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

MONDAY, AUGUST 4, 2008, 7:00 P.M.

Call to Order

Pledge of Allegiance

Invocation—Pastor Rob Storey, River of Life Alliance Church

Appointment

To the Grand Junction Housing Authority

Certificates of Appointments

Downtown Development Authority/Downtown Grand Junction Business Improvement District

Avalon Theatre Advisory Committee

Council Comments

Citizen Comments

*** Indicates New Item

® Requires Roll Call Vote

REVISED

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the July 14, 2008 and the July 16, 2008 Regular Meetings

2. **Grant for Fire Truck** [Attach 2](#)

A request to accept an Energy and Mineral Impact Grant, in the amount of \$300,000, as partial funding for the purchase of a 100-foot aerial platform quint fire truck.

Action: Authorize the City Manager to Sign the Grant Contract in the Amount of \$300,000 for Partial Funding for the Purchase of a Fire Truck

Staff presentation: Jim Bright, Fire Operations Officer

3. **Contract for Novell Maintenance Support Renewal and Software Licensing** [Attach 3](#)

This approval request is for the award of a renewal contract for the maintenance, support and software licensing for City Information Systems Division (I.S.).

Action: Authorize the Purchasing Division to Enter into a Contract with Novell, Inc. to Provide One Year of Maintenance, Support, and Software Licensing in the Amount of \$62,084.94

Staff presentation: Jay Valentine, Assistant Financial Operations Manager
Jim Finlayson, Information Systems Manager

4. **Setting a Hearing on the Panorama Point Annexation, Located at 2122 and 2123 Sequoia Court** [File #ANX-2008-176] [Attach 4](#)

Request to annex 12.55 acres, located at 2122 and 2123 Sequoia Court. The Panorama Point Annexation consists of 2 parcels, is a 2 part serial annexation, and includes portions of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way rights-of-way.

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

Resolution No. 105-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands, to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Panorama Point Annexations No. 1 and 2, Located at 2122 and 2123 Sequoia Court and Including Portions of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way Rights-of-Way

®Action: Adopt Resolution No. 105-08

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Panorama Point Annexation No. 1, Approximately 0.22 Acres, Located at 2122 and 2123 Sequoia Court and Including Portions of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Panorama Point Annexation No. 2, Approximately 12.33 Acres, Located at 2122 and 2123 Sequoia Court and Including a Portion of the Wild Rose Way Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for September 15, 2008

Staff presentation: Senta L. Costello, Senior Planner

5. **Setting a Hearing on the Krogh Annexation, Located at 2932 B ½ Road** [File #ANX-2008-164] [Attach 5](#)

Request to annex 9.58 acres located at 2932 B ½ Road. The Krogh annexation consists of one parcel and includes a portion of the B ½ Road right-of-way.

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

Resolution No. 106-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands, to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Krogh Annexation, Located at 2932 B ½ Road Including a Portion of the B ½ Road Right-of-Way

®Action: *Adopt Resolution No. 106-08*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krogh Annexation, Approximately 9.58 Acres, Located at 2932 B ½ Road Including a Portion of the B ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinances and Set a Hearing for September 15, 2008*

Staff presentation: Senta L. Costello, Senior Planner

6. **Setting a Hearing on the Green Leaf Annexation, Located at 3109 E Road** [File #ANX-2008-196] [Attach 6](#)

Request to annex 2.29 acres located at 3109 E Road. The Green Leaf Annexation consists of 1 parcel.

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

Resolution No. 107-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands, to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Green Leaf Annexation, Located at 3109 E Road

®Action: *Adopt Resolution No. 107-08*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Green Leaf Annexation, Approximately 2.29 Acres, Located at 3109 E Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for September 15, 2008*

Staff presentation: Brian Rusche, Senior Planner

7. **Setting a Hearing on Mesa View Elementary School Annexation, Located at 2967 B Road** [File #GPA-2008-206] [Attach 7](#)

Request to annex 19.51 acres, located at 2967 B Road. The Mesa View Elementary Annexation consists of 1 parcel.

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

Resolution No. 108-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands, to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Mesa View Elementary Annexation, Located at 2967 B Road

®Action: *Adopt Resolution No. 108-08*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa View Elementary Annexation, Approximately 19.51 Acres, Located at 2967 B Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for September 15, 2008*

Staff presentation: Brian Rusche, Senior Planner

8. **Setting a Hearing on the Martin R and S Annexation, Located at 2105 H Road** [File #ANX-2008-205] [Attach 8](#)

Request to annex 1.54 acres, located at 2105 H Road. The Martin R and S Annexation consists of one parcel and includes portions of the 21 Road and H Road rights-of-way.

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

Resolution No. 109-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands, to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Martin R and S Annexation, Located at 2105 H Road and Includes Portions of the 21 Road and H Road Rights-of-Way

®Action: *Adopt Resolution No. 109-08*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Martin R and S Annexation, Approximately 1.54 Acres, Located at 2105 H Road and Includes Portions of the 21 Road and H Road Rights-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for September 15, 2008*

Staff presentation: Judith Rice, Associate Planner

9. **Setting a Hearing on Zoning the Shady Acre Annexation, Located at 528 29 Road** [File #ANX-2008-159] [Attach 9](#)

Request to zone the 1.25 acre Shady Acre Annexation, located at 528 29 Road, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Shady Acre Annexation to R-8, Located at 528 29 Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 18, 2008*

Staff presentation: Ivy Williams, Development Services Supervisor

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

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

10. **Public Hearing—Rezoning the Grand View Care Lodge, Located at 815 26 ½ Road** [File # SPR-2008-144] [Attach 11](#)

Request to rezone 1.9 acres from an R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac) zone district in order to construct an assisted living facility for 8 residents for property located at 815 26 ½ Road.

Ordinance No. 4269—An Ordinance Rezoning the Grand View Care Lodge from R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac), Located at 815 26 ½ Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Adoption of Ordinance No. 4269

Staff presentation: Senta L. Costello, Senior Planner

11. **Public Hearing—Fournier Annexation, Located at 2132 Rainbow Ranch Drive**
[File #ANX-2008-111] [Attach 12](#)

Request to annex 6.48 acres, located at 2132 Rainbow Ranch Drive. The Fournier Annexation consists of 1 parcel and includes a portion of the Broadway right-of-way and all of the Rainbow Ranch Drive right-of-way.

a. Accepting Petition

Resolution No. 110-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fournier Annexation, Located at 2132 Rainbow Ranch Drive Including a Portion of the Highway 340 (Broadway) Right-of-Way and all of the Rainbow Ranch Drive Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4270—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fournier Annexation, Approximately 6.48 Acres, Located at 2132 Rainbow Ranch Drive Including a Portion of the Highway 340 (Broadway) Right-of-Way and all of the Rainbow Ranch Drive Right-of-Way

®Action: Adopt Resolution No. 110-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4270

Staff presentation: Senta L. Costello, Senior Planner

12. **Public Hearing—Level III Annexation and Zoning, Located at 2922 B ½ Road**
[File #ANX-2008-147] [Attach 13](#)

Request to annex and zone 19.68 acres, located at 2922 B ½ Road, to R-4 (Residential 4 du/ac). The Level III Annexation consists of 1 parcel and includes a portion of the B ½ Road right-of-way. The Level III Annexation creates an enclave of 6 properties.

a. Accepting Petition

Resolution No. 111-08— A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Level III Annexation, Located at 2922 B ½ Road Including a Portion of the B ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4271—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Level III Annexation, Approximately 19.68 Acres, Located at 2922 B ½ Road Including a Portion of the B ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4272—An Ordinance Zoning the Level III Annexation to R-4 (Residential 4 du/ac), Located at 2922 B ½ Road

®Action: Adopt Resolution No. 111-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4271 and 4272

Staff presentation: Senta L. Costello, Senior Planner

13. **Operation and Use Agreement with Cinema at the Avalon, Inc. for the Avalon Theatre** [Attach](#)
[10](#)

Approve a one-year agreement with Cinema at the Avalon, Inc. (CAI) for use and operation of the Avalon Theatre. City Staff and the CAI Board have been working for the past 6 months to develop a new contract patterned after the agreement approved in 2007.

Action: Authorize the City Manager to Sign a One-year Agreement with Cinema at the Avalon, Inc. for Use and Operation of the Avalon Theatre

Staff presentation: Debbie Kovalik, VCB and TRCC Director

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

15. **Other Business**

16. **Adjournment**

Attach 1

Minutes from Previous Meetings

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

July 14, 2008

The City Council of the City of Grand Junction convened into regular session on the 14th day of July 2008 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, and Council President Gregg Palmer. Absent was Councilmember Doug Thomason. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Hill led in the Pledge of Allegiance. The audience remained standing for the invocation by Michael Rossman, Valley Bible Church.

