSTITUTE SPECIAL, LIMITED OBLIGATIONS OF THE CITY, SECURED ONLY BY THE PLEDGED REVENUES. THE CITY HAS NO OBLIGATION TO INCREASE ANY CITY TAXES FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE 2007 BONDS. NEITHER THE MEMBERS OF THE CITY NOR ANY PERSONS EXECUTING THIS BOND SHALL BE PERSONALLY LIABLE FOR THIS BOND.

It is certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this bond; that it is issued pursuant to and in strict conformity with the Constitution and laws of the State, with the Charter of the City, and with the Bond Ordinance; and that this bond does not contravene any Constitutional, statutory or Charter limitation.

It is also certified, recited, and warranted that the 2007 Bonds are issued under the authority of the Bond Ordinance and the Supplemental Public Securities Act. It is the intention of the City, as expressed in the Bond Ordinance, that this recital shall conclusively impart full compliance with all of the provisions of the Bond Ordinance and shall be conclusive evidence of the validity and the regularity of the issuance of the 2007 Bonds after their delivery for value and that all of the 2007 Bonds issued are incontestable for any cause whatsoever after their delivery for value.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Registrar shall have duly executed the certificate of authentication hereon.

IN WITNESS WHEREOF, the Council of the City of Grand Junction has caused this bond to be signed and executed in its name and upon its behalf with a manual or facsimile signature of the President of the Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, and has caused a manual or facsimile impression of the seal of the City affixed hereon, all as of the date specified above.

(Manual or Facsimile Signature)
President of the Council

(MANUAL OR FACSIMILE SEAL)

Attest:

(Manual or Facsimile Signature)
City Clerk

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication)

This is one of the 2007 Bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration records kept by the undersigned as Registrar for such 2007 Bonds.

American National Bank,
as Registrar

Date of Authentication
and Registration:

By: _____
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication)

(Form of Prepayment Panel)

The following installments of principal (or portion thereof) of this bond have been prepaid in accordance with the terms of the Bond Ordinance authorizing the issuance of this bond.

<u>Date of Prepayment</u>	<u>Principal Prepaid</u>	<u>Signature of Authorized Representative of the Depository</u>

(End of Form of Prepayment Panel)

MAY BE PRINTED ON THE BACK OF THE BOND AND THE FOLLOWING STATEMENT INSERTED -- REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF; SUCH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Address of transferee:

Social Security or other tax
identification number of transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

EXCHANGE OR TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

Negotiability. The Owner or Owners of the 2007 Bonds shall possess all rights enjoyed by the holders of investment securities under the provisions of the Uniform Commercial Code-Investment Securities. The principal of and interest on the 2007 Bonds shall be paid, and the 2007 Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate Owner of any 2007 Bonds or any setoffs or cross-claims.

Execution and Authentication of the 2007 Bonds. The 2007 Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signature of the President of the Council, shall be sealed with the corporate seal of the City or a facsimile thereof thereunto affixed, imprinted, engraved or otherwise reproduced, and shall be attested by the manual or facsimile signature of the City Clerk. Any 2007 Bond may be signed (manually or by facsimile), sealed or attested on behalf of the City by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of authentication, issuance or delivery, such person may have ceased to hold such office. The President of the Council and the Clerk may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears on any of the 2007 Bonds. Before the execution of any 2007 Bond, the President of the Council and the Clerk shall each file with the Secretary of State of the State his or her manual signature certified by him or her under oath.

The authentication certificate upon the 2007 Bonds shall be substantially in the form and tenor provided in the form of the 2007 Bonds hereinbefore provided. No 2007 Bond shall be secured hereby or entitled to the benefit hereof, nor shall any 2007 Bond be valid or obligatory for any purpose, unless the certificate of authentication, substantially in such form, has been duly executed by the Registrar and such certificate of the Registrar upon any 2007 Bond shall be conclusive evidence that such 2007 Bond has been authenticated and delivered hereunder. The certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the 2007 Bonds. By authenticating any of the 2007 Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Registration, Transfer and Exchange.

Except as provided in Section 17, records for the registration and transfer of the 2007 Bonds shall be kept by the Registrar, which is hereby appointed by the City as registrar (i.e., transfer agent) for the 2007 Bonds. Upon the surrender for transfer of any 2007 Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or his attorney duly authorized in writing, the Registrar shall enter such transfer on the registration records and shall authenticate and deliver in the name of the transferee or transferees a new 2007 Bond or Bonds of the same series, of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not previously assigned. 2007 Bonds may be exchanged at the Registrar for an equal aggregate principal amount of 2007 Bonds of the series and the same maturity and interest rate of other authorized denominations. The Registrar shall authenticate and deliver a 2007 Bond or Bonds which the Registered Owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such exchanges and transfers of 2007 Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such exchange or transfer) shall be paid by the Registered Owner requesting such exchange or transfer.

The Person in whose name any 2007 Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 7 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any 2007 Bond shall be made only to or upon the written order of the Registered Owner thereof or his legal representative, but such registration may be changed upon transfer of such 2007 Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such 2007 Bond to the extent of the sum or sums so paid.

If any 2007 Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement 2007 Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not

previously assigned. If such lost, stolen, destroyed, or mutilated 2007 Bond shall have matured or is about to become due and payable, the Registrar may direct the Paying Agent to pay such 2007 Bond in lieu of replacement.

The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated 2007 Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

Whenever any 2007 Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such 2007 Bond shall be promptly cancelled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Book Entry.

Notwithstanding any contrary provision of this Ordinance, the 2007 Bonds shall initially be evidenced by one 2007 Bond equal to the principal amount which matures on the same date and bears the same rate of interest. Such initially delivered 2007 Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the 2007 Bonds. The 2007 Bonds may not thereafter be transferred or exchanged except:

to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in Section 4-8-102(a)(5), Colorado Revised Statutes and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended;
or

upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this paragraph A, or a determination by the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Council of another depository institution acceptable to the Council and to the depository then holding the 2007 Bonds, which new depository institution must be both a "clearing corporation" as defined in Section 4-8-102(a)(5), Colorado Revised Statutes and a qualified and registered "clearing

agency” under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor new depository; or

upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this paragraph A, or a determination of the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the Council, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of paragraph A hereof or designation of a new depository pursuant to clause (2) of paragraph A hereof, upon receipt of the Outstanding 2007 Bonds by the Bond Registrar, together with written instructions for transfer satisfactory to the Bond Registrar, a new 2007 Bond for each maturity and bearing the same rate of interest of the 2007 Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of paragraph A hereof and the failure after reasonable investigation to locate another qualified depository institution for the 2007 Bonds as provided in clause (3) of paragraph A hereof, and upon receipt of the Outstanding 2007 Bonds by the Bond Registrar, together with written instructions for transfer satisfactory to the Bond Registrar, new 2007 Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 16 hereof, registered in the names of such Persons, and in such authorized denominations as are requested in such written transfer instructions; however, the Bond Registrar shall not be required to deliver such new 2007 Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

The Council, the Bond Registrar and the Paying Agent shall be entitled to treat the Registered Owner of any Bond as the absolute Owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Council, the Bond Registrar and the Paying Agent shall have no responsibility for transmitting

payments to the beneficial owners of the 2007 Bonds held by The Depository Trust Company or any successor or new depository named pursuant to paragraph A hereof.

