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

WEDNESDAY, JULY 2, 2008, 7:00 P.M.

Call to Order

Pledge of Allegiance

***** Certificate of Appointment**

Downtown Development Authority/Downtown Grand Junction Business Improvement District

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Contract to Purchase Property at 723 and 727 Ute Avenue** [Attach 1](#)

City staff has negotiated with the owner of 723 Ute Avenue and 727 Ute Avenue for purchase of the property. The negotiations have been successful and a purchase contract for \$359,900.00 has been signed by both parties.

Resolution No. 95-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 723 Ute Avenue and 727 Ute Avenue, Grand Junction

*** Indicates New Item

® Requires Roll Call Vote

REVISED

®Action: *Adopt Resolution No.95-08*

Staff presentation: John Shaver, City Attorney

2. **Contract to Purchase Property at 717 Ute Avenue** [Attach 2](#)

City Staff has negotiated with the owner of 717 Ute Avenue for purchase of the property. The negotiations have been successful and a purchase contract for \$134,900.00 has been signed by both parties.

Resolution No. 96-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 717 Ute Avenue, Grand Junction

®Action: *Adopt Resolution No. 96-08*

Staff presentation: John Shaver, City Attorney

3. **Setting a Hearing Accepting Improvements and Assessments Connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07** [Attach 3](#)

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located in the area of Galley Lane and Young Street. The proposed Resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the August 6, 2008 Council meeting.

Resolution No. 97-08—A Resolution Approving and Accepting the Improvements Connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07 and Giving Notice of a Public Hearing

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Galley Lane Sanitary Sewer Improvement District No. SS-49-07 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

®Action: *Adopt Resolution No. 97-08, Introduction of Proposed Ordinance and Set a Hearing for August 6, 2008*

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

4. **Public Hearing—Proposed Amendments to the Zoning and Development Code** [File #TAC-2008-151] [Attach 4](#)

The City of Grand Junction proposes to amend the Zoning and Development Code to consider amendments to update or clarify certain provisions of the Code related to mailing notices, the calculation of density bonuses and establishing multi-family residential as an allowed use in C-2 zone district.

Ordinance No. 4259—An Ordinance Amending Various Sections in Chapter 2 and 3 of the Zoning and Development Code to Update or Clarify Certain Provisions

®Action: *Hold a Public Hearing and Consider Final Passage and Final Adoption of Ordinance No. 4259*

Staff presentation: Lisa E. Cox, Planning Manager

5. **Public Hearing—Proposed Amendments to Chapters 4 and 9 of the Zoning and Development Code** [File #TAC-2008-153] [Attach 5](#)

The City of Grand Junction proposes to amend Chapters 4 and 9 of the Zoning and Development Code to restrict the location of off-premises (billboard) signs on or near the centerline of the Riverside Parkway.

Ordinance No. 4260—An Ordinance Amending the Zoning and Development Code Regarding Off-Premise Signs on or Near the Centerline of the Riverside Parkway

®Action: *Hold a Public Hearing and Consider Final Passage and Final Adoption of Ordinance No. 4260*

Staff presentation: Lisa E. Cox, Planning Manager

6. **Public Hearing—Vacating Portions of Right-of-Way for Teller Court,
Located West of 30 Road at the 29 ¾ Road Alignment** [File #PFP-2007-349]
[Attach 6](#)

Cal Frac Well Services Corp., property owners of 489 Teller Court and the proposed 31 acre, four lots, Calfrac Subdivision is requesting approval to vacate portions of the right-of-way of Teller Court located west of 30 Road at the 29 ¾ Road alignment.

Ordinance No. 4261—An Ordinance Vacating Right-of-Way for Teller Court Located at the Cul-de-Sac West of 30 Road at the 29 ¾ Road Alignment

Staff presentation: Greg Moberg, Planning Services Supervisor

7. **Non-Scheduled Citizens & Visitors**
8. **Other Business**
9. **Adjournment**

Attach 1
 Contract to Purchase Property at 723 and 727 Ute Ave

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract to purchase property at 723 and 727 Ute Avenue		
File #			
Meeting Day, Date	Wednesday, July 2, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 11, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: City staff has negotiated with the owner of 723 Ute Avenue and 727 Ute Avenue for purchase of the property. The negotiations have been successful and a purchase contract for \$359,900.00 has been signed by both parties.

Budget: This purchase is a City Council authorized expenditure.

Action Requested/Recommendation: Adopt resolution ratifying the purchase contract and allocate the funds necessary to pay the purchase price and all costs and expenses necessary for the City's performance under the terms of the contract.

Attachments: Resolution

Background Information: City staff believes it would be in the City's best interests to acquire the property for municipal purposes, more particularly, for consideration and use for a public safety building.

RESOLUTION NO. _____ -08

**A RESOLUTION RATIFYING THE CONTRACT TO PURCHASE
REAL PROPERTY LOCATED AT 723 UTE AVENUE AND 727 UTE AVENUE,
GRAND JUNCTION**

Recitals.

On June 10, 2008, the City Manager signed an agreement to purchase the property located at 723 Ute Avenue and 727 Ute Avenue, Grand Junction, Colorado, from Hal Heath. The execution of the contract by the City Manager and the City's obligation to proceed under its terms and conditions was expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.

On June 10, 2008, the owner of the property signed the purchase contract.

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

The City, by and through the City Council and the signature of its President, does hereby ratify the terms, covenants, conditions, duties and obligations to be performed by the City in accordance with the contract and allocates funds to pay the Purchase Price and all other costs and expenses necessary to perform under the contract.

PASSED and ADOPTED this ____ day of _____, 2008.

President of the

Council
Attest:

City Clerk

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract to purchase property at 717 Ute Avenue		
File #			
Meeting Day, Date	Wednesday, July 2, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 16, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: City staff has negotiated with the owner of 717 Ute Avenue for purchase of the property. The negotiations have been successful and a purchase contract for \$134,900.00 has been signed by both parties.

Budget: This purchase is a City Council authorized expenditure.

Action Requested/Recommendation: Adopt resolution ratifying the purchase contract and allocate the funds necessary to pay the purchase price and all costs and expenses necessary for the City's performance under the terms of the contract.

Attachments: Resolution

Background Information: City staff believes it would be in the City's best interests to acquire the property for municipal purposes, more particularly, for consideration and use for a public safety building.

RESOLUTION NO. _____ -08

**A RESOLUTION RATIFYING THE CONTRACT TO PURCHASE
REAL PROPERTY LOCATED AT 717 UTE AVENUE, GRAND JUNCTION**

Recitals.

On June 12, 2008, the City Manager signed an agreement to purchase the property located at 717 Ute Avenue, Grand Junction, Colorado, from Maria Rentie, the owner of the property. The execution of the contract by the City Manager and the City's obligation to proceed under its terms and conditions was expressly conditioned upon and subject to the formal ratification, confirmation and consent of the City Council.

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

The City, by and through the City Council and the signature of its President, does hereby ratify the terms, covenants, conditions, duties and obligations to be performed by the City in accordance with the contract and allocates funds to pay the Purchase Price and all other costs and expenses necessary to perform under the contract.

PASSED and ADOPTED this ____ day of _____, 2008.

President of the Council

Attest:

City Clerk

Attach 3

Accepting Improvements and Assessments Connected with Galley Ln Sanitary Sewer Improvement District No. SS-49-07

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Accepting the Improvements connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07, giving Notice of a Hearing, and the First Reading of an Assessing Ordinance.		
File #			
Meeting Day, Date	Wednesday, July 2, 2008		
Placement on the Agenda	Consent	x	Individual
Date Prepared	June 20, 2008		
Author Name & Title	Michael Grizenko, Real Estate Technician		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located in the area of Galley Lane and Young Street. The proposed Resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the August 6, 2008 Council meeting.

Budget: Sufficient funds were transferred in 2007 from Fund 902 - the Sewer System General Fund, to Fund 906 – the Septic System Elimination Fund, to support expenses related to this project. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the seventeen benefiting properties. The estimated versus actual costs and assessments are as follows:

Item	Original Estimate	Actual	Difference
Total Project Costs*	\$243,592	\$234,430.26	-\$ 9,161.74
30% Contribution	\$73,078	\$ 70,329.08	-\$ 2,748.92
Per Lot Assessment**	\$10,030	\$ 9,653.01	-\$ 376.99

* Total Project Costs include design, construction, inspection, and administration.

** Assessments do not include Plant Investment Fees, Trunk Line Extension Fees and costs to connect to the sewer main.

Action Requested/Recommendation: Adopt a Resolution Approving and Accepting the Improvements Connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07, give notice of a Hearing, and conduct the First Reading of the Assessing Ordinance.

Attachments:

1. Ownership Summary Sheet
2. Vicinity Map
3. Proposed Resolution
4. Assessing Ordinance

Background Information: Improvement Districts are a cost-sharing program between the City and property owners who request the City's assistance in installing new or improved infrastructure to their neighborhood. People's Ordinance No. 33 authorizes the City Council to create Improvement Districts when petitioned by a majority of the property owners to be assessed. The petition for this Improvement District was signed by 76% of the property owners.

A summary of the process that follows submittal of the petition is provided below. Items preceded by a √ indicate steps already taken with this Improvement District and the item preceded by a ► indicates the step being taken with the current Council action.

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
3. √ Council awards the construction contract.
4. √ Construction.
5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. ► Council passes a Resolution approving and accepting the improvements and gives notice of a public hearing concerning a proposed Assessing Ordinance.
7. ► Council conducts the first reading of the proposed Assessing Ordinance.
8. Council conducts a public hearing and second reading of the proposed Assessing Ordinance.

9. The adopted Ordinance is published for three consecutive days.
10. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

Property owners are assessed for the actual costs of design, construction, inspection and administration. Under current policy adopted by a joint resolution between the City and Mesa County, Persigo Septic System Elimination Funds pay 30% of the assessable costs.

In addition to assessments, the property owners are responsible for bearing the following expenses:

- ◆ Costs to physically connect their service line to the building to be sewerred;
- ◆ Plant Investment Fees;
- ◆ Trunk line extension fees.

The City is responsible for extending each service line from the sewer main to the property line. The property owner is responsible for extending the service line from their property line to the building to be sewerred.

The Plant Investment Fee is currently \$2,500 for each sewer connection. The Plant Investment Fee will be raised to \$2,800 in 2009. The Trunk line extension fee is \$1,500 for lots between 0.33 acres and 1 acre and \$1,750 for lots greater than 1 acre.

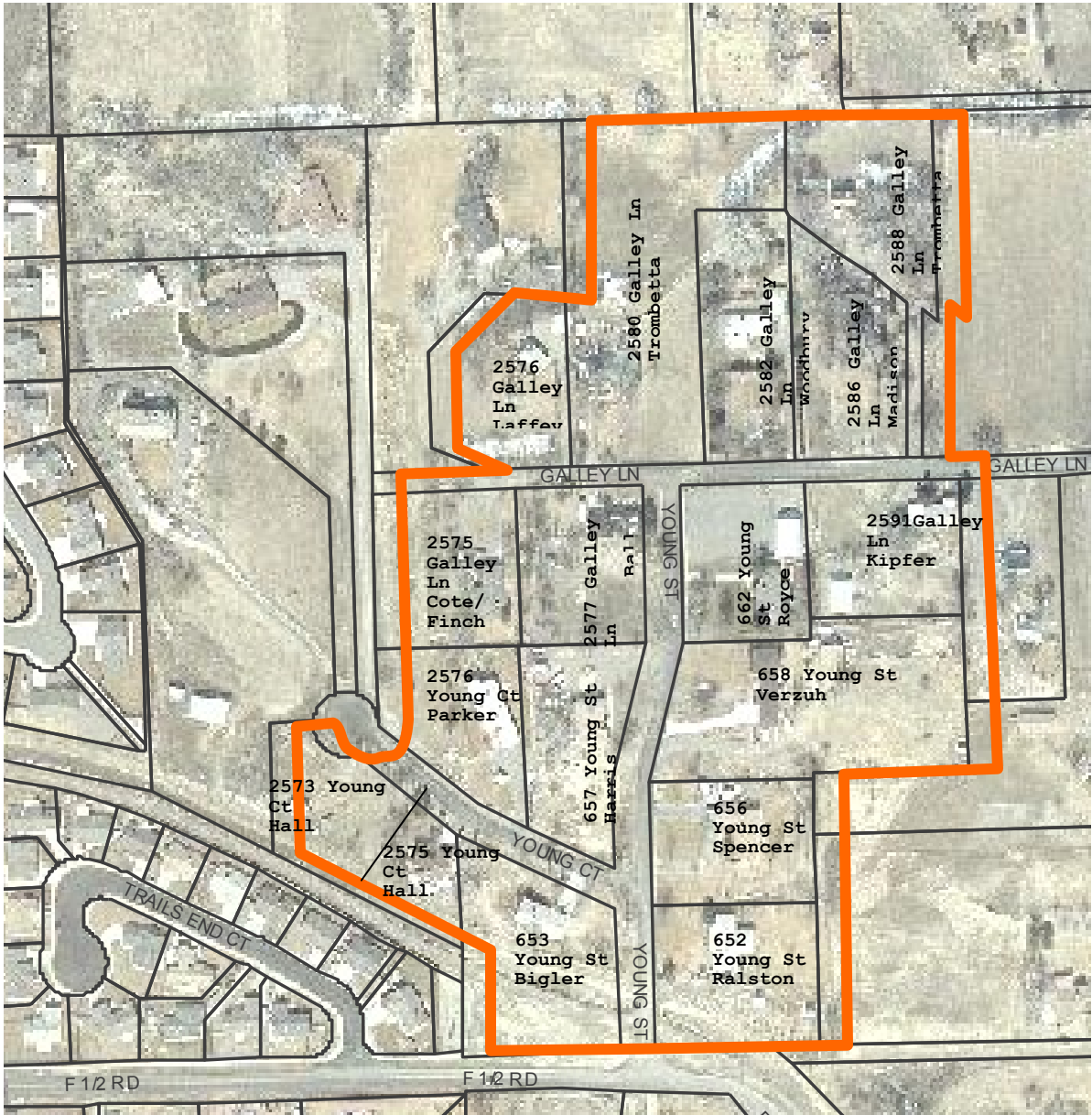
The published assessable costs of \$10,232.19 per lot include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by September 15, 2008. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining principal balance.