Presentations

Annual Buffer Program Update: Margie Latta of Mesa Land Trust will present their Annual Update

Margie Latta, Mesa Land Trust, was present, along with Director Rob Bleiberg, and gave Council an update on the annual buffer program.

Currently they hold 139 conservation easements in Mesa County affecting just over 50,000 acres. This includes ranches anywhere from 6 acres to 11,000 acres. They are in their 8th year of the program and it has been very successful thus far. The program has four partners, City of Grand Junction, Mesa County, Fruita, and Palisade.

She reports quarterly to the Purchase of Development Rights Committee (PDR) with representatives from each entity. She does continuous outreach to land owners about the buffer program.

In 2008, the Land Trust has acquired twenty-eight easements total in the buffer areas; seven in Fruita which consists of 490 acres, and twenty-one easements in Palisade, consisting of 639 acres. They plan to complete two more easements by the end of 2008.

Councilmember Hill thanked Ms. Latta for her presentation and commented on the success in the I-70 corridor area and the Colorado River area, but feels success is lacking in the Highway 6 and 50 corridor area, between Fruita and Palisade. Ms. Latta agreed with Councilmember Hill and said that it is the land owners that go to them requesting inclusion in the program, and unfortunately a lot of Highway 6 and 50 is commercial. Rob Bleiberg, Director of Mesa Land Trust, pointed out one area on Highway 6 and 50 that is included in the buffer program. He then explained how easements are

approached and transacted. He thanked City Council for being a supporter of this program and they are excited about the development of the Comprehensive Plan and how it will work with the buffer program.

Council Comments

There were none.

Citizen Comments

There was none.

City Manager Update

City Manager Laurie Kadrach advised she has an update to the Kannah Creek fire and how it does or does not affect the City's water supply. She explained that although a lightning started this fire, the City had money budgeted to perform a controlled burn for this area. An uncontrolled burn could damage the water supply. This fire is actually good. The fire is burning the way it was planned. Crews are managing the fire at this time.

Terry Franklin, Deputy Utilities and Streets System Director, said the controlled burn could burn until September. BLM is not actively fighting the fire but they are controlling it. They have controlled boundaries along the west ridge to prevent it from going into the North Fork Valley. The Forest Service will have some speakers to address the citizens' concerns at a "shirt tail" meeting on Tuesday, July 15, 2008. Taste tests will continue to make sure the water does not have any smoke in it. The reason for a controlled burn is to prevent silt from going into the water system in the event of an uncontrolled burn.

CONSENT CALENDAR

Councilmember Todd read the Consent Calendar and then moved to approve the Consent Calendar items #1 through #9. Councilmember Hill seconded. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the June 30, 2008 and the July 2, 2008, Regular Meetings

2. **Contract for Construction of Canyon View Park, Phase III**

The Canyon View Park Phase III construction project includes six additional tennis courts and a restroom shade/picnic shelter to service the east side of the park.

Action: Authorize the Purchasing Division to Enter into a Contract with W.D. Yards, Inc. to Complete the Construction of Canyon View Park, Phase III in the Negotiated Amount of \$915,785

3. **Contract for Pipe for Waterline Replacement at Purdy Mesa Reservoir**

The Water/Pipeline Maintenance Division will be replacing an existing section of raw water flow line from Hwy 50 to Whitewater that was originally installed in the early 50's. This raw water supply line feeds directly to the City's Water Plant from Purdy Mesa/Juniata Reservoir.

Action: Authorize the Purchasing Division to Enter into a Contract with the Recommended Responsive and Responsible Low Bidder to Provide 17,700' of 20" PVC Piping

4. **Contracts for Technical Energy Audit**

The technical energy audit will determine the feasibility and cost of implementing energy and water saving measures for Persigo WWTF and the City Facilities.

Action: Authorize the City Purchasing Division to Enter into Contracts with Johnson Controls, Inc. (JCI) in the Amount of \$26,600 for the Completion of the City Facilities Technical Energy Audit and Project Proposal, and \$90,000 for the Persigo Wastewater Treatment Facility Technical Energy Audit and Project Proposal

5. **Purchase Street Sweeper**

This purchase approval request is for a Street Sweeper for the City of Grand Junction Streets Maintenance Division.

Action: Authorize the City Purchasing Division to Purchase one 2008 Tymco Regenerative Air Street Sweeper with a 2008 Navistar Conventional Cab from Intermountain Sweeper Company, Denver, CO in the Amount of \$199,935

6. **Hillcrest Offices Sign Revocable Permit, Located at 132 Walnut** [File # RVP-2008-143]

Request for a Revocable Permit to allow an existing sign to remain in a 100 square foot area of dedicated right-of-way in 1st Street.

Resolution No. 98-08—A Resolution Concerning the Issuance of a Revocable Permit to Hillcrest Professional Group Located at 132 Walnut Avenue

Action: Adopt Resolution No. 98-08

7. **Setting a Hearing for Zoning the Level III Annexation, Located at 2922 B ½ Road** [File # ANX-2008-147]

Request to zone the 19.68 acre Level III Annexation, located at 2922 B 1/2 Road, to R-4 (Residential 4 du/ac).

Proposed Ordinance Zoning the Level III Annexation to R-4 (Residential 4 du/ac), Located at 2922 B ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 4, 2008

8. **Setting a Hearing on Rezoning the Grand View Care Lodge, Located at 815 26 ½ Road** [File # SPR-2008-144]

Request to rezone 1.9 acres from an R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac) zone district in order to construct an assisted living facility for 8 residents for property located at 815 26 1/2 Road.

Proposed Ordinance Rezoning the Grand View Care Lodge from R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac), Located at 815 26 ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 4, 2008

9. **Setting a Hearing on the Shady Acre Annexation, Located at 528 29 Road** [File # ANX-2008-159]

Request to annex 1.25 acres, located at 528 29 Road. The Shady Acre Annexation consists of one parcel and includes a portion of the 29 Road right-of-way.

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

Resolution No. 99-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands, to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Shady Acre Annexation, Located at 528 29 Road Including a Portion of the 29 Road Right-of-Way

Action: Adopt Resolution No. 99-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shady Acre Annexation, Approximately 1.25 Acres, Located at 528 29 Road and a Portion of the 29 Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for August 18, 2008

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Petition for Exclusion of Property Located at 751 Horizon Court from the Horizon Drive Association Business Improvement District

The Horizon Drive Association Business Improvement District was formed by Ordinance No. 3621 on April 21, 2004. A resolution adopting a five mill levy for the district was subsequently approved by the City Council at that same meeting. On July 3, 2008, the City received a petition from Robert and Yvonne Armantrout asking for exclusion from the District for property they own at 751 Horizon Court.

Stephanie Tuin, City Clerk, presented this item. She advised a petition was received from Yvonne and Robert Armantrout asking for exclusion for the property they own at 751 Horizon Court. She identified the location of the property and displayed a map of the Horizon Drive Association Business Improvement District. Mr. Armantrout appeared at the formation hearing in 2004 and asked for exclusion at that time. Such request was not granted.

Councilmember Todd recused herself as her firm has a business relationship with Mr. Armantrout. She left the dais and the room.

City Attorney John Shaver explained the history of the District and Mr. Armantrout's previous request. The request tonight is to refer the request to the Horizon Drive Association Business Improvement District to allow them to develop a record of their consideration of the request. That record will then come back to the City Council for review. If the recommendation is to exclude the property, then an ordinance will be drafted to be brought before the City Council.

Council President Palmer asked if an ordinance for exclusion comes back to the City Council, can that ordinance be denied? Mr. Shaver said it can be. The State Statute

says the governing body will have a hearing but does not specify whether it is an evidentiary hearing or a review hearing.

Councilmember Hill stated the request feels more like an appeal as the Council heard this initially and made the decision to deny or not to consider. It was the same request. If the request now needs to go the Horizon Drive Association Business Improvement District, it is their business to consider now.

Councilmember Coons moved to refer the request for exclusion to the Horizon Drive Association Business Improvement District Board of Directors and directed the City Clerk to act as their clerk in order to provide notice as required by State law. Councilmember Hill seconded the motion. Motion carried.

Councilmember Todd returned to the dais at 7:45 p.m.

Public Hearing—The Houghton Annexation and Zoning, Located at 2964 D Road
[File #ANX-2008-120]

Request to annex and zone 4.02 acres, located at 2964 D Road, to R-8 (Residential 8 du/ac). The Houghton Annexation consists of one parcel.