The Council, the Bond Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of paragraph (A) hereof in effectuating payment of the principal amount of the 2007 Bonds upon maturity by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

Delivery of 2007 Bonds and Disposition of Proceeds. When the 2007 Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the 2007 Bonds to be delivered to the Purchasers on receipt of the agreed purchase price. The 2007 Bonds shall be delivered in such denominations as the Purchasers shall direct (but subject to the provisions of Sections 16 and 17 hereof); and the Registrar shall initially register the 2007 Bonds in such name or names as the Purchasers shall direct.

The proceeds of the 2007 Bonds, including the accrued interest thereon, shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Purchasers of the 2007 Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

All proceeds of the 2007 Bonds shall be used by the City, together with any other available moneys therefor, to pay the costs of the Project, including costs incidental to the issuance of the 2007 Bonds. After payment of all costs of the Project, or after adequate provision therefor is made, any unexpended balance of the proceeds of the 2007 Bonds shall be deposited in the Bond Account and applied to the payment of the principal of and interest on the 2007 Bonds.

Use of Pledged Revenues. So long as any 2007 Bonds shall be Outstanding, either as to principal or interest, the Pledged Revenues shall, upon receipt by the City, be applied as follows:

Bond Account. First, there shall be credited from the Pledged Revenues to a special account of the City hereby created and to be known as the "City of Grand Junction Revenue Bond Account" the following amounts, provided however, that upon the issuance of

Additional Bonds, the Pledged Sales and Use Tax Revenues pledged to the payment of each respective series of Bonds shall be credited concurrently:

Interest Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month six months next prior to the first interest payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then Outstanding.

Principal Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month one year next prior to the first principal payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity.

If prior to any interest payment date or principal payment date there has been accumulated in the Bond Account the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in subparagraph (1) or (2) (whichever is applicable) of this paragraph, may be appropriately reduced; but the required monthly amounts again shall be so credited to such account commencing on such interest payment date or principal payment date. The moneys in the Bond Account shall be used only to pay the principal of and interest on the Bonds as the same become due.

Termination of Deposits upon Maturity. No payment need be made into the Bond Account if the amount therein totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, and both accrued and unaccrued requirements, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be used as provided in Paragraphs D and E of this Section.

Rebate Account. Third, there shall be deposited in a sub-account of the “City of Grand Junction General Fund Revenue Bonds, Series 2004, Rebate Account”, which sub-account is hereby created and shall be known as the “2007 Rebate Sub-account”, amounts required by Section 148(f) of the Tax Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury.

Payment for Subordinate Obligations. After the payments required by Paragraphs A and C of this Section, the Pledged Revenues shall be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the Bonds hereafter authorized to be issued, including reasonable reserves therefor.

Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose.

Nothing in this Ordinance shall prevent the City from making refunds of amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds.

General Administration of Accounts. The accounts designated in Section 19 hereof shall be administered as follows, subject to the limitations stated in Section 24.K. hereof:

Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 19 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the Council in each year respectively while any of the 2007 Bonds, either as to principal or interest, are Outstanding and unpaid. No provision of any constitution, statute, charter, ordinance, resolution, or other order or measure enacted after the issuance of the 2007 Bonds shall in any manner be construed as limiting or impairing the obligation of the City to keep and perform the covenants contained in this Ordinance so long as any of the 2007 Bonds remain Outstanding and unpaid. Nothing herein shall prohibit the Council, at its sole option,

from appropriating and applying other funds of the City legally available for such purpose to the Bond Account for the purpose of providing for the payment of the principal of and interest on the 2007 Bonds.

Places and Times of Deposits. Each of the special accounts created in Section 19 hereof shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding business day.

Investment of Accounts. Any moneys in any account established by Section 19 of this Ordinance may be invested or reinvested in any Permitted Investment. Securities or obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60 day period, except for any moneys on deposit in an interest bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 20.C. and

Section 20.E. hereof; but the City is not required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 24.K. hereof.

No Liability for Losses Incurred in Performing Terms of Ordinance. Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 20.C. hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 20.C. hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Pledge Securing the 2007 Bonds. The Pledged Revenues and any moneys and securities paid or to be paid to or held or to be held in the Bond Account designated in Section 19 hereof are hereby pledged to secure the payment of the principal of and interest on the 2007 Bonds, subject only to moneys and securities held in the Rebate Account, to the extent such amounts are required to be paid to the United States. The pledge of the Pledged Sales and Use Tax Revenues (as part of the Pledged Revenues) to secure the payment of the principal of and interest on the 2007 Bonds is on a parity with the pledge of the Pledged Sales and Use Tax Revenues for and lien thereon of the 2004 Bonds and any Additional Bonds hereafter issued, as provided herein. This pledge of the Pledged Revenues shall be valid and binding from and after the date of the delivery of the 2007 Bonds, and the Pledged Revenues received by the City and hereby pledged shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act. The lien of this pledge of the Pledged Revenues shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. The lien of this pledge on the Pledged Revenues and the obligation to perform the contractual provisions made herein shall have priority over any or all other obligations and liabilities of the City, except with respect to any parity lien on the Pledged Sales and Use Tax Revenues which may be pledged to the 2004 Bonds and Additional Bonds hereafter authorized, as provided herein.

Additional Bonds.

Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall prevent the issuance by the City of additional bonds or other obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the 2007 Bonds (the "Additional Bonds"). Such Additional Bonds may be payable solely from Pledged Sales and Use Tax Revenues or they may be payable from Pledged Sales and Use Tax Revenues and another revenue or fund of the City ("Additional Pledged Revenues"). Regardless of whether payable solely from Pledged Sales and Use Tax Revenues or from Pledged Sales and Use Tax Revenues and Additional Pledged Revenues, such bonds or other obligations may be issued only if for the Fiscal Year immediately preceding the issuance of any Additional Bonds, the amount of Pledged Sales and Use Tax Revenues in such Fiscal Year equaled or exceeded 175% of the Maximum Annual Debt Service Requirement on the Outstanding Bonds and the Additional Bonds proposed to be issued. For the purpose of satisfying the aforementioned 175% test, any sales and use tax, now existing or hereafter imposed, which legally becomes a part of the Pledged Sales and Use Tax Revenues during the Fiscal Year preceding the issuance of Additional Bonds, or any tax which is to legally become a part of the Pledged Sales and Use Tax Revenues immediately prior to the issuance of Additional Bonds, or any increase in the rate of any tax which is a part of the Pledged Sales and Use Tax Revenues which increase is imposed during the Fiscal Year preceding the issuance of Additional Bonds or any such increase which is to be imposed immediately prior to the issuance of Additional Bonds can be considered for its estimated effect on the amount of the Pledged Sales and Use Tax Revenues as if such tax or increase had been in effect for the Fiscal Year immediately preceding the issuance of such Additional Bonds. Any tax which is no longer in effect at the time of issuance of the Additional Bonds shall not be considered for purposes of satisfying such tests.

