



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

MONDAY, OCTOBER 15, 2007, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation—Pastor Mark Quist, New Life Church

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the October 1, 2007 and the October 3, 2007 Regular Meetings

2. **Horizon Drive Association Business Improvement District Operating Plan and Budget** [Attach 2](#)

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2008 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve Horizon Drive Association Business Improvement District's 2008 Operating Plan and Budget

*** Indicates New Item

® Requires Roll Call Vote

Staff presentation: Jodi Romero, Financial Operations Manager

3. **Setting a Hearing on the Sura Annexation, Located at 405 25 Road** [File #ANX-2007-276] [Attach 3](#)

Request to annex 1.45 acres, located at 405 25 Road. The Sura Annexation consists of one parcel.

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

Resolution No. 140-07—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, Sura Annexation, Located at 405 25 Road and Including a Portion of the 25 Road and Hwy. 340 Rights-of-Way

®Action: *Adopt Resolution No. 140-07*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sura Annexation, Approximately 1.45 Acres, Located at 405 25 Road and Includes a Portion of the 25 Road and Hwy. 340 Rights-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 19, 2007*

Staff presentation: David Thornton, Principal Planner

4. **Setting a Hearing on the Reigan/Patterson/TEK/Morario Annexation, Located at 824 22 Road, 2202 H Road, 2202 ½ H Road, and 2204 H Road** [File #ANX-2007-279] [Attach 4](#)

Request to annex 26.443 acres, located at 824 22 Road, 2202 H Road, 2202 ½ H Road, and 2204 H Road. The Reigan/Patterson/TEK/Morario Annexation consists of four parcels and is a 2 part serial annexation.

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

Resolution No. 141-07— 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, Reigan/Patterson/TEK/Morario Annexation, Located at 824 22 Road, 2202 H Road, 2202 ½ H Road, 2204 H Road, Including a Portion of 22 Road and H Road Rights-of-Way

®Action: *Adopt Resolution No. 141-07*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reigan/Patterson/TEK/Morario Annexation No. 1, Approximately 1.136 Acres, a Portion of the 22 Road and H Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reigan/Patterson/TEK/Morario Annexation No. 2, Approximately 25.307 Acres, Located at 2202 H Road, 2202 ½ H Road, 2204 H Road, 824 22 Road and Including a Portion of the H Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 19, 2007*

Staff presentation: David Thornton, Principal Planner

5. Setting a Hearing on the Mesa Heights Annexation, Located at 2856 B ¾ Road [File #ANX-2007-270] [Attach 5](#)

Request to annex 3.86 acres, located at 2856 B ¾ Road. The Mesa Heights Annexation consists of 7 parcels and is located north of B ¾ Road and east of 28 ½ Road.

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

Resolution No. 142-07—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, Mesa Heights Annexation, Located at 2856 B ¾ Road

®Action: *Adopt Resolution No. 142-07*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa Heights Annexation, Approximately 3.86 Acres, Located at 2856 B ¾ Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 19, 2007*

Staff presentation: Greg Moberg, Planning Services Supervisor

6. **Setting a Hearing on the Indian Wash Rentals Annexation, Located at 378 27 ½ Road** [File #ANX-2007-278] [Attach 6](#)

Request to annex 1.999 acres, located at 378 27 ½ Road. The Indian Wash Rentals Annexation consists of 1 parcel and includes a portion of the 27 ½ Road right-of-way. The property owners are requesting annexation due to a proposed development on a portion of the property.

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

Resolution No. 143-07—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, Indian Wash Rentals Annexation, Located at 378 27 ½ Road and Including a Portion of the 27 ½ Road Right-of-Way

®Action: *Adopt Resolution No. 143-07*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Indian Wash Rentals Annexation, Approximately 1.999 Acres, Located at 378 27 ½ Road and Including a Portion of the 27 ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for November 19, 2007*

Staff presentation: Senta L. Costello, Associate Planner

7. **Setting a Hearing on the Ingle Annexation, Located at 436 Clear Creek Drive**
[File #ANX-2007-269] [Attach 7](#)

Request to annex 5.90 acres, located at 436 Clear Creek Drive. The Ingle Annexation consists of one parcel. The property is located to the east of 31 Road, south of D ½ Road on Clear Creek Drive.

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

Resolution No. 144-07—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, Ingle Annexation, Located at 436 Clear Creek Drive

®Action: Adopt Resolution No. 144-07

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ingle Annexation, Approximately 5.90 Acres, Located at 436 Clear Creek Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for November 19, 2007

Staff presentation: Faye Hall, Associate Planner

8. **Setting a Hearing on the Vacation of Public Rights-of-Way in the Indian Road Simple Subdivision, Located Between C ½ Road and D Road at Indian Road**
[File #SS-2005-290] [Attach 8](#)

Vacation of public rights-of-way as part of the Indian Road Simple Subdivision application.

Proposed Ordinance Vacating Excess Rights-of-Way, Located Along Indian Road, Lang Drive, and Winters Avenue in the Indian Road Simple Subdivision

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2007

Staff presentation: Senta L. Costello, Associate Planner

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

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

- 9 **Non-Scheduled Citizens and Visitors**
- 10. **Other Business**
- 11. **Adjournment**

Attach 1

Minutes from Previous Meetings

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

October 1, 2007

The City Council of the City of Grand Junction convened into regular session on the 1st day of October 2007 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Council President Jim Doody called the meeting to order. Councilmember Coons led in the Pledge of Allegiance. The audience remained standing for the invocation by Reverend Michael Torphy, Religious Science Spiritual Center.

Proclamations

Proclaiming October 3, 2007 as "ENERGY STAR Change a Light Day" in the City of Grand Junction

Proclaiming October 6, 2007 as "Oktoberfest Day" in the City of Grand Junction

Proclaiming the Week of October 7 through October 13, 2007 as "Fire Prevention Week" in the City of Grand Junction

Proclaiming the Week of October 8 through October 12, 2007 as "National 4-H Week" in the City of Grand Junction

Proclaiming October, 2007 as "Drug Endangered Children's Awareness Month" in the City of Grand Junction

Council Comments

Councilmember Beckstein spoke on behalf of the Grand Valley Regional Transportation Committee (GVRTC), which oversees transportation in the Grand Valley. GVRTC would like to get the word out on how dangerous it is for pedestrians, and automobiles to be involved in an accident with a train. There is a 20% more likely chance to be involved in a collision with a train than another automobile. The GVRTC would like the public and the school system to let kids know what is involved in train collisions, and how serious they are. Nearly all crashes happen when a train is going less than 30 miles per hour. At 55 miles per hour it would take the length of 18 football fields for a train to stop. Councilmember Thomason stated that on Tuesday, September 25, 2007, there was an official celebration for the completion of the installation of the turf at Stoker Stadium.

JUCO, the City, Mesa State College, and the School District were supporters of the turf. A few members of the Denver Broncos football team came to Grand Junction for the celebration, and it was a great day. He thanked everyone who participated in the celebration.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Hill read the items on the Consent Calendar. Councilmember Hill then moved to approve the Consent Calendar. It was seconded by Councilmember Palmer and carried by roll call vote to approve the Consent Items #1 through #4.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the Special Meeting of September 13, 2007, and the Minutes of the September 17, 2007 and the September 19, 2007 Regular Meetings

2. **Change to City Council Meeting Schedule**

The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule be determined by resolution. Resolution No. 01-07 set the meeting schedule for the year 2007. With the change to the meeting schedule to include Mondays as regular meetings, it is necessary to amend that schedule.

Resolution No. 137-07 – A Resolution of the City of Grand Junction Amending the Meeting Schedule for the Grand Junction City Council

Action: Adopt Resolution No. 137-07

3. **Whiskey River Parking and Sign Revocable Permit Located within the 28 ¼ Road Right-of-Way**

Request for a Revocable Permit to allow 10 existing parking spaces and an existing free standing sign to exist within the 28 ¼ Road right-of-way.

Resolution No. 138-07 – A Resolution Concerning the Issuance of a Revocable Permit to Boyd Holdings, Inc.

Action: Adopt Resolution No. 138-07

4. **Professional Services Contract for the Completion of a Sewer Basin Study in Conjunction with the City of Grand Junction Comprehensive Plan**

This study will provide decision-making tools for staff and policy makers when evaluating land use alternatives and relative impacts to the Persigo Sewer System.

Action: Authorize the City Manager to Sign a Professional Services Contract for the Completion of a Comprehensive Sewer Basin Study with Black and Veatch for an Amount Not to Exceed \$119,660

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Rezoning Sunpointe North Subdivision (Proposed Ruby Ranch Subdivision) Located on the Southwest Corner of 26 Road and G ½ Road [File #PP-2007-058]

A request to rezone the subject property from R-2 (Residential—2 units per acre) to R-4 (Residential—4 units per acre), to be in compliance with the Growth Plan.

The public hearing opened at 7:31 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He stated that the property is bound on the west by the Grand Valley Highline Canal with Blue Heron Meadows Subdivision on the other side of the canal. G ½ Road is north and 26 Road is located to the east of the subject property. Jacobson's Pond Subdivision is across 26 Road to the east. Directly south is 2.7 acres of vacant land. The County zoning was RSF-2. The Future Land Use Map designated this area to develop in the Residential Medium category of 4 to 8 dwelling units per acre. The request is consistent with Future Land Use Plan and the Growth Plan. Public facilities and services are available or will be made available. The rezone criteria in Section 2.6.A of the Zoning and Development Code have all been met. The Planning Commission as well as Staff recommends approval.

Keith Ellers of Ciavonne, Roberts, and Associates, representing the applicant, was present, had nothing to add, but was available for questions.

There were no public comments.

The public hearing was closed at 7:36 p.m.

City Attorney Shaver advised that Councilmember Beckstein has disclosed with past occurrences that Ciavonne, Roberts, and Associates is a client of her employer, but that the relationship will not affect her ability to review the item without bias. City Councilmembers were in agreement.

Councilmember Palmer commented about the layout for the entrance to the property, and stated it will work out well.

Ordinance No. 4118—An Ordinance Rezoning 8.42 Acres of Land Located on the Southwest Corner of 26 Road and G ½ Road from R-2 to R-4 (Sunpointe North Subdivision)

Councilmember Palmer moved to adopt Ordinance No. 4118 and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating Lujan Circle Right-of-Way and Utility Easements Shown on the Sunpointe North Subdivision Plat [File #PP-2007-058]

Located near the southwest corner of 26 Road and G ½ Road, Lujan Circle is a dedicated yet not constructed right-of-way with a couple of utility easements shown on the Sunpointe North Subdivision plat. The request to vacate the right-of-way and utility easements is subject to approval and recordation of a final plat that is compliant with the Zoning and Development Code for the future Ruby Ranch Subdivision.

The public hearing was opened at 7:38 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He stated that the subdivision is located adjacent to the Grand Valley Highline Canal on the west with Blue Heron Meadows Subdivision on the other side of the canal. G ½ Road is north and 26 Road is located to the east of the subject property. Jacobson's Pond Subdivision is across 26 Road to the east. Directly south is 2.7 acres of vacant land. The subdivision was approved in 1984. The Sunpointe North Subdivision Plat consists of nine lots. The proposed new road alignment will allow for better neighborhood interconnectivity. Trail connections will be made per the Urban Trails Master Plan. The request is consistent with goals and policies of the Growth Plan and the North Central Valley Plan. All criteria for vacations of public rights-of-way and easements found in Section 2.11.c of the Zoning and Development Code have been met. The Planning Commission as well as Staff recommends approval.

Keith Ellers of Ciavonne, Roberts, and Associates, representing the applicant, added that putting the new proposal together is wiping the slate clean to allow a new start from a fresh outlook.

There were no public comments.

The public hearing was closed at 7:43 p.m.

Ordinance No. 4119—An Ordinance Vacating Undeveloped Right-of-Way Known as Lujan Circle and Several Drainage, Irrigation and Utility Easements as Shown on the Sunpointe North Subdivision Plat Located at the Southwest Corner of 26 Road and G ½ Road

Councilmember Hill moved to adopt Ordinance No. 4119 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:44 p.m.

Debbie Kemp, CMC
Deputy City Clerk

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

October 3, 2007

The City Council of the City of Grand Junction convened into regular session on the 3rd day of October 2007 at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Council President Jim Doody called the meeting to order. Councilmember Hill led in the Pledge of Allegiance.

Citizen Comments

Carl Mitchell, 582 Grand View Court, stated that in August 2006 Ashbury Heights Cache LLC filed an application for a PUD with the Planning Department that included a request for a vacation of a right-of-way easement, rezone, and a subdivision plat. It was signed by Joe Leo as President of the Falls 2004 Homeowner's Association. Mr. Mitchell stated that Mr. Leo did not have any authority to sign because Section 2.11 of the Code requires ownership of the property. He requests that the applicant Ashbury Heights Cache LLC be removed from the petition for the vacation of the right-of-way easement.

Council President Doody advised Mr. Mitchell that a meeting is being set-up with City Attorney John Shaver, Public Works and Planning Director Tim Moore, and Planning Manager Lisa Cox in the near future to address this issue.

Council President Doody recognized County Commissioner Janet Rowland and Mesa County District Attorney Pete Hautzinger for being present in the audience.

Council Recognitions

Recognition of Outstanding Citizens for their Lifesaving Efforts

Joe Stevens, Parks and Recreation Director, recited a story that happened on September 17, 2007 at the Senior Recreation Center involving a homeless man. The story was an example of the good efforts people put forth to help others during difficult times.

Police Chief Gardner spoke, and thanked the people for helping someone in distress. Fire Chief Watkins echoed Chief Gardner's words, and thanked the citizens for stepping in.

Parks and Recreation Director Stevens recognized Emily Wright, a Parks and Recreation Department employee, who was present in the audience for all her hard work at the Senior Recreation Center.

Certificates of recognition were presented by Parks and Recreation Director Stevens to Al LeFebre, Mary Stewart, Virginia Dodd, Ralph Piland, and Greta Piland as outstanding citizens in their community for their lifesaving efforts.

CONSENT CALENDAR

Councilmember Coons read the items on the Consent Calendar noting that regarding Item #2, the Brady South Zoning, the first reading is being continued to October 17, 2007, and she made a motion to approve the Consent Calendar. It was seconded by Councilmember Hill, and carried by roll call vote to approve the Consent Items #1 through #4, with item #2 being continued to October 17th.

1. **Setting a Hearing on Zoning the Gentry Annexation, Located at 805 22 Road**
[File #ANX-2007-215]

Request to zone the 8.46 acre Gentry Annexation, located at 805 22 Road, to I-1 (Light Industrial). The property is located on the Northwest corner of H Road and 22 Road.

Proposed Ordinance Zoning the Gentry Annexation to I-1 (Light Industrial) Located at 805 22 Road

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

2. **Setting a Hearing on Zoning the Brady South Annexation, Located at 347 and 348 27 ½ Road and 2757 C ½ Road** [File #GPA-2007-051] – Continued from September 19, 2007

SLB Enterprises, LLC, owners of the properties located at 347 and 348 27 ½ Road and 2757 C ½ Road are requesting zoning of the properties from County Heavy Industrial (I-2) to Light Industrial (I-1) and Industrial Office Park (I-O). Planning Commission heard the request at its September 11, 2007 meeting and recommended approval of the Industrial/Office Park (I-O) zoning for all three parcels.

Proposed Ordinance Zoning the Brady South Annexation to Industrial/Office Park (I-O) Zone District, Located at 347 and 348 27 ½ Road and 2757 C ½ Road

Action: Continued to October 17, 2007

3. **Setting a Hearing on Zoning the Ute Water Annexation, Located at 825 22 Road** [File #ANX-2007-220]

Request to zone the 47.86 acre Ute Water Annexation, located at 825 22 Road, to I-1 (Light Industrial).

Proposed Ordinance Zoning the Ute Water Annexation to I-1 (Light Industrial)
Located at 825 22 Road

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

4. **Sundance Village Easement Vacation, Located at 2464 Thunder Mountain Drive** [File #VE-2007-233]

Vacation of a portion of a multi-purpose, drainage, and irrigation easement located underneath an existing garage in Sundance Village Phase 1.

Resolution No. 139-07—A Resolution Vacating a Multi-Purpose, Drainage, and Irrigation Easement in Sundance Village Phase I, Located at 2464 Thunder Mountain Drive

Action: Adopt Resolution No. 139-07

ITEMS NEEDING INDIVIDUAL CONSIDERATION

COPS Grant for Mesa County Meth Task Force

The Grand Junction Police Department has applied for, and been awarded a \$449,777 Grant from the United States Department of Justice, COPS Office. The grant was applied for on behalf of the Mesa County Meth Task Force with support of the DA's office, Mesa County Sheriff's Office Meth Task Force, and Mesa State College.

Troy Smith, Deputy Chief of Police, reviewed this item. He talked about the process of the grant, and the many who contributed towards its receipt. The grant will be used to build upon community outreach. It is a reimbursable grant in that the money has to be spent first, and then reimbursed. The plan is to use \$199,000 of the money to pay for a new, dedicated Meth Prosecutor for the District Attorney's Office. He asked City Council to accept the grant, and requested that authority be given to the City Manager to disburse the funds.

Councilmember Coons noted that there were members of the Executive Committee for the Meth Task Force present in the audience to support this proposal.

Councilmember Palmer stated that he appreciated the efforts of the Grand Junction Police Department, Mesa County, and the District Attorney's Office, and thanked everyone who participated.

Councilmember Hill thanked everyone involved in the participation of this grant, and stated that it helps our community.

Council President Doody acknowledged the fine example of partnership within the community. He recognized Deputy Chief Troy Smith for all his hard work.

Councilmember Palmer moved to authorize the City Manager to accept the grant award of \$449,777, and disburse the funds in accordance with the grant proposal. Councilmember Beckstein seconded the motion. Motion carried.

Public Hearing—Expand Designated Outdoor Dining Downtown

Some restaurant owners in the downtown area would like to expand their businesses to include sidewalk dining. This necessitates amending Chapter 32, Article III of the City Code of Ordinances, which regulates commercial use of public rights-of-way in the downtown area.

The public hearing opened at 7:33 p.m.

John Shaver, City Attorney, reviewed this item. It will increase the area of authority in the downtown area for sidewalk dining in the downtown area, specifically on the new, redesigned 7th Street, and ultimately on the new, redesigned Colorado Avenue. He stated that sidewalk dining has been a significant success for the downtown.

Councilmember Coons asked if the new dining establishments would be covered by the same rules and regulations as the current ones. City Attorney Shaver replied that they would need to secure pieces of the right-of-way for the use of the sidewalk as the existing establishments had to do.

Councilmember Hill commented that the outdoor dining has created a good vibrancy for the downtown area. He is very excited to see this expand.

Councilmember Palmer stated that outdoor dining has been a success for the downtown area, and to include the Colorado Avenue project will even make it better. There is a new sense of ambiance downtown, and a sense of vitality.

The public hearing was closed at 7:37 p.m.

Ordinance No. 4120—An Ordinance Amending Chapter 32, Article III City Code of Ordinances, Regulating Commercial Use of Public Right-of-Way in Downtown Area, To Revise Designated Downtown Areas for Sidewalk Dining

Councilmember Todd moved to adopt Ordinance No. 4120, and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Rowell Rezone, Located at 2593 G Road [File #RZ-2007-048]

Request to rezone 1.06 acres, located at 2593 G Road, from R-1 (Residential—1 du/ac) to R-2 (Residential—2 du/ac).

The public hearing opened at 7:39 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and the site. She said the subject property was annexed in August of 2000 with the G Road South Enclave, and was zoned RSF-1 with the annexation, equivalent to the existing Mesa County Zoning. The Future Growth Plan designation for this property, and adjacent parcels is Residential Low (1/2 - 2 ac/du). Properties in the area have developed residentially, consistent with the Growth Plan and Future Land Use Map. The adjacent property to the west was rezoned in April of 2006 from R-1 to R-2, and is currently being reviewed for a subdivision. The R-2 Zone does support the Future Land Use Map, and the goals and policies of the Growth Plan. Planning Commission recommends approval of the requested zoning because it is consistent with the Growth Plan, and the Code.

There were no public comments.

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

Ordinance No. 4121—An Ordinance Rezoning a Parcel of Land from Residential—One Unit Per Acre (R-1) to Residential—Two Units Per Acre (R-2), Located at 2593 G Road (Rowell Rezone)

Councilmember Thomason moved to adopt Ordinance No. 4120, and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Todd wanted to remind the public of the upcoming meetings on October 16th, 17th, and 18th for the open public forum for the Comprehensive Plan, and would like for the public to participate in the vision for the community. There will be ads in the newspapers to advise the public of the locations of the meetings.