**GALLEY LANE
SANITARY SEWER IMPROVEMENT DISTRICT**

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS	ESMT REQ.?
2945-031-01-001	• Michael Cote & Yvonne Finch	2575 Galley Lane	
2945-031-01-002	• Lawrence & Caroline Ball Trust	2577 Galley Lane	
2945-031-01-003	• Robert J. & Rebecca M. Royce	662 Young Street	
2945-031-01-005	Randall & Pamela Spencer	656 Young Street	
2945-031-01-006	• Patrick A. & Chrisy M. Ralston	652 Young Street	Yes
2945-031-01-008	• Bix & Kateri Bigler	653 Young Street	
2945-031-01-010	• Craig & Emily Parker	2576 Young Ct	Yes
2945-031-01-011	• Harold & Elizabeth Harris	657 Young Street	
2945-031-01-012	• John & Patricia Verzuh	658 Young Street	
2945-031-37-002	Christopher & Robin Madison	2586 Galley Lane	
2945-031-00-034	• Sharon Trombetta etal	2580 Galley Lane	
2945-031-00-035	Peter & Susan Woodbury	2582 Galley Lane	
2945-031-00-038	• Denise Kipfer	2591 Galley Lane	
2945-031-71-001	• David B. & Jenny L. Hall	2575 Young Ct	
2945-031-71-002	• David B. & Jenny L. Hall	2573 Young Ct	
2945-031-00-181	John & Shirley Laffey, Trustees	2576 Galley Lane	
2945-031-37-003	• Sharon A. Trombetta	2588 Galley Lane	

- Indicates owners signing in favor of improvements are 13/17 or 76%

BOUNDARY OF THE GALLEY LANE SANITARY SEWER IMPROVEMENT DISTRICT



CITY OF GRAND JUNCTION, CO

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS
CONNECTED WITH GALLEY LANE SANITARY SEWER IMPROVEMENT
DISTRICT NO. SS-49-07 AND GIVING NOTICE OF A PUBLIC HEARING**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Galley Lane Sanitary Sewer Improvement District No. SS-49-07; and

WHEREAS, the City Council has caused to be prepared a statement showing the total assessable costs associated with Galley Lane Sanitary Sewer Improvement District No. SS-49-07 to be apportioned upon and levied against the real property comprising the District Lands which specifically benefit from the improvements associated with said District.

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

1. That the improvements connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07 be, and the same are hereby, approved and accepted; that the statement showing the total assessable costs associated with said District be, and the same is hereby, approved and accepted as the statement of the assessable costs of said Galley Lane Sanitary Sewer Improvement District No. SS-49-07.
2. That the costs connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07 be apportioned upon and levied against the real property comprising the District Lands.
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share to be apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the City Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of

Chapter 28 of the Code of Ordinances of the City of Grand Junction, being Ordinance No. 178, as amended, and People's Ordinance No. 33.

PASSED and ADOPTED this _____ day of _____, 2008.

President of the Council

Attest:

City Clerk

NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for August 6, 2008, at 7:00 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Galley Lane Sanitary Sewer Improvement District No. SS-49-07, and all persons interested therein, as follows:

Lots 1 through 7, inclusive Linda Subdivision, as recorded in Plat Book 8, Page 66 in the office of the Mesa County Clerk and Recorder; AND ALSO

Lots 2 and 3, Galley Minor Subdivision, as recorded in Plat Book 15, Page 66, in the office of the Mesa County Clerk and Recorder; AND ALSO

Lots 1 and 2, DJ Hall Subdivision as recorded in the office of the Mesa County Clerk and Recorder; AND ALSO

All that part of the S1/2NE1/4 Section 3, T1S, R1W, Ute Meridian, lying north of the Galley Lane right-of-way and contained within the following described line:

Beginning at the Southwest corner Lot 2 Galley Minor Subdivision, as recorded in Plat Book 15, Page 66 of the Mesa County records; thence N 00°06'00"W, along the west line of said Galley Lane Minor Subdivision, a distance of 473.63 feet to the North line of the S1/2NE1/4 of said Section 3; thence S90°00'00"W, along said North line, a distance of 310 feet; thence S00°00'00"W 244.85 feet; thence N86°30'W 111 feet; thence S43°14'03"W 111.93 feet; thence S00°30'30"W 132.07 feet; thence S65°42'30"E 67.40 feet; thence South 2.5 feet to the north line of said Galley Lane; AND ALSO

All that part of the S1/2NE1/4 Section 3, T1S, R1W, Ute Meridian, lying south of the Galley Lane right-of-way and east of said Linda Subdivision, contained within the following described line:

Beginning 610 feet West of the NE corner of the south 5 acres of the N1/2SE1/4NE1/4 said Section 3; thence South 425 feet; thence West 209 feet to the East line said Linda Subdivision.

All in the City of Grand Junction, County of Mesa, State of Colorado

That the City of Grand Junction has completed and the Grand Junction City Council has accepted the improvements connected with Galley Lane Sanitary

Sewer Improvement District No. SS-49-07. Said District and improvements are authorized by and in accordance with the terms and provisions of City Resolution No. 135-07, passed and adopted by the Grand Junction City Council on the 19th day of September 2007, whereby said City Council declared its intention to create said District, and by City Resolution No. 158-07, passed and adopted by the Grand Junction City Council on the 7th day of November, 2007, whereby the Grand Junction City Council created and established said District, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of said City, being Ordinance No. 178, as amended.

That the whole cost of the improvements connected with said District and to be assessed against the District Lands, as hereinafter described, has been definitely ascertained and is in the sum of \$173,947.23. Said sum includes a one-time charge of six percent (6%) for costs of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the city of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements; and that the owner(s) so paying shall be entitled to an allowance of six percent (6%) for costs of collection and other incidentals.

That any complaints or objections that may be made in writing by the said owner or owners of land within said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice; that any such complaints or objections will be heard and determined by the said City Council at a public hearing on Wednesday, August 6, 2008, at 7:00 p.m. in the City Council Chambers located at Grand Junction City Hall, 250 North 5th Street in Grand Junction, Colorado, at which time the said City Council will consider passage of a proposed ordinance to assess the cost of said improvements against the real estate in said District, and against the respective owners of said real estate, as by law provided.

That the sum of \$173,924.23 for improvements connected with Galley Lane Sanitary Sewer Improvement District No. SS-49-07 is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally, as follows, to wit:

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-031-01-001	Lot 1 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-002	Lot 2 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-003	Lot 3 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-005	Lot 5 Linda Subdivision, City of Grand Junction	\$10,232.19

2945-031-01-006	Lot 6 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-008	A part of Lot 7 Linda Subdivision, more particularly described as follows: Beginning N00°12'W 25 feet from the SW corner of the SE1/4NE1/4 of Section 3, T1S, R1W, Ute Meridian; thence N00°12'W 289 feet; thence S65°48'E to the west right of way line of Young Street; thence S 191.27 feet to the SE corner of Lot 7; thence S89°51'W 215.2 feet, more or less, to the point of beginning, City of Grand Junction	\$10,232.19
2945-031-01-010	That part of Lot 7, Linda Subdivision, more particularly described as follows: Beginning N00°12'W 397.58 feet from the SW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence N47°12'W 136.73 feet; thence N00°12'W 105.40 feet; thence East 198.95 feet; thence South 255.89 feet; thence N65°48'W 76.82 feet; thence N47°12'W 38.42 feet to the point of beginning, City of Grand Junction.	\$10,232.19
2945-031-01-011	Beginning at the NE corner of Lot 7 Linda Subdivision, thence S15°26'W 200.6 feet; thence South 117.18 feet; thence N65°48'W 133.34 feet; thence North 255.89 feet; thence East 175 feet to the point of beginning, except road right-of-way granted to Mesa county in Book 1070, Page 362, City of Grand Junction	\$10,232.19
2945-031-01-012	Lot 4 Linda Subdivision, and beginning 610 feet West and 209 feet South of the NE corner of the south 5 acres of the N1/2SE1/4NE1/4, Section 3, T1S, R1W, Ute Meridian; thence South 105 feet; thence West 209 feet; thence North 105 feet; thence East 209 feet to the beginning, and beginning 369.18 feet West, 495 feet North and 240.82 feet West of the SE corner of the NE1/4 Section 3; thence North 16 feet; thence West 209 feet; thence South 111 feet; thence East 209 feet; thence North 93 feet to the beginning, City of Grand Junction	\$10,232.19
2945-031-37-002	Lot 2, Galley Minor Subdivision, City of Grand Junction	\$10,232.19
2945-031-00-034	Beginning 170 East of the NW corner of the SE1/4NE1/4 Section 3 T1S, R1W, Ute Meridian; thence South 495 feet; thence East 310 feet; thence North 495 feet; thence West 310 feet to the point of beginning, except the South 15 feet for road, and except beginning 480 feet East and 145 feet South of the NW corner of the SE1/4NE1/4 Section 3; thence West 125 feet; thence South 350 feet; thence East 125 feet; thence North 350 feet to the beginning, City of Grand Junction.	\$10,232.19
2945-031-00-035	Beginning 480 feet East and 145 feet South of the NW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence West 125 feet; thence South 350 feet; thence East 125 feet; thence North 350 feet to the beginning, except the South 15 feet for road, City of Grand Junction.	\$10,232.19

2945-031-00-038	Beginning 610 feet West of the NE corner of the South 5 acres of the N1/2SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence West 209 feet; thence South 209 feet; thence East 209 feet; thence North 209 feet to the beginning, except the North 15 feet thereof, City of Grand Junction.	\$10,232.19
2945-031-71-001	Lot 1, DJ Hall Subdivision, City of Grand Junction.	\$10,232.19
2945-031-71-002	Lot 2, DJ Hall Subdivision, City of Grand Junction	\$10,232.19
2945-031-00-181	Beginning S89°42'25"E 170 feet and South 244.85 feet of the NW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence N86°30'W 111 feet; thence S43°14'03"W 111.93 feet; thence S00°30'30"W 132.07 feet; thence S65°42'30"E 67.40 feet; thence South 17.5 feet to Galley Lane; thence S89°42'25"E 130 feet; thence North 250 feet to the beginning, City of Grand Junction.	\$10,232.19
2945-031-37-003	Lot 3, Galley Minor Subdivision, City of Grand Junction	\$10,232.19

Dated at Grand Junction, Colorado, this _____ day of _____, 2008.