The public hearing was opened at 7:45 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location and asked that the Staff Report and attachments be entered into the record. The annexation and zoning is consistent with the Growth Plan and meets the criteria of the Code.

Jeffrey Fleming, a planner for the developer and representing the applicant, said it is the one lone property in that area still in the County.

There were no public comments.

The public hearing was closed at 7:47 p.m.

a. Accepting Petition

Resolution No. 100-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Houghton Annexation, Located at 2964 D Road, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4262—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Houghton Annexation, Approximately 4.02 Acres, Located at 2964 D Road

c. Zoning Ordinance

Ordinance No. 4263—An Ordinance Zoning the Houghton Annexation to R-8 (Residential 8 du/ac), Located at 2964 D Road

Councilmember Todd moved to adopt Resolution No. 100-08 and Ordinance Nos. 4262 and 4263 and ordered them published. Councilmember Coons seconded the motion. The motion carried by roll call vote.

Public Hearing—The Phillips-Ford Annexation and Zoning, Located at 2894 Orchard Avenue [File #ANX-2008-117]

Request to annex and zone 0.53 acres, located at 2894 Orchard Avenue, to R-8 (Residential 8 du/ac). The Phillips-Ford Annexation consists of one parcel and a portion of adjacent Orchard Avenue right-of-way.

The public hearing was open at 7:49 p.m.

Brian Rusche, Senior Planner, presented this item. He described the location and the site. He asked that his Staff Report and attachments be entered into the record. The property is surrounded by a variety of residential uses. The request is to divide off one lot of the existing parcel. The requested zoning is consistent with the surrounding properties. The recommendation is for approval. The request is consistent with the Growth Plan and meets the criteria.

Council President Palmer asked if the intent is to develop it at that density. Mr. Rusche said that the property is only one half acre so with R-8 zoning, it would be developed up to four units.

Council President Palmer asked if the applicant was present. The applicant was present but did not wish to speak.

There were no public comments.
The public hearing was closed at 7:51 p.m.

a. Accepting Petition

Resolution No. 101-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Phillips-Ford Annexation, Located at 2894 Orchard Avenue, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4264—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Phillips-Ford Annexation, Approximately 0.53 Acres, Located at 2894 Orchard Avenue, Including a Portion of Orchard Avenue Right-of-Way

c. Zoning Ordinance

Ordinance No. 4265—An Ordinance Zoning the Phillips-Ford Annexation to R-8 (Residential 8 du/ac), Located at 2894 Orchard Avenue

Councilmember Hill moved to adopt Resolution No. 101-08 and Ordinance Nos. 4264 and 4265 and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezone the Palmer Park Subdivision, Located at 2675 Highway 50
[File #PP-2007-317]

A request to rezone the subject property from 6.06 acres of C-1 (Light Commercial) and 9.04 acres of R-4 (Residential 4 du/ac) to 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac).

The public hearing was opened at 7:53 p.m.

Brian Rusche, Senior Planner, presented this item. The request is for rezoning only. The property is currently undeveloped. The proposal is for five commercial lots and the rest residential. The property is parallel to Highway 50. The existing zoning is C-1 for a portion of the property and the other portion is R-4. The request reapportions those zonings. Mr. Rusche described the street configurations proposed. The current zoning line encroaches into the proposed platted areas for both residential and commercial lots. The Planning Commission recommends approval for the rezoning. The Planning Commission has also approved the Preliminary Plan conditioned on the approval of the rezone.

John Potter, Blythe Group, representing the applicant was accompanied by Norm Franke, Alpine Bank, the applicant. He said the request is just a matter of geometry. Mr. Franke stated they are really not developers but they are a part of this development as they are placing a bank branch there. They look forward to a quality development in Orchard Mesa.

There were no public comments.

The public hearing was closed at 7:58 p.m.

Councilmember Hill stated that the way the Future Land Use Map is used, is to make any changes very systematically. He asked if a change such as this is violating the intent of the Future Land Use Map. City Attorney Shaver said the net change between the zoning exchange is so close it is insubstantial, so this is in conformance relative to the Growth Plan.

Councilmember Hill noted this site has been assembled and has been many years in the making. There are so many good things about this plan. He was wondering if there is some way to give Staff the ability to move proposals like this through the system without City Council.

Council President Palmer lauded this proposal as an infill development.

Ordinance No. 4266—An Ordinance Rezoning the Property Known as the Palmer Park Subdivision to C-1 (Light Commercial) and R-4 (Residential 4 du/ac), Located at 2675 Highway 50

Councilmember Todd moved to adopt Ordinance No. 4266 and ordered it published. Councilmember Coons seconded the motion. The motion carried by roll call vote.

Public Hearing—The Pioneer Meadows Annexation and Zoning, Located at 3126 and 3134 E Road [File #ANX-2008-078]

Request to annex and zone 9.24 acres, located at 3126 and 3134 E Road, to R-8 (Residential 8-du/ac). The Pioneer Meadows Annexation consists of two parcels and a portion of the E Road Right-of-way.

The public hearing was opened at 8:02 p.m.

Ronnie Edwards, Associate Planner, presented this item. She described the location and the request. She described the site and asked that the Staff Report and the attachments be entered into the record. The Planning Commission did recommend approval. The applicant was present.

Keith Ehlers, Ciavonne, Roberts, and Associates, representing the applicant, said that the next two parcels to the west will also become a part of this development and will be annexed in the future.

There were no public comments.

The public hearing was closed at 8:05 p.m.

a. Accepting Petition

Resolution No. 102-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pioneer Annexation, Located at 3126 and 3134 E Road Including a Portion of the E Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4267—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pioneer Meadows Annexation, Approximately 9.24 Acres, Located at 3126 and 3134 E Road Including a Portion of the E Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4268—An Ordinance Zoning the Pioneer Meadows Annexation to R-8 (Residential 8 du/ac), Located at 3126 and 3134 E Road

Councilmember Coons moved to adopt Resolution No. 102-08 and Ordinance Nos. 4267 and 4268 and ordered them published. Councilmember Doody seconded the motion. The motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:06 p.m.

Stephanie Tuin, MMC
City Clerk

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

July 16, 2008

The City Council of the City of Grand Junction convened into regular session on the 16th day of July 2008 at 7:06 in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, and Council President Gregg Palmer. Absent was Councilmember Doug Thomason. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Proclamation

Proclaiming July 26, 2008 as “Americans with Disabilities Act Day” day in the City of Grand Junction

Appointments

Councilmember Beckstein moved to appoint Steve Thoms for a one year term expiring June, 2009, Greer Taylor for a two year term expiring June, 2010, Kathy Jordan as the Avalon Foundation Representative and Patti Hoff as the Downtown Development Authority Representative for three year terms expiring June 2011 all to the Avalon Theatre Advisory Committee. Councilmember Hill seconded the motion. Motion carried.

Citizen Comments

Milton “Tony” Long, 237 White Avenue Apt. B, (St. Benedicts) thanked the City Council for St. Benedicts. There are still people that don’t have shelter but he expressed appreciation for his accommodations.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar and then moved to approve the Consent Calendar which only had one item. Councilmember Hill seconded. Motion carried.

1. **Setting a Hearing on Zoning the FedEx-Swanson Annexation, Located at 788 22 Road and 2223 H Road** [File # ANX-2008-091]

Request to zone the 13.2 acre FedEx-Swanson Annexation, located at 788 22 Road and 2223 H Road, to I-1 (Light Industrial).

Proposed Ordinance Zoning the FedEx-Swanson Annexation to I-1 (Light Industrial), Located at 788 22 Road and 2223 H Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 6, 2008*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Policy Regarding Invocations at City Council Meetings

Staff has been working with several groups on this concern. Legal has developed a policy to be considered that may well meet the concerns of the groups and comply with case law.

Laurie Kadrich, City Manager, reviewed this item. She said the presentation has been put together by City Attorney John Shaver and herself. It is her intent to open a dialogue between the City Council, the City Manager, and the City Attorney. She explained why this is being discussed now. A letter was received May 5, 2008 from the Western Colorado Atheist Association. She and the City Attorney met with these representatives and learned that the Atheists' group did not feel the current practice of invocations during City Council meetings was in compliance with the law. Their suggestion was to end the practice completely. Another option offered was to have a moment of silence instead. A third option offered by the City was to continue the practice but update the current practice to meet the legal parameters. It is unclear if the Association as a group has an opinion on that option.