Certificate of Revenues. A written certification by an officer or employee of the City that the requirements of Paragraph A of this section have been met shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver said Additional Bonds with a pledge of the Pledged Sales and Use Tax Revenues on a parity with the pledge thereof to the 2007 Bonds herein authorized.

Superior Pledged Sales and Use Tax Revenue Obligations Prohibited. Nothing in this Ordinance shall be construed so as to permit the City to hereafter issue obligations payable from the Pledged Sales and Use Tax Revenues having a lien thereon prior or superior to the 2007 Bonds.

Subordinate Pledged Sales and Use Tax Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues subordinate or junior to the lien of the 2007 Bonds.

Superior, Parity, and Subordinate Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon any of the Pledged Revenues specifically excluding therefrom the Pledged Sales and Use Tax Revenues, superior to, on a parity with, or subordinate or junior to the lien thereon of the 2007 Bonds.

Refunding Obligations.

Generally. If at any time after the 2007 Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding Bonds, or any part thereof, such Bonds, or any part thereof, may be refunded, subject to the provisions of Paragraph B of this Section, if (1) the Bonds to be refunded, at the time of their required surrender for payment, shall then mature, or (2) the Owners of the Bonds to be refunded consent to such surrender and payment.

Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues or from the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues shall be issued with such details as the Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of Bonds payable from the Pledged Revenues or the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues; but so long as any Bonds are Outstanding, refunding obligations payable from the Pledged Sales and Use Tax Revenues may be issued on a parity with the unrefunded Bonds only if:

Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

Requirements Not Increased. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Sales and Use Tax Revenues is not raised to a higher priority than the lien thereon of any Bonds thereby refunded; or

Earnings Test. The refunding obligations are issued in compliance with Paragraphs A and B of Section 22 hereof.

Protective Covenants. The City hereby additionally represents, covenants, and agrees with each and every Owner of the 2007 Bonds that:

Use of 2007 Bond Proceeds. The City will proceed with the Project without delay and with due diligence.

Payment of 2007 Bonds. The City will promptly pay the principal of and interest on every 2007 Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said 2007 Bonds according to the true intent and meaning hereof. Such principal of and interest on the 2007 Bonds is payable solely from the Pledged Revenues.

Amendment of Certain Ordinances; Duty to Impose Sales and Use Tax; Impairment of Contract. The Sales and Use Tax Ordinances are in full force and effect and have not been repealed or amended. The City will not repeal or amend said Sales and Use Tax Ordinances in any manner which would diminish the proceeds of the Pledged Sales and Use Tax by an amount which would materially adversely affect the rights of the Owners of the 2007 Bonds.

Notwithstanding any other provision of this Section or this Ordinance, the City shall retain the right to make changes, without any consent of 2007 Bond Owners, in the Sales and Use Tax Ordinances, or any ordinance supplemental thereto or in substitution therefor, concerning the use of proceeds of the Pledged Sales and Use Tax remaining after the current requirements of all ordinances authorizing bonds or other securities payable from the Pledged Sales and Use Tax, or any portion thereof, have been met; or concerning changes in applicability,

exemptions, administration, collection, or enforcement of the Sales and Use Tax, if such changes do not materially adversely affect the security for the 2007 Bonds.

The foregoing covenants are subject to compliance by the City with orders of courts of competent jurisdiction concerning the validity, constitutionality or collection of such tax revenues, any legislation of the United States or the State or any regulation or other action taken by the federal government, any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action applies to the City as a Colorado home rule city and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Pledged Sales and Use Tax Revenues shall be subject to the payment of the principal of and interest on all Bonds payable from the Pledged Sales and Use Tax Revenues, including reserves therefor, as provided herein or in any instrument supplemental or amendatory hereof.

Defense of Legality of Pledged Revenues. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator, administrative agency or other governmental authority which affects the validity or legality of this Ordinance, or the Sales and Use Tax Ordinances or the imposition and collection of the Sales and Use Tax, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Sales and Use Tax Ordinances.

The City shall, to the extent permitted by law, defend the validity and legality of this Ordinance, the Sales and Use Tax and the Sales and Use Tax Ordinances against all claims, suits and proceedings which would diminish or impair the Pledged Revenues. Furthermore, the City shall amend from time to time the provisions of any ordinance or resolution of the City, as necessary to prevent impairment of the Pledged Revenues as required to meet the principal of and interest on the 2007 Bonds when due.

Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter

become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance and to comply with any instrument of the City amendatory thereof, or supplemental thereto and the Charter. The City, acting by and through the Council, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the 2007 Bonds against all claims and demands of all Persons whomsoever.

Conditions Precedent. Upon the issuance of any of the 2007 Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance, to exist, to have happened, and to have been performed precedent to or in the issuance of the 2007 Bonds shall exist, have happened and have been performed, and the 2007 Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State, or the Charter of the City.

Maintenance of Records. So long as any of the 2007 Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created by this Ordinance. Upon the issuance of any series of Additional Bonds, the City shall keep proper books of record and account showing complete and correct entries of all transactions relating to the Pledged Sales and Use Tax Revenues and accounts created or continued pursuant to the ordinance authorizing the issuance of such series of Additional Bonds.

Audits Required. The City further agrees that it will, within 210 days following the close of each Fiscal Year, cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues. The City agrees to allow the Owner of any of the 2007 Bonds to review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Purchasers.

Performing Duties. The City will faithfully and punctually perform all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the proper

collection and enforcement of the Sales and Use Taxes and the segregation of the Pledged Revenues and their application to the respective accounts herein designated.

Other Liens. As of the date of issuance of the 2007 Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues on a parity with or superior to the lien thereon of the 2007 Bonds, except for the lien on the Pledged Revenues of the 2004 Bonds.

Tax Covenant. The City covenants for the benefit of the Registered Owners of the 2007 Bonds that it will not take any action or omit to take any action with respect to the 2007 Bonds, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the 2007 Bonds if such action or omission (i) would cause the interest on the 2007 Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the 2007 Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income, or (iii) would cause interest on the 2007 Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the 2007 Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

Corporate Existence. The City will maintain its corporate identity and existence so long as any of the 2007 Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding 2007 Bonds.

Performance of Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the laws of the State and the resolutions of the City, including without limitation the proper segregation of the Pledged

Revenues as set forth in Section 19 hereof and their application to the respective accounts as herein provided.

Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

Continuing Disclosure. The City further covenants for the benefit of the Owners of the Bonds to comply with the Continuing Disclosure Certificate.