Adjournment

The meeting adjourned at 7:43 p.m.

Debbie Kemp, CMC
Deputy City Clerk

Attach 2

**Horizon Drive Association Business Imp. District Operating Plan and Budget
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Horizon Drive Association Business Improvement District Operating Plan and Budget		
File #			
Meeting Day, Date	Monday, October 15, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 8, 2007		
Author Name & Title	Stephanie Tuin, City Clerk		
Presenter Name & Title	Jodi Romero, Financial Operations Manager		

Summary: Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2008 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Budget: NA

Action Requested/Recommendation: Approve Horizon Drive Association Business Improvement District's 2008 Operating Plan and Budget

Attachments:

1. Proposed 2008 Operating Plan and Budget for the Horizon Drive Association Business Improvement District
2. Certification of Valuations

Background Information:

In 2004, the City Council created the Horizon Drive Association Business Improvement District, approved their 2005 Operating Plan and Budget and appointed their board. The State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget for the next fiscal year by September 30. The municipality shall approve or disapprove the operating plan and budget within

thirty days of receipt but no later than December 5 so the BID can file their mill levy certification with the County Assessor by December 10.

CASTOR & ASSOCIATES, PC
ATTORNEYS AT LAW

DENVER
GRAND JUNCTION

743 HORIZON COURT, SUITE 204
GRAND JUNCTION, COLORADO
81506

970.242.9012
970.245.1730 FAX

Douglas E. Briggs, Attorney
dbriggs@castorlaw.com

September 28, 2007



VIA HAND DELIVERY

Ms. Stephanie Tuin
City Clerk
CITY OF GRAND JUNCTION
250 North 5th Street
Grand Junction, CO 81501

RE: Horizon Drive Business Improvement District

Dear Ms. Tuin:

Pursuant to Section 31-25-1211, C.R.S., please find enclosed Horizon Drive Business Improvement District's proposed year 2008 Budget and Service and Operating Plan.

Also enclosed is a copy of the Mesa County Assessor's Certification of Valuations for the District dated August 25, 2007.

If you have any questions, please give me a call. Thank you.

Sincerely,

CASTOR & ASSOCIATES, P.C.

A handwritten signature in blue ink that reads "Douglas E. Briggs".

Douglas E. Briggs

Enclosures

cc Richard Tally, President Horizon Drive BID (w/enclosures)

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT

Operating Budget for Fiscal Year 2008

Current Fund Balance 09/30/2007	\$394,941	
Less Reserve For 2007 Obligations:	<u>(92,500)</u>	
Beginning Fund Balance 01/01/2008		\$302,441
Tax Revenues		180,000
Interest Income		<u>1,000</u>
Total Funds Available		483,441
Expenditures		
Administrative		
Insurance	1,500	
Professional Services	10,000	
Marketing & Communications	18,000	
Clerical/Administrative	<u>3,500</u>	33,000
Horizon Drive/I70 Improvement Payment**		57,000
Long Term Planning, Design & Improvement Projects		<u>390,000</u>
Ending Fund Balance		<u><u>\$3,441</u></u>

**Third of five annual payments to City of Grand Junction for Horizon Drive/I70 Improvements

Horizon Drive Association Business Improvement District

Service and Operating Plan 2008

Introduction

In the year 2007, the Horizon Drive Business Improvement District began investing in its future. After months of planning and consultation with cooperating government agencies, including the City of Grand Junction and the Colorado Department of Transportation, work has been substantially completed on major improvements to the I-70/Horizon Drive interchange.

The Board of Directors continues to operate the District conservatively regarding expenditures for administrative, staff, offices and other non-capital expenses. As such, the District's focus will be on careful evaluation of capital projects and other direct investment in the District, rather than administrative development. This is reflected in the attached budget. In the future, it is anticipated that administrative expenditures will necessarily increase. But the Board is committed to primary dedication of the District's funds toward direct capital improvements to the District.

In accordance with the Board's stated objectives, the District adopts the following general Service and Operating Plan:

Goals and Objectives:

- Improve communication amongst businesses in the district
- Work together for a common goal
- Beautification
- Signage
- Coordinating holiday presentation
- Improve entrances to Grand Junction
- Serve as an ambassador to the City, County, and other organizations
- Represent the District in decisions that may impact the area

Services and Improvements Offered by the District:

- Liaison for its constituencies to the City of Grand Junction on improvement projects to the District.
- Improve the communications throughout the district.
- Enhance the District with long range planning of improvements.
- Be accessible to constituents for questions on various issues that may arise.
- Represent the District in decisions that may impact the area..
- The district is allowed to make and contemplates a broad range of public improvements

including but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, rest rooms, information booths, public meeting facilities, and all incidental including relocation of utility lines.

Governance of the District:

- New Board of Directors are appointed by Grand Junction City Council.
- Board of Directors appoints management staff in accordance with District bylaws.

Powers of the District:

- The power to sue and be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.
- To consider and, if deemed necessary, provide services within the district including but not limited to:
 - * management and planning
 - * maintenance of improvements, by contract if necessary
 - * promotion or marketing
 - * organization, promotion and marketing of public events
 - * activities in support of business recruitment, management and development
 - * snow removal or refuse collection
 - * provide design assistance
- To acquire, construct, finance, install, and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates, tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the district, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to levy taxes against taxable commercial property.
- See the attached Bylaws of the Horizon Drive Business Improvement District.

Partnerships:

- Members of the existing Horizon Drive Association are encouraged to join the Horizon Drive Business Improvement District and provide feedback and opinions based upon their current concerns pertaining to the area.
- Membership to the Horizon Drive Business Improvement District will be based on a dues structure set up by the Board of Directors.

Proposed 2008 Budget:

- See attached Horizon Drive Business Improvement District's 2007 Budget

CERTIFICATION OF VALUATIONS

NAME OF JURISDICTION HORIZON DRIVE BUSINESS IMPROVEMENT DIST NEW DISTRICT YES X NO
IN MESA COUNTY ON August 25 2007 ARE:

USE FOR STATUTORY CALCULATION (5.5 LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2) AND 39-5-128(1), C.R.S., THE TOTAL ASSESSED VALUATIONS FOR THE TAXABLE YEAR 2007 ARE:
PREVIOUS YEAR'S NET TOTAL ASSESSED VALUATION: \$ 32,250,080
CURRENT YEAR'S GROSS TOTAL ASSESSED VALUE \$ 42,923,590
LESS TIF DISTRICT INCREMENT, IF ANY: \$ N/A
CURRENT YEAR'S NET TOTAL ASSESSED VALUATION: \$ 42,923,590
NEW CONSTRUCTION *: \$ 326,023
INCREASED PRODUCTION OF PRODUCING MINE: \$ N/A
ANNEXATION/INCLUSIONS: \$ 0
PREVIOUSLY EXEMPT FEDERAL PROPERTY: \$ 0
NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b)), C.R.S.: \$ 0
TAXES COLLECTED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(c)(B.S.)): \$ 0
TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a)), C.R.S. (39-10-114(1)(a)(i)(B) C.R.S.): \$ 0
* This value reflects personal property exemptions if enacted by the jurisdiction as authorized by Act. X, Sec 20(5)(b), Colo. Constitution
* New construction is defined as: taxable real property structures and the personal property connected with the structure.
^ Jurisdiction must submit a certification (Form DLG 92 & 92A) to the Division of local government in order for a value to be counted as growth in the calculation.
@ Jurisdiction must apply (Form DLD 52B) to the Division of local government before the value can be counted as growth in the calculation.

USE FOR "TABOR LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH THE PROVISION OF ART. X, SEC 20, COLO. CONS., THE ACTUAL VALUATION FOR THE TAXABLE YEAR 2007 ARE:
CURRENT YEAR'S VALUE OF ALL REAL PROPERTY \$ 135,878,226
ADDITIONS TO TAXABLE REAL PROPERTY:
CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS \$ 1,124,240
ANNEXATIONS/INCLUSIONS: \$ 0
INCREASED MINING PRODUCTION \$ 0
PREVIOUSLY EXEMPT PROPERTY: \$ 0
OIL OR GAS PRODUCTION FROM A NEW WELL: \$ 0
TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: \$ 0
DELETIONS FROM TAXABLE REAL PROPERTY:
DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: \$ 0
DISCONNECTION/EXCLUSION: \$ 0
PREVIOUSLY TAXABLE PROPERTY: \$ 0
This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.
Construction is defined as newly constructed taxable real property structures.
Includes production from a new mine and increase in production of an existing producing mine.

USE FOR SCHOOL DISTRICTS ONLY

NOTE: No later than August 25, the Assessor shall certify the TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY to SCHOOL DISTRICTS. (39-5-128(1), C.R.S.)

NOTE: All Levies Must Be Certified To The Board of County Commissioners NO LATER THAN DECEMBER 15, 2007 DLC-57 (Rev 6-00)

Attach 3
Setting a Hearing on the Sura Annexation, Located at 405 25 Road
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Sura Annexation – Located at 405 25 Road		
File #	ANX-2007-276		
Meeting Day, Date	Monday, October 15, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 1, 2007		
Author Name & Title	David Thornton – Principal Planner		
Presenter Name & Title	David Thornton – Principal Planner		

Summary: Request to annex 1.45 acres, located at 405 25 Road. The Sura Annexation consists of one parcel.

Budget: Non-Applicable

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Sura Annexation and introduce the proposed Ordinance and set a hearing for November 19, 2007.

Attachments:

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing County & City Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		405 25 Road			
Applicants:		Owner: Matthew M. Sura Representative: Matthew M. Sura.			
Existing Land Use:		County RSF-R (Residential Single Family-4 du/ac)			
Proposed Land Use:		City Residential R-4 (Residential 4-du/ac)			
Surrounding Land Use:	North	County RSF-R (Residential Single Family-4 du/ac)			
	South	County RSF-R (Residential Single Family-4 du/ac)			
	East	County RSF-R (Residential Single Family-4 du/ac)			
	West	County RSF-R (Residential Single Family-4 du/ac)			
Existing Zoning:		County RSF-R (Residential Single Family-4 du/ac)			
Proposed Zoning:		City Residential R-4 (Residential 4-du/ac)			
Surrounding Zoning:	North	Residential Low			
	South	Residential Low			
	East	Residential Medium Low			
	West	Residential Low			
Growth Plan Designation:		Residential Low			
Zoning within density range?			Yes	X	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.45 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 Sura 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;

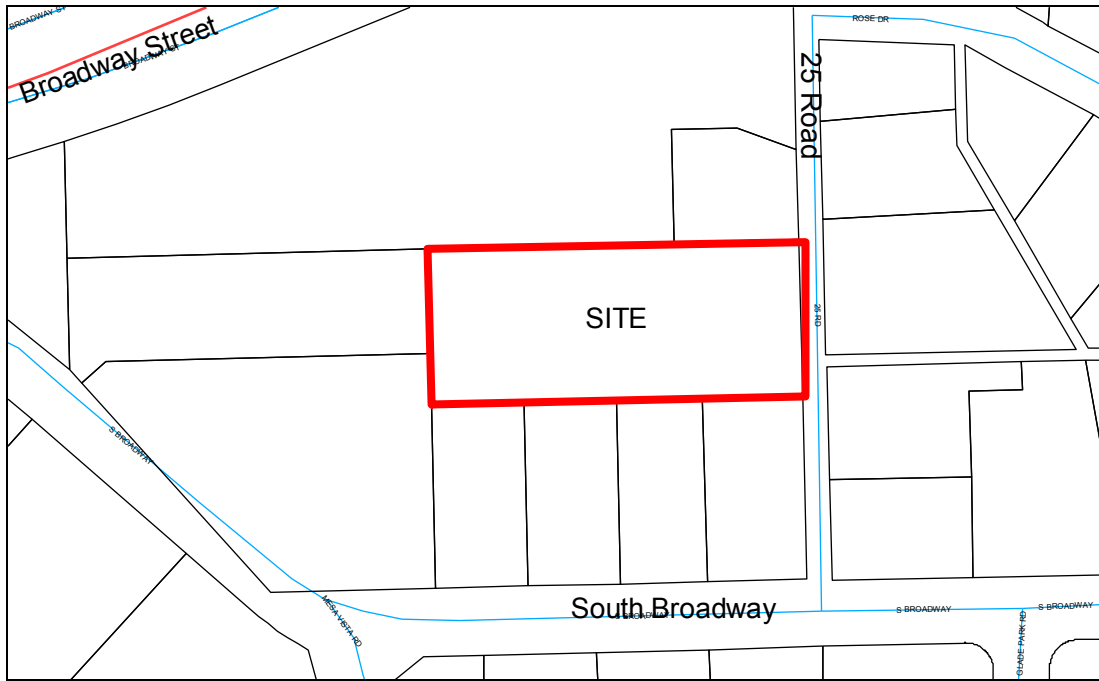
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed 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>	
October 15, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
TDB	Planning Commission considers Zone of Annexation
TDB	Introduction of a proposed Ordinance on Zoning by City Council
November 19, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 21, 2007	Effective date of Annexation.

SURA ANNEXATION SUMMARY		
File Number:		ANX-2007-276
Location:		405 25 Road
Tax ID Number:		2945-164-00-139
Parcels:		1
Estimated Population:		4
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		1.45 (63,162.00 feet)
Developable Acres Remaining:		.602 (26,223.22 feet)
Right-of-way in Annexation:		18,347 square feet (.421 acres)
Previous County Zoning:		County RSF-4 (Residential Single Family 4 du/ac)
Proposed City Zoning:		R-4 (Residential 4 du/ac)
Current Land Use:		Residential Low
Future Land Use:		Residential Low
Values:	Assessed:	\$16,070
	Actual:	\$201,860
Address Ranges:		401-411 25 Road (Odd Only) 22 Road & 2488 – 2498 (Even Only) South Broadway
Special Districts:	Water:	Ute Water
	Sewer:	Persigo
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Redlands Irrigation Redlands Drainage District
	School:	District 51
	Pest:	N/A

Annexation/Site Location Map
Figure 1

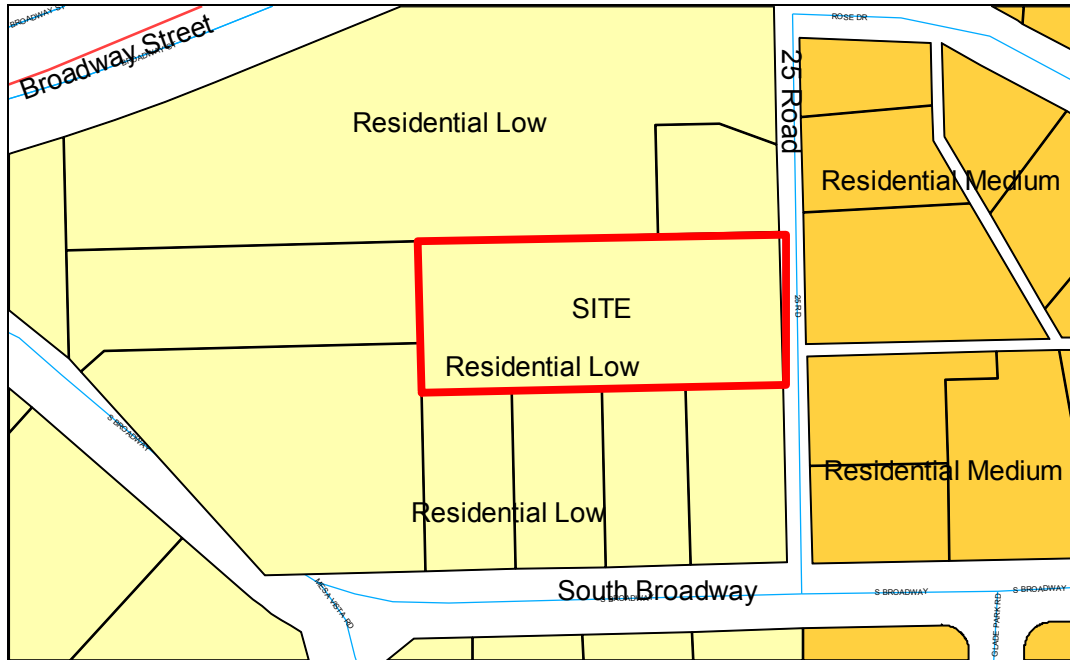


Aerial Photo Map
Figure 2



Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



**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 15th of October, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

SURA ANNEXATION

**LOCATED AT 405 25 ROAD AND
INCLUDING A PORTION OF THE 25 ROAD AND HWY 340 RIGHTS-OF-WAY**

WHEREAS, on the 15th day of October, 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:

SURA ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast corner of said Section 16 and assuming the East line of the SE 1/4 SE 1/4 of said Section 16 to bear N00°11'28"E with all bearings contained herein relative thereto, thence N00°11'28"E along the East line of the SE 1/4 SE 1/4 of said Section 16 distance of 193.00 feet to the Point of Beginning; thence N89°48'32"W a distance of 340.50 feet; thence N00°11' 28"E a distance of 137.00 feet; thence S89°48'32"E a distance of 328.00 feet to a point on the Westerly right of way of 25 Road as described in Book 980, Page 88 of the Mesa County, Colorado public records; thence N00°11'28"E along said Westerly right of way of 25 Road and the northerly projection thereof a distance of 566.23 feet; thence S69°14'28"W a distance of 207.00 feet; thence S65°38'58"W a distance of 368.76 feet; thence N24°21'02 "W a distance of 2.00 feet to a point on the Southerly line of High Pointe Estates Annexation, Ordinance No. 3221, City of Grand Junction; thence N65°38'58"E along the Southerly line of said High Pointe Estates Annexation the following three courses: (1) N65°38'58"E a distance of 368.82 feet; (2) N69°14'28"E a distance of 180.64 feet; (3) N02°15'02"W a distance of 10.55 feet; thence N69°14'28"E a distance of 41.06 feet returning to the East line of the SE 1/4 SE 1/4 of said Section 16; thence S00°11'28"W along the East line of the SE 1/4 SE 1/4 of said Section 16 a distance of 55.32 feet; thence S55°58'32"E a

distance of 14.45 feet to a point on the Easterly right of way of 25 Road as shown on the Plat of Franchini Subdivision, recorded in Plat Book 6, Page 25 of the Mesa County, Colorado public records; thence S00°11'28"W along a line being 12.00 feet East of and parallel with the East line of the SE 1/4 SE 1/4 of said Section 16 and also being the Easterly right of way of 25 Road a distance of 657.00; thence N89°48'32"W a distance of 12.00 feet to the Point of Beginning.

Said parcel contains 1.45 acres (63,282 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 19th day of November, 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 Public Works and Planning 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>
October 17, 2007
October 24, 2007
October 31, 2007
November 7, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SURA ANNEXATION

APPROXIMATELY 1.45 ACRES

**LOCATED AT 405 25 ROAD AND INCLUDES A PORTION OF THE
25 ROAD AND HWY 340 RIGHTS-OF-WAY**

WHEREAS, on the 15th day of October, 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 19th day of November, 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 situates in Mesa County, Colorado, and described to wit:

SURA ANNEXATION

WHEREAS, on the 15th day of October, 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:

SURA ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 16, Township One South, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast corner of said Section 16 and assuming the East line of the SE 1/4 SE 1/4 of said Section 16 to bear N00°11'28"E with all bearings contained herein relative thereto, thence N00°11'28"E along the East line of the SE 1/4 SE 1/4 of said Section 16 distance of 193.00 feet to the Point of Beginning; thence N89°48'32"W a distance of 340.50 feet; thence N00°11' 28"E a distance of 137.00 feet; thence S89°48'32"E a distance of 328.00 feet to a point on the Westerly right of way of 25 Road as described in Book 980, Page 88 of the Mesa County, Colorado public records; thence N00°11'28"E along said Westerly right of way of 25 Road and the northerly projection thereof a distance of 566.23 feet; thence S69°14'28"W a distance of 207.00 feet; thence S65°38'58"W a distance of 368.76 feet; thence N24°21'02 "W a distance of 2.00 feet to a point on the Southerly line of High Pointe Estates Annexation, Ordinance No. 3221, City of Grand Junction; thence N65°38'58"E along the Southerly line of said High Pointe Estates Annexation the following three courses: (1) N65°38'58"E a distance of 368.82 feet; (2) N69°14'28"E a distance of 180.64 feet; (3) N02°15'02"W a distance of 10.55 feet; thence N69°14'28"E a distance of 41.06 feet returning to the East line of the SE 1/4 SE 1/4 of said Section 16; thence S00°11'28"W along the East line of the SE 1/4 SE 1/4 of said Section 16 a distance of 55.32 feet; thence S55°58'32"E a distance of 14.45 feet to a point on the Easterly right of way of 25 Road as shown on the Plat of Franchini Subdivision, recorded in Plat Book 6, Page 25 of the Mesa County, Colorado public records; thence S00°11'28"W along a line being 12.00 feet East of and parallel with the East line of the SE 1/4 SE 1/4 of said Section 16 and also being the Easterly right of way of 25 Road a distance of 657.00; thence N89°48'32"W a distance of 12.00 feet to the Point of Beginning.