The City Manager and the City Attorney have met with a lot of interested parties for the last couple of months. They looked at what others are doing and what the court cases have recommended. She identified three principal Supreme Court cases (Marsh, Allegheny County and Lemon) as the ones they focused on. Subsequently, that information was shared with the various groups. The volume of information on this issue is large. There is not a written policy for the City's current practice. A question arose as to why the invocation is only occurring at one meeting. City Manager Kadrich explained how that came to be and that the change to Monday provided an invocation for the week.

Concerns with the current practice are that recent invocations have been dominated by sectarian invocations; although it has been unintentional. That is what the establishment clause means. The court says no one religion can be represented. The other thing is that there is not an established invitation process. Lastly, there is no clear purpose. Elected Officials can ask to have an invocation that is legal.

There are other boards and commissions whose members are selected by the City Council and there is no clear direction for these boards in this area.

City Manager Kadrich and the City Attorney believe there are three questions. Is legislative prayer legal? Research shows that yes, it is and the City has had a historical precedence of having an invocation. If the elected officials feel an invocation is of use, then they can have it. So the second question, what is the selection process for clergy or speakers. The third question is the constitutionality of particular prayers. Some folks have objected to the content so the courts have upheld that a prayer can be to a heavenly body (God) but not to a particular person or religion. The courts are not clear if the contents can never contain those references or if they can, the frequency. The courts have provided some particular wording that would be constitutional. When it was suggested to some of the folks that the sectarian content be removed, the individuals were not sure if they would be agreeable to that.

Therefore, the options are to leave it as is, end it, or modify it. The reason to leave it as is would be that it does have historical precedence; however, it may not be legal. If the Council modifies the practice, the why would be, that the community is likely to prefer modifying the practice rather than ending it. However, it could still be subject to challenge. The last option to end the invocation would eliminate any questions as to the legality but then it may not meet the community's and Council's desires.

If the Council chooses to modify, then Staff could bring forward a resolution that would be in the record and could be used by others and it would be clear what the policy and practice is. Another possibility is to have a Chaplain. A Chaplain would ensure all groups are represented and would invite participants and review the content of proposed invocations.

Another option is to reorder the agenda so that the invocation is not part of the official part of the meeting.

If the invocation is retained, a new invitation process could be established and then those that want to participate could be selected from that group at random. The method of invitation would include newspapers, the web, and other methods.

Other options to consider are to regulate the content, litigate the current practice, monitor the selection in the community, and document it, (that would be complicated to keep balance).

Councilmember Hill asked for elaboration on the establishment clause, is that part of the first amendment. City Manager Kadrich replied affirmatively.

City Attorney Shaver said the 14th Amendment did make the Bill of Rights applicable to States. Councilmember Hill asked if that would then be analogous that the City shall make no law to establish a religion. City Attorney Shaver agreed.

Councilmember Hill asked, regarding balance, what is the invocation balancing to? City Manager Kadrach responded that having the majority of the invocators praying to Jesus Christ, even though that may be the predominate religion in the community, may be interpreted as the attempt to establish religion.

Councilmember Beckstein noted the current practice is using a group of religious institutions that includes a rabbi and a new age religious leader. City Manager Kadrach said that is not what has happened. There are a couple of folks that are called. Councilmember Beckstein responded with the question of how can they be regarded as condoning a certain religion when they do not even know who is coming forward. City Attorney Shaver stated the argument is that it is not just the City Council, it is the City; it appears that Christianity is perceived as the preferred religion by the number of speakers that are from that faith.

Councilmember Doody asked why the various denominations in Christianity are all bundled together regardless of the different teachings between the different denominations. City Attorney Shaver said the courts have not dissected the various Christian faiths. He went on to say that the Marsh case revolved around the hiring practice for chaplains and spoke to non-denominational; the Lemon case deals with the funding of parochial schools; and the Allegheny County case is about religious displays at the holidays. None of these court cases address this particular situation.

Councilmember Todd asked if the individual Councilmembers could perform the invocation. City Attorney Shaver said that presents more issues as that does become a perception of the Council establishing a religion and it being a formal action.

Councilmember Todd asked how having the invocation prior to the meeting would help. City Attorney Shaver said that helps on the establishment part of the analysis but not necessarily the content part.

Councilmember Coons noted that the Marsh case relied heavily on historical tradition. However, the dissenting opinion is that tradition is not a valid reason for legislation.

City Attorney Shaver said that only the Marsh case made for that exception for tradition to be a valid reason.

Councilmember Hill asked if a Chaplain would take the responsibility currently handled by the City Clerk. City Manager Kadrach said yes, but the City Clerk is not asked to screen the content.

Councilmember Todd voiced concern that screening the content infringes upon free speech.

City Manager Kadrach said there is still more information out there but Staff wanted to bring some information forward for the sake of the community.

City Attorney Shaver noted there is a divide as to the frequency of references allowed and there is no additional case law out there, one case says routine references are unconstitutional and another case says that occasional references are constitutional. So there aren't hard numbers to reference.

Councilmember Todd said she would like to digest and research the issue but does not want the issue to drag on. She suggested a thirty day time frame to bring something forward.

Councilmember Hill agreed that there is currently not a written policy but he does feel there is a policy, a process, and a purpose. He noted that many things being used are taken out of context. He questioned if by having an invocation, is it an attempt to establish a religion? He doesn't believe so. The practice was inherited and kept. He does not believe that those that started the practice had the intent of establishing a religion. He is glad it is being reviewed. He doesn't agree with moving it to prior to the meeting. He believes there should be a policy, a process, and a purpose without establishing a law for religion. Part of the purpose is a reflection of the community.

City Attorney Shaver said that Lemon says that an action, statute, or a policy all fall under that establishment of law for religion.

Councilmember Beckstein agreed that if there is not a pool of invocators then the City needs to reach out more. She thinks that a written resolution may be needed for clarity. She would like the content to be protected as free speech.

Councilmember Coons agreed that a policy needs to be developed to say to the community as to what and why they are doing what they are doing. She became accustomed to the practice after being involved with Native American community meetings that always start and end meetings with prayer, a tradition for that community. She favored moving ahead with the discussion.

Councilmember Doody felt by not having the invocation on Wednesday has met the need to one group. He agreed with the other Councilmembers, take some time to think about it, discuss it, and come back in a month to set some policy for the invocation.

Council President Palmer said religion is personal and emotional. He asked what they can do to keep the invocation and be legal. It is not a religious service, it is a moment of reflection that is historical and traditional. He agreed the City needs to be a broad based and as inclusive as possible. Those that participate should be free to express their thoughts. Regarding location on the agenda, he would like it to see it stay as is. He agreed that a resolution or policy needs to be put in place.

City Manager Kadrich asked if documentation should be brought to a regular meeting or brought to a workshop. Council President Palmer said it should be a public setting; regardless.

Councilmember Beckstein felt that a resolution could be formulated at a workshop and then brought forward to a formal meeting. Councilmembers Todd and Coons agreed. That concluded the discussion.

Council President Palmer called a recess at 8:27 p.m.

The meeting reconvened at 8:39 p.m.

Contract to Purchase Vacant Land Adjacent to the Jarvis Property

Owners of vacant land located south of the Riverside neighborhood and adjacent to the Jarvis property have approached City Staff and offered the vacant land for sale to the City. Negotiations have been successful and a purchase contract for \$175,000.00 has been signed by both parties.

John Shaver, City Attorney, reviewed this item. He explained how this property is coming forward and the reason Staff thinks it appropriate to purchase. A significant portion of the property would be needed in the future to build the levees anticipated to be constructed in the future.

Councilmember Coons asked what would happen if the City did not purchase the property. City Attorney Shaver advised the worst case scenario would be for the City to engage in a condemnation action to acquire the needed property. The City would of course attempt good faith negotiations first.

Councilmember Todd asked if there is an existing levee.

Engineer Manager Trent Prall said the current levee was constructed rapidly in 1983 or 1984 but is not a certified levee recognized by FEMA or the U.S. Army Corps of Engineers.

Councilmember Todd asked if there is a levee on the Jarvis Property. City Attorney Shaver said that he is not aware of a levee, however the United States Fish and Wildlife Service has been involved with the backwater habitat in some of the area closer to the river and there may be some flood mitigation or protection by that particular facility.

Councilmember Doody asked if the property would be a good staging area for the levee construction. Mr. Prall said yes; having other structures there would make it more difficult.

Resolution No. 103-08—A Resolution Ratifying the Contract to Purchase Vacant Land Located South of the Riverside Neighborhood and Adjacent to the Jarvis Property, Grand Junction

Councilmember Todd moved to adopt Resolution No. 103-08. Councilmember Doody seconded the motion.