BY ORDER OF THE CITY COUNCIL,
CITY OF GRAND JUNCTION,

COLORADO

By: _____

City Clerk

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR GALLEY LANE SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-49-07, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Galley Lane Sanitary Sewer Improvement District No. SS-49-07, in the City of Grand Junction, pursuant to Ordinance No. 178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Galley Lane Sanitary Sewer Improvement District No. SS-49-07, and the apportionment of cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Galley Lane Sanitary Sewer Improvement District No. SS-49-07, in the City of Grand Junction, Colorado, which said Notice was caused to be published in the Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on July 4, 2008, and the last publication thereof appearing on July 6, 2008); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Galley Lane Sanitary Sewer Improvement District No. SS-49-07, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Galley Lane Sanitary Sewer Improvement District No. SS-49-07 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$173,924.23, said sum including a one-time charge of six percent (6%) for costs of collection and other incidentals; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-031-01-001	Lot 1 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-002	Lot 2 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-003	Lot 3 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-005	Lot 5 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-006	Lot 6 Linda Subdivision, City of Grand Junction	\$10,232.19
2945-031-01-008	A part of Lot 7 Linda Subdivision, more particularly described as follows: Beginning N00°12'W 25 feet from the SW corner of the SE1/4NE1/4 of Section 3, T1S, R1W, Ute Meridian; thence N00°12'W 289 feet; thence S65°48'E to the west right of way line of Young Street; thence S 191.27 feet to the SE corner of Lot 7; thence S89°51'W 215.2 feet, more or less, to the point of beginning, City of Grand Junction	\$10,232.19
2945-031-01-010	That part of Lot 7, Linda Subdivision, more particularly described as follows: Beginning N00°12'W 397.58 feet from the SW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence N47°12'W 136.73 feet; thence N00°12'W 105.40 feet; thence East 198.95 feet; thence South 255.89 feet; thence N65°48'W 76.82 feet; thence N47°12'W 38.42 feet to the point of beginning, City of Grand Junction.	\$10,232.19
2945-031-01-011	Beginning at the NE corner of Lot 7 Linda Subdivision, thence S15°26'W 200.6 feet; thence South 117.18 feet; thence N65°48'W 133.34 feet; thence North 255.89 feet; thence East 175 feet to the point of beginning, except	\$10,232.19

	road right-of-way granted to Mesa county in Book 1070, Page 362, City of Grand Junction	
2945-031-01-012	Lot 4 Linda Subdivision, and beginning 610 feet West and 209 feet South of the NE corner of the south 5 acres of the N1/2SE1/4NE1/4, Section 3, T1S, R1W, Ute Meridian; thence South 105 feet; thence West 209 feet; thence North 105 feet; thence East 209 feet to the beginning, and beginning 369.18 feet West, 495 feet North and 240.82 feet West of the SE corner of the NE1/4 Section 3; thence North 16 feet; thence West 209 feet; thence South 111 feet; thence East 209 feet; thence North 93 feet to the beginning, City of Grand Junction	\$10,232.19
2945-031-37-002	Lot 2, Galley Minor Subdivision, City of Grand Junction	\$10,232.19
2945-031-00-034	Beginning 170 East of the NW corner of the SE1/4NE1/4 Section 3 T1S, R1W, Ute Meridian; thence South 495 feet; thence East 310 feet; thence North 495 feet; thence West 310 feet to the point of beginning, except the South 15 feet for road, and except beginning 480 feet East and 145 feet South of the NW corner of the SE1/4NE1/4 Section 3; thence West 125 feet; thence South 350 feet; thence East 125 feet; thence North 350 feet to the beginning, City of Grand Junction.	\$10,232.19
2945-031-00-035	Beginning 480 feet East and 145 feet South of the NW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence West 125 feet; thence South 350 feet; thence East 125 feet; thence North 350 feet to the beginning, except the South 15 feet for road, City of Grand Junction.	\$10,232.19
2945-031-00-038	Beginning 610 feet West of the NE corner of the South 5 acres of the N1/2SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence West 209 feet; thence South 209 feet; thence East 209 feet; thence North 209 feet to the beginning, except the North 15 feet thereof, City of Grand Junction.	\$10,232.19
2945-031-71-001	Lot 1, DJ Hall Subdivision, City of Grand Junction.	\$10,232.19
2945-031-71-002	Lot 2, DJ Hall Subdivision, City of Grand Junction	\$10,232.19
2945-031-00-181	Beginning S89°42'25"E 170 feet and South 244.85 feet of the NW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence N86°30'W 111 feet; thence S43°14'03"W 111.93 feet; thence S00°30'30"W 132.07 feet; thence S65°42'30"E 67.40 feet; thence South 17.5 feet to Galley Lane; thence S89°42'25"E 130 feet; thence North 250 feet to the beginning, City of Grand Junction.	\$10,232.19
2945-031-37-003	Lot 3, Galley Minor Subdivision, City of Grand Junction	\$10,232.19

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty (30) days shall be conclusively considered and held an election on the part of such owner to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of eight percent (8%) per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of

the unpaid principal and accrued interest shall thereafter draw interest at the rate of eight percent (8%) per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at the rate of eight percent (8%) per annum as aforesaid; and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty (30) days after the final publication of this Ordinance, and an allowance of the six percent (6%) added for cost of collection and other incidentals shall be made on all payments made during said period of thirty (30) days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Galley Lane Sanitary Sewer Improvement District No. SS-49-07 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Galley Lane Sanitary Sewer Improvement District No. SS-49-07, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading, shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten (10) days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the city of Grand Junction.

Introduced on First Reading this _____ day of _____, 2008.

Passed and Adopted on the _____ day of _____, 2008

Attest:

City Clerk
President of the Council

Attach 4
Proposed Amendments to the Zoning and Development Code

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Various proposed amendments to the Zoning and Development Code		
File #	TAC-2008-151		
Meeting Day, Date	Wednesday, July 2, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 20, 2008		
Author Name & Title	Lisa E. Cox, Planning Manager John Shaver, City Attorney		
Presenter Name & Title	Lisa E. Cox, Planning Manager		

Summary: The City of Grand Junction proposes to amend the Zoning and Development Code to consider amendments to update or clarify certain provisions of the Code related to mailing notices, the calculation of density bonuses and establishing multi-family residential as an allowed use C-2 zone district.

Budget: N/A

Action Requested/Recommendation: Hold the public hearing and adopt the final ordinance.

Attachments: Staff report and proposed ordinance.

Background Information: The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (herein after known as the Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan and Future Land Use Map are being implemented.

ANALYSIS:

Staff is proposing various amendments to the Zoning and Development Code which are minor in nature and intended to provide clarification of various Code provisions or to facilitate the development review process.

Mailed Notice

In Section 2.2.B.3.a, Notice (for Administrative Permits), the Code states that “within five (5) working days of receipt of a complete application, the Director shall give notice, at the applicant’s cost, by first class U.S. mail....” Section 2.3.B.6.c.(1) and (3), Notice (for Public Hearing items) contains the same requirement for notice by first class U.S. mail.

In an effort to be financially considerate to the applicant and the public, the required mailed notices have historically been sent out via standard (also known as bulk) mailings. The cost of standard mailing is as much as 50% less than the cost of first class mailing. The cost of first class mail was recently increased by the U.S. Postal Service to .42 for each piece of mail (letter size).

While the cost savings of using standard mail is significant, there is little to no reduction in the delivery service according to Mail Managers, the company used by the City for preparation of its mail. Standard mail with local delivery is processed and delivered in the same manner as first class mail. For this reason, I recommend that the Code be amended to allow required notices to be sent by standard mail. If this amendment is approved, first class U.S. mail may still be utilized when necessary and appropriate.

Table 3.5, Use/Zone Matrix

Section 3.4D of the Code states that the purpose of the C-1 zone district is to “provide indoor retail, service and office uses....” The section further provides detail regarding the intensity/density of residential dwellings in the zone; the Code establishes a minimum of 12 and up to 24 dwelling units per acre. Residential uses are presumed notwithstanding the purpose statement of the section.

The use/zone matrix provides that multifamily residential use in a C-1 zone district is a conditional approval. The matrix also establishes that multifamily residential is subject to the use specific standards of Section 4.30 and in accordance with that section that the director is charged with authority to determine compliance with those standards. The Code sections conflict. Therefore, I recommend that the Code be amended to establish multifamily residential as an allowed use in the C-1 zone district, subject to continued compliance with the use specific standards of Section 4.30.

CONSISTENCY WITH GROWTH PLAN:

The proposed amendments are consistent with the goals and policies of the Growth Plan, including, but not limited to the following:

Commercial land use designation: Permits a wide range of commercial development (office, retail, service, lodging, entertainment) with no outdoor storage or operations. Mixed commercial and residential developments will be encouraged in some areas.

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

Policy 15.1: The City and County will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

Policy 15.4: The City and County should facilitate development of a variety of housing types (*e.g.*, clustered units, zero lot line units and mixed density projects) without requiring the planned development process.

Policy 26.3: The City and County will encourage the retention of lands that are not environmentally suitable for construction (*e.g.*, steep grades, unstable soils, floodplains, *etc.*) for open space areas and, where appropriate, development of recreational uses. Dedications of land required to meet recreational needs should not include these properties unless they are usable for active recreational purposes.

FINDINGS/CONCLUSIONS:

I recommend approval of the proposed amendments to the Zoning and Development Code with the findings that they are consistent with the goals and policies of the Growth Plan. I find that the proposed amendments will clarify various provisions of the Code or will facilitate the development review process for our community.

PLANNING COMMISSION RECOMMENDATION:

During its regular June 10, 2008 meeting, the Planning Commission reviewed the proposed amendments and found that the requested amendments furthered the intent and purpose of the Growth Plan by ensuring that the Zoning and Development Code is maintained in a manner that addresses development issues in an efficient and effective manner. The Planning Commission then made a recommendation of approval to the City Council for adoption of the proposed amendments.

CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE AMENDING VARIOUS SECTIONS IN
CHAPTER 2 AND 3 OF THE ZONING AND DEVELOPMENT CODE
TO UPDATE OR CLARIFY CERTAIN PROVISIONS**

RECITALS:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan are being implemented.

The City of Grand Junction wishes to amend and update various sections of the Code that clarify certain provisions.

The City Council finds that the request to amend the Code is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further several goals and policies of the Growth Plan and recommended approval of the proposed revisions to the Zoning and Development Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE ADMENDED AS FOLLOWS:

Amend Section 2.2.B.3.a as follows:

Within five (5) working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by ~~first class~~ U.S. mail to each person shown as an owner within 500 feet (500') and at the address by the County Assessor.

Amend Section 2.3.B.6.c.(1) and as follows:

The Director must mail notice of a public hearing, as required in Table 2.3, by ~~first class~~ U.S. mail at the applicant's cost to each owner at the address on file with the Mesa County, Colorado Assessor.

Amend Section 2.3.B.6.c.(3) and as follows:

Mailed notice shall state the date, time and place of the hearing, a general description of the proposal, the location of the project, a statement explaining that any person will be heard at the public hearing and other such requirements.

Newspapers clippings of the published notice shall not be used for mailed notice. Notice shall be delivered by ~~first-class~~ U.S. mail.

Amend Table 2.3, Public Hearing Notice Provisions, 3rd column heading, as follows:

Mailed Notice ~~First Class Mail~~ (footnote 2)

Amend Table 3.5, Use/Zone Matrix, to show Multifamily as an allowable use in the C-1 zone district.

Introduced for first reading this ____ day of _____, 2008.

Passed and adopted this ____ day of _____, 2008.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Proposed Amendments to Chapters 4 and 9 of the Zoning and Development Code		
File #	TAC-2008-153		
Meeting Day, Date	Wednesday, July 2, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 20, 2008		
Author Name & Title	John Shaver, City Attorney Lisa Cox, Planning Manager		
Presenter Name & Title	Lisa Cox, Planning Manager		

Summary: The City of Grand Junction proposes to amend Chapter 4 and 9 of the Zoning and Development Code to restrict the location of off-premise (billboard) signs on or near the centerline of the Riverside Parkway.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and adopt the final ordinance.

Attachments: Staff report and proposed ordinance.

Background Information: In December of 2004 the Grand Junction City Council, by Resolution 141-04 (copy attached), authorized a temporary hiatus in the acceptance of applications for off-premise (billboard) signs near and along the proposed alignment for the City's Riverside Parkway. With construction of the Riverside Parkway nearing completion, it is desirable to make the temporary restriction on the location of off-premise (billboard) signs permanent by amending the Zoning and Development Code.

ANALYSIS:

In December of 2004 the Grand Junction City Council, by Resolution 141-04 (copy attached), authorized a temporary hiatus in the acceptance of applications for off-premise (billboard) signs near and along the proposed alignment for the City's Riverside Parkway.

In November 2003, the citizens of the City of Grand Junction ("City") approved a ballot measure authorizing the City to incur bonded indebtedness for the design and construction for the Riverside Parkway ("Parkway") in the total amount of \$100 million. The Parkway will be a three and five-lane urban beltway near land along the Colorado River. The Parkway is planned as the southern segment of a loop around the City. The roadway will eliminate congestion at various intersections, eliminate at-grade railroad crossings, reduce traffic within the Riverside neighborhood, minimize stops and driveways and generally improve safety and access to existing and proposed parks and Open Space along the City's riverfront.

Much time, effort and money has been applied to designing an attractive, well-designed, efficient means of moving the public from one end of town to the other in a manner acceptable to the public. Citizens have participated in the planning process for the Parkway from the beginning. In large measure because of the significant design and planning effort, the Parkway design meets the safety and aesthetic needs of all vehicular, pedestrian and bicycle users. The road will have gentle curves, good sight distances and reasonable grades. Impacts to open space will be minimized and the views, vistas and cityscapes have been preserved and enhanced with design features.

After much consideration of the City's obligation to promote the health, safety, and general welfare of the citizens, the City would like to implement Zoning and Development Code ("Code") amendments so that off-premise advertising signs shall be prohibited on or near the Riverside Parkway. The intent is that no off-premise sign may be viewed by a parkway user, whether traveling by vehicle or on foot. Too much has been done to improve traffic safety with the design and ultimate construction of this project to allow off-premise signs which will reduce traffic safety. The aesthetics of the project will be greatly enhanced with the elimination of signs; signs create clutter and visual pollution. Statistics have shown that they also decrease safety. In the proposed amendments to the Code, the City would be acting to protect the public benefits to be derived from the expenditure of \$100 million of the City's funds for the improvement and beautification of streets and other public structures by exercising reasonable control over the character and location of sign structures.