Said parcel contains 1.45 acres (63,282 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 4
Setting a Hearing on the Reigan/Patterson/TEK/Morario Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Reigan/Patterson/TEK/Morario Annexation – Located at 824 22 Road, 2202 H Road, 2202 ½ H Road, 2204 H Road		
File #	ANX-2007-279		
Meeting Day, Date	Monday, October 15, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	September 27, 2007		
Author Name & Title	David Thornton – Principal Planner		
Presenter Name & Title	David Thornton – Principal Planner		

Summary: Request to annex 26.443 acres, located at 824 22 Road, 2202 H Road, 2202 ½ H Road, 2204 H Road. The Reigan/Patterson/TEK/Morario Annexation consists of four parcels and is a 2 part serial annexation.

Budget: Non-Applicable

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Reigan/Patterson/TEK/Morario Annexation and introduce the proposed Ordinance and set a hearing for November 19, 2007.

Attachments:

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing County & City Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

Background Information:

See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		824 22 Road, 2202 H Road, 2202 ½ H Road, 2204 H Road			
Applicants:		Owner: TEK Leasing, LLC – Glenn Larson/ Rebert & Marie Reigan/ Leah Morario/ Jerry D. Patterson Representative: Marie Reigan.			
Existing Land Use:		Residential/Agricultural			
Proposed Land Use:		Mixed Use			
Surrounding Land Use:	North	Residential			
	South	Industrial			
	East	Residential/Agricultural			
	West	Residential/Agricultural			
Existing Zoning:		County PUD			
Proposed Zoning:		M-U (Mixed Use)			
Surrounding Zoning:	North	County PUD (Planned Unit Development)			
	South	County PUD (Planned Unit Development)			
	East	County AFT (Agricultural Forestry Transitional)			
	West	County RFS-R (Residential Single Family Rural)			
Growth Plan Designation:		Rural			
Zoning within density range?			Yes	X	No

Staff Analysis:

BACKGROUND:

These four properties were four of the five properties recently added to the Persigo 201 boundary. Now since they are within the urban area, the property owners are also seeking a change in the Future Land Use Map. Then change in the Future Land Use map has also been submitted for review and approval, but will be considered at a future Council Meeting.

ANNEXATION:

This annexation area consists of 26.443 acres of land and is comprised of four 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

Reigan/Patterson/TEK/Morario 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.

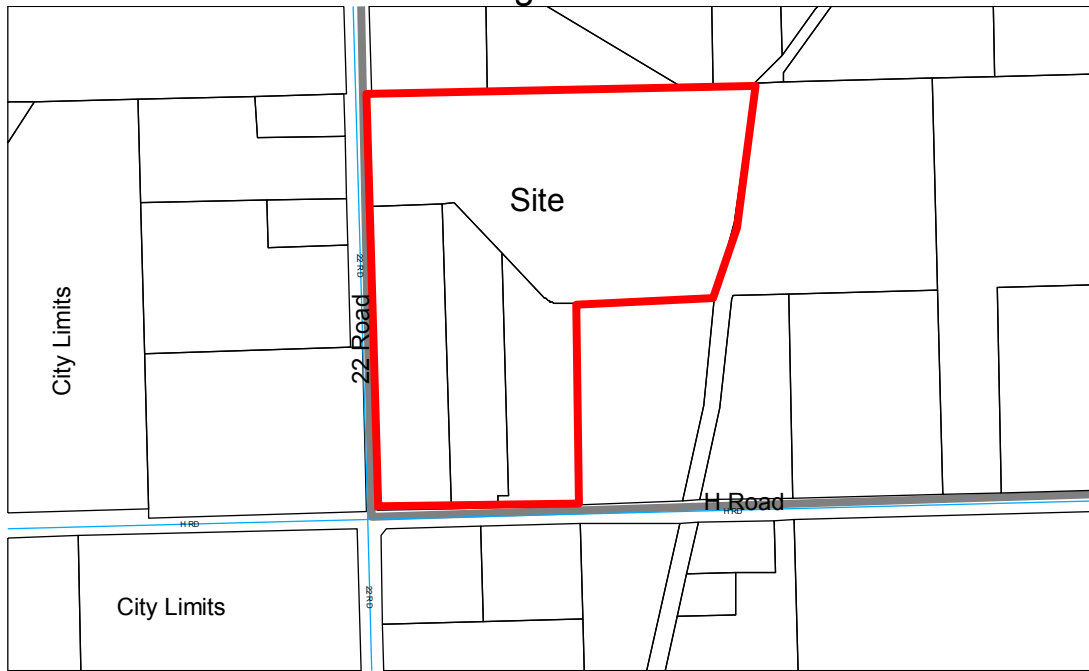
The following annexation and zoning schedule is being proposed:

<u>ANNEXATION SCHEDULE</u>	
October 15, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
TDB	Planning Commission considers Zone of Annexation
TDB	Introduction Of A Proposed Ordinance on Zoning by City Council
November 9, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 21, 2007	Effective date of Annexation.

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION SUMMARY		
File Number:	ANX-2007-279	
Location:	824 22 Road/ 2202 H Road/ 2202 ½ Road/ 2204 H Road	
Tax ID Number:	2701-303-12-001; 2701-303-12-002; 2701-303-00-154; 2701-303-00-524	
Parcels:	4	
Estimated Population:	12	
# of Parcels (owner occupied):	2	
# of Dwelling Units:	3	
Acres land annexed:	26.443	
Developable Acres Remaining:	26.443	
Right-of-way in Annexation:	Annexation Number 1: 36,208.92 square feet (0.831 acres) in Annexation Number 2: 13,273.24 square feet (0.305 acres) in Total: 49,482.16 square feet (1.136 acres) in Full Annexation.	
Previous County Zoning:	PUD (Planned Unit Development)	
Proposed City Zoning:	M-U (Mixed Use)	
Current Land Use:	RSF-R (Residential Single Family Rural) & AFT (Agricultural, Forestry, Transitional)	
Future Land Use:	Rural (Proposing M-U [Mixed Use])	
Values:	Assessed:	\$460+\$6,480+\$11,540+\$12,280 (\$30,760)
	Actual:	\$1,580+77,450+39,770+131,740 (\$250,540)
Address Ranges:	822 – 824 (Even Only) 22 Road & 2202 – 2204 (Even Only) H Road	
Special Districts:	Water:	Ute Water
	Sewer:	Persigo
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Valley Irrigation Grand Junction Drainage District
	School:	District 51
	Pest:	N/A

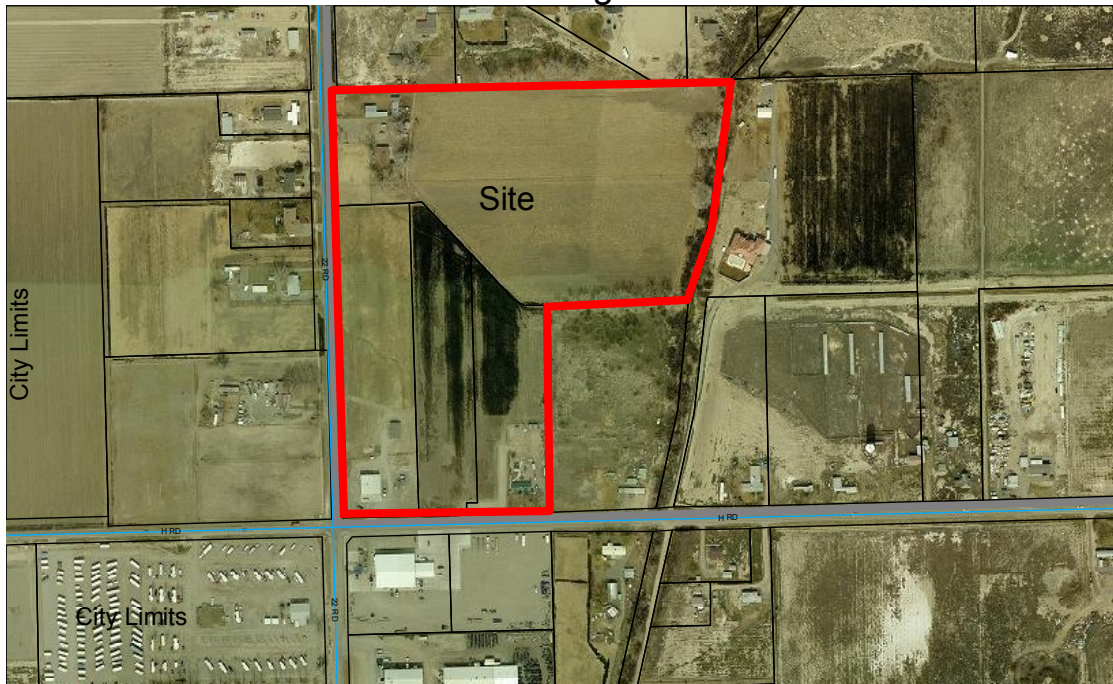
Annexation/Site Location Map

Figure 1



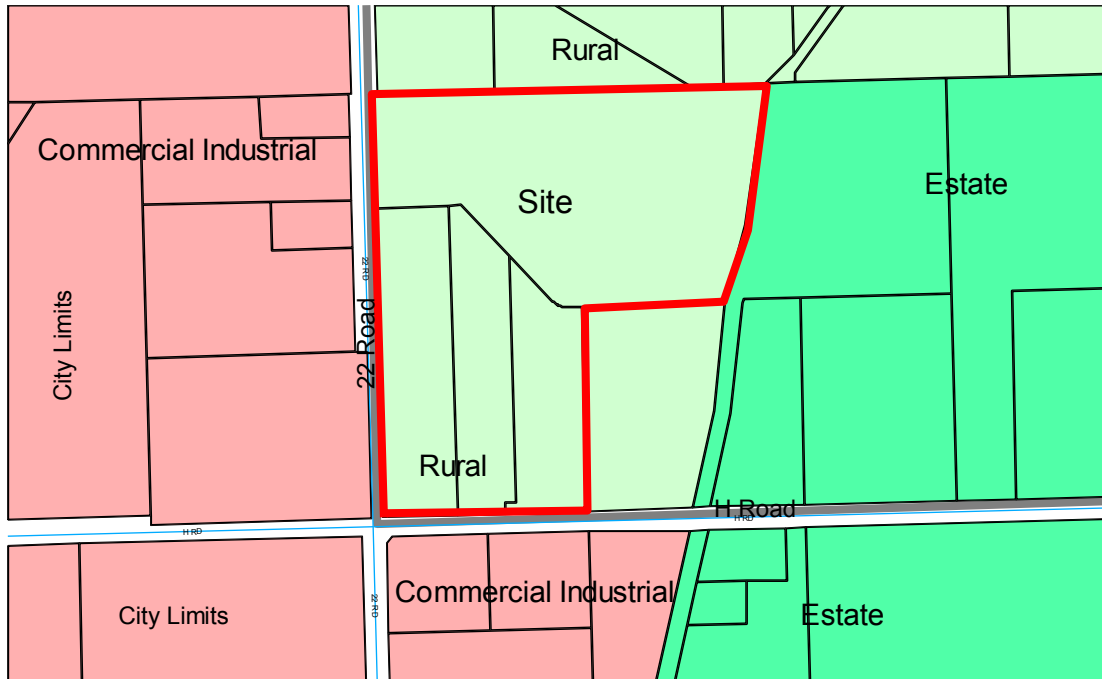
Aerial Photo Map

Figure 2

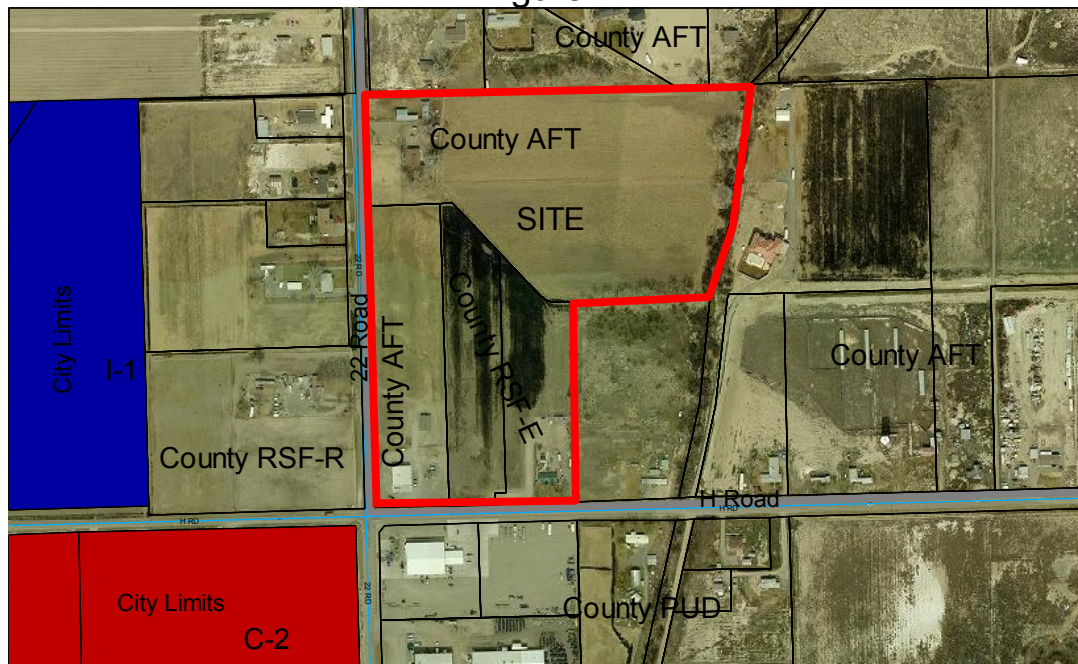


Future Land Use Map

Figure 3



Existing City and County Zoning
Figure 4



**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 15th of October, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION

**LOCATED AT 824 22 ROAD, 2202 H ROAD, 2202 ½ H ROAD, 2204 H ROAD
INCLUDING A PORTION OF 22 ROAD AND H ROAD RIGHTS-OF-WAY**

WHEREAS, on the 15th day of October, 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:

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION NO. 1

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 30, Township 1 North, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, Being more particularly described as follows:

The West 30 feet AND the South 30 feet of the West 210 feet of the SW1/4 SW1/4 of said Section 30.

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION NO. 2

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 30, Township 1 North, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of said 30, and assuming the West line of said SW1/4 SW1/4 to bear N00°03'11E" with all bearings contained here in relative there to; thence N89°59'49", along the South line of said SW1/4 SW1/4, a distance of 210.00 feet to the POINT OF BEGINNING; thence along the boundary of the Reigan/Patterson/TEK/Morario Annexation No. 1 the following three (3) courses: 1) N00°00'11"W a distance of 30.00 feet; 2) S89°59'49"W a distance of 179.97 feet; 3) N00°03'11" a distance of 1,209.09 feet; thence S89°59'30"E, along the North line of said SW1/4 SW1/4, a distance of 1,201.25 feet to the centerline of the Persigo Wash, also

being the west line of Turner Simple Subdivision as recorded in Plat Book 17, Page 372, Public Records, Mesa County, Colorado; thence along the centerline of Persigo Wash, said centerline also being the west line of said Turner Simple Subdivision, the following three courses: 1) S09°19'W" a distance of 435.34 feet; 2) S15°34'10"W a distance of 237.80 feet; 3) S07°27'10"W a distance of 6.07 feet; thence S89°56'10"W a distance of 440.40 feet to the Northeast corner of Lot 2, Ram's Subdivision as recorded in Book 4056, Page 462, Public Records, Mesa County, Colorado; thence S00°24'19"W, along the east line of said Ram's Subdivision, a distance of 674.52 feet to the South line of said SW1/4 SW1/4; thence S89°59'49"W, along the South line of the said SW1/4 SW ¼, a distance of 442.33 feet, more or less, to the Point of Beginning.

Containing 1,151,857.08 square feet (26.443 acres), 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 19th day of November, 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 Public Works and Planning 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>
October 17, 2007
October 24, 2007
October 31, 2007
November 7, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

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

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION NO. 1

APPROXIMATELY 1.136 ACRES

A PORTION OF THE 22 ROAD AND H ROAD RIGHTS-OF-WAY

WHEREAS, on the 15th day of October, 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 19th day of November, 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 situates in Mesa County, Colorado, and described to wit:

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION NO. 1

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 30, Township 1 North, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, Being more particularly described as follows:

The West 30 feet AND the South 30 feet of the West 210 feet of the SW1/4 SW1/4 of said Section 30.

Containing 49,484.16 square feet (1.136 acres), 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**

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION NO. 2

APPROXIMATELY 25.307 ACRES

**LOCATED AT 2202 H ROAD, 2202 ½ H ROAD, 2204 H ROAD, 824 22 ROAD AND
INCLUDING A PORTION OF THE H ROAD RIGHT-OF-WAY**

WHEREAS, on the 15th day of October, 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 19th day of November, 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 situates in Mesa County, Colorado, and described to wit:

REIGAN/PATTERSON/TEK/MORARIO ANNEXATION NO. 2

The West 30 feet AND the South 30 feet of the West 210 feet of the SW1/4 SW1/4 of said Section 30.

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 30, Township 1 North, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Southwest corner of said 30, and assuming the West line of said SW1/4 SW1/4 to bear N00°03'11E" with all bearings contained here in relative there to; thence N89°59'49", along the South line of said SW1/4 SW1/4, a distance of 210.00 feet to the POINT OF BEGINNING; thence along the boundary of the Reigan/Patterson/TEK/Morario Annexation No. 1 the following three (3) courses: 1) N00°00'11"W a distance of 30.00 feet; 2) S89°59'49"W a distance of 179.97 feet; 3) N00°03'11" a distance of 1,209.09 feet; thence S89°59'30"E, along the North line of said SW1/4 SW1/4, a distance of 1,201.25 feet to the centerline of the Persigo Wash, also

being the west line of Turner Simple Subdivision as recorded in Plat Book 17, Page 372, Public Records, Mesa County, Colorado; thence along the centerline of Persigo Wash, said centerline also being the west line of said Turner Simple Subdivision, the following three courses: 1) S09°19'W" a distance of 435.34 feet; 2) S15°34'10"W a distance of 237.80 feet; 3) S07°27'10"W a distance of 6.07 feet; thence S89°56'10"W a distance of 440.40 feet to the Northeast corner of Lot 2, Ram's Subdivision as recorded in Book 4056, Page 462, Public Records, Mesa County, Colorado; thence S00°24'19"W, along the east line of said Ram's Subdivision, a distance of 674.52 feet to the South line of said SW1/4 SW1/4; thence S89°59'49"W, along the South line of the said SW1/4 SW ¼, a distance of 442.33 feet, more or less, to the Point of Beginning.

Containing 1,102,372.92 square feet (25.307 acres), 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 Mesa Heights Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Mesa Heights Annexation, located at 2856 B 3/4 Road		
File #	ANX-2007-270		
Meeting Day, Date	October 15, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 2, 2007		
Author Name & Title	Greg Moberg – Planning Services Supervisor		
Presenter Name & Title	Greg Moberg – Planning Services Supervisor		

Summary: Request to annex 3.86 acres, located at 2856 B 3/4 Road. The Mesa Heights Annexation consists of 7 parcels and is located north of B ¾ Road and east of 28 ½ Road.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for the Mesa Heights Annexation and hold a public hearing and consider final passage of annexation ordinance.

Attachments:

1. Staff report/Background information
2. Annexation/Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT/BACKGROUND INFORMATION			
Location:		2856 B 3/4 Road	
Applicants:		Owner: Ted Martin Representative: Janet Carter	
Existing Land Use:		Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Agricultural	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		County RSF-4 (Residential Single Family-4 du/ac)	
Proposed Zoning:		R-4 (Residential 4du/ac)	
Surrounding Zoning:	North	County RSF-4 (Residential Single Family-4 du/ac) R-4 (Residential 4du/ac)	
	South	County RSF-4 (Residential Single Family-4 du/ac)	
	East	R-4 (Residential 4du/ac)	
	West	County PUD (Planned Unit Development)	
Growth Plan Designation:		Residential Medium Low	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.86 acres of land and is comprised of 7 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 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 Mesa Heights 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.