Councilmember Hill noted the current zoning does not match the Future Land Use map. It is contiguous and the zoning needs to be adjusted. He felt it is proper that the City purchase this property at this time.

Motion carried by roll call vote with Council President Palmer voting NO.

Council President Palmer explained why this item was placed on the individual consideration portion of the agenda. He wrestled with the necessity of the purchase.

Public Hearing—Growth Plan Amendment for the Park Mesa Subdivision, Located at the Northwest Corner of Rosevale Road and Little Park Road [File # GPA-2008-065]

Request adoption of a Resolution to amend the Growth Plan Future Land Use Map from Estate (2 – 5 Ac./DU) to Residential Low (1/2 – 2 Ac./DU) for property located at the northwest corner of Rosevale Road and Little Park Road in the Redlands.

The public hearing was opened at 8:49 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the location and the request. The Planning Commission did recommend approval of the Growth Plan Amendment. Mr. Peterson described the site which is about 13 acres; it is within the 201 Sewer Service boundary. He noted the policy regarding properties within the 201 be developed at an urban density. Therefore, this property has come forward as an annexation and now a Growth Plan Amendment in anticipation of future residential development. The property surrounding the site is designated as estate. Mr. Peterson advised the designation is in error as it does not comply with the requirements of the Persigo Agreement. Surrounding properties, although designated as estate, are actually less than 2 acres in size. A sewer variance was granted in 2005 so they do not have to hook onto the Persigo Plant at this time but must install dry lines for connection in the future. There are some site issues regarding rock fall and flooding so engineering standards will be required.

In conclusion, the proposed amendment is consistent with the purpose and intent of the Growth Plan and Redlands Area Plan and the review criteria in Section 2.5- C of the Zoning and Development Code have all been met.

Ken Scissors, the applicant, said he did not have much to add but he highlighted that the request for the zoning came from City Staff. Originally, the application was a less dense zone. The Planning Department kicked it back. He does want sewer for the development but it would cost \$350,000 to extend the sewer so that was not an option at this time. He asked neighbors about their interest in participating in sewer extension and couldn't garner the interest. It may sound like 20 home sites could go there but due to the nature of the land, it would mean 8 lots. His plan is to split two lots.

Councilmember Todd asked if a perc test has been done. Dr. Scissors said the test came back that septic systems will not be problem as the perc test came back good. Councilmember Todd said she lived near there and there were problems with septic systems. Dr. Scissors said his test on each lot came back good.

Mac Cunningham, who lives in South Rim, wanted to speak to both Growth Plan Amendments on the agenda so he can leave. He noted that all the items on Monday night were rezones to 8 and 12 units per acre. That should happen in all areas of town. Residential medium low and low are not dense. He noted that all these parcels were zoned R-4 in the County.

Steve Voytilla, 2099 Desert Hills Road, is troubled that it appears that the City Planning Department is encouraging developers to rise to higher densities. He thinks that is wrong; it is not what the majority of Redlands residents want. He questioned why a higher density because it is in the sewer boundary when it is not close enough to get sewer.

Paul Brown, 2067 E ½ Road, neighbor to Dr. Scissors, said that when he was told by Dr. Scissors that the Planning Staff told him to go to a higher density it raised concerns that if Dr. Scissors is comfortable with the lower density, then the Planning Staff should let him go forward with that.

Mike Anton, 2111 Desert Hills Road, wasn't going to speak against this issue but when he heard that the Planning Staff is encouraging higher density he decided he better speak. There is no sewer out there yet and doesn't like changing the density because of the sewer plant. Planning Staff should not be setting the direction. He questions whether it should be legally moral and ethically correct that the Planning Staff directs an applicant to go for a density he didn't even request.

Tery Dixon, 423 Wildwood Drive, said that the County zoning in a lot of the area is R-4. This was done by the County unilaterally deciding with no rhyme or reason. She objects to compelling people to develop at greater densities to accommodate the perceived incoming growth.

Lee Moser, 2110 Wildwood Court, stated that she had spoken to Public Works and Planning Director Tim Moore about the Planners persuading developers to increase the density and she was told that the Staff should not be persuading the applicants to change their minds.

There were no other public comments.

The public hearing was closed at 9:16 p.m.

Dr. Scissors stated that those that spoke in opposition mischaracterized his statements and what actually happened. He clarified that his original intention was for eight lots and when he went to work with the Staff, the current zoning restricted him to six lots. His original intention was for eight lots, which fit beautifully on that piece of property. He worked with Mr. Peterson and did not ask him for more than what was allowed; they in no

way influenced or persuaded him. They worked together and got to a zoning and a site plan that makes perfect sense for the property and for the community. It is totally mischaracterized to make it sound like Staff is being heavy handed. This is a perfect example of how it should work. They came up with a good solution.

Councilmember Beckstein said she would like to hear Staff's perspective.

Scott Peterson, Senior Planner, concurred with the statement made by Dr. Scissors. The property is within the Urban Growth Boundary.

Councilmember Beckstein summarized that Dr. Scissors brought a plan forward and Staff worked to come up with a way for him to accomplish his project and within the constraints of the Code and policies.

Councilmember Hill asked if there was a change to the 201 boundary in this area. Mr. Peterson said that the boundary has been this way since 1996.

Councilmember Doody asked if the requirement for sewer is when it is within 500 feet. City Attorney Shaver replied that it is actually 400 feet, however in this case, because of the dry lines, there would be a utility extension agreement that will identify that this parcel will connect when the sewer is extended.

Councilmember Hill stated that the subdivision is not being considered, it is a Growth Plan Amendment. Mr. Peterson said that is correct. Councilmember Hill asked, because of the topography issues, is there a risk that the property could develop at a higher density. Mr. Peterson identified areas on the property that are undevelopable.

Councilmember Coons commented on the Staff interaction with the developers. It is her understanding that properties should be encouraged to develop at an urban densities as driven by the Persigo Agreement and the Urban Growth Plan designation so it makes sense to consider a higher density and it makes sense to use the urban infrastructures.

Councilmember Beckstein agreed and she is sure that Staff will ensure the development complies with the City Code and policies.

Councilmember Hill addressed the premise that the Growth Plan was in error but he thinks the other criteria are met also. The Council has not directed Staff to push high density but this is not high density. If the Council was truly trying to maximum the density, a much higher density would be brought forward. He is supportive of this amendment based on the criteria.

Resolution No. 104-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 13.58 +/- Acres Located at the Northwest Corner of Rosevale Road and Little Park Road to be Known as the Park Mesa Subdivision from Estate (2 – 5 Ac./DU) to Residential Low (1/2 – 2 Ac./DU)

Councilmember Todd moved to adopt Resolution No. 104-08. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Growth Plan Amendment for the Lusk Property, Located at 2105 South Broadway [File # GPA-2007-368]

A Growth Plan Amendment (GPA) to Residential Low (Residential, .5 to 2 acres per lot) for the Lusk property located at 2105 South Broadway from a Residential Rural (Residential, 5 to 35 acres per lot) land use district.

The public hearing was opened at 9:31 p.m.

David Thornton, Principal Planner, reviewed this item. He described the site, the location and the request. He described how he assessed whether the Growth Plan Amendment should be made. He looked at the Redlands Neighborhood Plan and the Persigo Agreement which defines urban development as two acres or less lots sizes. He described the broad view he took and his involvement in the development of the Redlands Neighborhood Plan. He explained how the study area was determined. His evaluation included comparing the number of acres that are developed at a rural density, the number of acres developed at an estate level, and the number of acres developed at residential low. Redesignating the entire study area to residential low would bring all the properties into conformance.

Regarding the Growth Plan Amendment criteria, the entire study area is in error as 46% are not in conformance and so the entire study area should be redesignated to residential low.

Other findings include that the Persigo Agreement supports the redesignation.

Councilmember Todd asked if the traffic study was based on the existing County zonings. Mr. Thornton said it was based on the existing Land Use Map plus some changes to what was anticipated (lower development and no commercial as anticipated).

Tom Volkmann, attorney representing the applicant, noted Mr. Thornton's report was extensive and complete but it is more than what is being requested. They are only concerned with the Lusk property. It is approximately 8.5 acres with significant South Broadway frontage. The applicant is asking for existing rural designation to be changed to residential low. There are some constraints in developing the property most notably an existing house. Mr. Volkmann said there are currently a number of lots designated rural that are at a higher density and they are smaller than five acres which is the minimum lot size in a rural designation. They feel the criteria of the Code have been met, not only the error but the remainder of the criteria too. He asked for favorable consideration.

Council President Palmer called a recess at 10:03 p.m.

The meeting reconvened at 10:12 p.m.