Defeasance. When the 2007 Bonds have been fully paid both as to principal and interest have been paid, all obligations hereunder shall be discharged and the 2007 Bonds shall no longer be deemed to be Outstanding for any purpose of this Ordinance, except as set forth in Section 24.K. hereof. Payment of any 2007 Bond shall be deemed made when the City has placed in escrow with a Trust Bank an amount sufficient (including the known minimum yield from Governmental Obligations) to meet all requirements of principal and interest on such 2007 Bond as the same become due to maturity. The Governmental Obligations shall become due at or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule agreed upon between the City and such Trust Bank at the time of creation of the escrow and shall not be callable prior to their scheduled maturities by the issuer thereof.

In the event that there is a defeasance of only part of the 2007 Bonds of any maturity, the Registrar shall, if requested by the City, institute a system to preserve the identity of the individual 2007 Bonds or portions thereof so defeased, regardless of changes in bond numbers attributable to transfers and exchanges of 2007 Bonds; and the Registrar shall be entitled to reasonable compensation and reimbursement of expenses from the City in connection with such system.

Delegated Powers. The officers of the City shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The form, terms and provisions of the Registrar Agreement and the Continuing Disclosure Certificate, hereby are approved, and the City shall enter into and perform its obligations under the Registrar Agreement, the Letter of Representations, and the Continuing

Disclosure Certificate in the forms of each of such documents previously filed, with only such changes therein as are not inconsistent herewith; and the President of the Council is hereby authorized and directed to execute the Registrar Agreement and the Continuing Disclosure Certificate. The City Manager or Finance Director is hereby authorized and directed to execute and deliver the Sale Certificate and to determine and approve the final determinations contained therein for the 2007 Bonds. The City Clerk is hereby authorized to execute and to affix the seal of the City to the Registrar Agreement, and the President of the Council, the City Manager, the Finance Director and the City Clerk are further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the 2007 Bonds. Such documents are to be executed in substantially the forms hereinabove approved, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein.

The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof.

The proper officers of the City are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the City relating to the 2007 Bonds and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Events of Default. Each of the following events is hereby declared an "event of default:"

Nonpayment of Principal. If payment of the principal of any of the 2007 Bonds in connection therewith, shall not be made when the same shall become due and payable at maturity; or

Nonpayment of Interest. If payment of any installment of interest on the 2007 Bonds shall not be made when the same becomes due and payable; or

Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

Default of any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the 2007 Bonds or in this Ordinance on its part to be performed, other than those delineated in Paragraphs A and B of this Section and Section 24.P. hereof, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of the 2007 Bonds then Outstanding.

Remedies. Upon the happening and continuance of any event of default as provided in Section 27 hereof, the Owner or Owners of not less than 25% in principal amount of the Outstanding 2007 Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Owners. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Duties Upon Default. Upon the happening of any of the events of default as provided in Section 27 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the 2007 Bonds to protect and preserve the security created for the payment of the 2007 Bonds and to insure the payment of the principal of and interest on said 2007 Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so long as any of the 2007 Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event

the City fails or refuses to proceed as in this section provided, the Owner or Owners of not less than 25% in aggregate principal amount of the 2007 Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, the City may, upon notice mailed to each Owner of any 2007 Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or removal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the City or a Commercial Bank or Trust Bank. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Amendment. After any of the 2007 Bonds have been issued, this Ordinance shall constitute a contract between the City and the holders of the Bonds and shall be and remain irrevocable until the Bonds and the interest thereon have been fully paid, satisfied and discharged except as otherwise provided in this Section.

The City may, without the consent of, or notice to the Owners of the 2007 Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

to cure any ambiguity, or to cure, correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are necessary or desirable and do not adversely affect the interests of the Owners of the 2007 Bonds;

to subject to the lien of this Ordinance additional revenues, properties or collateral;

to grant or confer upon the Registrar for the benefit of the Registered Owners of the Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the Registered Owners of the Bonds; or

to qualify this Ordinance under the Trust Indenture Act of 1939.

Exclusive of the amendatory ordinances permitted by Paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of 66% in aggregate principal amount of the 2007 Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the 2007 Bonds adversely affected thereby, no such Ordinance shall have the effect of permitting:

An extension of the maturity of any 2007 Bond authorized by this Ordinance; or

A reduction in the principal amount of any 2007 Bond or the rate of interest thereon; or

The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or

A reduction of the principal amount of 2007 Bonds required for consent to such amendatory or supplemental ordinance; or

The establishment of priorities as between 2007 Bonds issued and Outstanding under the provisions of this Ordinance; or

The modification of or otherwise affecting the rights of the Owners of less than all of the 2007 Bonds then Outstanding.

Approval of Official Statement. The preparation, distribution and use of Preliminary Official Statement relating to the 2007 Bonds is hereby authorized. The President of the Council or Finance Director is authorized and directed to approve, on behalf of the City, a final Official Statement for use in connection with the offering and sale of the 2007 Bonds. The execution of a final Official Statement by the President of the Council or Finance Director shall be conclusively deemed to evidence the approval of the form and contents thereof by the City.

Disposition of Ordinance. This Ordinance, as adopted by the Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the Council and City Clerk, and by the certificate of publication.

Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM January 3, 2007.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND
ORDERED PUBLISHED IN PAMPHLET FORM January 17, 2007.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Jim Doody				
Bonnie Beckstein				
Bruce Hill				
Gregg Palmer				
Jim Spehar				
Teresa Coons				
Doug Thomason				

4. The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

5. The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of January 3, 2007 and January 17, 2007 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on January __, 2007 and January __, 2007 as required by the City Charter. Notice of the hearing on the Ordinance was published on January __, 2007. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ___ day of January, 2007.

City Clerk and Clerk to the Council

(SEAL)

EXHIBIT A

(Attach Notices of Meetings of January 3, 2007 and January 17, 2007)

EXHIBIT B
(Attach Affidavits of Publication)

pubfin\647330_1

Attach 21
Public Hearing – Apple Acres Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Apple Acres Annexation and Zoning, located at 3025 E Road.				
Meeting Date		January 17, 2007				
Date Prepared		January 11, 2007			File #ANX-2006-302	
Author		Adam Olsen		Associate Planner		
Presenter Name		Adam Olsen		Associate Planner		
Report results back to Council		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Formal Agenda	<input type="checkbox"/>	Consent
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	Individual Consideration

Summary: Request to annex and zone 8.84 acres, located at 3025 E Road, to RMF-5 (Residential Multi Family 5 du/ac). The Apple Acres Annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Apple Acres Annexation and hold a public hearing and consider final passage of the annexation ordinance and zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Draft Planning Commission Minutes (December 12, 2006)
5. Acceptance Resolution
6. Annexation Ordinance
7. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION			
Location:		3025 E Road	
Applicants:		Apple Acres LLC-Owner Ciavonne Roberts & Associates-Representatives	
Existing Land Use:		Residential/Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential, Agriculture, Commercial	
	South	Residential	
	East	Residential	
	West	Commercial	
Existing Zoning:		RSF-4	
Proposed Zoning:		RMF-5	
Surrounding Zoning:	North	RSF-4 (County), C-1	
	South	RSF-4 (County)	
	East	RSF-4 (County), RMF-5 (County)	
	West	RSF-4 (County), B-1	
Growth Plan Designation:		RM (Residential Medium 4-8 du/ac)	
Zoning within density range?		x	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 8.84 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Apple Acres Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;

- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
December 6, 2006	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
December 12, 2006	Planning Commission considers Zone of Annexation
January 3, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
January 17, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
February 18, 2007	Effective date of Annexation and Zoning

APPLE ACRES ANNEXATION SUMMARY		
File Number:	ANX-2006-302	
Location:	3025 E Road	
Tax ID Number:	2943-162-00-212	
Parcels:	1	
Estimated Population:	1	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	8.84	
Developable Acres Remaining:	8.84	
Right-of-way in Annexation:	E Road	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	RMF-5	
Current Land Use:	Residential/Vacant	
Future Land Use:	RM (Residential Medium 4-8 du/ac)	
Values:	Assessed:	\$14,710
	Actual:	\$122,440
Address Ranges:	3021-3025 E Road (odd only)	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire
	Irrigation/Drainage:	Grand Junction Drainage
	School:	District 51

Zone of Annexation: The requested zone of annexation to the RMF-5 district is consistent with the Growth Plan designation of RM (Residential Medium 4-8 du/ac). The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4 and 5 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The RMF-5 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates all surrounding properties as RM (Residential Medium 4-8 du/ac). The area to the south of the property is zoned County RSF-4, with a density of 3 du/ac. A subdivision to the east of the subject property is zoned County RMF-5 with a density of 4.4 du/ac. To the west across E road is a property zoned B-1 in the City. To the north is I-70 B.

The RMF-5 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 10: To retain valued characteristics of different neighborhoods within the community.

Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

The proposed zoning is consistent with the goals and policies of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

- The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs.

Response: At the time of annexation, a property shall be zoned to a district that is consistent with the Growth Plan or consistent with existing County Zoning.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

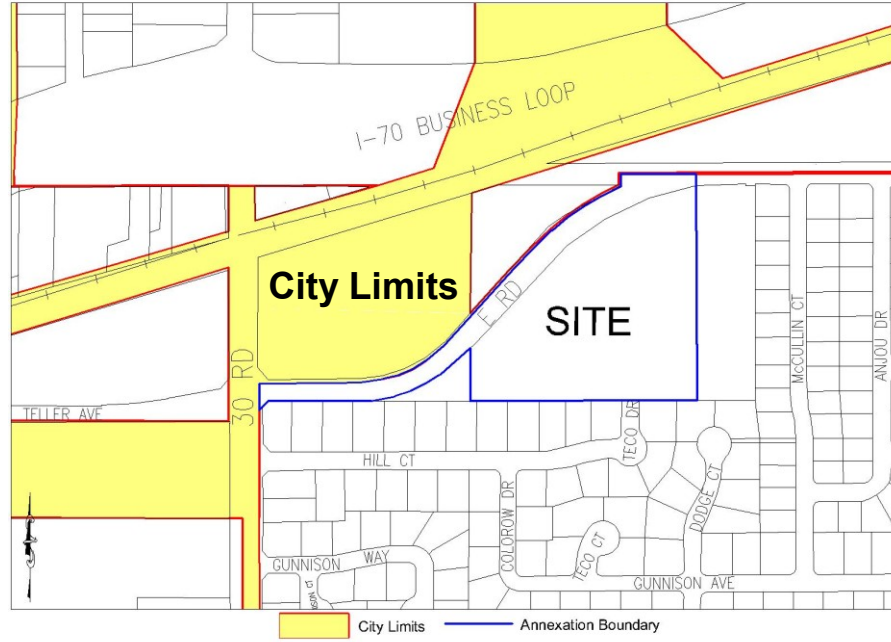
- c. RSF-4
- d. RMF-8

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-5 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