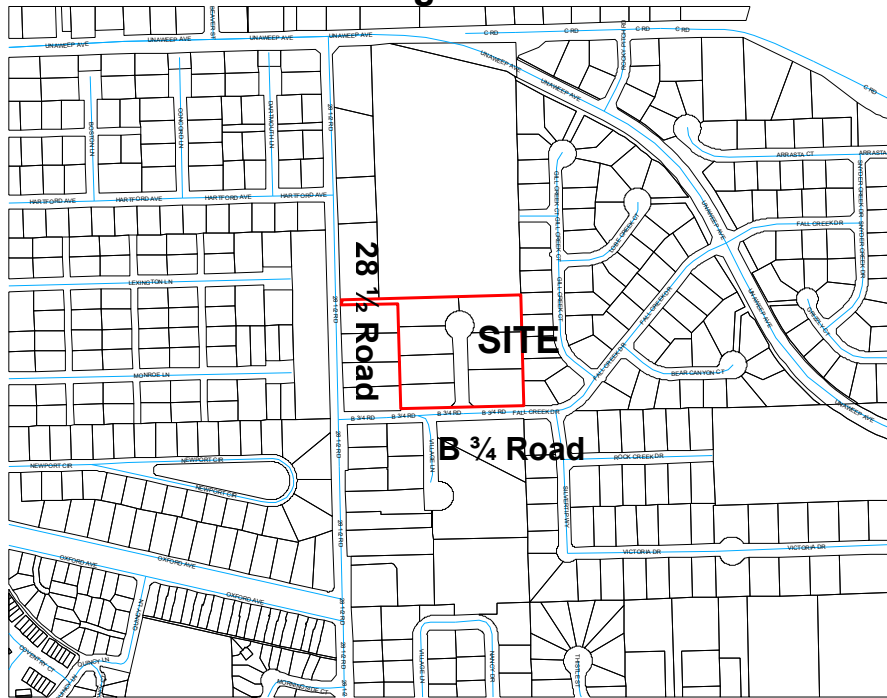
<i>ANNEXATION SCHEDULE</i>	
October 15, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
October 23, 2007	Planning Commission considers Zone of Annexation
November 5, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
November 19, 2007	Acceptance of Petition and Public Hearing on Annexation and zoning by City Council
December 23, 2007	Effective date of Annexation

MESA HEIGHTS ANNEXATION SUMMARY

File Number:		ANX -2007-270
Location:		2856 B 3/4 Road
Tax ID Number:		2943-301-14-001 to 007
Parcels:		7
Estimated Population:		3
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		3.86
Developable Acres Remaining:		3.43
Right-of-way in Annexation:		18,964 square feet (.43 acres)
Previous County Zoning:		RSF-4 (Residential Single Family-4 du/ac)
Proposed City Zoning:		R-4 (Residential 4du/ac)
Current Land Use:		Residential
Future Land Use:		Residential
Values:	Assessed:	\$9,460
	Actual:	\$108,870
Address Ranges:		
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Orchard Mesa Irrigation
	School:	District 51

Annexation/Site Location Map

Figure 1



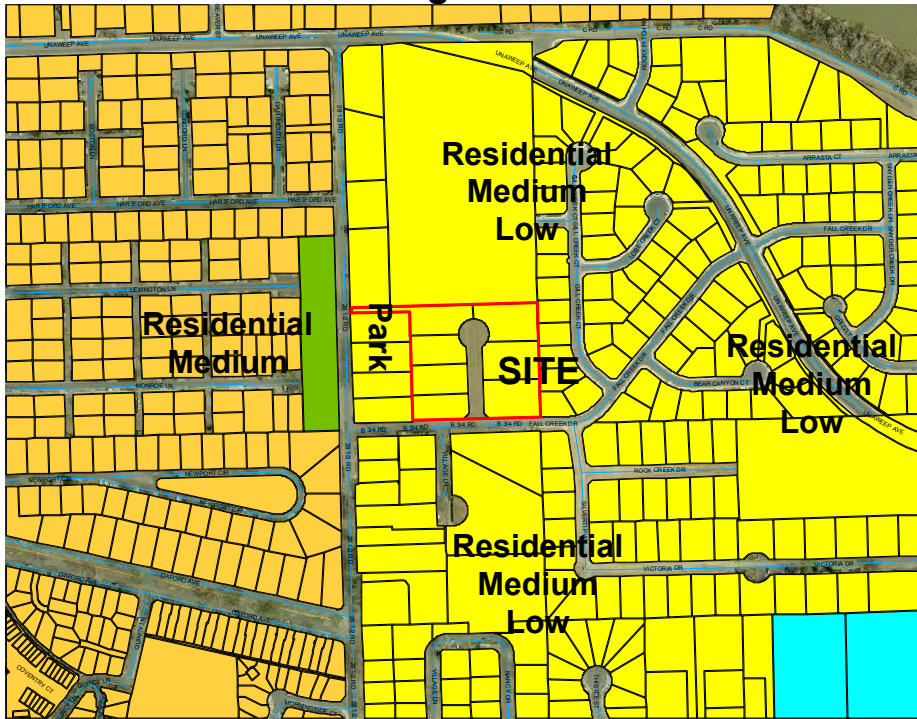
Aerial Photo Map

Figure 2



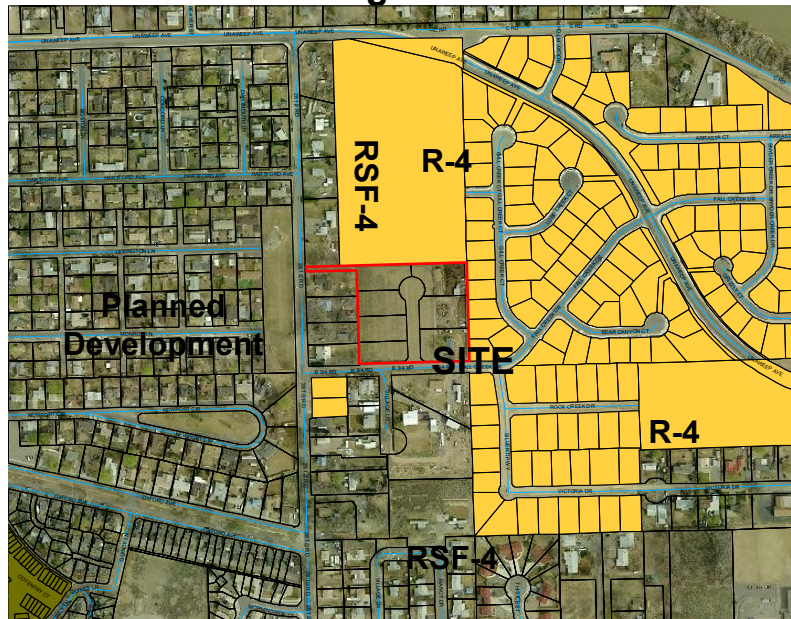
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



**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 15th of October, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

MESA HEIGHTS ANNEXATION

LOCATED AT 2856 B $\frac{3}{4}$ ROAD

WHEREAS, on the 15th day of October, 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:

MESA HEIGHTS ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

All of that portion of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, lying North of the North right of way for B $\frac{3}{4}$ Road as recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; TOGETHER WITH the following; Commencing at the Southwest corner of said NW1/4 NE1/4, and assuming the West line of said NW1/4 NE1/4 bears N00°03'05"E with all other bearings contained herein being relative thereto; thence N00°03'05"E along the said West line a distance of 391.14 feet to the Point of Beginning; thence N00°03'05"E, along said West line a distance of 20.00 feet; thence S89°57'10"E a distance of 20.00 feet to the Northwest corner said Kirby Subdivision; thence S00°03'05"W, along the most westerly line said Kirby Subdivision, a distance of 20.00 feet; thence N89°57'10"W a distance of 20.00 feet, more or less, to the Point of Beginning.

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 19th day of November, 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 Public Works and Planning 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

<u>DATES PUBLISHED</u>
October 17, 2007
October 24, 2007
October 31, 2007
November 7, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MESA HEIGHTS ANNEXATION

APPROXIMATELY 3.86 ACRES

LOCATED AT 2856 B ³/₄ ROAD

WHEREAS, on the 15th day of October, 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 19th day of November, 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:

MESA HEIGHTS ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

All of that portion of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, lying North of the North right of way for B ³/₄ Road as recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; TOGETHER WITH the following; Commencing at the Southwest corner of said NW1/4 NE1/4, and assuming the West line of said NW1/4 NE1/4 bears N00°03'05"E with all other bearings contained herein being relative thereto; thence N00°03'05"E along the said West line a distance of 391.14 feet to the Point of Beginning; thence N00°03'05"E, along said West line a distance of 20.00 feet; thence S89°57'10"E a distance of 20.00 feet to the Northwest corner said Kirby Subdivision; thence S00°03'05"W, along the most westerly line said Kirby Subdivision, a

distance of 20.00 feet; thence N89°57'10"W a distance of 20.00 feet, more or less, to the Point of Beginning.

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 the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 6
Setting a Hearing on the Indian Wash Rentals Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Indian Wash Rentals Annexation - Located at 378 27 1/2 Road		
File #	ANX-2007-278		
Meeting Day, Date	Monday, October 15, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 2, 2007		
Author Name & Title	Senta L. Costello, Associate Planner		
Presenter Name & Title	Senta L. Costello, Associate Planner		

Summary: Request to annex 1.999 acres, located at 378 27 1/2 Road. The Indian Wash Rentals Annexation consists of 1 parcel and includes a portion of the 27 1/2 Road right-of-way. The property owners are requesting annexation due to a proposed development on a portion of the property.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Indian Wash Rentals Annexation and introduce the proposed Ordinance and set a hearing for November 19, 2007.

Attachments:

1. Staff report/Background information
2. Site Location Map; Aerial Photo
3. Future Land Use Map; Existing City and County Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		378 27 1/2 Road		
Applicants:		Indian Wash Rentals, LLC – Robert O. Branson		
Existing Land Use:		Residential/Industrial/Vacant		
Proposed Land Use:		Residential/Outdoor Storage Yard		
Surrounding Land Use:	North	Single Family Residential		
	South	Vacant Industrial		
	East	Vacant Industrial		
	West	Single Family Residential		
Existing Zoning:		County I-2 (Industrial)		
Proposed Zoning:		City I-1 (Light Industrial)		
Surrounding Zoning:	North	County I-2 (Industrial)		
	South	City I-1 (Light Industrial)		
	East	City I-1 (Light Industrial)		
	West	County I-2 (Industrial)		
Growth Plan Designation:		Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.999 acres of land and is comprised of 1 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 Indian Wash Rentals 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.

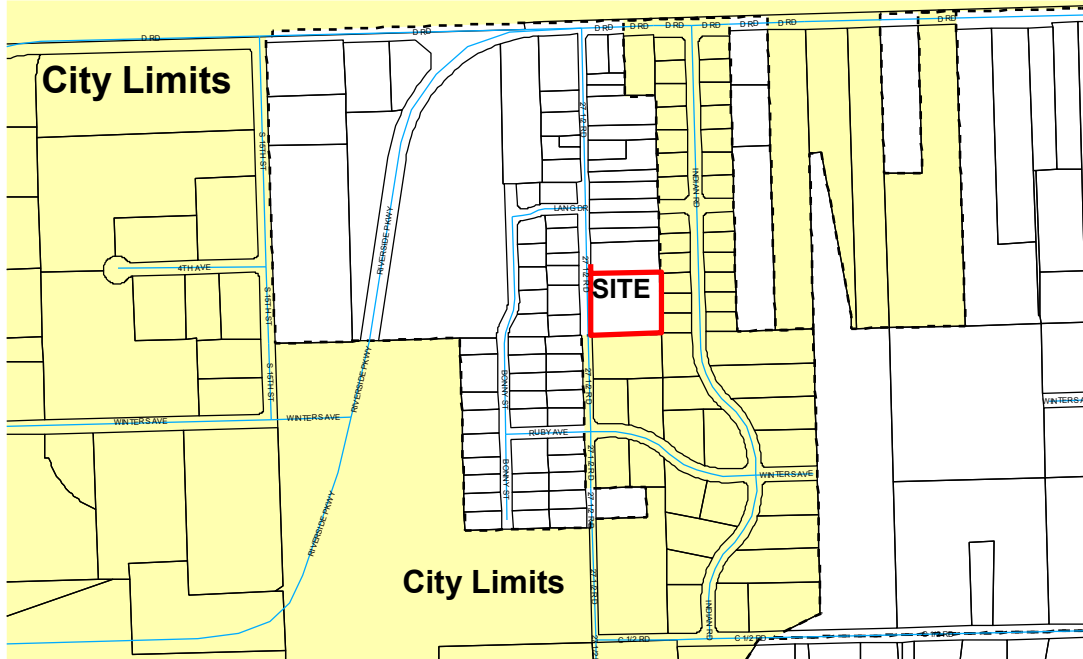
<u><i>ANNEXATION SCHEDULE</i></u>	
October 15, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
October 23, 2007	Planning Commission considers Zone of Annexation
November 5, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
November 19, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 21, 2007	Effective date of Annexation and Zoning

INDIAN WASH RENTALS ANNEXATION SUMMARY

File Number:	ANX-2007-278	
Location:	378 27 1/2 Road	
Tax ID Number:	2945-241-00-039	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	1.999	
Developable Acres Remaining:	Approximately 1.5 acres	
Right-of-way in Annexation:	8,696 square feet of the 27 1/2 Road right-of-way	
Previous County Zoning:	I-2 (Heavy Industrial)	
Proposed City Zoning:	I-1 (Light Industrial)	
Current Land Use:	Residential/Industrial/Vacant	
Future Land Use:	Residential/Outdoor Storage Yard	
Values:	Assessed:	= \$11,750
	Actual:	= \$147,610
Address Ranges:	378 27 1/2 Road	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	Grand Valley Irrigation/Grand Junction Drainage
	School:	Mesa County School District #51
	Pest:	Grand River Mosquito District

Site Location Map

Figure 1



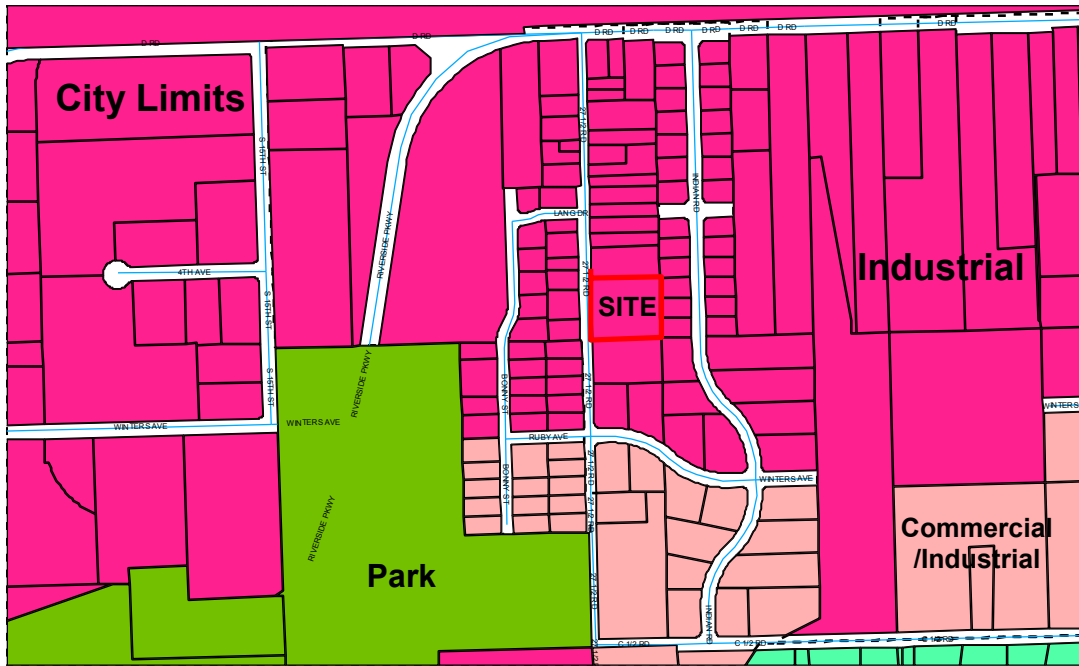
Aerial Photo Map

Figure 2



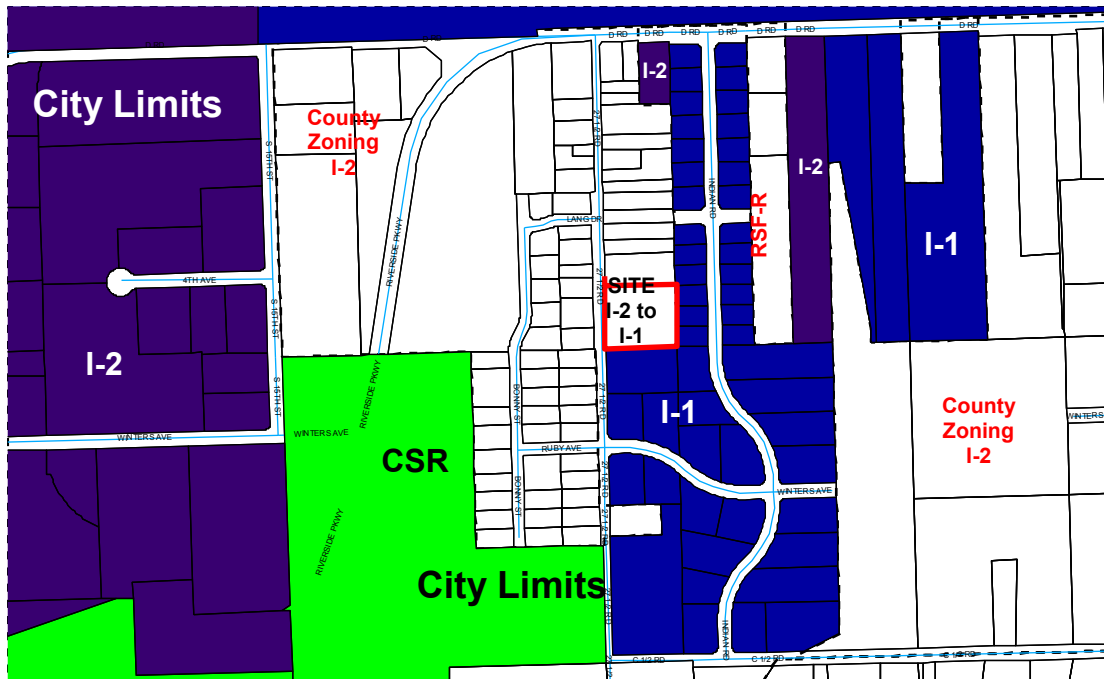
Future Land Use Map

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 15th of October, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

INDIAN WASH RENTALS ANNEXATION

**LOCATED AT 378 27 1/2 ROAD AND INCLUDING A PORTION OF THE 27 1/2 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 15th day of October, 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:

INDIAN WASH RENTALS ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 24, 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 said NW1/4 NE1/4, and considering the West line of the said NW1/4 NE1/4 to bear N00°08'44"E with all bearings herein being relative thereto; thence N00°08'44"E, along said West line, a distance of 263.49 feet; thence S89°59'19"E a distance of 330.00 feet to a point on Indian Road Industrial Subdivision Annexation No. 2, City Ordinance No. 3677; thence along the said Indian Road Industrial Subdivision Annexation No. 2 the following two courses: 1) S00°08'44"W a distance of 264.15 feet to the South line of said NW1/4 NE1/4; 2) N89°52'24"W, along said South line a distance of 330.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.999 Acres (87,076.44 Sq. Ft.), 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 19th day of November, 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 Public Works and Planning 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>
October 17, 2007
October 24, 2007
October 31, 2007
November 7, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

INDIAN WASH RENTALS ANNEXATION

APPROXIMATELY 1.999 ACRES

**LOCATED AT 378 27 1/2 ROAD AND INCLUDING A PORTION OF THE 27 1/2 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 15th day of October, 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 19th day of November, 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:

INDIAN WASH RENTALS ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 24, 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 said NW1/4 NE1/4, and considering the West line of the said NW1/4 NE1/4 to bear N00°08'44"E with all bearings herein being relative thereto; thence N00°08'44"E, along said West line, a distance of 263.49 feet; thence S89°59'19"E a distance of 330.00 feet to a point on Indian Road Industrial Subdivision Annexation No. 2, City Ordinance No. 3677; thence along the said Indian Road Industrial Subdivision Annexation No. 2 the following two courses: 1) S00°08'44"W a distance of 264.15 feet to the South line of said NW1/4 NE1/4; 2) N89°52'24"W, along said South line a distance of 330.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.999 Acres (87,076.44 Sq. Ft.), 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 Ingle Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Ingle Annexation - Located at 436 Clear Creek Drive		
File #	ANX-2007-269		
Meeting Day, Date	Monday, October 15, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 3, 2007		
Author Name & Title	Faye Hall, Associate Planner		
Presenter Name & Title	Faye Hall, Associate Planner		

Summary: Request to annex 5.90 acres, located at 436 Clear Creek Drive. The Ingle Annexation consists of one parcel. The property is located to the east of 31 Road, south of D 1/2 Road on Clear Creek Drive.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Ingle Annexation and introduce the proposed Ordinance and set a hearing for November 19, 2007.