Council President Palmer asked that five in favor and then five against speak and continue to alternate until all have had the opportunity to speak.

Those in favor:

Gina O'Dell, 2084 South Broadway, said she has eleven acres and her neighbor to the west has seven acres, and her neighbor is in agreement to what Ms. O'Dell believes. She respects all of the neighbor's opinions as they have a great community there. The properties are unique. They are in favor of the amendment. Between her neighbors to the west and to the east, they represent 32 acres. Those opposed sit back from South Broadway. Her property is not as private and is more suited to a higher density. She thinks ½ to 2 acres is appropriate. She feels the Seasons is a nice development but she thinks the traffic situation needs some attention.

Linda Emilia Arnos, lives across the street from the request and is in favor of the change.

Those against:

Alice Smith, 467 Wildwood Drive, was at the meeting for the Wylie Miller annexation which was turned down. The Mac Cunningham property Growth Plan Amendment was also rejected. Nothing has changed except more development at the Seasons. She said the community needs more affordable homes. More and more houses are being built but nothing has been done about the road. There needs to be some consistency.

David Patz, 452 ½ Whitetail Lane, stated that there is a sharp and treacherous curve in the road at the requested location. Bike riders are in danger on that corner. He disagreed that there are many lots that are less than two acres. This change will initiate change throughout and the neighborhood will deteriorate.

Steve Voytilla, 2099 Desert Hills Road, said he disagreed with statements in the Staff Report. He also pointed out other misstatements and that the Planner encouraged Ms. Lusk to go with a higher zoning. He does not have a problem with Estate zoning and that would be consistent with what has been done recently. He referred to the Cunningham Growth Plan amendment denial and agreed with that decision of not mixing different zonings.

Bill Milius, 445 Wildwood Drive, stated that the Redlands area is a small area as compared to the rest of the community. He said the study area was purposefully misconstrued. The traffic is a dangerous situation and the curves are not a traffic calming situation.

Patty Chamberlain, 2073 South Broadway, agrees that the study area did not include the entire area. The road is a bad situation. She said that all of the neighbors there would not have a problem with a change to estate.

Paul Brown, 2067 E ½ Road, spoke on behalf of himself and his parents who live at 552 20 ½ Road. He quoted Mr. Volkmann's testimony against the Wylie Miller annexation which stated there was no error at the Planning Commission meeting. No one had a problem with the change from rural to estate. They do have a problem with the residential low density. At the neighborhood meeting they were told it was going from rural to estate so the process needs to start over with the proposal being changed.

Those in favor:

There were no more in favor.

Those against:

Yvonne Deslongchamp, 2099 South Broadway, to the west, asked that the Council consider estate. The road is dangerous. She has lost animals and fears for her son's safety on that road. The residents chose that area due to the lesser density. The section between the two curves is a danger as well as the increased traffic. She reiterated that bicyclists are in danger.

Mike Anton, 2111 Desert Hills Road, apologized for mischaracterizing the previous statements by Ken Scissors. The original application for this property was for Estate which is consistent with the Growth Plan and the area. These discussions took place at a neighborhood meeting. Then the request changed. The process should start over. The Planning Commission should have denied the request. John Elmer, former Planning Commission Chairman, was a participant in the development of the Growth Plan. He testified there was no error and they took all of these properties into consideration.

Those in favor:

Sierra Lusk, the applicant, said that she originally applied in January, 2007 and things have change in the community. Desert Hills and Peregrine Estates are both low density so she feels this is a reasonable request. The Planning Commission voted in favor 6 to 1.

Those against:

Tery Dixon, 423 Wildwood Drive, said she hopes that the entire area be considered. She is against considering individual parcels in order to meet some perceived growth.

Lee Moser, 2110 Wildwood Court, said she has participated in the latest Comprehensive Plan process and one of the goals is to keep the rural character of the Redlands area.

That concluded the public comment.

The public hearing was closed at 10:51 p.m.

Tom Volkmann, representing the applicant, talked about his role with the Miller property explained his position. The Cunningham application was much larger. He has not made any assurance that the existing house will not be raised. There is no plan for this property nor is it appropriate to discuss it at this point. That topic did come up at the neighborhood meetings. If plans change, that doesn't necessarily dictate that they be denied. The next request will be for zoning. Their request is for one particular piece of property that they agree is appropriate for residential low and asks for approval.

Councilmember Beckstein asked about the road situation. If it is the developer's responsibility from the property to the main road, what happens with the main road with the increase in traffic. Mr. Thornton replied that the developer would have to pay into the Transportation Capacity Payment and that money, along with the County's help, would go towards improving the road based on traffic conditions. Councilmember Beckstein asked if it would cover the full costs. Mr. Thornton said no but they aren't the only ones using that road, there are many developments and residents using the road. Even maximum density of 16 lots would not trigger the road improvements itself.

Councilmember Beckstein asked about the allegation that the study area was not complete. Mr. Thornton said that originally they did look at the Wildwood area and there were also properties with less than two acres. The largest parcel is the BLM land and it is a trail head now. It didn't seem to make sense to include the Wildwood area, and he doesn't think it would change his opinion. There would be more lots that would be non-conforming and would have added to the numbers of non-conforming lots. They are also further away from the sewer line.

Councilmember Coons asked about the process when the application came in at one level and then changed. She asked if the applicant is required to hold additional neighborhood meetings with the change. Mr. Thornton said that there is nothing in the Code that would require an additional neighborhood meeting and it is not that much different. The due process still allows the public to speak to the application. The notices were published as residential low.

Councilmember Todd asked about developing under urban standards, is that across the board to bring applicants to the urban standards. Mr. Thornton replied that, as a Planner, he would want to help people understand that development in the 201 is at an urban level. There are pockets of lower density. In reading the Persigo Agreement, the intent is less than two acre lots. Especially in this area, where there are no topography issues.

Councilmember Hill said that Growth Plan Amendments are never easy and at first there were only certain times Growth Plan Amendments could come forward. That policy was changed recently as things are happening more rapidly. He is having a difficult time believing that there was an error originally but would have a difficult time keeping it rural in the 201 Boundary. However, there is a policy about character and communities. If there is no error, then he has to look at the other criteria. He doesn't see that and he does not buy into the study area. It reestablished some consistency for that type of zoning. This change could start to change the character of this area. A line can always be drawn and

get nonconforming use and he doesn't think the goal is to take out areas that are nonconforming so he cannot support the amendment.

Councilmember Todd said she disagrees with Councilmember Hill. There is development that has happened, and good data that was brought forward by Staff. Property goes down to less than one acre in the area. The Persigo Agreement requires that Council look at urban density, therefore she is in favor of the amendment.

Councilmember Beckstein stated that the area is unique in its lifestyle and development and she is struggling with Goal 11 which promotes stable communities, but the Future Land Use Map shows all Rural. She cannot support the locale being designated as urban. As much as they need to promote urban growth she doesn't see the designation applying to the proposed area.

Councilmember Coons said that she is having great difficulty with the property being an urban designation. She could support Estate, but Residential Low is too drastic. She cannot support the request.

Councilmember Doody stated that he is concerned with the road situation, there are road improvements that would need to be made to support the changes that will come forward. He won't support the request.

Council President Palmer said that he is having a hard time considering that an urban density is Rural. He takes these issues very seriously, but he has a different philosophy. The roads are a concern, but he will support this request.

Resolution No. 105-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 8.53 Acres, Located at 2105 South Broadway, Known as the Lusk Growth Plan Amendment, from "Residential Rural" to "Residential Low"

Councilmember Hill moved to adopt Resolution No. 105-08. Councilmember Todd seconded the motion. Motion failed by roll call vote with Councilmembers Beckstein, Coons, Doody, and Hill voting NO.

Council President Palmer asked about the next step. City Attorney Shaver said that the applicant can come back with a zoning that complies with the current designation or they could waive the 90 day zoning requirement and bring back another plan.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 11:19 p.m.

Stephanie Tuin, MMC
City Clerk

**Attach 2
Grant for Fire Truck**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Energy and Mineral Impact Grant for Fire Truck		
File #			
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 22, 2008		
Author Name & Title	Kathy Portner, Neighborhood Services Manager		
Presenter Name & Title	Jim Bright, Fire Operations Officer		

Summary: A request to accept an Energy and Mineral Impact Grant, in the amount of \$300,000, as partial funding for the purchase of a 100-foot aerial platform quint fire truck.

Budget: Total purchase price is estimated at \$900,000. The City's match will be budgeted in 2009.

Action Requested/Recommendation: Authorize the City Manager to Sign the Grant Contract in the Amount of \$300,000 for Partial Funding for the Purchase of a Fire Truck.