The elimination of off-premise advertising signs is reasonable and furthers the City's rights and responsibilities to protect the health, safety and welfare of its citizens. The City encourages development of private property in harmony with the desired character of the City while providing due regard for the public and

private interests involved. The sign regulations as amended will promote the effectiveness of signs by preventing their undue concentration, improper placement, deterioration and excessive size and number. The citizens will be protected from injury or damage as a result of limiting distraction or obstruction attributable to signs.

Resolution 141-04 established the area along the Riverside Parkway alignment where applications for off premise signs would not be processed until such time as the City could carefully evaluate and determine what action would be taken long term. There are currently fourteen (14) off-premise signs located within 600' of the centerline of the Riverside Parkway.

If the proposed amendments to the Code were adopted, on-site and other signs would be allowed as long as the signs otherwise complied with the Code, other City rules and regulations, and state law. With construction of the Riverside Parkway nearing completion, it is desirable to make the temporary restriction on the location of off-premise (billboard) signs permanent by amending the Zoning and Development Code.

LEGAL PRINCIPLES:

All sign regulations must comport with judicially-created principles arising out of the First Amendment. The First Amendment provides that: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press or the right of the people peacefully to assemble and to petition the Government for a redress of grievances." U.S. Const. Amendment 1.

As with many forms of speech, signs possess a dual nature, including both communicative and noncommunicative aspects. The noncommunicative aspects of signs may be regulated by the government on behalf of the public welfare. In certain instances, communicative aspects of signs may be regulated as well.

Modern cases provide cities with fairly broad powers to regulate signs on public property (see, e.g., *United States v. Kokinda*, 497 U.S. 720 (1990)), but local governments have less latitude in regulating signs placed on private property. In addition to the First Amendment rights to free speech, government regulation of signs on private property may also implicate the Fifth Amendment prohibition against the taking of private property without just compensation. The United States Supreme Court has struck down statutes restricting speech, particularly signs, by citizens on their own property. *City of Ladue v. Gilleo*, 114 S. Ct. 2038, 2041 (1994). For a government regulation on private land use to be upheld, it must be beneficial to the public health, safety, and welfare, and within the scope of the police power. *Id.*

In constitutional law language, appropriate sign ordinances are “time, place and manner” restrictions on speech, as opposed to restrictions on content of the speech. Even a content-neutral ordinance, such as one that simply bans all signs, can become content-based, in effect, if it is selectively enforced. In any case, the three-part test courts use in reviewing the constitutionality of sign ordinances is as follows:

Is the ordinance content-neutral?

Is the ordinance narrowly tailored to serve a significant governmental interest?

Given the restrictions in the ordinance, are there ample, alternative channels of communication of the information?

FURTHER ANALYSIS:

Is the ordinance content-based or content-neutral? The proposed ordinance is content neutral. If a regulation is content-based, then the law requires the local government “to show that the regulation is necessary to serve a compelling state interest and that it is narrowly-drawn to achieve that end.” *Boos v. Barry*, 485 U.S. 312, 321, 108 S. Ct. 1157, 1164 (1988). If the regulation is content-neutral, and merely restricts speech in terms of time place or the manner, a different test applies. *Ward v. Rock Against Racism*, 491 U.S. 781, 109 S. Ct. 2746 (1989). Content-neutral, speech may be regulated where (1) the restrictions are justified without reference to the content of the regulated speech, (2) they are narrowly-tailored to serve a significant government interest, and (3) they leave open ample alternative channels for communication of the information. *Id.*

Is the ordinance narrowly-tailored to serve a significant governmental interest and are there ample alternative channels of communication of the information? The proposed ordinance is narrowly tailored to serve a significant governmental interest. Courts have applied the “narrowly-tailored/significant government interest” test in several instances. The regulation of signs for aesthetic reasons has been determined to be a significant governmental interest and squarely within the police power. *H&H Operations, Inc. v. City of Peachtree City*, supra. Despite this fact, the judicial attitude of courts historically was that sign controls based on aesthetics alone are outside the scope of legislative action. *Thomas v. City of Marietta*, 345 Ga 485, 365 S.E. 2d 775 (1980).

Contrary to this attitude, the strong public support for sign controls apparently pushed many federal and state courts to find ways to uphold sign regulations where aesthetics were not the sole basis of the regulation. The idea was to identify other purposes for the regulations which were within orthodox police power concepts. These “other purposes” included public safety and the preservation of property values. *Thomas v. Marietta*, supra.

The United States Supreme Court provided support for the view that aesthetic considerations alone are a sufficient basis for sign regulations in *Metromedia, Inc. v. City of San Diego*, supra, where seven justices agreed that San Diego's interest in avoiding visual clutter was sufficient to justify a complete prohibition of off-site signs. The Supreme Court reaffirmed its support for aesthetic-based regulations in *Members of the City Council v. Taxpayers for Vincent*, 466 U.S. 789, 104 S. Ct. 2118 (1984). In that case, the Court upheld a ban on posting signs on public property. This view has since been followed by courts in most jurisdictions. *H&H Operations, Inc. v. City of Peachtree City*, supra; *City of Scottsdale v. Arizona Sign Assoc., Inc.* 115 Ariz. 233 (1977); *Veterans of Foreign Wars v. City of Steamboat Springs*, 195 Col. 44 (1978); *Builders, Inc. v. Sartin*, 8 Storey 173 (Del. Super 1964); *City of Sunrise v. DCA Homes, Donnelly & Sons, Inc. v. Outdoor Advertising Board*, 369 Mass 206 (1975); *Westfield Motor Sales Co. v. Westfield*, 129 NJ Super 528 (NJ Super 1974). Based on this clear message, the primary issue in this area has become whether the specific regulations comport with the First Amendment's valid time, place and manner restrictions.

The United State Supreme Court reviewed the City of San Diego's sign ordinance in the *Metromedia, Inc. v. City of San Diego*, supra. In that case, San Diego's e regulated on-site signs and banned off-site billboards. Because of the commercial necessity of allowing signs which identify the location of a business, on-site signs are often regulated, but never completely banned. On the other hand, off-site signs are frequently deemed to be merely advertising and may be banned. *Id.* The Court unanimously agreed that, because only commercial speech is involved in making the distinction between on-site and off-site signs, an on and off-site regulatory scheme like San Diego's does not necessarily violate the First Amendment. The stated purpose of San Diego's regulation, which has consistently been upheld by the Supreme Court, is the reduction of sign clutter and the promotion of traffic safety. *Suffolk Outdoor Advertising Co. v. Hulse*, 439 U.S. 808, 99 S. Ct. 66 (1978); *Newman Signs, Inc. v. Hjelle*, 440 U.S. 901, 99 S.Ct. 1205 (1979). The standard applied in reaching to be applied is the four-part test for judging the validity of restrictions on commercial speech adopted by the Supreme Court in *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980): Hudson provides that: (1) The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading. A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial government interest, (3) directly advances that interest and (4) reaches no further than necessary to accomplish the given objective.

The seven justices in Metromedia agreed that traffic safety and aesthetics were substantial government interest and that a ban on off-site billboards was not broader than necessary to accomplish the states goals. Id.

The Court determined, however, that the specific sign regulations created by the City of San Diego were unconstitutional for reasons other than those related to the First Amendment. Specifically, the Court concluded that the ordinance favored commercial over non-commercial speech because commercial speech could be displayed on on-site signs, but not non-commercial speech. *Id.* Further, the Court concluded that the ordinance's treatment of off-site signs was unconstitutional because the regulation constituted a government choosing among various non-commercial messages. The choosing took place when the government created exceptions for some, but not all, non-commercial message on off-site signs.

The Supreme Court further reviewed the application of the First Amendment to a local sign ordinance in *Members of the City Council v. Taxpayers for Vincent*, 466 U.S. 789, 104 S. Ct. 2118 (1984). In that case, the Court examined an ordinance banning the posting of signs on public property. The Court concluded that: (1) sign clutter is a substantive evil that a local government has a substantial interest in addressing and (2) once a kind of sign is determined by the government to contribute to the clutter, a content-neutral ordinance banning the type of sign is a sufficiently narrow governmental action.

Given the restrictions in the ordinance, are there ample, alternative channels of communication of the information? There are ample alternative channels. The proposed ordinance does not change zoning or otherwise unduly limit access to alternative channels.

Based on the cases decided by the courts, several principles regarding the local regulation of signs are clear:

- (1) A distinction between on and off-site signs which permits on-site signs and prohibits off-site signs is permissible;
- (2) Advertising is a form of constitutionally protected speech, albeit deserving of less protection than non-commercial speech;
- (3) Constitutionally protected speech may be curtailed by regulations in order to implement or further the governmental interest in aesthetics and/or traffic safety;
- (4) Although the stated rule is that the restriction must reach "no further than necessary to accomplish the given objective," in practice the judgment of the government as to the least restrictive approach will be given great deference;
- (5) Commercial speech may never be treated more favorably in sign regulations than non-commercial speech;

(6) Although the government may ban some commercial messages while allowing others, it must generally maintain neutrality in regulation of non-commercial speech.

CONSISTENCY WITH GROWTH PLAN:

The proposed amendments are consistent with the goals and policies of the Growth Plan, including, but not limited to the following:

Goal 13: To enhance the aesthetic appeal and appearance of the community's built environment.

Policy 13.1: The City and County will establish heightened aesthetic standards and guidelines for the gateway areas and high visibility corridors mapped in Exhibit V.6, Key Corridors and Gateways Map.

Policy13.12: Visual clutter along corridors will be minimized through the application of sign regulations and corridor design guidelines.

FINDINGS/CONCLUSIONS:

After review of the various proposed amendments, the Planning Commission made the following findings of fact and conclusions:

1. The proposed amendments are consistent with the goals and policies of the Growth Plan.
2. The proposed amendments will promote the effectiveness of signs by preventing their undue concentration, improper placement, deterioration and excessive size and number.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwarded a recommendation of approval of the proposed amendments to City Council for TAC-2008-153, with the findings and conclusions listed above.

RESOLUTION NO. 141-04

**A RESOLUTION DIRECTING THE CITY MANAGER
CONCERNING OFF PREMISE SIGN APPLICATIONS ON OR NEAR THE
PROPOSED ALIGNMENT OF THE RIVERSIDE PARKWAY**

Recitals.

The purpose of this Resolution is to afford the City an opportunity to carefully evaluate and determine as appropriate, the proper location, if any, the proper additional special regulation, if any and other considerations including the possible barring, as allowed by law, of off premises signs along the proposed alignment of the Riverside Parkway.

The City Council directs the City Manager to evaluate making changes to the Zoning and Development Code pertaining to the construction, development or placement of off premise signs at, near or along the proposed alignment of the Riverside Parkway, including the possibility of developing a corridor overlay and/or other specific changes to the Zoning and Development Code regulating the placement of off premise signs upon completion of the construction of the Riverside Parkway.

Consistent with the City's authority and obligation to promote the health, safety and general welfare of the citizens and residents of the City, the City Council does hereby direct the City Manager to not accept, process or act on any development applications or issue any permits for off premises signs to any applicant that may be anticipating the creation of a location for such sign(s) as a result of the construction of the Riverside Parkway.

The proposed alignment of the Riverside Parkway is generally shown on Exhibit A which is attached hereto and incorporated by this reference as if fully set forth.

This resolution is found to be reasonable and proper because the Riverside Parkway does not yet exist and therefore there are no parcels with street frontage for which an application for an off premises sign would be suitable. Any application made at this time would be speculative and would not be premised on a reasonable investment backed expectation.

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

The foregoing Recitals are adopted as the policy of the Council; that the City manager shall act consistently therewith and shall report back to City Council as soon as is practicable with recommendations.