Attachments:

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing County and City Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		436 Clear Creek Drive			
Applicants:		Owner: Jay Ketchem Representative: Austin Civil Group – Tony Contreras			
Existing Land Use:		Single Family Residential			
Proposed Land Use:		Single Family Residential			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County PUD (Planned Unit Development approved at 5.6 units per acre)			
Proposed Zoning:		City R-5 (Residential, 5 units per acre)			
Surrounding Zoning:	North	County PUD (Planned Unit Development 5.6 units per acre)			
	South	County RMF-5			
	East	County RSF-R			
	West	R-5 (Residential, 5 units per acre)			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.90 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 Ingle 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.

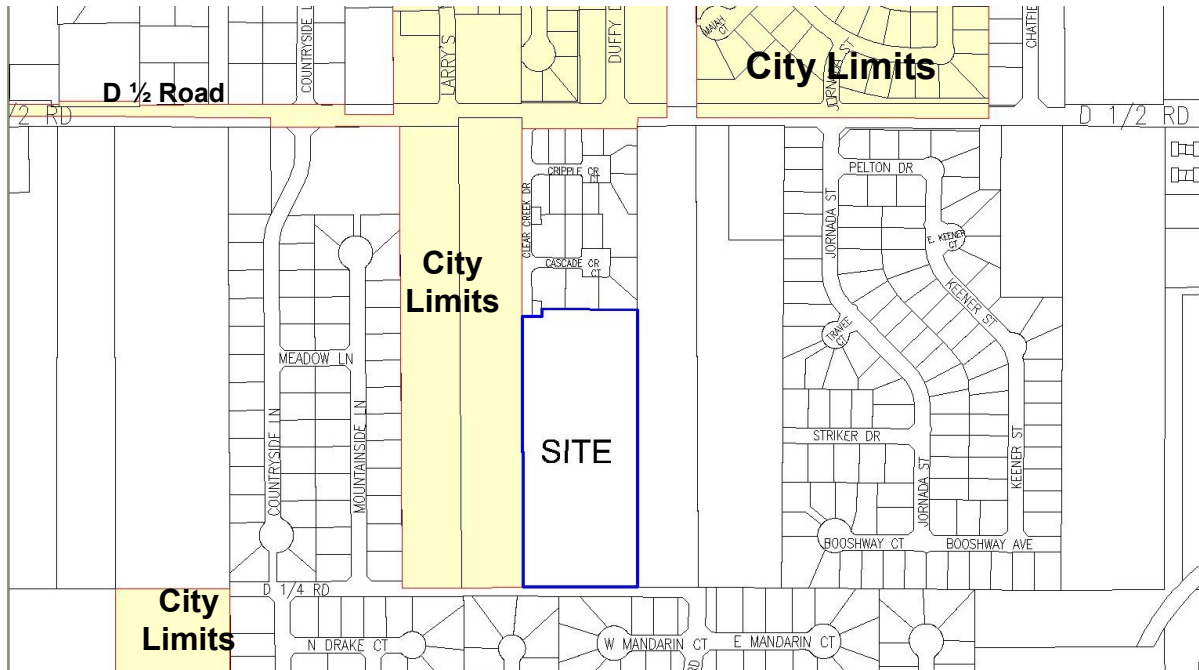
<u><i>ANNEXATION SCHEDULE</i></u>	
October 15, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
October 23, 2007	Planning Commission considers Zone of Annexation
November 5, 2007	Introduction of a proposed Ordinance on Zoning by City Council
November 19, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 23, 2007	Effective date of Annexation and Zoning

INGLE ANNEXATION SUMMARY

File Number:		ANX-2007-269
Location:		436 Clear Creek Drive
Tax ID Number:		2943-153-37-033
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		5.90 acres
Developable Acres Remaining:		5.90 acres
Right-of-way in Annexation:		0
Previous County Zoning:		PUD (Planned Unit Development approved at 5.6 units per acre)
Proposed City Zoning:		R-5 (Residential, 5 units per acre)
Current Land Use:		Single Family Residential
Future Land Use:		Single Family Residential
Values:	Assessed:	\$14,330
	Actual:	\$179,960
Address Ranges:		425 thru 436 Clear Creek Drive
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Valley Irrigation Grand Junction Drainage
	School:	District 51
	Pest:	Grand River Mosquito

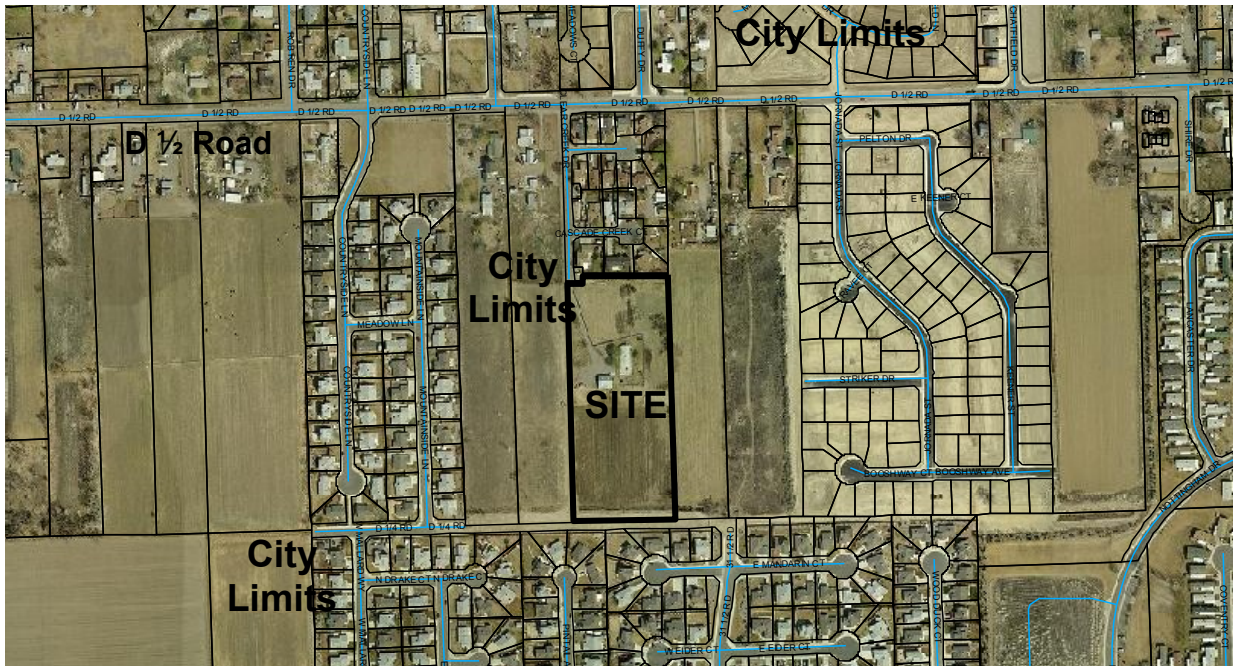
Annexation / Site Location Map

Figure 1



Aerial Photo Map

Figure 2



**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 15th of October, 2007, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

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**

INGLE ANNEXATION

LOCATED AT 436 CLEAR CREEK DRIVE

WHEREAS, on the 15th day of October, 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:

INGLE ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

All of Lot One of the Third Replat of Brookdale Subdivision, as same is recorded in Plat Book 13, Page 411, Public Records of Mesa County, Colorado

Subject to that certain Boundary Line Agreement as recorded in Book 4384, Page 608, Public Records of Mesa County, Colorado and any easements, reservations and rights of way of record, if any shall exist.

CONTAINING 5.90 Acres (257,089 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 19th day of November, 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 Public Works and Planning 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>
October 17, 2007
October 24, 2007
October 31, 2007
November 7, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

INGLE ANNEXATION

APPROXIMATELY 5.90 ACRES

LOCATED AT 436 CLEAR CREEK DRIVE

WHEREAS, on the 15th day of October, 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 19th day of November, 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:

INGLE ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, Mesa County, Colorado, being more particularly described as follows:

All of Lot One of the Third Replat of Brookdale Subdivision, as same is recorded in Plat Book 13, Page 411, Public Records of Mesa County, Colorado

Subject to that certain Boundary Line Agreement as recorded in Book 4384, Page 608, Public Records of Mesa County, Colorado and any easements, reservations and rights of way of record, if any shall exist.

CONTAINING 5.90 Acres (257,089 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 Vacation of Public Rights-of-Way in the Indian Road Simple Subdivision

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Vacation of Public Rights-of-Way as part of the Indian Road Simple Subdivision application		
File #	SS-2005-290		
Meeting Day, Date	Monday, October 15, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 5, 2007		
Author Name & Title	Senta L. Costello, Associate Planner		
Presenter Name & Title	Senta L. Costello, Associate Planner		

Summary: Vacation of Public Rights-of-Way as part of the Indian Road Simple Subdivision application.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed vacation Ordinance and set a public hearing for November 5, 2007.

Attachments:

1. Staff Report
2. Vicinity Map / Aerial Photo
3. Future Land Use Map / Existing Zoning Map
4. Exhibit A – Sketches of the Rights-of-Way Vacations
5. Exhibit B – Proposed plat for the Indian Road Industrial Subdivision Filing No. Two
6. Proposed Vacation Ordinance

Background Information: See attached report.

BACKGROUND INFORMATION					
Location:		Between C ½ Road and D Road at Indian Road			
Applicants:		Owner: Darren Davidson Representative: Jeff Flemming			
Existing Land Use:		Industrial / Vacant			
Proposed Land Use:		Industrial			
Surrounding Land Use:	North	Industrial / Railroad			
	South	Single Family Residential/Rendering Plant/Colorado River			
	East	Single Family Residential/Commercial and Industrial uses			
	West	Single Family Residential/Commercial and Industrial uses			
Existing Zoning:		City I-1			
Proposed Zoning:		City I-1			
Surrounding Zoning:	North	City I-1			
	South	County I-2 & RSF-R			
	East	County I-2, PI, and RSF-R; City I-1			
	West	County I-2 & RSF-R; City CSR and I-2			
Growth Plan Designation:		Commercial/Industrial and Industrial			
Zoning within density range?		X	Yes		No

Staff Analysis:

1. Background

The subdivision was annexed in November 2004. Three sites within the subdivision went through the Site Plan Review process and were approved for construction in May 2005. An application for a Simple Subdivision (SS-2005-290) Indian Road Subdivision Filing #2) was submitted concurrent with the request for vacation of rights-of-way and easements in order to create one new lot and reconfigure the lots in an effort to create lots with more development potential.

Indian Road Industrial Subdivision was originally approved in the County in 1978. The project was not constructed at that time. The applicant began to build the development before annexation, but with annexation the applicant was required to make changes to meet all City standards. The requirements for roads and easements in the City differ from those in the County in 1978. It has been determined that Indian Road needs to be only 48' wide rather than the dedicated 60'. In addition, the City now requires a 14' multipurpose easement rather than a utility easement on all lot frontages.

Multipurpose easements shall be maintained in the area where the right-of-way is being vacated so that the City will have the necessary 14' multipurpose easements along the remaining right-of-way. A multipurpose easement shall not be retained for all of that portion of Winters Avenue being vacated east of Indian Road, only enough will be reserved and retained for the 14' along and adjacent to the remaining right-of-way.

Utility easements and Utility and Drainage easements located outside the required 14' multipurpose easements are recommended for vacation as they are more than the City needs and more than is required by the TEDS Manual. These will be brought before the Council on November 5, 2007, at the time of the public hearing on the matters discussed herein.

Exhibit A, which is incorporated herein, includes three copies of the Indian Road Industrial Subdivision Plat. The copy marked 1 shows the location of the rights-of-way to be vacated. The copy marked 2 shows the location of the utility easements and utility and drainage easements to be vacated. The copy marked 3 shows the location of the multipurpose easements to be vacated. Exhibit B which will be presented at the hearing and is incorporated herein is the general depiction of the Indian Road Industrial Subdivision Filing No. Two including additional right-of-way and easements to be dedicated to the City and showing the retained easements. The final plat for Indian Road Industrial Subdivision Filing No. Two will need to be approved with the required additional right-of-way and easement dedications in accordance with City Codes as a condition of the vacation of the right-of-ways and the easement vacation request. The right-of-way vacation descriptions are included in the attached proposed Ordinance.

The vacation request was originally scheduled for the June 26, 2007 Planning Commission agenda. Issues regarding the legal descriptions for the requested vacations were discovered and the application continued to the July 10, 2007 Planning Commission meeting. Planning Commission heard the request on July 10, 2007 and has recommended approval.

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.
 - o Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.
 - o 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 6: To promote the cost-effective provision of services for businesses and residents by all service providers.

Policy 6.4 – The City and County will encourage consolidations of services whenever such consolidations will result in improved service efficiencies while maintaining adopted level of service standards.

- 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 rights-of-way or easements must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.
 - Vacating the excess rights-of-way within the Indian Road Industrial Subdivision is not in conflict with the Growth Plan, major street plan and other adopted plans and policies of the City. The existing 60' dedicated rights-of-way exceeds the 48' width required for an industrial street section and most of the right-of-way and portions of easement areas will be retained for the 14' multipurpose easement required along the fronts of the lots.
- b. No parcel shall be landlocked as a result of the vacation.
 - No parcels will be landlocked as a result of the rights-of-way 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 rights-of-way or easement vacation. Sufficient right-of-way remains in accordance with City standards for access to parcels. Sufficient easements will be in place with the remaining easements and the additional dedication of right-of-way and easements.
- 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 because the remaining right-of-way is sufficient to provide the necessary access. Additional easements will be provided that meet present day standards. The general community and neighborhood will be

in a better position after the conditions of the approval for vacation have been met.

- 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 rights-of-way or easement vacation. (See response to c above.)
- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
 - The rights-of-way vacation will reduce maintenance requirements for public services.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Indian Road Industrial Subdivision application, SS-2005-290 for the vacation of public rights-of-way staff makes the following findings of fact and conclusions:

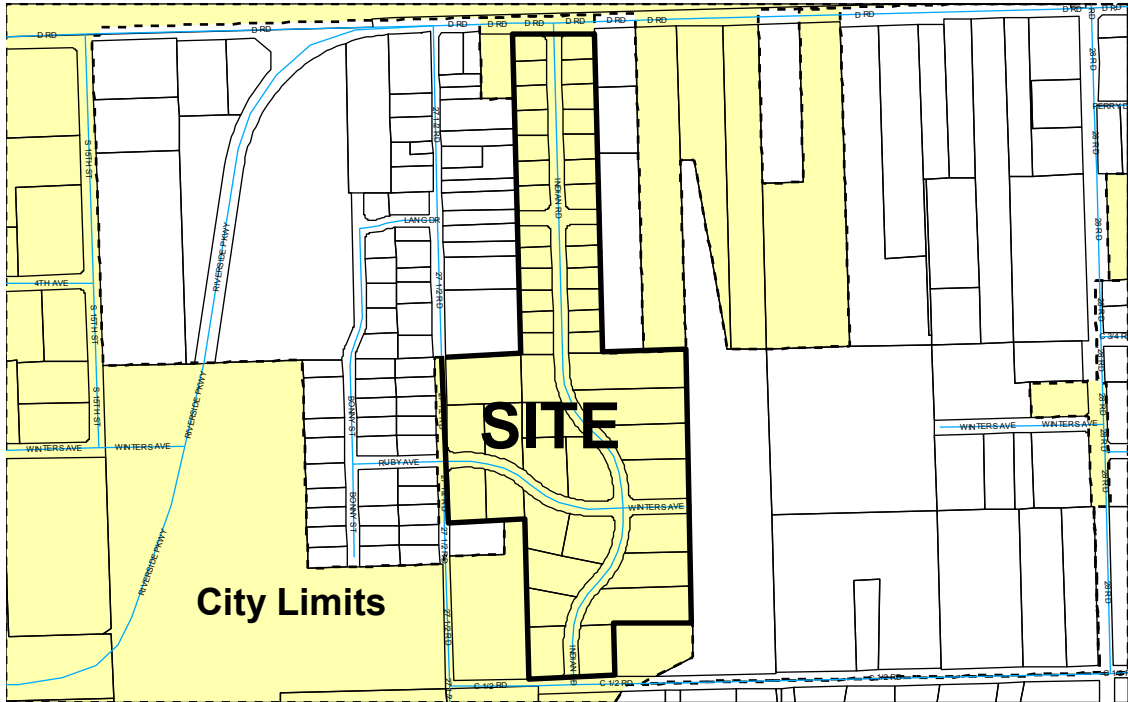
1. The requested rights-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
3. The vacation of rights-of-way shall be conditioned upon the City reserving and retaining a multipurpose easement where the rights-of-way lie, except in that portion of Winters Avenue lying East of a line 14 feet East of and parallel with the East line of the 48 foot wide remnant of Indian Road. The rights-of-way indicated on the plat for Indian Road Industrial Subdivision Filing No. Two must be dedicated on the plat and the plat must be recorded. Recordation is conditioned upon the plat being approved by the City in accordance with the City's laws and standards.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwarded a recommendation of approval of the requested right-of-way vacation, SS-2005-290 to the City Council with the findings, conclusions, and conditions listed above.