Attachments: None

Background Information: The City applied for and received an Energy and Mineral Impact Grant from the Department of Local Affairs for the purchase of a 100 foot aerial platform quint fire truck. The Fire Department currently has one quint truck and the new truck will be housed at either fire station #2 or #3. A quint fire truck has a water tank and a fire pump on board, carries fire hose and ground ladders, and has an aerial device. This second quint fire truck strategically located in the community will:

- Bring most three story or greater structures within the response distances required by ISO for ladder truck services;
- Assure the availability of at least one ladder truck while maintenance or repairs are made on the second truck;
- Enhance the capabilities of providing elevated water streams and performing rescues at emergency incidents;
- Enhance the ability to provide mutual aid emergency service to other fire departments in the County when ladder truck services are needed.

Attach 3

**Contract for Novell Maintenance Support Renewal and Software Licensing
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Novell Maintenance Support Renewal & Software Licensing		
File #			
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 23, 2008		
Author Name & Title	Duane Hoff Jr., Buyer		
Presenter Name & Title	Jay Valentine, Assistant Financial Operations Manager Jim Finlayson, Information Systems Manager		

Summary: This approval request is for the award of a renewal contract for the maintenance, support and software licensing for City Information Systems Division (I.S.).

Budget: The I.S. Division has \$100,000 budgeted for this purchase.

Action Requested/Recommendation: Authorize the Purchasing Division to enter into a contract with Novell, Inc. to provide one year of maintenance, support and software licensing in the amount of \$62,084.94.

Attachments: N/A

Background Information: The City's I.S. Division utilizes numerous Novell products for its systems. These products require various licensing, maintenance and support services that must be renewed each year. The City is able to take advantage of the State's MLA (Master Licensing Agreement) contract to purchase Novell authorized network maintenance and upgrades, as well as support for e-mail, network servers, management software and a variety of other network services licensing. This negotiated contract affords the City a 42.5% discount over purchasing directly through Novell. Novell is the vendor and manufacturer of the products used by the City and is the only vendor to supply support and licensing for them.

Attach 4
Setting a Hearing on the Panorama Point Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Panorama Point Annexation - Located at 2122 and 2123 Sequoia Court		
File #	ANX-2008-176		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 23, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to annex 12.55 acres, located at 2122 and 2123 Sequoia Court. The Panorama Point Annexation consists of 2 parcels, is a 2 part serial annexation, and includes portions of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way rights-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for Annexation and introduce the proposed Ordinance and set a hearing for September 15, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2122 and 2123 Sequoia Court	
Applicants:		Owner: GN, LLC – Michael Queally	
Existing Land Use:		Vacant	
Proposed Land Use:		2 Single Family Lots	
Surrounding Land Use:	North	Colorado River	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)	
Proposed Zoning:		City CSR (Community Services and Recreation)	
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural 1 du/ 5 ac)	
	South	County RSF-4 (Residential Single Family 4 du/ac)	
	East	County RSF-4 (Residential Single Family 4 du/ac)	
	West	County RSF-4 (Residential Single Family 4 du/ac)	
Growth Plan Designation:		Conservation	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 12.55 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

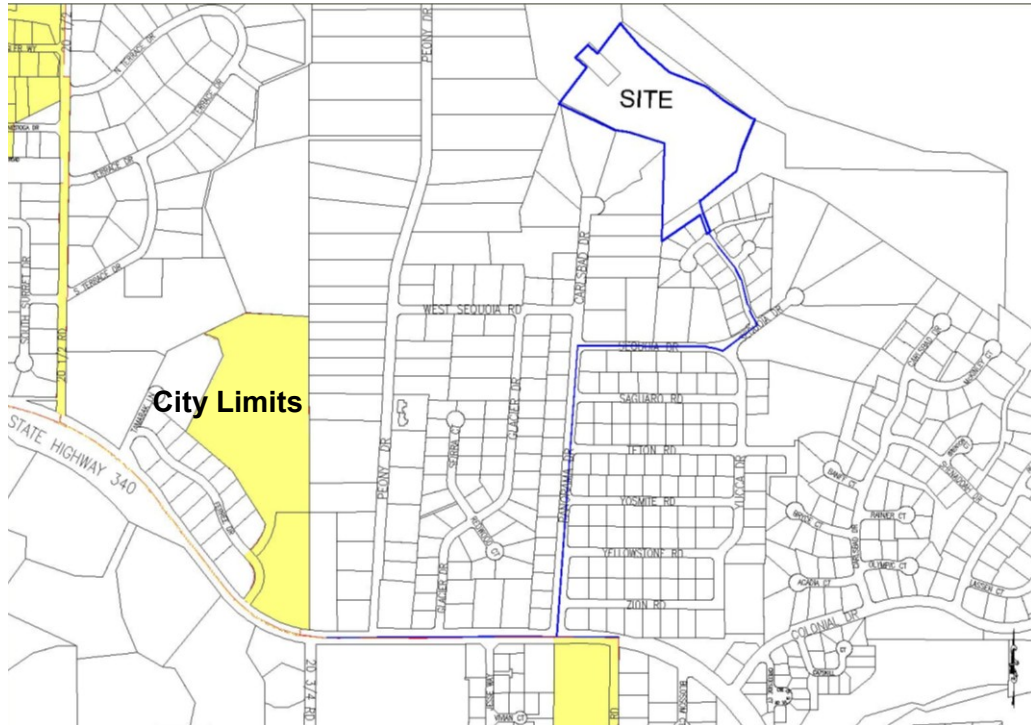
<u>ANNEXATION SCHEDULE</u>	
August 4, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
August 26, 2008	Planning Commission considers Zone of Annexation
September 3, 2008	Introduction of a proposed Ordinance on Zoning by City Council
September 15, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 17, 2008	Effective date of Annexation and Zoning

PANORAMA POINT ANNEXATION SUMMARY

File Number:	ANX-2008-176	
Location:	2122 and 2123 Sequoia Court	
Tax ID Number:	2947-142-00-265 / 2947-142-00-023	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	12.55 acres	
Developable Acres Remaining:	11.85 acres	
Right-of-way in Annexation:	13190.23 sq ft of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way rights-of-way	
Previous County Zoning:	RSF-4 (Residential Single Family 4 du/ac)	
Proposed City Zoning:	CSR (Community Services and Recreation)	
Current Land Use:	Vacant	
Future Land Use:	2 Single Family Lots	
Values:	Assessed:	= \$1330
	Actual:	= \$4600
Address Ranges:	2122 and 2123 Sequoia Court	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural
	Irrigation:	Redlands Water & Power
	School:	Mesa County School District #51
	Pest:	Grand River Mosquito District