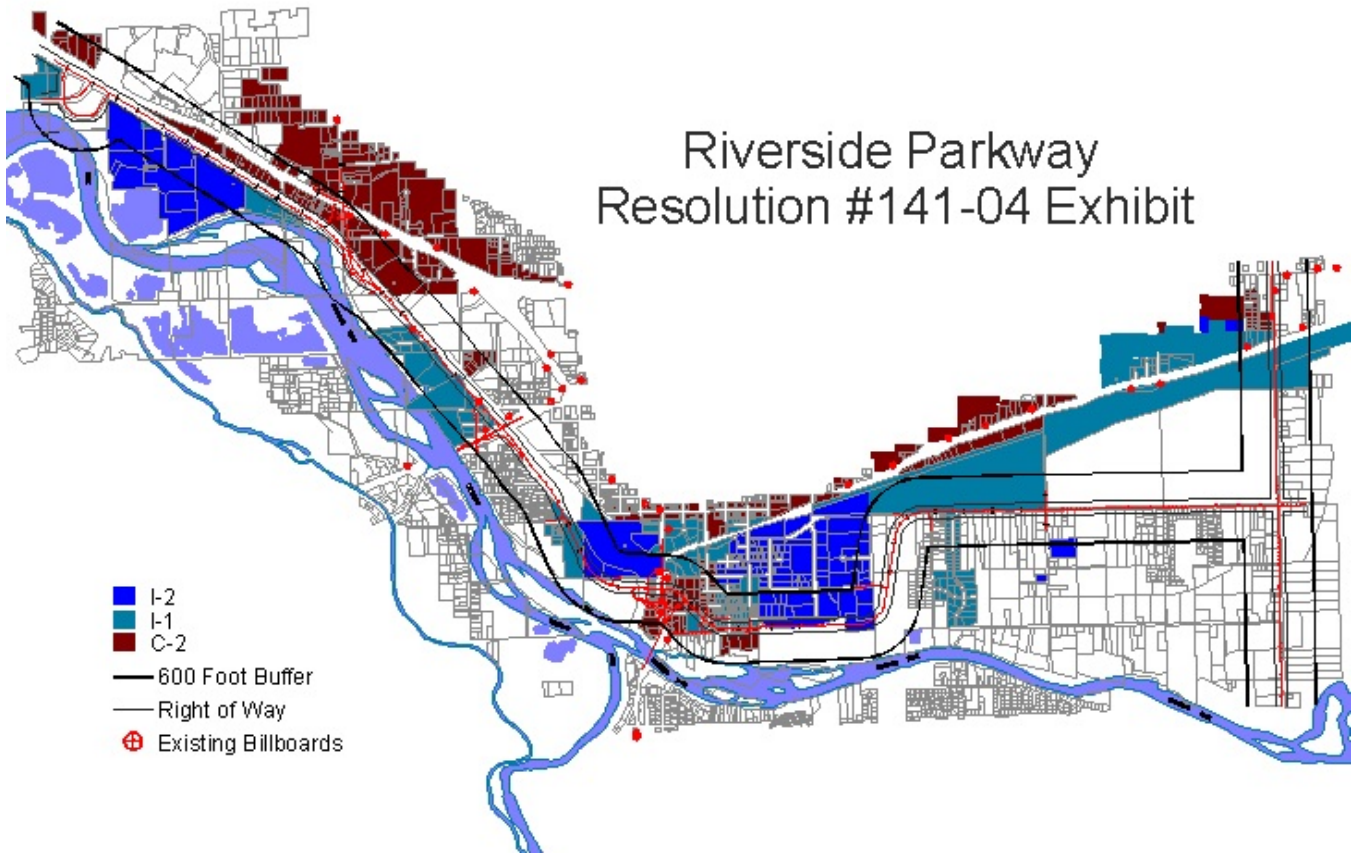
PASSED and ADOPTED this 15th day of December 2004

Attest:

/s/ Bruce Hill
Bruce Hill
President of the Council

/s/ Stephanie Tuin
Stephanie Tuin
City Clerk

Riverside Parkway Resolution #141-04 Exhibit



ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE
REGARDING OFF-PREMISE SIGNS ON OR NEAR THE
CENTERLINE OF THE RIVERSIDE PARKWAY**

RECITALS:

In November 2003, the citizens of the City of Grand Junction ("City") approved a ballot measure authorizing the City to incur bonded indebtedness for the design and construction for the Riverside Parkway ("Parkway") in the total amount of \$100 million. The Parkway will be a three and five-lane urban beltway near land along the Colorado River. The Parkway is planned as the southern segment of a loop around the City. The roadway will eliminate congestion at various intersections, eliminate at-grade railroad crossings, reduce traffic within the Riverside neighborhood, minimize stops and driveways and generally improve safety and access to existing and proposed parks and Open Space along the City's riverfront.

Much time, effort and money has been applied to designing an attractive, well-designed, efficient means of moving the public from one end of town to the other in a manner acceptable to the public. Citizens have participated in the planning process for the Parkway from the beginning. In large measure because of the significant design and planning effort, the Parkway design meets the safety and aesthetic needs of all vehicular, pedestrian and bicycle users. The road will have gentle curves, good sight distances and reasonable grades. Impacts to open space will be minimized and the views, vistas and cityscapes have been preserved and enhanced with design features.

After much consideration of the City's obligation to promote the health, safety, and general welfare of the citizens, the City Council finds that off-premise advertising signs shall be prohibited on or near the Riverside Parkway. The intent is that no off-premise sign may be viewed by a parkway user, whether traveling by vehicle or on foot. Too much has been done to improve traffic safety with the design and ultimate construction of this project to allow off-premise signs which will reduce traffic safety. The aesthetics of the project will be greatly enhanced with the elimination of signs; signs create clutter and visual pollution. Statistics have shown that they also decrease safety. In this amendment to the Zoning and Development Code ("Code") the City Council is acting to protect the public benefits to be derived from the expenditure of \$100 million of the City's funds for the improvement and beautification of streets and other public structures by exercising reasonable control over the character and location of sign structures.

The elimination of off-premise advertising signs is reasonable and furthers the City's rights and responsibilities to protect the health, safety and welfare of its citizens. The City encourages development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved. The sign regulations as amended will promote the effectiveness of signs by preventing their undue concentration, improper placement, deterioration and excessive size and number. The citizens will be protected from injury or damage as a result of limiting distraction or obstruction attributable to signs.

On-site and other signs will be allowed as long as the signs otherwise comply with the Code, other City rules and regulations, and state law.

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

Chapter 4 of the Code shall be amended as follows:

Section 4.2.G.4.e shall be added to read:

e. Off-premise outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as that location is depicted in Exhibit A attached hereto. Exhibit A is incorporated by the reference as if fully set forth.

Sections 4.2.E.3 and 4.2.E.4 shall be added to read:

3. Any off-premise sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of Section 4.2.G.4.e may continue only in the manner and to the extent that it existed at the time of the adoption of this ordinance. The sign must not be re-erected, relocated, or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of this Ordinance, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of this ordinance.

4. A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.

Chapter 9 of the Code shall be amended by including the following definition for Off-premise Sign and deleting the definition Sign, Billboard (Off-premise):

Off-premise sign is a sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, including billboards.

This ordinance is proposed and adopted pursuant to and is consistent with the City's legal authority and obligation to promote the health, safety and general welfare of the citizens of the City. To the end, City Council does hereby direct the City Manager to take any and all lawful actions necessary or required to fully implement the terms hereof.

Introduced for first reading this 18th day of June, 2008.

Passed and adopted this ____ day of _____, 2008.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk

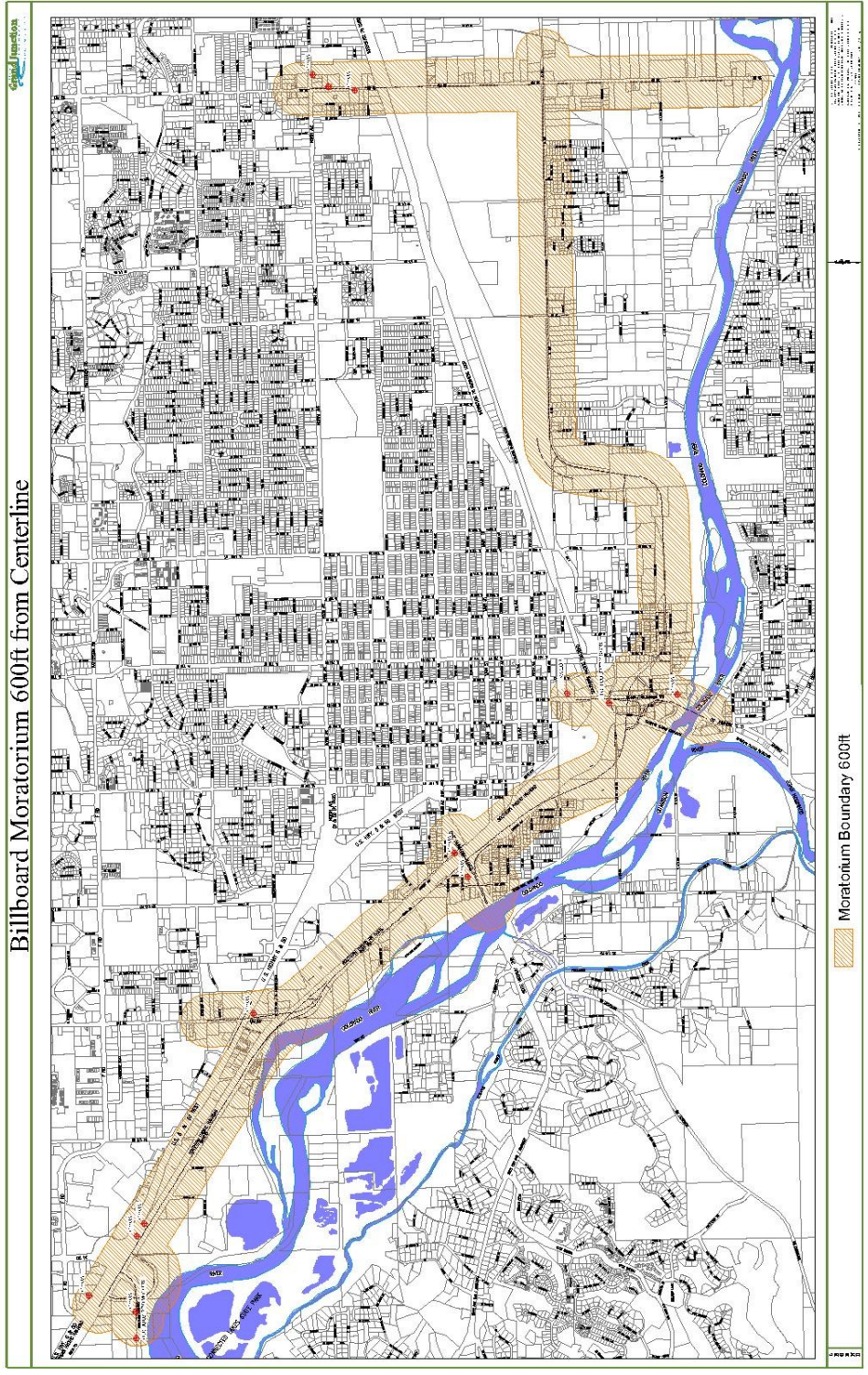


EXHIBIT "A"

Attach 6

Vacating Portions of ROW for Teller Court Located West of 30 Road at the 29 ¾ Road Alignment

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Right-of-Way Vacation – Located West of 30 Road and the 29¾ Road Alignment		
File #	PFP-2007-349		
Meeting Day, Date	Wednesday, July 2, 2008		
Placement on the Agenda	Consent	<input checked="" type="checkbox"/>	Individual
Date Prepared	June 19, 2008		
Author Name & Title	Dave Thornton, AICP, Principal Planner		
Presenter Name & Title	Greg Moberg. Development Services Supervisor		

Summary: Cal Frac Well Services Corp., property owner of 489 Teller Court and the proposed 31 acre, four lots, Calfrac Subdivision is requesting approval to vacate portions of the right-of-way of Teller Court located west of 30 Road at the 29 ¾ Road alignment.