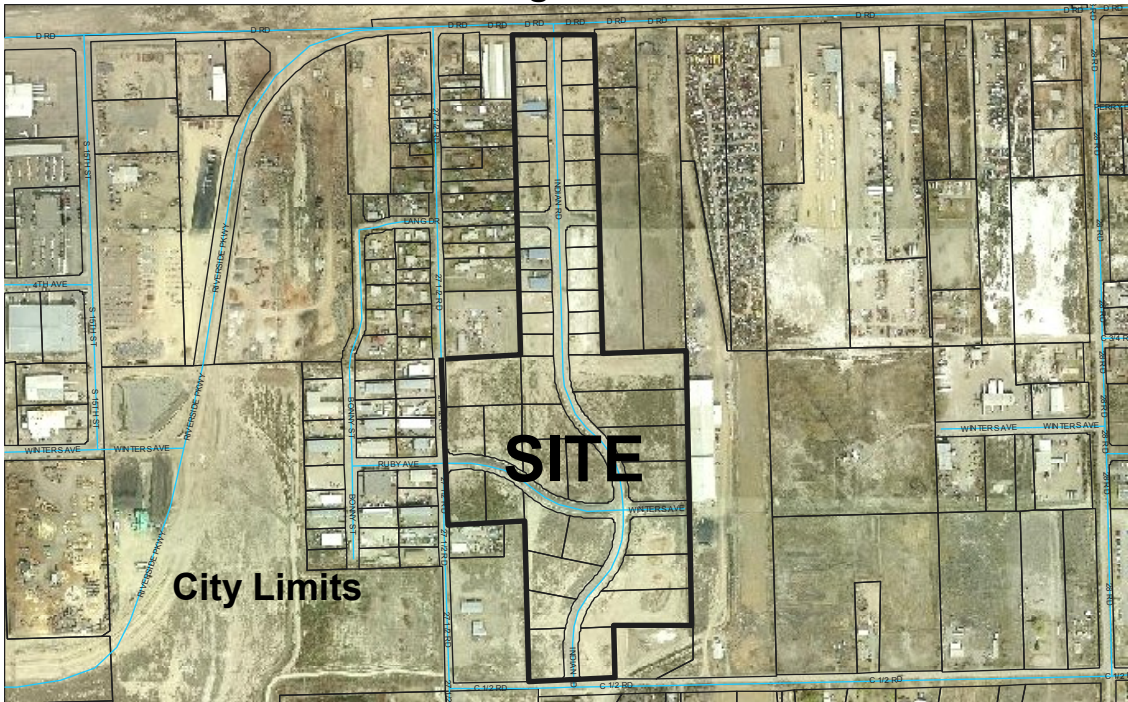
Site Location Map

Figure 1



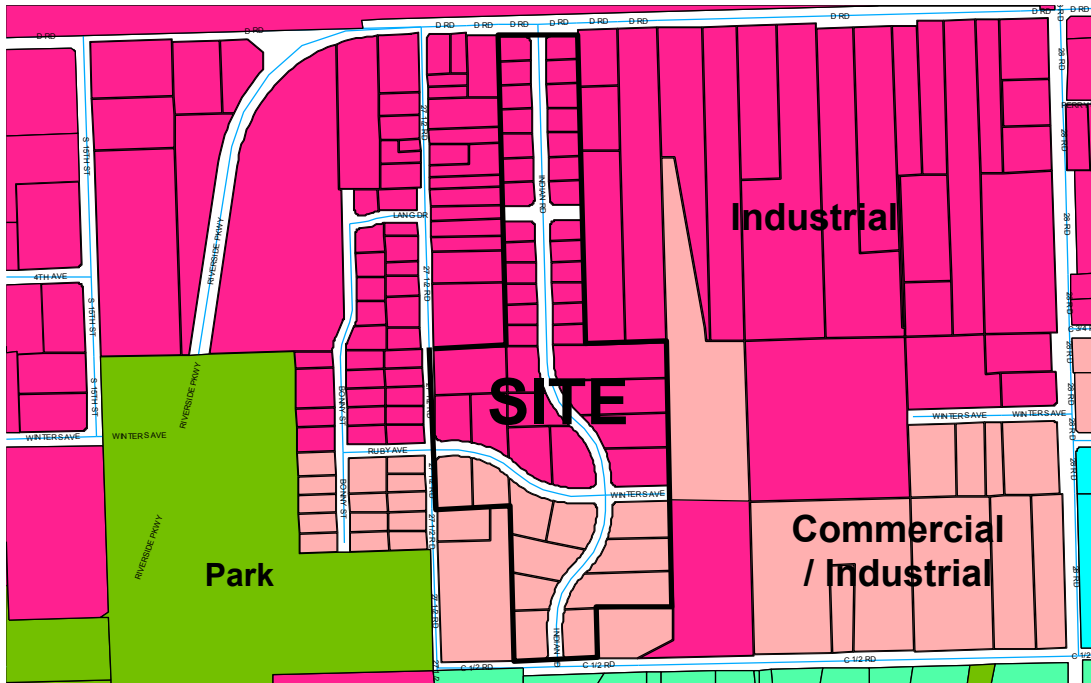
Aerial Photo Map

Figure 2



Future Land Use Map

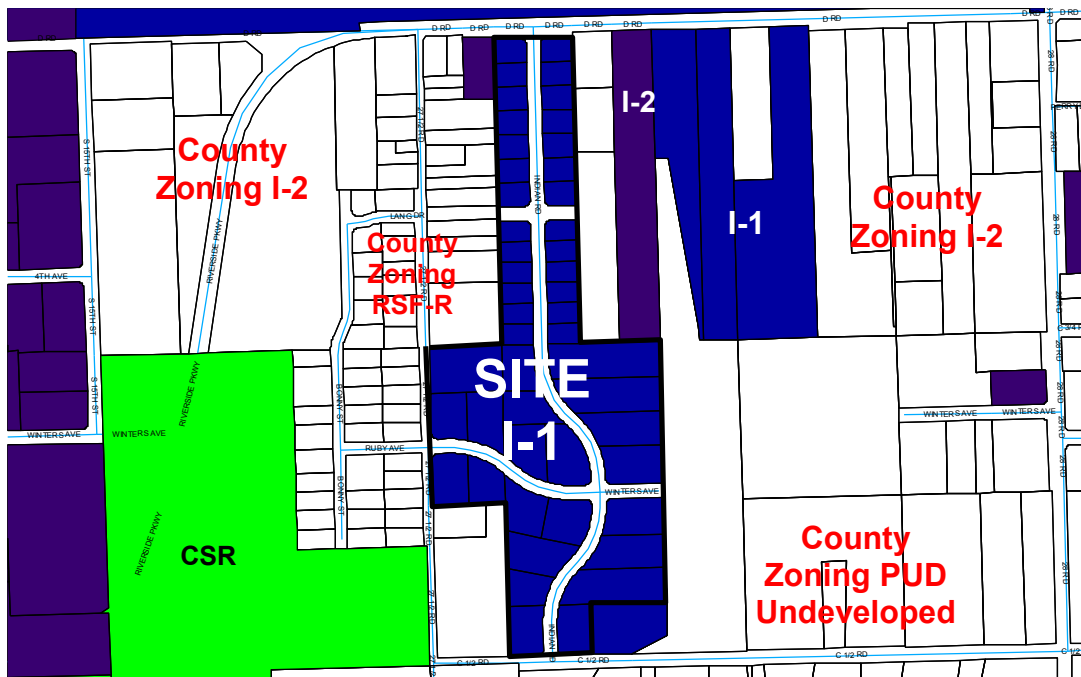
Figure 3



Existing City and County Zoning

City Limits

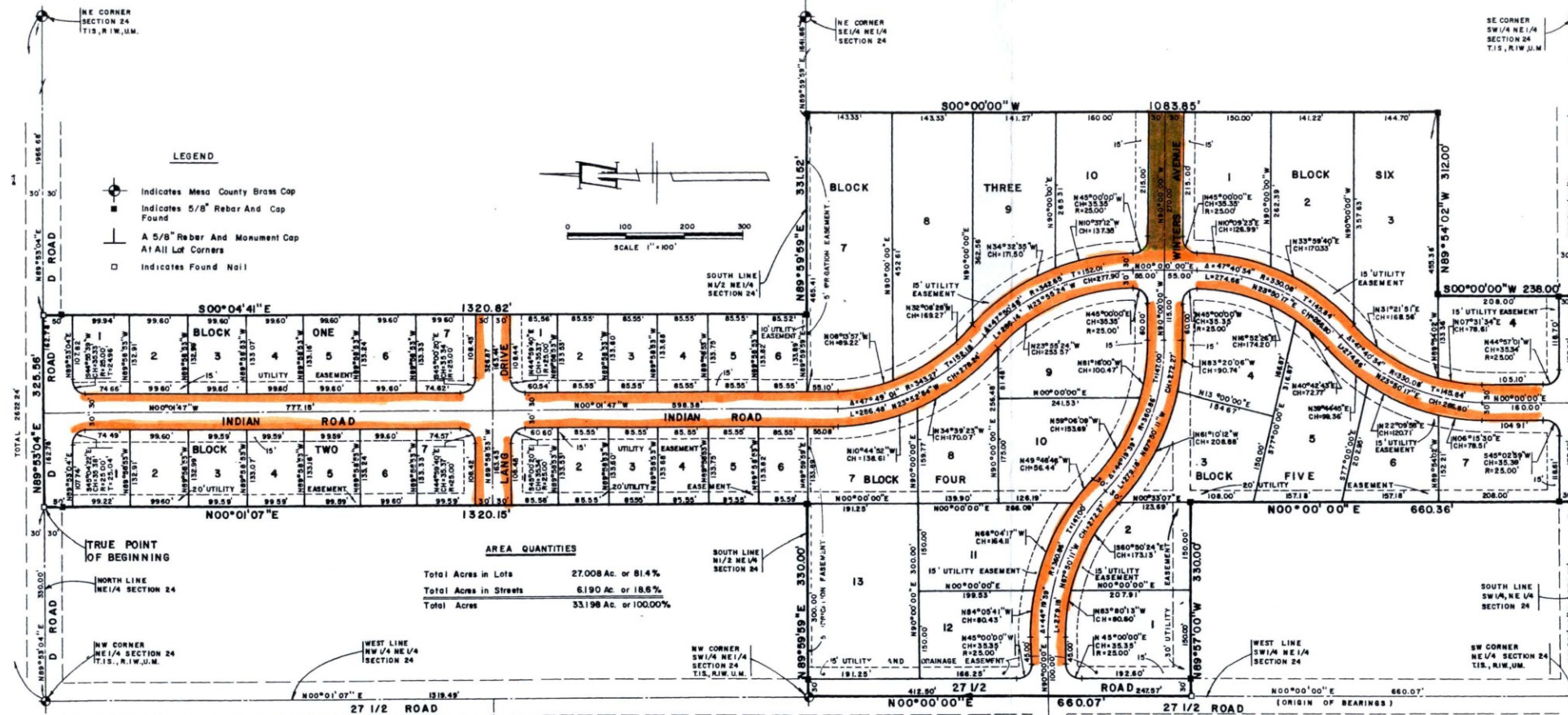
Figure 4



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."

EXHIBIT "A"
Page 1

INDIAN ROAD INDUSTRIAL SUBDIVISION



right-of-way to be vacated reserving a multipurpose easement

right-of-way to be vacated with no reservation of multipurpose easement

AREA QUANTITIES

Total Acres in Lots	27.008 Ac. or 81.4%
Total Acres in Streets	6.190 Ac. or 18.6%
Total Acres	33.198 Ac. or 100.00%

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned is the owner of that real property situated in the County of Mesa, State of Colorado and being a part of the West Half (W 1/2) Northeast Quarter (NE 1/4) of Section 24, T.15, R.1W, U.M. Meridian as shown on the accompanying plat thereof, said real property being more particularly described as follows:

Commencing at the Northwest Corner (NW cor.) of said Northeast Quarter (NE 1/4) of Section 24; Thence N. 89° 53' 04" E along the North Line of said Northeast Quarter (NE 1/4) of Section 24 a distance of 330.00 feet to the True Point of Beginning. Thence continuing N. 89° 53' 04" E along said North Line of the Northeast Quarter (NE 1/4) of Section 24 a distance of 325.56 feet; Thence S. 00° 04' 41" E 1320.82 feet to a point on the South Line of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of said Section 24; Thence N. 89° 59' 59" E along said South Line of the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of Section 24, a distance of 331.52 feet; Thence S. 00° 00' 00" W 1083.85 feet; Thence N. 89° 54' 02" W along said South Line of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 24; Thence N. 89° 54' 02" W along said South Line of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 24 a distance of 347.31 feet; Thence N. 00° 00' 00" E 660.36 feet; Thence N. 89° 57' 00" W 330.00 feet to a point on the West Line of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 24; Thence N. 00° 00' 00" E along said West Line of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 24 a distance of 660.27 feet to the Northwest Corner (NW cor.) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 24; Thence N. 89° 50' 55" E along the South Line North Half (N 1/2) of the Northeast Quarter (NE 1/4) of said Section 24 a distance of 330.00 feet; Thence N. 00° 01' 07" E 1320.15 feet to the True Point of Beginning. Containing 33.198 Acres.

That said owner has caused the said real property to be laid out and surveyed as Indian Road Industrial Subdivision, a subdivision of a part of Mesa County, Colorado.

That said owners do hereby dedicate and set apart all of the streets, avenues and roads as shown on the accompanying plat to the use of the public forever and dedicate to the utility companies those portions of said real property which are labeled as utility easements for the installation and maintenance of such utilities as telephone, electric lines, poles and cables, storm and sanitary sewer mains, gas pipelines, with further right of ingress and egress to and from the above described utility easements and those portions of said real property which are labeled as irrigation easements for the installation and maintenance of irrigation ditches, flumes and conduits and those portions of said real property which are labeled as drainage easements for the installation and maintenance of drainage ditches, flumes and conduits.

That all expense for street paving or improvements shall be furnished by the seller or purchaser, not by the County of Mesa.

IN WITNESS WHEREOF said owner has caused his name to be hereto subscribed this 4th day of DECEMBER, A.D., 1977.

Indian Road Properties
William C. Bennett
 William C. Bennett
 General Partner

STATE OF COLORADO)
 COUNTY OF MESA) ss
 The foregoing instrument was acknowledged before me this 4th day of DECEMBER, A.D., 1977, by William C. Bennett, General Partner of Indian Road Properties.

My Commission Expires: Aug 9th 1981
 Witness My Hand and Official Seal: *Thomas A. Agate*
 Notary Public

STATE OF COLORADO)
 COUNTY OF MESA) ss
 I hereby certify that this instrument was filed in my office at 3:00 o'clock P.M. this 22 day of June, A.D., 1978 and duly recorded in Plat Book No. 12, Page. 43

Carl Sawyer
 Clerk and Recorder

Approved this 20 day of APRIL, A.D., 1978, _____
 Deputy CLERK AND RECORDER CERTIFICATE
 County Planning Commission of the County of Mesa, Colorado,
 Chairman

Approved this 22 day of APRIL, A.D., 1978, _____
 BOARD OF COUNTY COMMISSIONERS CERTIFICATE
 Board of County Commissioners of the County of Mesa, Colorado,
 Chairman

I, James T. Patten Jr. do hereby certify that the accompanying plat of Indian Road Industrial Subdivision, a subdivision of a part of the County of Mesa, has been prepared under my direction and accurately represents a field survey of same.

James T. Patten Jr.
 James T. Patten Jr.
 Registered Land Surveyor
 Colorado Registration No. 0560

Bill Benson
 Mesa County Road Department

Date: 4-11-78

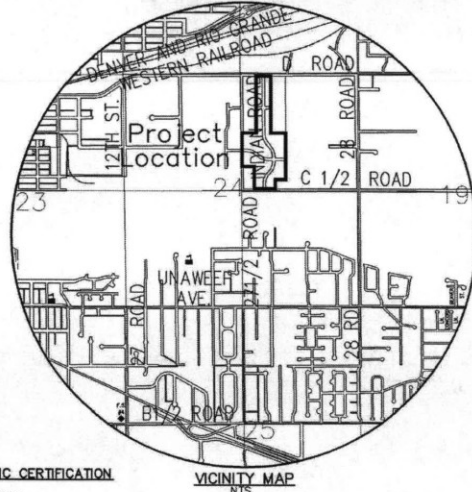


INDIAN ROAD INDUSTRIAL SUBDIVISION
 ROBERT P. GERLOFS
 Engineering Consultants 75 BOX 8875 880 JCT. COLO. HIGHWAY 241-8986
 817-123

EXHIBIT "B"
Page 1

INDIAN ROAD INDUSTRIAL SUBDIVISION
FILING NO. TWO

A REPLAT OF
INDIAN ROAD INDUSTRIAL SUBDIVISION
SW 1/4 NE 1/4 SECTION 24, T1S, R1W, UTE MERIDIAN
CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Marilyn J. and Tom English, Jr., 372 INDIAN Rd., LLC, & 370 INDIAN Rd., LLC, & 368 INDIAN Rd., LLC, & 366 INDIAN Rd., LLC, Robert H. and Judith R. Holzenbuehler, Indian Road Industrial Park, L.L.C., and the City of Grand Junction, are the owners of that real property located in part of the Southwest Quarter Northeast Quarter (SW NE 1/4) Section 24, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows: (Original Plat recorded in Plat Book 12, Page 43, Mesa County Records)

A replat of All of INDIAN ROAD INDUSTRIAL SUBDIVISION and that Parcel described as: BEGINNING 100 feet North of the Southeast corner of the West 30 Acres of the SE 1/4 NE 1/4 Section 24, T1S, R1W, thence North, 138 feet; thence West, 312 feet; thence South, 208 feet; thence East to Drain; thence Northeasterly along Drain to POINT OF BEGINNING, and that portion of Indian Road, Long Drive, and Winters Avenue as vacated,

EXCEPT those portions of Indian Road, Long Drive, and Winters Avenue not vacated.

That said owners have by these presents laid out, platted, and subdivided the above described real property into lots, blocks, and tracts, as shown hereon, and designated the same as INDIAN ROAD INDUSTRIAL SUBDIVISION FILING NO. TWO, a subdivision in the City of Grand Junction, Colorado, and hereby offers the following dedications and grants:

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever.

All Utility Easements, including those previously created and/or otherwise appearing hereon, are dedicated to the City of Grand Junction for the use of City approved public utilities as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public utility providers and appurtenant facilities.

All Multipurpose Easements, including those previously created and/or otherwise appearing hereon, are dedicated to the City of Grand Junction for the use of City approved utilities and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

All Irrigation and Drainage Easements are granted to the Indian Road Owners Association, Inc., hereby platted as undivided interests (not partitionable), as perpetual easements for the installation, operation, maintenance and repair of utilities, irrigation and drainage systems and to supply and drain irrigation water.

Tract A is granted to the Indian Road Owners Association, Inc., for the installation, operation, maintenance and repair of utilities and appurtenances, including but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public utility providers and appurtenant facilities.

Tract B is granted to the Indian Road Owners Association, Inc., for the inspection, installation, operation, maintenance and repair of detention and drainage facilities and appurtenances thereto.

Tract B and All Drainage Easements are dedicated to the City of Grand Junction as perpetual easements for the inspection, installation, operation, maintenance and repair of detention and drainage facilities and appurtenances thereto. The City of Grand Junction is dedicated reasonable ingress/egress access to the drainage/detention easement areas. The owner(s) and/or the property owners' association, if one exists, is not relieved of its responsibility to inspect, install, operate, maintain, and repair the detention and drainage facilities.

All Tracts/Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or assigns, together with the right to trim or remove interfering trees and brush, and in Drainage and Detention/Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden said easements by erecting or placing any improvements thereon which may impede the use of the easement and/or prevent the reasonable ingress and egress to and from the easement.

Owners hereby declare there are no lienholders of records to herein described real property.

IN WITNESS WHEREOF, said owners, 372 INDIAN Rd., LLC, & 370 INDIAN Rd., LLC, & 368 INDIAN Rd., LLC, & 366 INDIAN Rd., LLC, Robert H. and Judith R. Holzenbuehler, Marilyn J. and Tom English, Jr., and Indian Road Industrial Park, L.L.C., have caused their names to be hereto subscribed this day of _____ A.D. 20__

for: Lot 7, Block Three, 372 INDIAN Rd., LLC (Book 4412, Page 48) Lot 8, Block Three, 370 INDIAN Rd., LLC (Book 4412, Page 50) Lot 9, Block Three, 368 INDIAN Rd., LLC (Book 4412, Page 51) Lot 10, Block Three, 366 INDIAN Rd., LLC (Book 4412, Page 52)

by: Trent Spendrup Its: Manager by: Leslie Spendrup Its: Manager for: 372 INDIAN Rd., LLC for: 370 INDIAN Rd., LLC & 368 INDIAN Rd., LLC & 366 INDIAN Rd., LLC

for: Lot 3, Block Four (Holzenbuehler - Book 3745, Page 423)

by: Robert H. Holzenbuehler by: Judith R. Holzenbuehler

for: Lots 1 through 7, Block One, Lots 1 & 2, and Lots 4 through 7, Block Two, Lots 1 through 6, Block Three, Lots 1 & 2 and Lots 4 through 13, Block Four, Lots 1 through 7, Block Five, and Lots 1 through 4, Block Six, and that Parcel described as: BEGINNING 100 feet North of the Southeast corner of the West 30 Acres of the SE 1/4 NE 1/4 Section 24, T1S, R1W, thence North, 138 feet; thence West, 312 feet; thence South, 208 feet; thence East to Drain; thence Northeasterly along Drain to POINT OF BEGINNING, (Indian Road Industrial Park, L.L.C. - Book 3745, Page 422)

by: Darren Davidson Its: Manager for: Indian Road Industrial Park, L.L.C.

for: Lot 3, Block Two (English - Book 4012, Page 878)

by: Tom English, Jr. by: Marilyn J. English

for: The City of Grand Junction (Rights-of-way and Easements)

by: _____ Its: _____ (title)

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Trent E. Spendrup, It's Manager for 372 INDIAN Rd., LLC, this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Leslie D. Spendrup, Manager for 370 INDIAN Rd., LLC & 368 INDIAN Rd., LLC & 366 INDIAN Rd., LLC this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Darren Davidson, for Indian Road Industrial Park, L.L.C., It's Manager this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Tom English, Jr. and Marilyn J. English for The City of Grand Junction (Rights-of-way and Easements) this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Robert H. Holzenbuehler, this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Judith R. Holzenbuehler, this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Tom English, Jr., this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by Marilyn J. English, this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO } ss COUNTY OF MESA }

The foregoing instrument was acknowledged before me by _____ for The City of Grand Junction, it's _____ (title) this _____ day of _____ A.D., 20__

Witness my hand and official seal: _____ My Commission Expires _____ Notary Public

FOR CITY USE ONLY

Associated Recorded Documents

Table with columns: Book, Page, Type. Rows include: Tracts A and B to the Indian Road Owners Association, Inc.; All Utility, Irrigation, and Drainage Easements to the Indian Road Owners Association, Inc.; Those vacated portions of Indian Road, Long Drive, and Winters Avenue by Ordinance; The Declaration of Covenants, Conditions, and Restrictions; Those vacated portions of all Easements by Resolution.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

GENERAL NOTES

Basis of bearings is from GPS observations using the Mesa County SMS LCS. The East line of the SW 1/4 NE 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado bears N00°07'40"W, a distance of 1320.14 feet. Both monuments on this line are aliquot survey markers as shown on the face of this plat.

Easement and Title Information provided by Meridian Land Title Co., Policy No. 76503, dated August 5, 2005.

Note: Property corners located during this survey that were within 0.25± feet of the calculated point were accepted as being "in position".