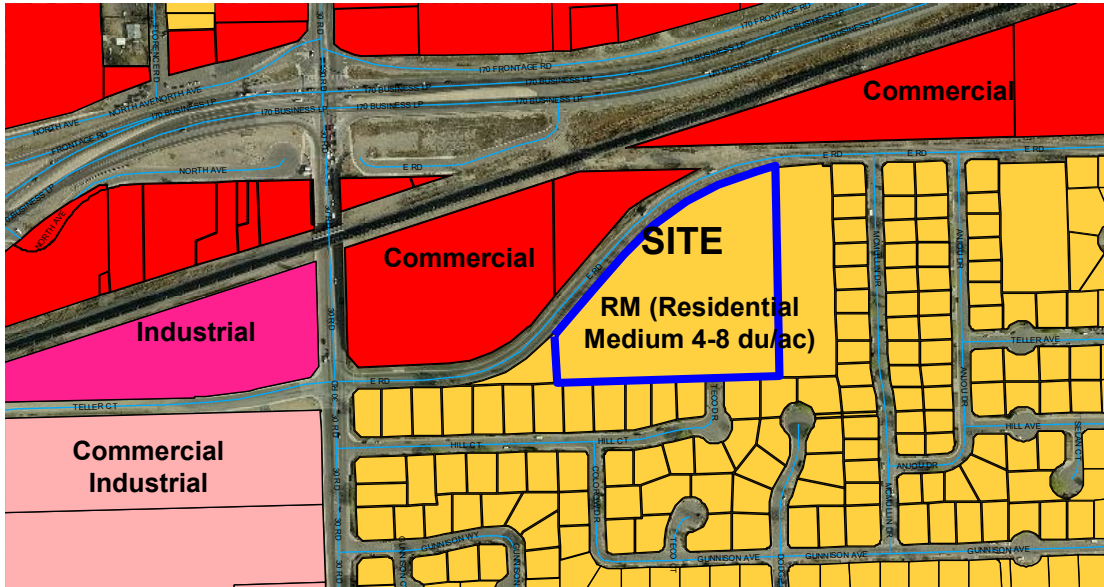
Aerial Photo Map

Figure 2



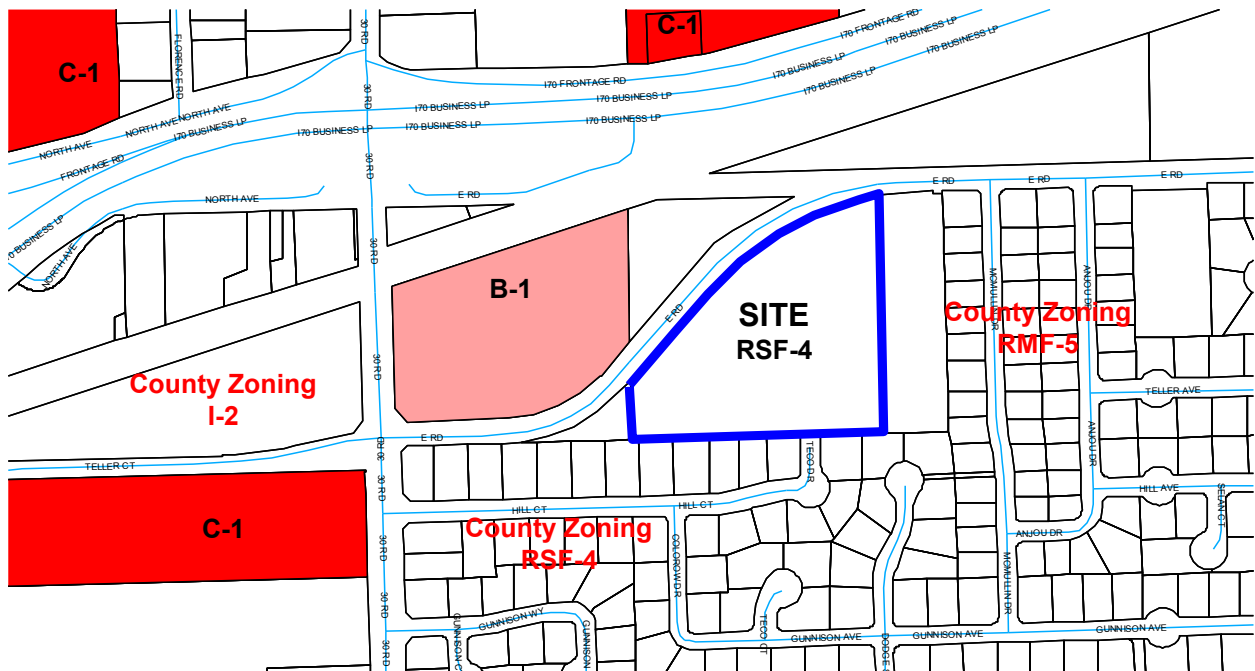
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**DRAFT PLANNING COMMISSION MINUTES
DECEMBER 12, 2006**

ANX-2006-302 ZONE OF ANNEXATION – APPLE ACRES ANNEXATION
Request approval to zone 6.82 acres from a County RSF-4 (Residential Single Family-4 units/acre) to a City RMF-5 (Residential Multi-Family-5 units/acre) zone district.

PETITIONER: Jay Kee Jacobson – Apple Acres, LLC
LOCATION: 3025 E Road
STAFF: Adam Olsen

STAFF'S PRESENTATION

Adam Olsen, Associate Planner, made a PowerPoint presentation in support of the request to zone the Apple Acres annexation located along the south side of E Road. He further explained that the majority of the surrounding development is residential and within the county. To the north is the I-70 Business Loop with its associated commercial development. This area is designated as residential/medium according to the Future Land Use Map which corresponds to 4 to 8 dwelling units per acre. The request zone of RMF-5 zone district corresponds to this designation. Mr. Olsen further explained that to the north and northwest the land use designation is commercial. The site is currently zoned RSF-4 in the county. The area to the north and northwest is located within the City and is zoned B-1 which corresponds to a neighborhood business. Property located just west and to the southwest is also property which is located in the City and is zoned C-1. County zoning is present to the south and east of the subject property. A subdivision, zoned County RSF-4, is located south of the subject property and contains a density of 3 dwelling units per acre. The subdivision to the east is zoned County RMF-5 with a density of 4.4 units per acre.

The proposed RMF-5 zone is compatible with the neighborhood and surrounding area. Accordingly, staff recommends approval by the Planning Commission of the RMF-5 zone to the City Council with the Findings and Conclusions listed in the Staff Report.

QUESTIONS

Chairman Dibble asked whether both RSF-4 and RMF-8 are available for consideration and also inquired about applicant's specific request for RMF-5. Mr. Olsen stated that applicant specifically requested RMF-5.

Chairman Dibble next inquired about the configuration of lots in the RMF-5 that would be more conducive to applicant's request. Mr. Olsen stated that he has not yet seen a proposal for a subdivision.

Chairman Dibble next inquired why applicant chose not to go across from a County designation to the same designation within the City. Mr. Olsen was unsure. He did, however, state that the lot size in the RMF-5 can be smaller as well as the difference in the side setbacks.

Commissioner Putnam asked if the property immediately to the east is a separate parcel. Mr. Olsen stated that it is a separate parcel and that it is not included.

PETITIONER'S PRESENTATION

Keith Ehlers of Ciavonne, Roberts & Associates, addressed the Commission on behalf of applicant. Mr. Ehlers stated that they had attempted to contact the owner of the property immediately to the east in an effort to include that property within the application. Mr. Ehlers stated that applicant is requesting the RMF-5 zoning due in part to the desire for a little more density than can be provided by the RSF-4. He further pointed out the neighboring densities as, to the east is 4.4; to the south is 3.16; with an average density of 3.72 use to the acre. Applicant's proposed density is 3.96 units per acre. The zoning of RMF-5 is necessary due to the unique shape of the site and the required detention for roads, etc. The average square footage of the lots is 8,200 square feet.

QUESTIONS

Chairman Dibble asked whether duplexes would be placed on this property. Mr. Ehlers stated that at this point a final determination has not been made. However, at present, applicant's plan does not include the use of any duplexes or attached houses.

Commissioner Lowrey inquired whether there would be stem streets for future connection with the property to the east. Mr. Ehlers stated that two are proposed which removes the need for further access off of E Road.

PUBLIC COMMENTS

FOR:

There were no comments from the public for this project.

AGAINST:

Mr. Dennis R. Jenkins, 493 McMullin Drive, Grand Junction, provided the Commission with a letter and also addressed the Commission and identified some concerns with respect to this project. He stated that his main concern is a change from the single family to multi-family and the potential for more units and increased traffic. He stated that he is also concerned about access onto E Road as well as the "S" curve. "I just would prefer not to see a change from what it is right now, the RSF-4."

STAFF'S REBUTTAL

Adam Olsen addressed an issue raised concerning lot sizes and setbacks. He stated that the minimum lot size for a RMF-5 zone district is 6,500 square feet and the minimum lot size for a RSF-4 zone district is 8,000 square feet. The front and rear setbacks are the same in both zones. However, the side setbacks differ with the minimum side setback for the RSF-4 is 7 feet and the RMF-5 has a minimum side setback of 5 feet.

QUESTIONS

Chairman Dibble asked how many units can be put on a lot. Mr. Olsen stated that the density cannot be greater than 5 units per acre. He further stated that the minimum density in the RMF-5 is 2 units per acre.

PETITIONER'S REBUTTAL

Keith Ehlers noted that the Growth Plan calls for a density of 4 to 8 units per acre. Applicant is seeking a designation of RMF-5 due in large part to the unique shape of the subject property. He next addressed the concern regarding the S-curve by stating that there is approximately 500 to 600 square feet of tangent with the entry being proposed in the middle for safety concerns.