Budget: N/A

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

Attachments:

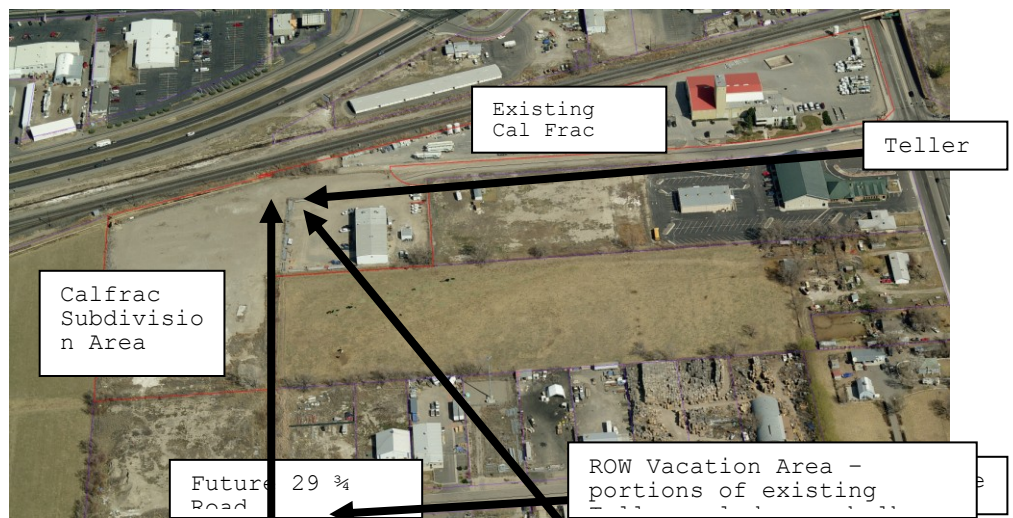
1. Site Location Map (Figure 1) / Aerial Photo Map (Figure 2)
2. Future Land Use Map (Figure 3) / Existing City and County Zoning Map (Figure 4)
3. Applicant's "General Project Report"
4. Calfrac Subdivision Plan
5. Calfrac Subdivision Plat
6. ROW Vacation Ordinance

BACKGROUND INFORMATION					
Location:		489 30 Road			
Applicants:		Cal Frac Well Services Corp Rep: Mark Austin , Austin Civil Group			
Existing Land Use:		Industrial and Vacant			
Proposed Land Use:		Industrial and Residential			
Surrounding Land Use:	North	Railroad and I-70 Business Loop			
	South	Residential and Church			
	East	Industrial, Residential, vacant land			
	West	RV Storage, Residential			
Existing Zoning:		I-1 and R-8 (Residential – 8 du/ac)			
Proposed Zoning:		No Change			
Surrounding Zoning:	North	County Commercial Zoning			
	South	Mesa County R-8 (Residential – 8 du/ac)			
	East	R-8 & C-1 & Mesa County I-2 & I-1			
	West	Mesa County I-2 and RSF-Rural			
Growth Plan Designation:		Industrial; Commercial/Industrial; and Residential Medium, 4-8 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

1. Background

The Cal Frac property was annexed into the City on January 21, 2007 as the Cal-Frac Annexation. The current zoning of the property is I-1 and R-8. The applicant received preliminary plan approval by Planning Commission for a 4-lot subdivision, 3 industrial lots and 1 residential lot on May 27, 2008. The property is located within the Pear Park

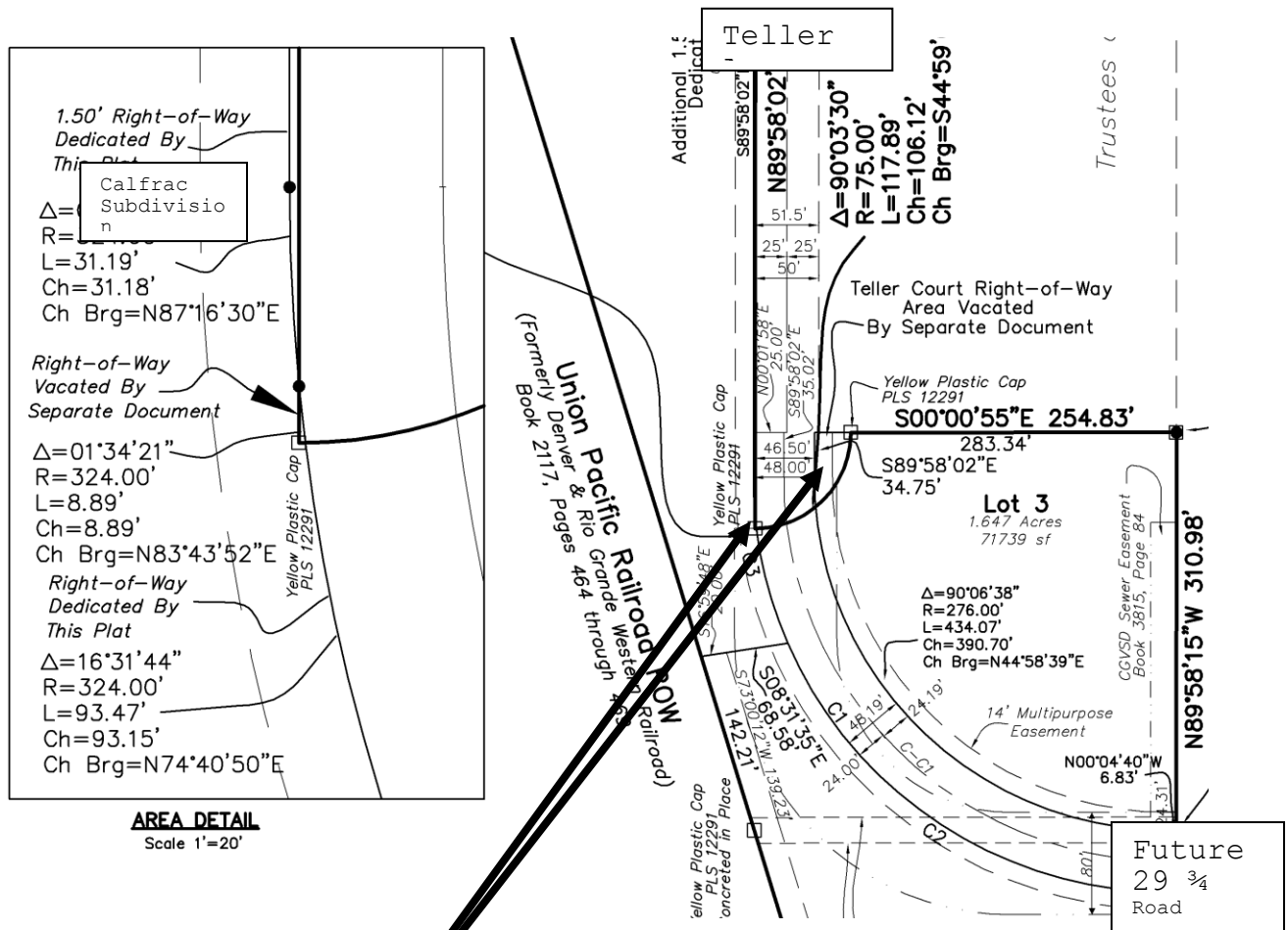


Neighborhood area; the development conforms to the 2005 adopted Pear Park Neighborhood Plan including the dedication of 29 3/4 Road which ties into the existing Teller Court and Gunnison Avenue.

The proposed Right-of-Way vacation has been reviewed under file number PP-2007-349 which file is also incorporated herein by this reference as if fully set forth.

ACCESS:

The Calfrac Subdivision will have access from Teller Avenue and Gunnison Avenue from 30 Road. Teller and Gunnison will intersect a new 29 3/4 Road running north and south along the eastern boundary of the subdivision. All four lots within Calfrac Subdivision will take access from a local street, Teller Av. or 29 3/4 Rd. According to the Grand Valley Circulation Plan, there is no collector or higher order streets shown for this site.



RIGHT-OF-WAY VACATION:

Currently Teller Avenue ends in a partial cul-de-sac. With the extension of Teller to the proposed 29 3/4 Road the "bulb" area of the cul-de-sac (depicted in two areas above) is

no longer needed and is being requested for vacation. (See attached Ordinance for ROW vacation.)

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

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

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

Teller Court has been a dead-end street, however it was always assumed that the street would either continue west or connect to a future street when the area to the west was developed. At such time, the bulb of the cul-de-sac would no longer be needed.

- b. **No parcel shall be landlocked as a result of the vacation.**

No parcel is landlocked as a result of the vacation

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

Access is not being restricted, but instead is being enhanced with multiple ways of access with the Calfrac Subdivision dedication of 29 ³/₄ Road.

- 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 are no adverse impacts, rather by providing additional ways to access the properties, the health, safety and welfare of the area and the ability to provide services is enhanced. Transportation will be improved with more than one access road to the property; utility lines will be upgraded through looping of water lines, etc. providing for better service.

- 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.**

The provision of adequate facilities and services is not being inhibited to the any property as noted above.

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

Improved traffic circulation by removing a dead-end street and connecting it to another outlet (Gunnison Avenue) in the near term and additional outlets (D ½ Road, etc) in the future is a great benefit to the City.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the Calfrac Subdivision application, PP-2007-349, for the vacation of a public right-of-way, Planning Commission and I make the following findings of fact, conclusions and condition:

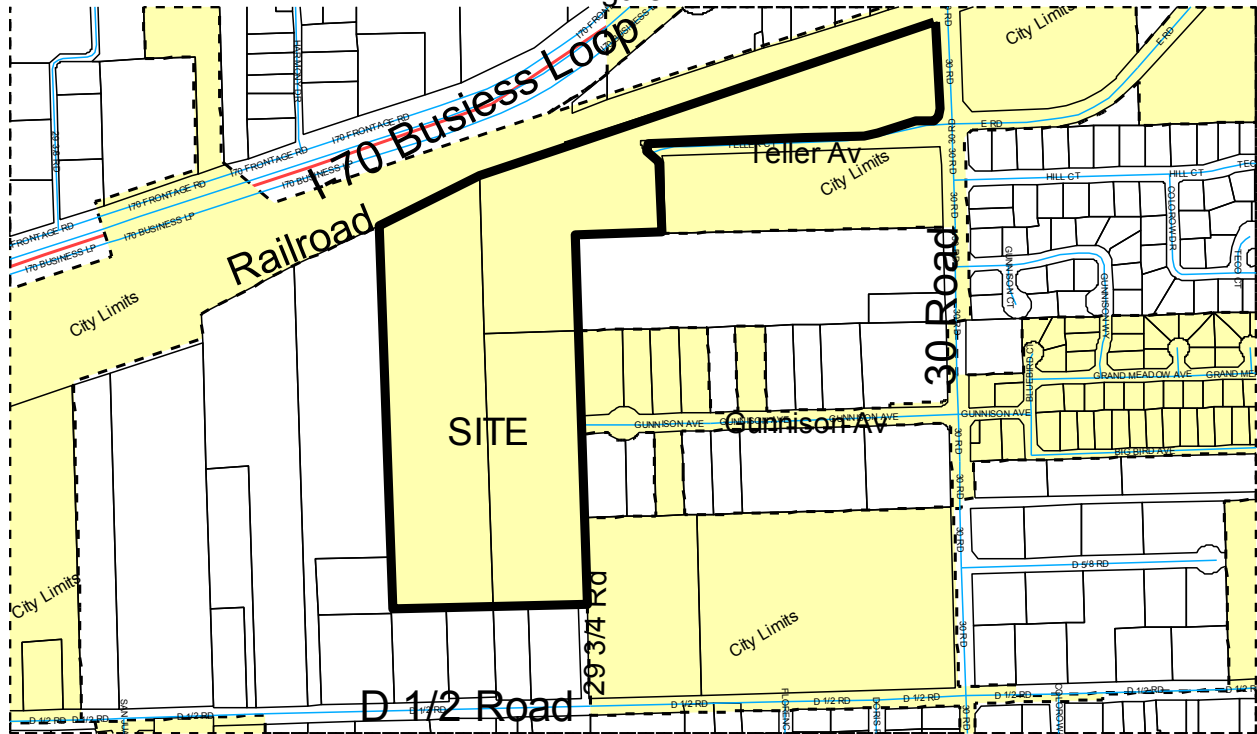
1. The requested right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
3. That the Calfrac Subdivision plat is recorded dedicating 29 ³/₄ Road that will connect to Teller Court.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission recommends approval of the requested right-of-way vacation, PP-2007-349 to the City Council with the findings, conclusions and condition listed above.