TITLE CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

We, _____ a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to Marilyn J. and Tom English, Jr.; that the current taxes have been paid; that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights of way of record are shown hereon.

Date: _____ by: _____ (Name And Title) for: _____ (Name Of Title Company)

TITLE CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

We, _____ a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to Robert H. and Judith R. Holzenbuehler; that the current taxes have been paid; that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights of way of record are shown hereon.

Date: _____ by: _____ (Name And Title) for: _____ (Name Of Title Company)

TITLE CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

We, _____ a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to 372 Indian Rd., LLC, a Colorado limited liability company; that the current taxes have been paid; that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights of way of record are shown hereon.

Date: _____ by: _____ (Name And Title) for: _____ (Name Of Title Company)

TITLE CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

We, _____ a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to Indian Road Industrial Park, L.L.C.; that the current taxes have been paid; that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights of way of record are shown hereon.

Date: _____ by: _____ (Name And Title) for: _____ (Name Of Title Company)

TITLE CERTIFICATION

STATE OF COLORADO } ss COUNTY OF MESA }

We, _____ a title insurance company, as duly licensed in the state of Colorado, hereby certify that we have examined the title to the hereon described property, that we find the title to the property is vested to Indian Road Industrial Park, L.L.C.; that the current taxes have been paid; that all mortgages not satisfied or released of record nor otherwise terminated by law are shown hereon and that there are no other encumbrances of record; that all easements, reservations and rights of way of record are shown hereon.

Date: _____ by: _____ (Name And Title) for: _____ (Name Of Title Company)

CITY OF GRAND JUNCTION APPROVAL

This plat of INDIAN ROAD INDUSTRIAL SUBDIVISION FILING NO. TWO, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this _____ day of _____ A.D., 20__

City Manager _____ Mayor _____

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } ss COUNTY OF MESA }

I hereby certify that this instrument was filed in my office at _____ o'clock _____ M., _____ A.D., 20__, and was duly recorded in Book _____ Pages No. _____ Reception No. _____

Drawer No. _____ Fees: _____ Clerk and Recorder By: _____ Deputy

SURVEYOR'S CERTIFICATION

I, JEFFREY C. FLETCHER, do hereby certify that the accompanying plat of INDIAN ROAD SUBDIVISION FILING NO. TWO, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of some. This plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and the applicable laws of the State of Colorado.

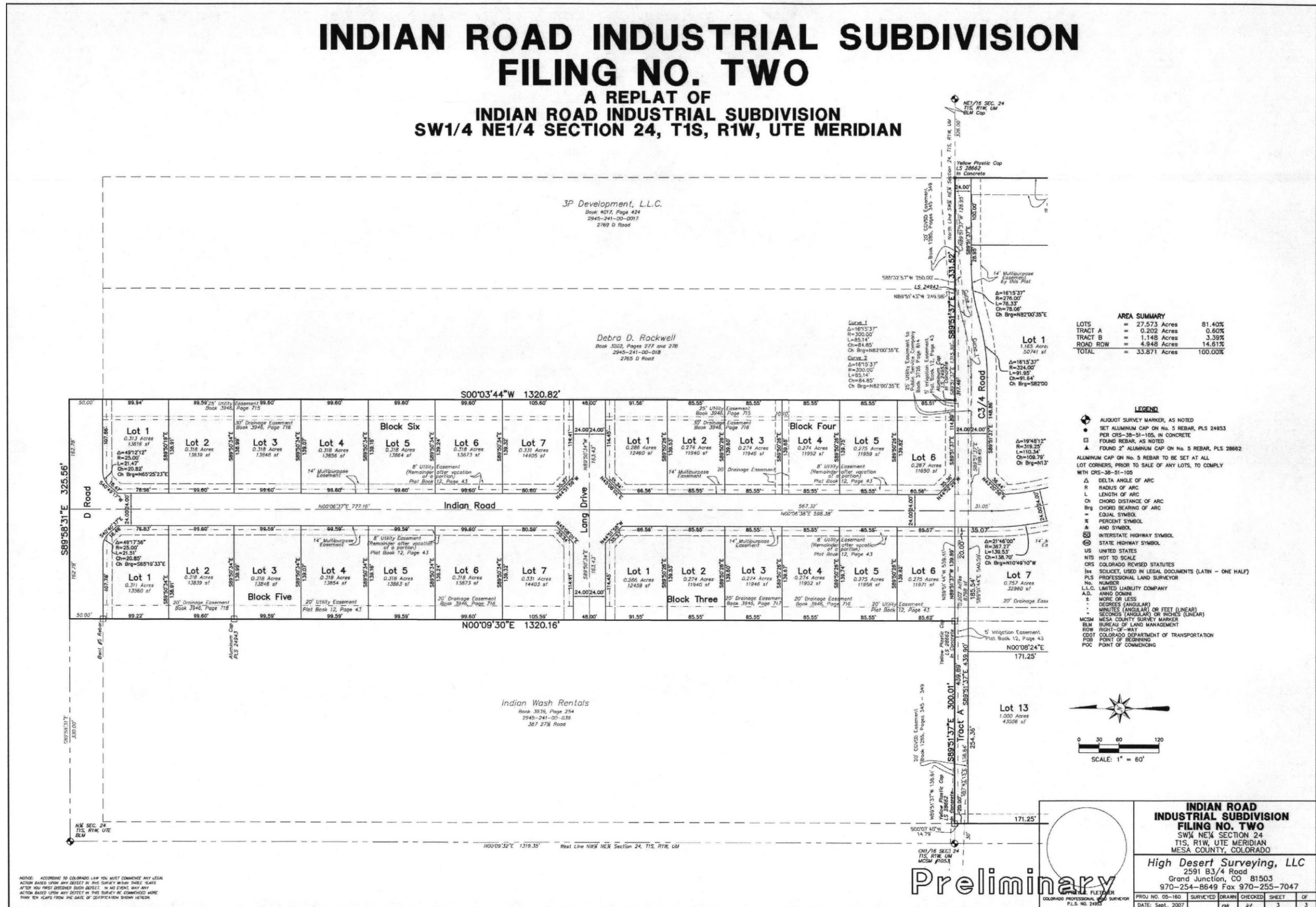
Date certified _____

INDIAN ROAD INDUSTRIAL SUBDIVISION FILING NO. TWO SW 1/4 NE 1/4 SECTION 24 T1S, R1W, UTE MERIDIAN MESA COUNTY, COLORADO High Desert Surveying, LLC 2591 B3/4 Road Grand Junction, CO 81503 970-254-8649 Fax 970-255-7047

EXHIBIT "B"
Page 2

INDIAN ROAD INDUSTRIAL SUBDIVISION FILING NO. TWO

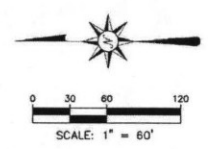
A REPLAT OF
INDIAN ROAD INDUSTRIAL SUBDIVISION
SW1/4 NE1/4 SECTION 24, T1S, R1W, UTE MERIDIAN



AREA SUMMARY

LOTS	= 27.573 Acres	81.40%
TRACT A	= 0.202 Acres	0.60%
TRACT B	= 1.148 Acres	3.39%
ROAD ROW	= 4.948 Acres	14.61%
TOTAL	= 33.871 Acres	100.00%

- LEGEND**
- ALUQUOT SURVEY MARKER, AS NOTED
 - SET ALUMINUM CAP ON No. 5 REBAR, PLS 24953
 - PER CRS-38-51-105, IN CONCRETE
 - FOUND REBAR, AS NOTED
 - FOUND 2" ALUMINUM CAP ON No. 5 REBAR, PLS 28662
 - ALUMINUM CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105
 - DELTA ANGLE OF ARC
 - RADIUS OF ARC
 - LENGTH OF ARC
 - CHORD DISTANCE OF ARC
 - CHORD BEARING OF ARC
 - EQUAL SYMBOL
 - PERCENT SYMBOL
 - AND SYMBOL
 - INTERSTATE HIGHWAY SYMBOL
 - STATE HIGHWAY SYMBOL
 - UNITED STATES
 - NOT TO SCALE
 - COLORADO REVISED STATUTES
 - SOLICIT, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
 - PROFESSIONAL LAND SURVEYOR
 - No.
 - MESA COUNTY SURVEY MARKER
 - BLM BUREAU OF LAND MANAGEMENT
 - RIGHT-OF-WAY
 - CDOT COLORADO DEPARTMENT OF TRANSPORTATION
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCING



INDIAN ROAD INDUSTRIAL SUBDIVISION FILING NO. TWO
SW1/4 NE1/4 SECTION 24
T1S, R1W, UTE MERIDIAN
MESA COUNTY, COLORADO

High Desert Surveying, LLC
2591 B3/4 Road
Grand Junction, CO 81503
970-254-8649 Fax 970-255-7047

PROJ. NO. 05-180	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE: Sept. 2007				3	3

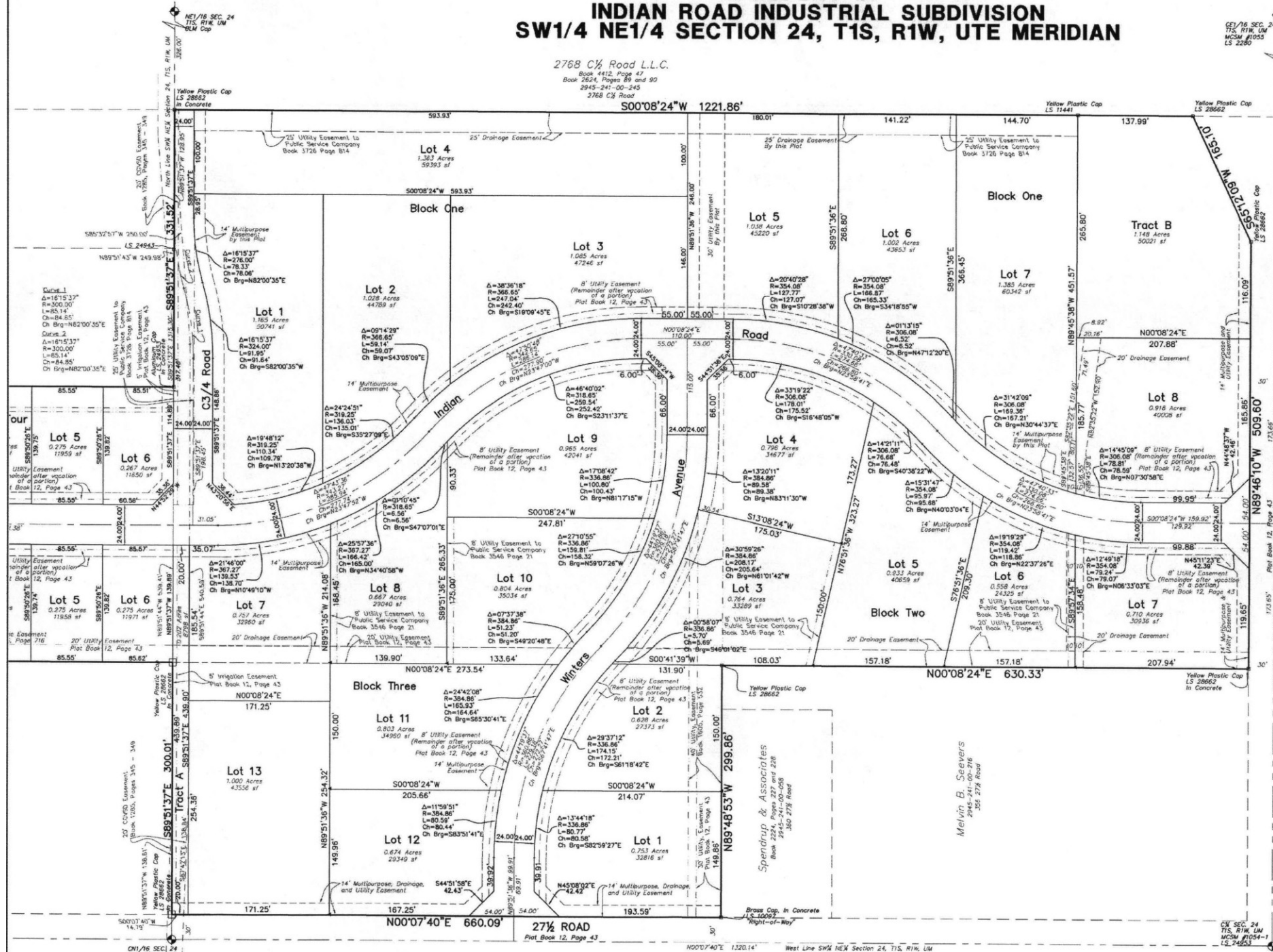
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

Preliminary

INDIAN ROAD INDUSTRIAL SUBDIVISION FILING NO. TWO

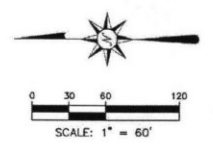
A REPLAT OF INDIAN ROAD INDUSTRIAL SUBDIVISION SW1/4 NE1/4 SECTION 24, T1S, R1W, UTE MERIDIAN

2768 C₃ Road L.L.C.
Book 412, Page 47
Book 2624, Pages 89 and 90
2945-241-00-245
2768 C₃ Road



AREA SUMMARY		
LOTS	= 27.573 Acres	81.40%
TRACT A	= 0.202 Acres	0.60%
TRACT B	= 1.148 Acres	3.39%
ROAD ROW	= 4.948 Acres	14.61%
TOTAL	= 33.871 Acres	100.00%

- LEGEND**
- ALLOT SURVEY MARKER, AS NOTED
 - SET ALUMINUM CAP ON No. 5 REBAR, PLS 24553
 - PER CRS-38-51-105, IN CONCRETE
 - FOUND REBAR, AS NOTED
 - FOUND 2" ALUMINUM CAP ON No. 5 REBAR, PLS 28662
 - ALUMINUM CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105
 - Δ DELTA ANGLE OF ARC
 - R RADIUS OF ARC
 - L LENGTH OF ARC
 - Ch CHORD DISTANCE OF ARC
 - Brg CHORD BEARING OF ARC
 - = EQUAL SYMBOL
 - PERCENT SYMBOL
 - & AND SYMBOL
 - INTERSTATE HIGHWAY SYMBOL
 - STATE HIGHWAY SYMBOL
 - US UNITED STATES
 - NTS NOT TO SCALE
 - CRS COLORADO REVISED STATUTES
 - PLS SOLICIT, USED IN LEGAL DOCUMENTS (LATIN - ONE HALF)
 - PROF PROFESSIONAL LAND SURVEYOR NUMBER
 - L.L.C. LIMITED LIABILITY COMPANY
 - A.D. ANNO DOMINI
 - MORE OR LESS
 - DEGREES (ANGULAR)
 - MINUTES (ANGULAR) OR FEET (LINEAR)
 - SECONDS (ANGULAR) OR INCHES (LINEAR)
 - MESA COUNTY SURVEY MARKER
 - SLM BUREAU OF LAND MANAGEMENT
 - ROW RIGHT-OF-WAY
 - CDOT COLORADO DEPARTMENT OF TRANSPORTATION
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCING



**INDIAN ROAD INDUSTRIAL SUBDIVISION
FILING NO. TWO**
SW1/4 NE1/4 SECTION 24
T1S, R1W, UTE MERIDIAN
MESA COUNTY, COLORADO

High Desert Surveying, LLC
2591 B3/4 Road
Grand Junction, CO 81503
970-254-8649 Fax 970-255-7047

PROJ NO. 05-160	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE: Sept., 2007		rbk	jet	2	3

Preliminary

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF DEPOSITION FROM RECORD.

CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING EXCESS RIGHTS-OF-WAY
LOCATED ALONG INDIAN ROAD, LANG DRIVE, AND WINTERS AVENUE IN THE
INDIAN ROAD SIMPLE SUBDIVISION**

RECITALS:

A vacation of the dedicated right-of-way for 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 is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance and dedication documents.
2. The Indian Road Industrial Subdivision Filing No. 2 plat must be approved and recorded for this ordinance to be effective.

Dedicated right-of-way to be vacated:

Parcel 1

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the Center Quarter (C $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center East Sixteenth (CE1/16th) corner of said Section 24 bears South 89 degrees 46 minutes 10 seconds East, a distance of 1319.45 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89 degrees 46 minutes 10 seconds East, a distance of 448.28 feet, along the South line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24; thence North 00 degrees 13 minutes 50 seconds East, a distance of 30.00 feet to the North right-of-way line of C $\frac{1}{2}$ Road, as

defined on plat of said Indian Road Industrial Subdivision, to the POINT OF BEGINNING; thence along the West right-of-way line of Indian Road, as defined on the plat of said Indian Road Industrial Subdivision, along a non-tangent curve to the left, having a delta angle of 02 degree 26 minutes 05 seconds, with a radius of 25.00 feet, an arc length of 1.06 feet, with a chord bearing of North 89 degrees 00 minutes 47 seconds East, with a chord length of 1.06 feet; thence South 45 degrees 11 minutes 07 seconds West, a distance of 0.03 feet; thence North 89 degrees 46 minutes 10 seconds West, a distance of 1.04 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.01 square feet, as described.

Parcel 2

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the Center Quarter (C $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center East Sixteenth (CE $\frac{1}{16}$ th) corner of said Section 24 bears South 89 degrees 46 minutes 10 seconds East, a distance of 1319.45 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89 degrees 46 minutes 10 seconds East, a distance of 448.28 feet, along the South line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24; thence North 00 degrees 13 minutes 50 seconds East, a distance of 30.00 feet to the North right-of-way line of C $\frac{1}{2}$ Road, as defined on plat of said Indian Road Industrial Subdivision; thence South 89 degrees 46 minutes 10 seconds East, a distance of 1.04 feet; thence North 45 degrees 11 minutes 07 seconds East, a distance of 33.88 feet to the POINT OF BEGINNING; thence, along the Westerly right of way of Indian Road, as shown on said plat of Indian Road Industrial Subdivision, the following four (4) courses: (1) along a non-tangent curve to the left, having a delta angle of 02 degrees 26 minutes 05 seconds, with a radius of 25.00 feet, an arc length of 1.06 feet, with a chord bearing of North 01 degrees 21 minutes 27 seconds East, with a chord length of 1.06 feet; (2) North 00 degrees 08 minutes 24 seconds East, a distance of 104.83 feet; (3) along a curve to the right, having a delta angle of 47 degrees 40 minutes 33 seconds, with a radius of 360.08 feet, an arc length of 299.62 feet, with a chord bearing of North 23 degrees 58 minutes 41 seconds East, with a chord length of 291.05 feet; (4) along a curve to the left, having a delta angle of 47 degrees 40 minutes 33 seconds, with a radius of 300.08 feet, an arc length of 249.70 feet, with a chord bearing of North 23 degrees 58 minutes 41 seconds East, with a chord length of 242.56 feet, to a point at the beginning of a curve at the intersection of the West right-of-way line of Indian Road and the South right-of-way line of Winters Avenue; thence along said curve at the intersection curve to the left, having a delta angle of 90 degrees 00 minutes 00 seconds, with a radius of 25.00 feet, an arc length of 39.27 feet, with a chord bearing of North 44 degrees 51 minutes 35 seconds West, with a chord length of 35.36 feet; thence, along the said South right-of-way line of Winters Avenue the following five (5) courses: (1) North 89 degrees 51 minutes 36

seconds West, a distance of 60.00 feet; (2) along a curve to the right, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 390.86 feet, an arc length of 302.39 feet, with a chord bearing of North 67 degrees 41 minutes 47 seconds West, with a chord length of 294.90 feet; (3) along a curve to the left, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 330.86 feet, an arc length of 255.97 feet, with a chord bearing of North 67 degrees 41 minutes 47 seconds West, with a chord length of 249.63 feet; (4) North 89 degrees 51 minutes 36 seconds West, a distance of 44.90 feet; (5) along a curve to the left, having a delta angle of 02 degrees 21 minutes 11 seconds, with a radius of 25.00 feet, an arc length of 1.03 feet, with a chord bearing of South 88 degrees 57 minutes 48 seconds West, with a chord length of 1.03 feet; thence North 45 degrees 08 minutes 02 seconds East, a distance of 7.81 feet; thence South 89 degrees 51 minutes 36 seconds East, a distance of 39.91 feet; thence along a curve to the right, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 336.86 feet, an arc length of 260.61 feet, with a chord bearing of South 67 degrees 41 minutes 47 seconds East, with a chord length of 254.16 feet; thence along a curve to the left, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 384.86 feet, an arc length of 297.75 feet, with a chord bearing of South 67 degrees 41 minutes 47 seconds East, with a chord length of 290.38 feet; thence South 89 degrees 51 minutes 36 seconds East, a distance of 66.00 feet; thence South 44 degrees 51 minutes 36 seconds East, a distance of 35.36 feet; thence South 00 degrees 08 minutes 24 seconds West, a distance of 6.00 feet; thence along a curve to the right, having a delta angle of 47 degrees 40 minutes 33 seconds, with a radius of 306.08 feet, an arc length of 254.69 feet, with a chord bearing of South 23 degrees 58 minutes 41 seconds West, with a chord length of 247.41 feet; thence along a curve to the left, having a delta angle of 47 degrees 40 minutes 33 seconds, with a radius of 354.08 feet, an arc length of 294.63 feet, with a chord bearing of South 23 degrees 58 minutes 41 seconds West, with a chord length of 286.20 feet; thence South 00 degrees 08 minutes 24 seconds West, a distance of 99.88 feet; thence South 45 degrees 11 minutes 07 seconds West, a distance of 8.51 feet to the POINT OF BEGINNING.