DISCUSSION

Commissioner Lowrey stated that the subject proposal "is entirely appropriate and fits the Growth Plan."

MOTION: (Commissioner Lowrey) "Mr. Chairman, on Zone of Annexation, #ANX-2006-302, I move that the Planning Commission forward to the City Council a recommendation of approval of the RMF-5 (Residential Multi-Family 5 du/ac) zone district for the Apple Acres Annexation with the facts and conclusions listed in the staff report."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

7 November 2006

To: Grand Junction Planning Commission and City Council

Re: ANX - 2006 - 302, Apple Acres Annexation and Zoning changes

Attention: Adam Olsen

RECEIVED
DEC 07 2006
COMMUNITY DEVELOPMENT
DEPT.

I am a homeowner living near the annexation and zoning change petitioned by Jay Kee Jacobson - Apple Acres, LLC at 3025 E Road.

I am opposed to the change from County RSF-4 to City RMF-5 being asked for by the petitioner.

I am opposed to the idea of allowing the Apple Acres, LLC to construct multi family units as that opens up the potential for all rental units on that parcel. It would also allow many more units than allowed under the RSF-4 zoning. I feel that this change will potentially lower property values in the neighboring area. With the potential of rental units, the transient nature of the those living there could contribute to undesirable situations to our neighborhood

Access to the "S" curve in section of E Road just East of 30 Road will pose additional problems. There will be traffic issues with houses being built in this parcel under RSF-4 and even worse under RMF-5.

I would prefer to have the zoning stay as RSF-4 when the parcel is annexed to the City of Grand Junction.

Dennis R. Jenkins

Dennis R. Jenkins
493 McMullin Drive
Grand Junction, CO 81504
970-434-3409
dennis.jenkins@prodigy.net

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

APPLE ACRES ANNEXATION

LOCATED AT 3025 E ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 6th day of December, 2006, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

APPLE ACRES ANNEXATION

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Northwest Quarter of the Northwest Quarter (NW 1/4 NW1/4) of said Section 16 and assuming the East line of said NW 1/4 NW1/4 to bear S00°00'18"E with all bearings contained herein relative thereto, thence S89°51'38"W along the North line of said NW 1/4 NW1/4 a distance of 8.01 feet to the POINT OF BEGINNING, said line also being the South line of the Timm Annexation No. 2, City of Grand Junction Ordinance No. 3186; thence S00°00'43"E a distance of 38.59 feet to the Northeast corner of that certain parcel of land as described in Book 4215, Page 289; thence S00°00'43"E along the East line of said parcel a distance of 621.11 feet to the Southeast corner of said parcel and also being a point on the North line of Fruitwood Subdivision Filing No. 5 as described in Plat Book 11, Page 194, Public Records, Mesa County, Colorado, and Fruitwood Subdivision Filing No. Three as described in Plat Book 11, Page 159, Public Records, Mesa County, Colorado; thence S89°54'56"W along said North line, a distance of 652.89 feet to the Southwest corner of said parcel; thence N00°00'07"W a distance of 160.13 feet to the Northwest corner of said parcel, and also being a point on the South line of E Road as described in Book 1524, Page 10, Public Records, Mesa County, Colorado; thence S43°17'10"W along said South line a distance of 43.91 feet; thence S49°23'44"W along said South line a distance of 81.81 feet; thence 159.90 feet along the arc of a 391.10 foot radius curve concave Northwest, having a central angle of 23°25'31" and a chord bearing S66°11'51"W a distance of 158.79 feet; thence S82°59'56"W along said South line a distance of 81.91 feet; thence S88°54'43"W along said South line a distance of 74.90

feet; thence S89°54'37"W along said South line a distance of 201.51 feet; thence S45°58'19"W along said South line a distance of 21.53 feet to a point on the East line of 30 Road as described in Book 1524, Page 9, Public Records, Mesa County, Colorado and also being a point on the Timm Annexation No. 1, City of Grand Junction Ordinance No. 3185; thence N00°04'23"E along said East line a distance of 74.94 feet to a point on the South line of said Timm Annexation No. 2; thence N89°54'37"E along said South line a distance of 216.82 feet; thence N88°54'43"E along said South line a distance of 75.27 feet; thence N82°48'51"E along said South line a distance of 68.69 feet; thence 135.89 feet along the arc of a 331.10 foot radius curve concave Northwest, having a central angle of 23°30'56" and a chord bearing N66°11'51"E a distance of 134.94 feet; thence N49°34'49"E along said South line a distance of 68.69 feet; thence N43°28'56"E along said South line a distance of 75.27 feet; thence N42°29'02"E along said South line a distance of 227.40 feet; thence N42°59'04"E along said South line a distance of 74.79 feet; thence N45°57'33"E along said South line a distance of 78.16 feet; thence 237.42 feet along the arc of a 743.20 foot radius curve concave Southeast, having a central angle of 18°18'12" and a chord bearing N57°38'43"E a distance of 236.41 feet; thence N00°07'24"W a distance of 33.99 feet to a point on said North line of said NW 1/4 NW1/4; thence N89°54'29"E along said North line a distance of 215.17 feet, more or less to the Point of Beginning.

Said parcel contains 8.84 acres (385,455 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of January, 2007; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

APPLE ACRES ANNEXATION

APPROXIMATELY 8.84 ACRES

LOCATED AT 3025 E ROAD

WHEREAS, on the 6th day of December, 2006, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of January, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

Apple Acres Annexation

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Northwest Quarter of the Northwest Quarter (NW 1/4 NW1/4) of said Section 16 and assuming the East line of said NW 1/4 NW1/4 to bear S00°00'18"E with all bearings contained herein relative thereto, thence S89°51'38"W along the North line of said NW 1/4 NW1/4 a distance of 8.01 feet to the POINT OF BEGINNING, said line also being the South line of the Timm Annexation No. 2, City of Grand Junction Ordinance No. 3186; thence S00°00'43"E a distance of 38.59 feet to the Northeast corner of that certain parcel of land as described in Book 4215,