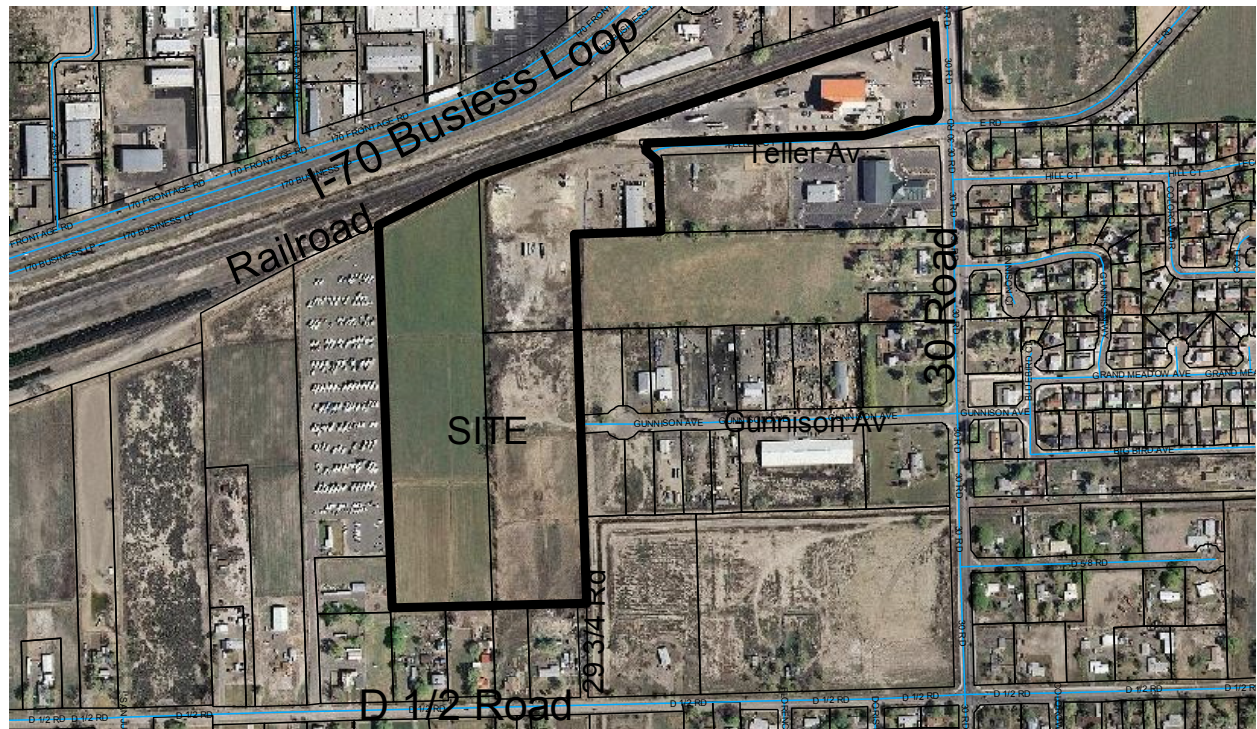
Site Location Map

Figure 1



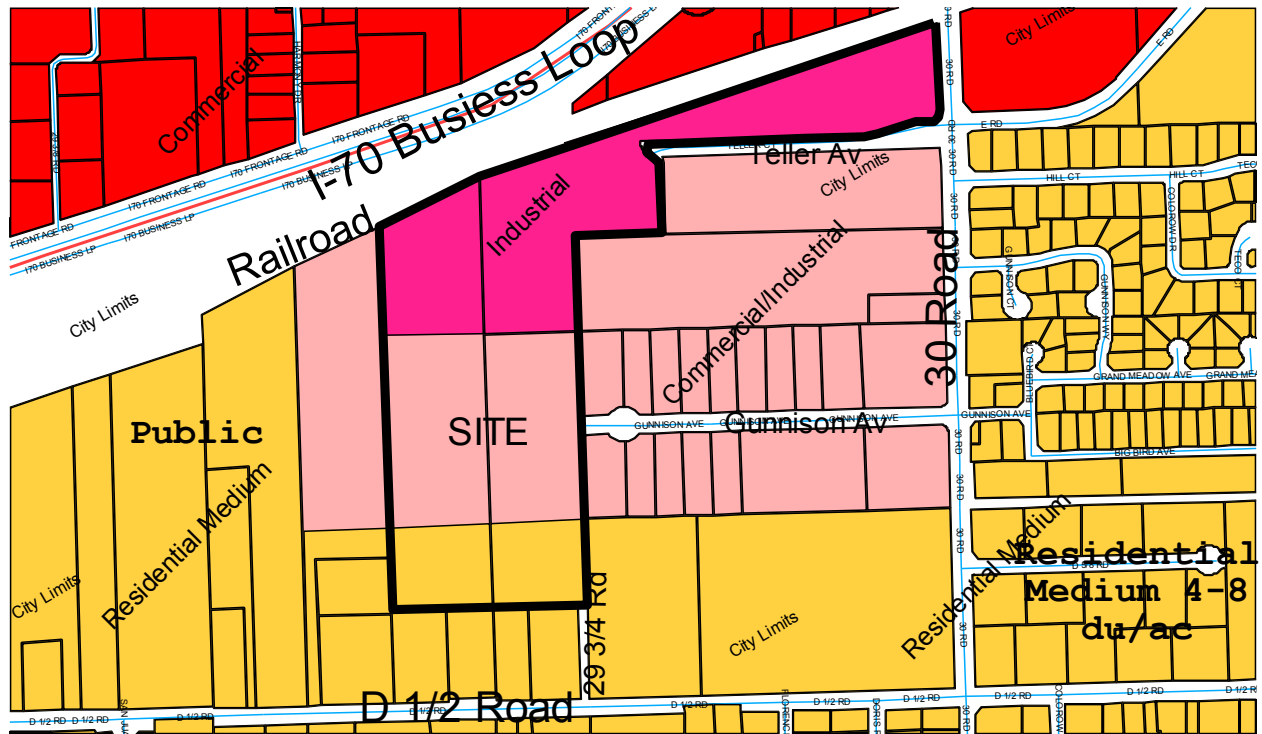
Aerial Photo Map

Figure 2



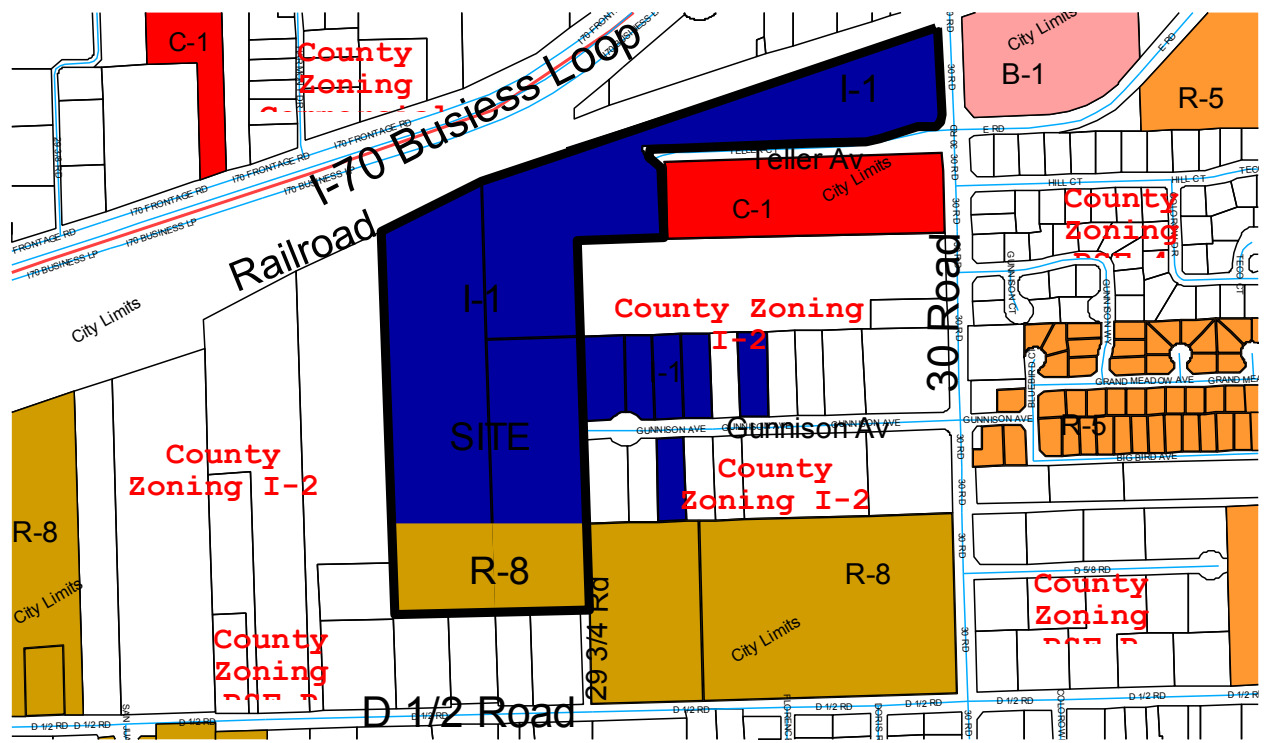
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



**General Project Report
CALFRAC SUBDIVISION
Calfrac Wells Services
489 30 Road**

Project Narrative

This application is requesting review comments for a Preliminary/Final Subdivision and Vacation of Public Right-of-Ways for approximately 31.41 acres generally located north and west of Teller Court, and west of 30 Road in Grand Junction, Colorado. County Assessors identify three (3) parcels where only two (2) currently exist due to a recent boundary line adjustment through Mesa County (2005-345PA1). The northern most 12.39-acre parcel is currently occupied by Calfrac Well Services Corporation with the southern most 19.03-acre parcel being vacant land.

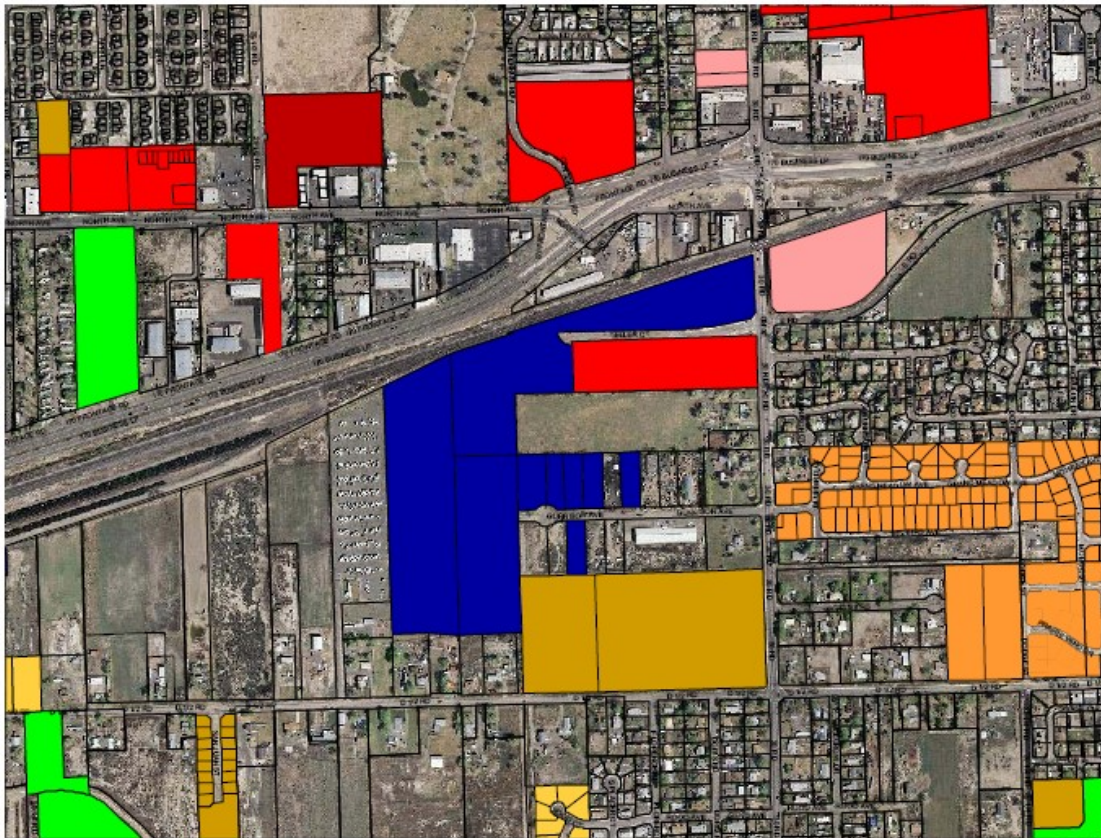


The property has recently been annexed into the City of Grand Junction and was included as part of the recent Pear Park Neighborhood Plan which was updated in December 2004. This plan calls for the southern portion (approximately 300-ft from the south property line) of the site to be zoned for medium density residential with the remaining portion to be zoned industrial.

**General Project Report
CALFRAC SUBDIVISION
Calfrac Wells Services
489 30 Road**

After the annexation of the property into the City limits, the property is zoned I-1, with the exception of the southern 300 feet (approximately 4.33 acres) of the property which will be zoned RMF-8. The surrounding land uses and zoning are outlined below.

North: I-70 Business Loop & Union Pacific Railroad
East: City = C-1, I-1, RMF-8
Mesa County = Residential Medium, Industrial
South: Mesa County = Residential Medium
West: Mesa County = Industrial



**General Project Report
CALFRAC SUBDIVISION
Calfrac Wells Services
489 30 Road**

Subdivision Project Description

The subdivision request for the 31.41 acres will create four lots from the existing two parcels. Lot 1, the southern 3.72-acre parcel, has been created to provide a lot that can be zoned residential in accordance with the Pear Park plan. Lot 2, approximately 18.02 acres in size, will be the new location for Calfrac Well Services. Calfrac Well Services will apply for a Major Site Plan Clearance at a later date. Lot 3 is a 1.62-acre parcel that is created as the result of extending Teller Court and 29 ¾ Road south towards D 1/2 Road. This lot currently has a 9,120-square foot building that Calfrac leases out to various tenants. Lot 4, approximately 5.44 acres in size, is the current location of Calfrac's operations.

As part of the Mesa County property line adjustment process (Mesa County Project #: 2005-345PA1), the project was required to place a "reserved right to establish ingress/egress and utilities" that is 80-ft in width at the north end of the site and appears to be 66 feet in width in other areas. It appears the intent of this reserve area was to insure the ability to extend Teller Court/29 ¾ Road south to connect with D 1/2 Road. City legal staff has stated that vacation of these of easements is not necessary and may overtop the dedicated road right-of-way. Two small areas of Teller Court Right-of-Way is being requested for vacation to better extend Teller Court and 29 ¾ Road.

Site Access

Access to the proposed subdivision lots will be provided off Teller Court and Gunnison Avenue. Currently, Teller Court is developed as far as the existing Calfrac facility on Lot 4 of the proposed subdivision. This project will extend Teller Court and develop 29 ¾ Road to provide access to the lots within the proposed subdivision and connect with Gunnison Avenue.

The applicant is requesting roadway improvements for 29 ¾ Road to terminate at the boundary of Lots 1 and 2 because they intend to use Lot 1 as a "buffer" between their industrial property and the existing residential properties located along D 1/2 Road. If the applicant eventually sells Lot 1 for residential development, the remaining portions of 29 ¾ Road can be built as part of the residential subdivision approval.