Said parcel containing an area of 8038 square feet or 0.185 acres, as described.

Parcel 3

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the Center Quarter (C $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center North Sixteenth (CN1/16th) corner of said Section 24 bears North 00 degrees 07 minutes 40 seconds East, a distance of 1320.14 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00 degrees 07 minutes 40 seconds East, a distance of 852.64 feet, along the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24; thence South 89 degrees 52 minutes 20 seconds East, a distance of 30.00 feet to the West right-of-way line of 27 $\frac{1}{2}$ Road, as

defined on plat of said Indian Road Industrial Subdivision, to the POINT OF BEGINNING; thence along the South right-of-way line of Winters Avenue along a non-tangent curve to the right, having a delta angle of 02 degrees 21 minutes 11 seconds, with a radius of 25.00 feet, an arc length of 1.03 feet, with a chord bearing of North 01 degrees 18 minutes 15 seconds East, and a chord length of 1.03 feet; thence South 45 degrees 08 minutes 02 seconds West, a distance of 0.03 feet; thence South 00 degrees 07 minutes 40 seconds West, a distance of 1.01 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.01 square feet, as described.

Parcel 4

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the Center Quarter (C $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center East Sixteenth (CE1/16th) corner of said Section 24 bears South 89 degrees 46 minutes 10 seconds East, a distance of 1319.45 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89 degrees 46 minutes 10 seconds East, a distance of 558.28 feet, along the South line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24; thence North 00 degrees 13 minutes 50 seconds East, a distance of 30.00 feet to the North right-of-way line of C $\frac{1}{2}$ Road, as defined on plat of said Indian Road Industrial Subdivision, to the POINT OF BEGINNING; thence along the East right-of-way line of Indian Road, as defined on the plat of said Indian Road Industrial Subdivision, along a non-tangent curve to the right, having a delta angle of 02 degrees 14 minutes 46 seconds, with a radius of 25.00 feet, an arc length of 0.98 feet, with a chord bearing of North 88 degrees 38 minutes 47 seconds West, and a chord length of 0.98 feet; thence South 44 degrees 48 minutes 53 seconds East, a distance of 0.03 feet; thence South 89 degrees 46 minutes 10 seconds East, a distance of 0.96 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.01 square feet, as described.

Parcel 5

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the Center Quarter (C $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center East Sixteenth (CE1/16th) corner of said Section 24 bears South 89 degrees 46 minutes 10 seconds East, a distance of 1319.45 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89 degrees 46 minutes 10 seconds East, a distance of 558.28 feet, along the South line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24; thence North 00 degrees 13 minutes

50 seconds East, a distance of 30.00 feet to the North right-of-way line of C½ Road, as defined on plat of said Indian Road Industrial Subdivision; thence along the East right-of-way line of Indian Road, as defined on the plat of said Indian Road Industrial Subdivision, the following two (2) courses: (1) North 89 degrees 46 minutes 10 seconds West, a distance of 0.96 feet; (2) North 44 degrees 48 minutes 53 seconds West, a distance of 33.94 feet to the POINT OF BEGINNING; thence along the East right-of-way line of Indian Road, as defined on the plat of said Indian Road Industrial Subdivision, the following four (4) courses: (1) along a curve to the right, having a delta angle of 02 degrees 14 minutes 46 seconds, with a radius of 25.00 feet, an arc length of 0.98 feet, with a chord bearing of North 00 degrees 58 minutes 59 seconds West, with a chord length of 0.98 feet; (2) North 00 degrees 08 minutes 24 seconds East, a distance of 105.00 feet; (3) along a curve to the right, having a delta angle of 47 degrees 40 minutes 33 seconds, with a radius of 300.08 feet, an arc length of 249.70 feet, with a chord bearing of North 23 degrees 58 minutes 41 seconds East, with a chord length of 242.56 feet; (4) along a curve to the left, having a delta angle of 47 degrees 40 minutes 34 seconds, with a radius of 360.08 feet, an arc length of 299.62 feet, with a chord bearing of North 23 degrees 58 minutes 40 seconds East, with a chord length of 291.05 feet, to a point at the beginning of a curve at the intersection of the East right-of-way line of Indian Road and the South line of Winters Avenue; thence along a curve to the right, having a delta angle of 90 degrees 00 minutes 00 seconds, with a radius of 25.00 feet, an arc length of 39.27 feet, with a chord bearing of North 45 degrees 08 minutes 24 seconds East, with a chord length of 35.36 feet; thence South 89 degrees 51 minutes 36 seconds East, a distance of 215.00 feet, along said South right-of-way line of Winters Avenue, to a point on the East property line of said Indian Road Industrial Subdivision; thence North 00 degrees 08 minutes 24 seconds East, a distance of 60.00 feet, along said East property line of said Indian Road Industrial Subdivision; thence North 89 degrees 51 minutes 36 seconds West, a distance of 215.00 feet, along the North right-of-way line of said Winters Avenue, to a point at the beginning of a curve at the intersection of the East right-of-way line of Indian Road and the North line of Winters Avenue; thence along a curve to the right, having a delta angle of 90 degrees 00 minutes 00 seconds, with a radius of 25.00 feet, an arc length of 39.27 feet, with a chord bearing of North 44 degrees 51 minutes 36 seconds West, with a chord length of 35.36 feet; thence along the East right-of-way line of Indian Road, as defined on the plat of said Indian Road Industrial Subdivision, the following three (3) courses: (1) along a curve to the left, having a delta angle of 47 degrees 50 minutes 47 seconds, with a radius of 372.65 feet, an arc length of 311.19 feet, with a chord bearing of North 23 degrees 47 minutes 00 seconds West, with a chord length of 302.23 feet; (2) along a curve to the right, having a delta angle of 47 degrees 43 minutes 36 seconds, with a radius of 313.24 feet, an arc length of 260.93 feet, with a chord bearing of North 23 degrees 47 minutes 45 seconds West, with a chord length of 253.45 feet; (3) North 00 degrees 06 minutes 38 seconds East, a distance of 543.31 feet, to a point at the beginning of an arc at the intersection of the East right-of-way line of said Indian Road and the South right-of-way line of Lang Drive, as defined on the plat of said Indian Road Industrial Subdivision, to a point at the beginning of an arc at the intersection of

the East right-of-way line of said Indian Road and the South right-of-way line of Lang Drive, as defined on the plat of said Indian Road Industrial Subdivision; thence along said curve to the right, having a delta angle of 90 degrees 02 minutes 48 seconds, with a radius of 25.00 feet, an arc length of 39.29 feet, with a chord bearing of North 45 degrees 08 minutes 02 seconds East, and a chord length of 35.37 feet; thence South 89 degrees 50 minutes 34 seconds East, a distance of 108.44 feet, along the said South right-of-way line of Lang Drive; thence North 00 degrees 03 minutes 44 seconds East, a distance of 6.00 feet; thence North 89 degrees 50 minutes 34 seconds West, a distance of 114.45 feet; thence South 45 degrees 08 minutes 02 seconds West, a distance of 35.34 feet; thence South 00 degrees 06 minutes 38 seconds West, a distance of 549.34 feet; thence along a curve to the left, having a delta angle of 47 degrees 43 minutes 36 seconds, with a radius of 319.25 feet, an arc length of 265.93 feet, with a chord bearing of South 23 degrees 47 minutes 46 seconds East, with a chord length of 258.31 feet; thence along a curve to the right, having a delta angle of 47 degrees 50 minutes 48 seconds, with a radius of 366.65 feet, an arc length of 306.18 feet, with a chord bearing of South 23 degrees 47 minutes 00 seconds East, with a chord length of 297.36 feet; thence South 00 degrees 08 minutes 24 seconds West, a distance of 110.00 feet; thence along a curve to the right, having a delta angle of 47 degrees 40 minutes 33 seconds, with a radius of 354.08 feet, an arc length of 294.63 feet, with a chord bearing of South 23 degrees 58 minutes 41 seconds West, with a chord length of 286.20 feet; thence along a curve to the left, having a delta angle of 47 degrees 40 minutes 33 seconds, with a radius of 306.08 feet, an arc length of 254.69 feet, with a chord bearing of South 23 degrees 58 minutes 41 seconds West, with a chord length of 247.41 feet; thence South 00 degrees 08 minutes 24 seconds West, a distance of 99.95 feet; thence South 44 degrees 48 minutes 53 seconds East, a distance of 8.52 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.614 acres, as described.

Parcel 6

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the Center Quarter (C $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center North Sixteenth (CN1/16th) corner of said Section 24 bears North 00 degrees 07 minutes 40 seconds East, a distance of 1320.14 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00 degrees 07 minutes 40 seconds East, a distance of 962.63 feet, along the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24; thence South 89 degrees 52 minutes 20 seconds East, a distance of 30.00 feet to the East right-of-way line of 27 $\frac{1}{2}$ Road, as defined on plat of said Indian Road Industrial Subdivision, to the POINT OF BEGINNING; thence along the North right-of-way line of Winters Avenue along a non-tangent curve to the left, having a delta angle of 02 degrees 19 minutes 39 seconds,

with a radius of 25.00 feet, an arc length of 1.02 feet, with a chord bearing of South 01 degrees 02 minutes 10 seconds East, and a chord length of 1.02 feet; thence North 44 degrees 51 minutes 58 seconds West, a distance of 0.03 feet; thence North 00 degrees 07 minutes 40 seconds East, a distance of 1.00 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.01 square feet, as described.

Parcel 7

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the Center Quarter (C $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center North Sixteenth (CN1/16th) corner of said Section 24 bears North 00 degrees 07 minutes 40 seconds East, a distance of 1320.14 feet, for a basis of bearings with all bearings contained herein relative thereto; thence North 00 degrees 07 minutes 40 seconds East, a distance of 962.63 feet, along the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24; thence South 89 degrees 52 minutes 20 seconds East, a distance of 30.00 feet to the East right-of-way line of 27 $\frac{1}{2}$ Road, as defined on plat of said Indian Road Industrial Subdivision; thence South 00 degrees 07 minutes 40 seconds West, a distance of 1.00 feet; thence South 44 degrees 51 minutes 58 seconds East, a distance of 33.92 feet; to the POINT OF BEGINNING; thence along the North line of Winters Avenue, as defined on said plat of Indian Road Industrial Subdivision the following five (5) courses: (1) along a non-tangent curve to the left, having a delta angle of 02 degrees 19 minutes 39 seconds, with a radius of 25.00 feet, an arc length of 1.02 feet, with a chord bearing of South 88 degrees 41 minutes 47 seconds East, and a chord length of 1.02 feet; (2) South 89 degrees 51 minutes 36 seconds East, a distance of 44.92 feet; (3) along a curve to the right, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 390.86 feet, an arc length of 302.39 feet, with a chord bearing of South 67 degrees 41 minutes 47 seconds East, and a chord length of 294.90 feet; (4) along a curve to the left, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 330.86 feet, an arc length of 255.97 feet, with a chord bearing of South 67 degrees 41 minutes 47 seconds East, and a chord length of 249.63 feet; (5) South 89 degrees 51 minutes 36 seconds East, a distance of 60.00 feet, to the beginning of an arc at the intersection of the North line of said Winters Avenue and the West line of Indian Road, as defined on said plat of Indian Road Industrial Subdivision; thence along said curve bearing to the left, having a delta angle of 90 degrees 00 minutes 00 seconds, with a radius of 25.00 feet, an arc length of 39.27 feet, with a chord bearing of North 45 degrees 08 minutes 24 seconds East, and a chord length of 35.36 feet; thence along the West right-of-way line of said Indian Road the following three (3) courses: (1) along a curve to the left, having a delta angle of 47 degrees 50 minutes 48 seconds, with a radius of 312.65 feet, an arc length of 261.09 feet, with a chord bearing of North 23 degrees 47 minutes 00 seconds West, and a chord length of 253.57 feet; (2) along a curve to the right, having a delta angle of

47 degrees 43 minutes 36 seconds, with a radius of 373.30 feet, an arc length of 310.95 feet, with a chord bearing of North 23 degrees 47 minutes 59 seconds West, and a chord length of 302.04 feet; (3) North 00 degrees 06 minutes 38 seconds East, a distance of 543.44 feet, to a point at the beginning of an arc at the intersection of the West line of said Indian Road right-of-way and the South right-of-way line of Lang Drive, as defined on said plat of Indian Road Industrial Subdivision; thence along said curve to the left, having a delta angle of 89 degrees 57 minutes 12 seconds, with a radius of 25.00 feet, an arc length of 39.25 feet, with a chord bearing of North 44 degrees 51 minutes 58 seconds West, and a chord length of 35.34 feet; thence North 89 degrees 50 minutes 34 seconds West, a distance of 108.48 feet, along said South right-of-way line of Lang Drive; thence North 00 degrees 09 minutes 30 seconds East, a distance of 6.00 feet; thence South 89 degrees 50 minutes 34 seconds East, a distance of 114.45 feet; thence South 44 degrees 51 minutes 58 seconds East, a distance of 35.34 feet; thence South 00 degrees 06 minutes 38 seconds West, a distance of 549.41 feet; thence along a curve to the left, having a delta angle of 47 degrees 43 minutes 36 seconds, with a radius of 367.29 feet, an arc length of 305.95 feet, with a chord bearing of South 23 degrees 47 minutes 58 seconds East, and a chord length of 297.18 feet; thence along a curve to the right, having a delta angle of 47 degrees 50 minutes 48 seconds, with a radius of 318.65 feet, an arc length of 266.10 feet, with a chord bearing of South 23 degrees 47 minutes 00 seconds East, and a chord length of 258.43 feet; thence South 00 degrees 08 minutes 24 seconds West, a distance of 6.00 feet; thence South 45 degrees 08 minutes 24 seconds West, a distance of 35.36 feet; thence North 89 degrees 51 minutes 36 seconds West, a distance of 66.00 feet; thence along a curve to the right, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 336.86 feet, an arc length of 260.61 feet, with a chord bearing of North 67 degrees 41 minutes 47 seconds West, and a chord length of 254.16 feet; thence along a curve to the left, having a delta angle of 44 degrees 19 minutes 37 seconds, with a radius of 384.86 feet, an arc length of 297.75 feet, with a chord bearing of North 67 degrees 41 minutes 47 seconds West, and a chord length of 290.38 feet; thence North 89 degrees 51 minutes 36 seconds West, a distance of 39.92 feet; thence North 44 degrees 51 minutes 58 seconds West, a distance of 8.52 feet to the POINT OF BEGINNING.

Said parcel containing an area of 11,626 square feet or 0.267 acres, as described.

Parcel 8

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the North Quarter (N $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center North Sixteenth (CN1/16th) corner of said Section 24 bears South 00 degrees 09 minutes 32 seconds West, a distance of 1319.35 feet, for a basis of bearings with all bearings contained herein relative thereto;

thence South 89 degrees 58 minutes 31 seconds East, a distance of 330.00 feet, along the North line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24, to the Northwest corner of said Indian Road Industrial Subdivision; thence South 89 degrees 58 minutes 31 seconds East, a distance of 162.78 feet, along the North line of said Indian Road Industrial Subdivision, to the centerline of Indian Road right-of-way, as defined on plat of said Indian Road Industrial Subdivision; thence South 00 degrees 06 minutes 37 seconds West, a distance of 58.75 feet; thence North 89 degrees 53 minutes 23 seconds West, a distance of 36.07 feet, to a point on the West right-of-way line of Indian Road, the POINT OF BEGINNING; thence along said West right-of-way line of Indian Road the following two (2) courses: (1) along a non-tangent curve to the right, having a delta angle of 40 degrees 47 minutes 14 seconds, with a radius of 25.00 feet, an arc length of 17.80 feet, with a chord bearing of South 20 degrees 17 minutes 00 seconds East, and a chord length of 17.42 feet; (2) South 00 degrees 06 minutes 37 seconds West, a distance of 647.03 feet, to a point at the beginning of an arc at the intersection of said West right-of-way line of Indian Road and the North right-of-way line of Lang Drive, as defined on said plat of said Indian Road Industrial Subdivision; thence along said curve to the right, having a delta angle of 90 degrees 02 minutes 49 seconds, with a radius of 25.00 feet, an arc length of 39.29 feet, with a chord bearing of South 45 degrees 08 minutes 01 seconds West, and a chord length of 35.37 feet; thence North 89 degrees 50 minutes 34 seconds West, a distance of 108.39 feet, along said North right-of-way line of said Lang Drive, to the West boundary line of said Indian Road Industrial Subdivision; thence South 00 degrees 09 minutes 30 seconds West, a distance of 6.00 feet; thence South 89 degrees 50 minutes 34 seconds East, a distance of 114.41 feet; thence North 45 degrees 08 minutes 01 seconds East, a distance of 35.34 feet; thence North 00 degrees 06 minutes 37 seconds East, a distance of 655.40 feet; thence North 40 degrees 40 minutes 37 seconds West, a distance of 18.48 feet to the POINT OF BEGINNING.

Said parcel containing an area of 4,735 square feet or 0.109 acres, as described.

Parcel 9

A Parcel of land located in Indian Road Industrial Subdivision, as recorded in Plat Book 12, Page 43, Mesa County records, and being more particularly described as follows:

COMMENCING at the North Quarter (N $\frac{1}{4}$) corner of Section 24, Township 1 South, Range 1 West, Ute Meridian, whence the Center North Sixteenth (CN1/16th) corner of said Section 24 bears South 00 degrees 09 minutes 32 seconds West, a distance of 1319.35 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89 degrees 58 minutes 31 seconds East, a distance of 330.00 feet, along the North line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 24, to the Northwest corner of said Indian Road Industrial Subdivision; thence South 89 degrees 58 minutes 31 seconds East, a distance of 162.78 feet, along the North line of said Indian Road Industrial Subdivision, to the centerline of Indian Road right-of-way, as defined on plat of said Indian Road

Industrial Subdivision; thence South 00 degrees 06 minutes 37 seconds West, a distance of 58.75 feet; thence North 89 degrees 53 minutes 20 seconds East, a distance of 36.05 feet, to a point on the East right-of-way line of Indian Road, the POINT OF BEGINNING; thence along said East right-of-way line of Indian Road the following two (2) courses: (1) along a curve to the left, having a delta angle of 40 degrees 42 minutes 40 seconds, with a radius of 25.00 feet, an arc length of 17.76 feet, with a chord bearing of South 20 degrees 27 minutes 57 seconds West, and a chord length of 17.39 feet; (2) South 00 degrees 06 minutes 37 seconds West, a distance of 647.28 feet, to a point at the beginning of an arc at the intersection of said East right-of-way line of Indian Road and the North right-of-way line of Lang Drive, as defined on plat of said Indian Road Industrial Subdivision; thence along said curve to the left, having a delta angle of 89 degrees 57 minutes 11 seconds, with a radius of 25.00 feet, an arc length of 39.25 feet, with a chord bearing of South 44 degrees 51 minutes 59 seconds East, and a chord length of 35.34 feet, to the North right-of-way line of said Lang Drive; thence South 89 degrees 50 minutes 34 seconds East, a distance of 108.43 feet, along said North right-of-way line to a point on the East boundary line of said Indian Road Industrial Subdivision; thence South 00 degrees 03 minutes 44 seconds West, a distance of 6.00 feet; thence North 89 degrees 50 minutes 34 seconds West, a distance of 114.41 feet; thence North 44 degrees 51 minutes 59 seconds West, a distance of 35.37 feet; thence North 00 degrees 06 minutes 37 seconds East, a distance of 655.56 feet; thence North 40 degrees 49 minutes 17 seconds East, a distance of 18.48 feet to the POINT OF BEGINNING.

Said parcel containing an area of 4,736 square feet or 0.109 acres, as described.

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

PASSED and ADOPTED this _____ day of _____, 2007.

ATTEST:

President of City Council

City Clerk