Page 289; thence S00°00'43"E along the East line of said parcel a distance of 621.11 feet to the Southeast corner of said parcel and also being a point on the North line of Fruitwood Subdivision Filing No. 5 as described in Plat Book 11, Page 194, Public Records, Mesa County, Colorado, and Fruitwood Subdivision Filing No. Three as described in Plat Book 11, Page 159, Public Records, Mesa County, Colorado; thence S89°54'56"W along said North line, a distance of 652.89 feet to the Southwest corner of said parcel; thence N00°00'07"W a distance of 160.13 feet to the Northwest corner of said parcel, and also being a point on the South line of E Road as described in Book 1524, Page 10, Public Records, Mesa County, Colorado; thence S43°17'10"W along said South line a distance of 43.91 feet; thence S49°23'44"W along said South line a distance of 81.81 feet; thence 159.90 feet along the arc of a 391.10 foot radius curve concave Northwest, having a central angle of 23°25'31" and a chord bearing S66°11'51"W a distance of 158.79 feet; thence S82°59'56"W along said South line a distance of 81.91 feet; thence S88°54'43"W along said South line a distance of 74.90 feet; thence S89°54'37"W along said South line a distance of 201.51 feet; thence S45°58'19"W along said South line a distance of 21.53 feet to a point on the East line of 30 Road as described in Book 1524, Page 9, Public Records, Mesa County, Colorado and also being a point on the Timm Annexation No. 1, City of Grand Junction Ordinance No. 3185; thence N00°04'23"E along said East line a distance of 74.94 feet to a point on the South line of said Timm Annexation No. 2; thence N89°54'37"E along said South line a distance of 216.82 feet; thence N88°54'43"E along said South line a distance of 75.27 feet; thence N82°48'51"E along said South line a distance of 68.69 feet; thence 135.89 feet along the arc of a 331.10 foot radius curve concave Northwest, having a central angle of 23°30'56" and a chord bearing N66°11'51"E a distance of 134.94 feet; thence N49°34'49"E along said South line a distance of 68.69 feet; thence N43°28'56"E along said South line a distance of 75.27 feet; thence N42°29'02"E along said South line a distance of 227.40 feet; thence N42°59'04"E along said South line a distance of 74.79 feet; thence N45°57'33"E along said South line a distance of 78.16 feet; thence 237.42 feet along the arc of a 743.20 foot radius curve concave Southeast, having a central angle of 18°18'12" and a chord bearing N57°38'43"E a distance of 236.41 feet; thence N00°07'24"W a distance of 33.99 feet to a point on said North line of said NW 1/4 NW1/4; thence N89°54'29"E along said North line a distance of 215.17 feet, more or less to the Point of Beginning.

Said parcel contains 8.84 acres (385,455 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 6th day of December, 2006 and ordered published.

ADOPTED this _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE APPLE ACRES ANNEXATION TO
RMF-5**

LOCATED AT 3025 E ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Apple Acres Annexation to the RMF-5 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned RMF-5 (Residential Multi Family 5 du/ac).

APPLE ACRES ANNEXATION

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Northwest Quarter of the Northwest Quarter (NW 1/4 NW1/4) of said Section 16 and assuming the East line of said NW 1/4 NW1/4 to bear S00°00'18"E with all bearings contained herein relative thereto, thence S89°51'38"W along the North line of said NW 1/4 NW1/4 a distance of 8.01 feet to the POINT OF BEGINNING, said line also being the South line of the Timm Annexation No. 2, City of Grand Junction Ordinance No. 3186; thence S00°00'43"E a distance of 38.59 feet to the Northeast corner of that certain parcel of land as described in Book 4215, Page 289; thence S00°00'43"E along the East line of said parcel a distance of 621.11 feet to the Southeast corner of said parcel and also being a point on the North line of Fruitwood Subdivision Filing No. 5 as described in Plat Book 11, Page 194, Public

Records, Mesa County, Colorado, and Fruitwood Subdivision Filing No. Three as described in Plat Book 11, Page 159, Public Records, Mesa County, Colorado; thence S89°54'56"W along said North line, a distance of 652.89 feet to the Southwest corner of said parcel; thence N00°00'07"W a distance of 160.13 feet to the Northwest corner of said parcel, and also being a point on the South line of E Road as described in Book 1524, Page 10, Public Records, Mesa County, Colorado; thence S43°17'10"W along said South line a distance of 43.91 feet; thence S49°23'44"W along said South line a distance of 81.81 feet; thence 159.90 feet along the arc of a 391.10 foot radius curve concave Northwest, having a central angle of 23°25'31" and a chord bearing S66°11'51"W a distance of 158.79 feet; thence S82°59'56"W along said South line a distance of 81.91 feet; thence S88°54'43"W along said South line a distance of 74.90 feet; thence S89°54'37"W along said South line a distance of 201.51 feet; thence S45°58'19"W along said South line a distance of 21.53 feet to a point on the East line of 30 Road as described in Book 1524, Page 9, Public Records, Mesa County, Colorado and also being a point on the Timm Annexation No. 1, City of Grand Junction Ordinance No. 3185; thence N00°04'23"E along said East line a distance of 74.94 feet to a point on the South line of said Timm Annexation No. 2; thence N89°54'37"E along said South line a distance of 216.82 feet; thence N88°54'43"E along said South line a distance of 75.27 feet; thence N82°48'51"E along said South line a distance of 68.69 feet; thence 135.89 feet along the arc of a 331.10 foot radius curve concave Northwest, having a central angle of 23°30'56" and a chord bearing N66°11'51"E a distance of 134.94 feet; thence N49°34'49"E along said South line a distance of 68.69 feet; thence N43°28'56"E along said South line a distance of 75.27 feet; thence N42°29'02"E along said South line a distance of 227.40 feet; thence N42°59'04"E along said South line a distance of 74.79 feet; thence N45°57'33"E along said South line a distance of 78.16 feet; thence 237.42 feet along the arc of a 743.20 foot radius curve concave Southeast, having a central angle of 18°18'12" and a chord bearing N57°38'43"E a distance of 236.41 feet; thence N00°07'24"W a distance of 33.99 feet to a point on said North line of said NW 1/4 NW1/4; thence N89°54'29"E along said North line a distance of 215.17 feet, more or less to the Point of Beginning.

Said parcel contains 8.84 acres (385,455 square feet), more or less, as described.

Introduced on first reading this 3rd day of January, 2007 and ordered published.

ADOPTED on second reading this ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

Attach 22
Grand Junction Economic Partnership Incentive Request
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Infrastructure Grant Request from Grand Junction Economic Partnership					
Meeting Date	January 17, 2007					
Date Prepared	January 10, 2007				File #	
Author	Sheryl Trent		Interim Community Development Director			
Presenter Name	Sheryl Trent		Interim Community Development Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: An infrastructure grant request in the amount of \$300,000 to fund infrastructure for the relocation of Leitner Poma at Bookcliff Technology Park. The monies will be used to provide necessary infrastructure such as sewer, water and road improvements to make the site developable.

Budget: The Grand Junction Economic Partnership is requesting \$300,000 from the City of Grand Junction as a part of an overall funding partnership that will total \$900,000. It is recommended that the City fund their portion from the Economic Development Fund from the carryover of 2006 Infill and Redevelopment Program allocations.

Action Requested/Recommendation: That the City Council approve the request to fund the infrastructure grant in the amount of \$300,000.

Attachments: Letter from Grand Junction Economic Partnership
 Project Summary for Leitner Poma

Background Information: This is a project which the Grand Junction Economic Partnership, the City of Grand Junction, Mesa County, and IDI have been reviewing for many months. The total funding amount for infrastructure will be \$900,000, with the Colorado Economic Development Commission funding \$300,000, the City of Grand Junction funding \$300,000, and Mesa County funding the remaining \$300,000.