As part of this project, dedication of road right-of-way for Silver Cholla Avenue, located adjacent to the southern lot line of Lot 1, is being proposed to allow for future access to the existing residential lots that front D ½ Road.

**General Project Report
CALFRAC SUBDIVISION
Calfrac Wells Services
489 30 Road**

Water

This project proposes to install an 8-inch water main within the right of way of the proposed 29 ¾ Road. This main will provide a loop between existing Ute Water mains in Teller Court and Gunnison Avenue. Water Services currently exist to Lots 3 and 4 and a water service Lot 2 will be provided from this new main. The proposed 8-inch main will also be stubbed past the connection with the main in Gunnison Avenue for connection with future development of the residential Lot 1.

Currently, there are two existing fire hydrants located along Teller Court. In addition to these existing hydrants, this project will install three (3) new fire hydrants within the development. The three (3) will be located on 29 ¾ Road and will tie into the proposed 8-inch main. An additional fire hydrant may be warranted once Lot 2 applies for a development application.

Sanitary Sewer

Currently the subject property falls within the Central Grand Valley Sanitation District for sanitation service. The District has two (2) existing sewer lines that parallel the proposed 29 ¾ Road Improvements. The first sewer line is a 15-inch PVC Truss Pipe that was installed to provide sewer service to the Banner Industrial Park and extends from D ½ Road to existing MH TWE1 located on the north end of Lot 7 of Banner Subdivision. The second sewer line is a private 8-inch PVC sewer main that was extended from MH TWE1 to serve the current facility on the proposed Lot 3. Part of the Calfrac Subdivision infrastructure construction, a 6" sanitary sewer service tap is being proposed to provide sewer service to Lot 2. At the upstream termination of the 6" service line, a new manhole has been proposed for use of the District to monitor and sample the Lot 2 waste water.

Stormwater

Historically, the majority of the storm water generated from the project site, excluding the current Calfrac Well Service Facility, drains at a south-southwest direction where it intercepted by existing tail water ditches that discharge into the Beswick Drain. The runoff generated by the current operation facility for Calfrac Well Services discharges into the existing storm sewer infrastructure in Teller Court/30 Road and an existing retention pond located along the northern property line. With the creation of the subdivision, Lots 1-3's storm water will enter a new storm sewer system in Teller Court and 29 ¾ Road and convey south to a new detention pond. The detention pond will be provided with a two-stage outlet structure that will restrict discharge to the Beswick Drain at historic rates. A Final Drainage Report for Calfrac Subdivision has been prepared detailing the historic and proposed drainage characteristics.

**General Project Report
CALFRAC SUBDIVISION
Calfrac Wells Services
489 30 Road**

Other Utilities

Gas, power and telephone utility services required for this project are located near the project site and will be extended to the individual lots. Fourteen-foot multi-purpose easements have been provided adjacent to the 29 ¾ Road right-of-way at each lot for this purpose.

**General Project Report
CALFRAC SUBDIVISION
Calfrac Wells Services
489 30 Road**

Vacation of Public Rights-of-Way Criteria (Section 2.11.C)

- A. *The Growth Plan, major street plan and other adopted plans and polices of the City;*
Response: This subdivision is in accordance with the Growth Plan to locate industrial and residential uses within this area. The street plan for this subdivision is for a City of Grand Junction approved Industrial Street Section.
- B. *No parcel shall be landlocked as a result of the subdivision;*
Response: No parcel will be landlocked as a result of the subdivision. Additional public right-of-way is being proposed for future roadway connection.
- 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;*
Response: Access is provided to all proposed lots and proposed dedicated right-of-way shall provide access to future development within the area.
- 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);*
Response: No adverse impacts on health, safety, and/or welfare of the general community as a result of vacating of easements and public rights-of-way.
- E. *The provision of adequate public facilities and services shall not be inhibited to any property as required by Chapter Six of this Code;*
Response: Adequate public facilities will not be impacted as a result of vacating the existing easements and public rights-of-way.
- F. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*
Response: Vacating of Teller Court Road Right-of-Way shall simply the road alignment for Teller Court and 29 ³/₄ Road.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR TELLER COURT
LOCATED AT THE CUL-DE-SAC WEST OF 30 ROAD
AT THE 29 3/4 ROAD ALIGNMENT**

Recitals:

Cal Frac Well Services Corp owners of 489 30 Road and desire to subdivide their property and dedicate and build 29 3/4 Road located at the west end of Teller Court. They are requesting the vacation of Right-of-Way located with the “bulb area” of the dedicated cul-de-sac adjacent to their property. The proposed vacations are being requested because the “bulb area” will no longer be needed when 29 3/4 Road is dedicated and built as part of the Calfrac Subdivision which will connect Teller to 29 3/4 Road eliminating Teller Court as a dead-end street.

The City Council finds that the property owner’s request is consistent with the Growth Plan Future Land Use Plan and the Grand Valley Circulation Plan. The application also meets the criteria of 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 Teller Court is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, and
2. Provided that the Calfrac Subdivision Plat is recorded dedicating 29 3/4 Road that will connect to Teller Court.

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

Dedicated right-of-way to be vacated:

Right-of-Way Vacation Parcel 1

A parcel of land for right-of-way to be vacated located in Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, and being more particularly described as follows:

Commencing at the Northeast corner of said Section 17 whence the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) bears South 00 degrees 00 minutes 55 seconds East, a distance of 1319.12 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence South 58 degrees 45 minutes 39 seconds West, a distance of 1270.41 feet to the POINT OF BEGINNING; thence South 89 degrees 58 minutes 02 seconds East, a distance of 8.84 feet, along the existing North right-of-way line for Teller Court; thence, leaving said North right-of-way line, along a non-tangent curve to the left, having a delta angle of 01 degrees 34 minutes 16 seconds, with a radius of 324.09 feet, an arc length of 8.89 feet, with a chord bearing of South 83 degrees 43 minutes 42 seconds West, with a chord length of 8.89 feet, to a point on the arc of the Teller Court cul-de-sac right-of-way line; thence along a non-tangent curve to the right, having a delta angle of 00 degrees 44 minutes 44 seconds, with a radius of 75.00 feet, an arc length of 0.98 feet, with a chord bearing of North 00 degrees 19 minutes 44 seconds West, with a chord length of 0.98 feet to the POINT OF BEGINNING.

Said parcel containing an area of 4 square feet, as described.

Right-of-Way Vacation Parcel 2

A parcel of land for right-of-way to be vacated located in Northeast Quarter of Section 17, Township 1 South, Range 1 East of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, and being more particularly described as follows:

Commencing at the Northeast corner of said Section 17 whence the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) bears South 00 degrees 00 minutes 55 seconds East, a distance of 1319.12 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence South 54 degrees 01 minutes 49 seconds West, a distance of 1249.38 feet to the POINT OF BEGINNING; thence along a non-tangent curve to the right, having a delta angle of 50 degrees 46 minutes 32 seconds, with a radius of 75.00 feet, an arc length of 66.47 feet, with a chord bearing of North 64 degrees 37 minutes 36 seconds West, with a chord length of 66.31 feet, along the arc of the Teller Court cul-de-sac right-of-way line; thence along a non-tangent curve to the right, having a delta angle of 04 degrees 51 minutes 10 seconds, with a radius of 276.00 feet, an arc length of 23.38 feet, with a chord bearing of North 87 degrees 36 minutes 23 seconds East, with a chord length of 23.37

feet; thence South 89 degrees 58 minutes 02 seconds East, a distance of 34.75 feet; thence South 00 degrees 00 minutes 55 seconds East, a distance of 28.51 feet, along the common line between existing right-of-way line for Teller Court and that parcel described in Book 1933, Page 12, to the POINT OF BEGINNING.

Said parcel containing an area of 0.027 acres, as described.

See Right-of-Way Vacation Exhibit A attached hereto and incorporated by this reference as if fully set forth.

Provided, however, that the Calfrac Subdivision Plat is recorded dedicating 29 3/4 Road that will connect to Teller Court.

Introduced on first reading this 18th day of June, 2008.

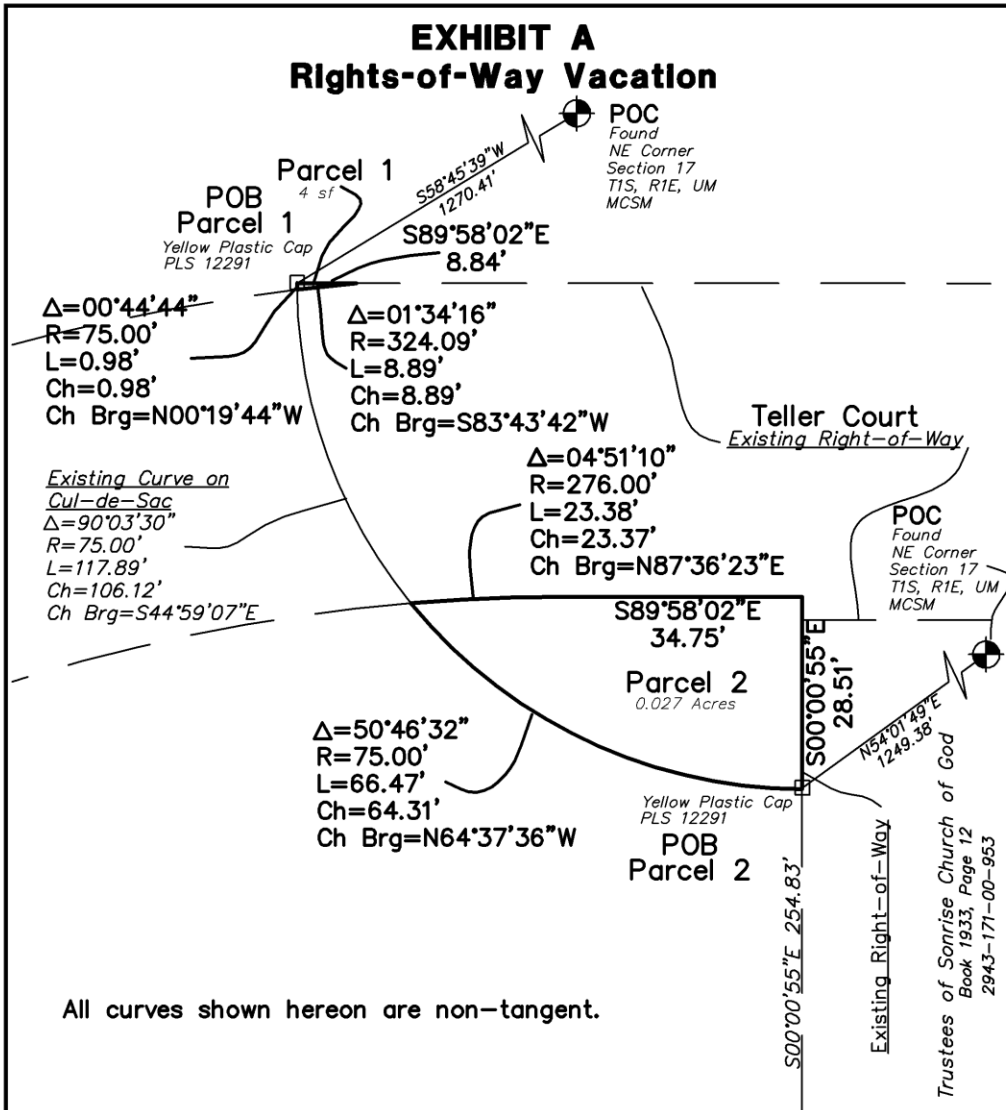
PASSED and **ADOPTED** this _____ day of _____, 2008.

ATTEST:

President of City Council

City Clerk

EXHIBIT A Rights-of-Way Vacation



All curves shown hereon are non-tangent.

LEGEND

- ALIQUOT SURVEY MARKER, AS NOTED
- FOUND REBAR, AS NOTED
- Δ DELTA ANGLE OF ARC
- R RADIUS OF ARC
- L LENGTH OF ARC
- Ch CHORD DISTANCE OF ARC
- Brg CHORD BEARING OF ARC
- PLS PROFESSIONAL LAND SURVEYOR
- No. NUMBER
- DEGREES (ANGULAR)
- ' MINUTES (ANGULAR) OR FEET (LINEAR)
- " SECONDS (ANGULAR) OR INCHES (LINEAR)
- MCSM MESA COUNTY SURVEY MARKER
- ROW RIGHT-OF-WAY
- POB POINT OF BEGINNING
- POC POINT OF COMMENCING

Prepared By: All lineal units shown hereon in U.S. Survey feet.

High Desert Surveying, LLC

1673 Highway 50 Unit C
Grand Junction, Colorado 81503

Tele: 970-254-8649 Fax: 970-240-0451



SCALE: 1" = 20'



PROJ. NO. 07-13	Surveyed	Drawn	APP'D	SHEET	OF
DATE: Jan., 2007	dj/dc/jk	rsk	skw	1	1