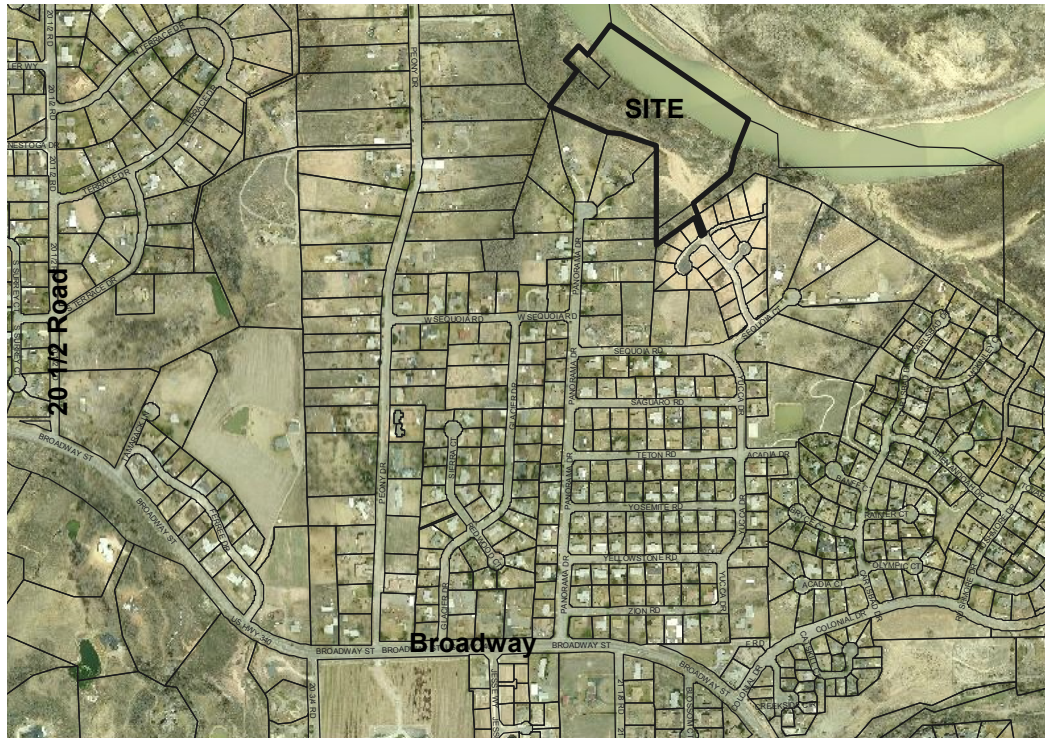
Annexation-Site Location Map

Figure 1



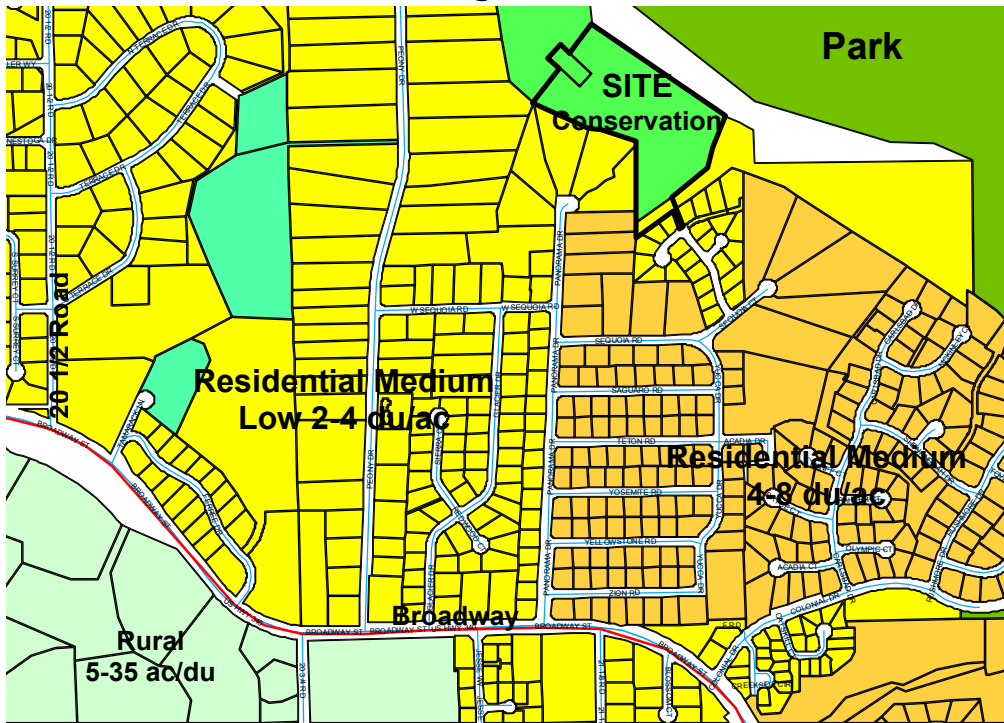
Aerial Photo Map

Figure 2



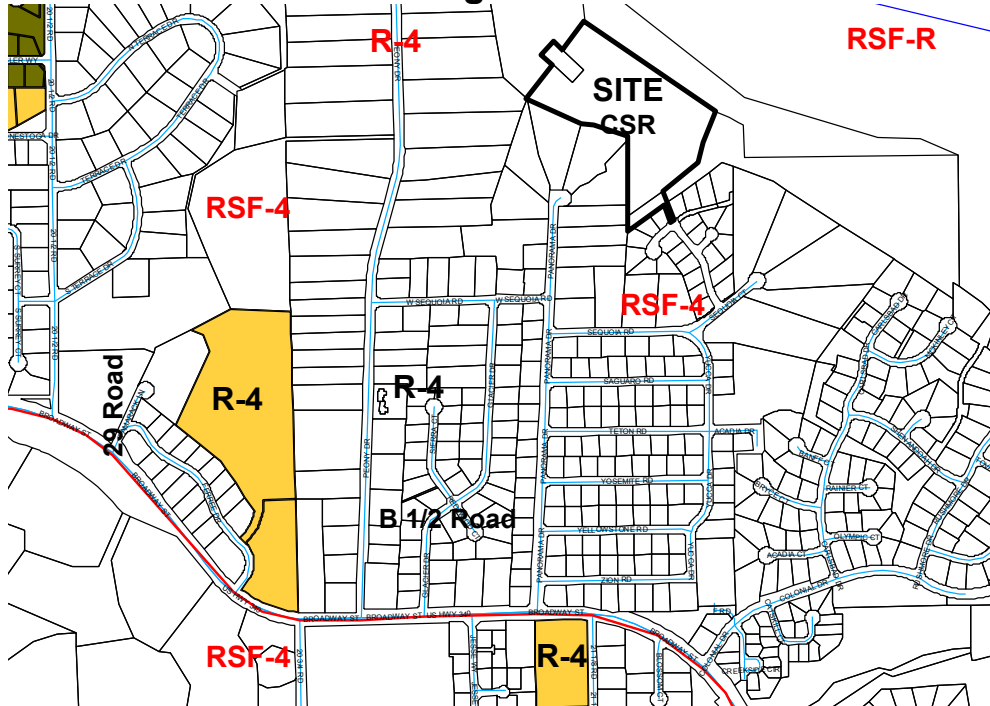
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th of August, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

PANORAMA POINT ANNEXATIONS NO 1 AND 2

**LOCATED AT 2122 AND 2123 SEQUOIA COURT AND INCLUDING PORTIONS OF
THE BROADWAY, PANORAMA DRIVE, SEQUOIA ROAD, SEQUOIA COURT, AND
WILD ROSE WAY RIGHTS-OF-WAY**

WHEREAS, on the 4th day of August, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

PANORAMA POINT ANNEXATION NO 1

A certain parcel of land located in the Northeast Quarter (NE 1/4) of Section 22, the Southeast Quarter (SE 1/4) of Section 15, and the West Half (W 1/2) of Section 14, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of SW 1/4 SW 1/4 of said Section 14 and assuming the South line of the SW 1/4 SW 1/4 of said Section 14 to bear S89°34'19"E with all bearings contained herein relative thereto; thence S89°47'50"W a distance of 1125.50 feet along the North line of Rim View Estates Annexation, Ordinance No. 4129, City of Grand Junction; thence N00°06'34"W a distance of 2.00 feet; thence N89°47'50"E a distance of 1125.50 feet along a line being 2.00 feet North of and parallel with the North line of said Rim View Estates Annexation; thence S89°34'19"E a distance of 158.17 feet along a line being 2.00 feet North of and parallel with the South line of the SW 1/4 SW 1/4 of said Section 14; thence N04°11'00"E a distance of 1645.79 feet; thence S89°21'00"E a distance of 722.38 feet; thence 96.53 feet along the arc of a 197.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing S75°39'05"E a distance of 95.57 feet; thence N53°13'38"E a distance of 239.19 feet; thence N27°22'09"W a distance of 91.95 feet; thence 36.66 feet along the arc of a 152.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing N20°27'36"W a distance of 36.57 feet; thence

N13°33'02"W a distance of 147.78 feet; thence 64.96 feet along the arc of a 148.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing N26°07'32"W a distance of 64.44 feet; thence N38°42'02"W a distance of 164.88 feet; thence N51°17'58"E a distance of 2.00 feet; thence S38°42'02"E a distance of 164.88 feet; thence 65.84 feet along the arc of a 150.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing S26°07'32"E a distance of 65.31 feet; thence S13°33'02"E a distance of 147.78 feet; thence 36.18 feet along the arc of a 150.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing S20°27'36"E a distance of 36.09 feet; thence S27°22'09"E a distance of 93.65 feet; thence S53°13'38"W a distance of 242.16 feet; thence 96.82 feet along the arc of a 195.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing N75°39'05"W a distance of 95.83 feet; thence N89°21'00"W a distance of 720.50 feet; thence S04°11'00"W a distance of 1643.78 feet; thence S89°34'19"E a distance of 349.12 feet along a line being 2.00 feet North of and parallel with the South line of the SW 1/4 SW 1/4 of said Section 14; thence S00°32'41"W a distance of 2.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 14, said point also being the Northeast corner of said Rim View Estates Annexation; thence N89°34'19"W a distance of 509.30 feet along the South line of the SW 1/4 SW 1/4 of said Section 14, said line also being the Northerly line of said Rim View Estates to the Point of Beginning

Said parcel contains 0.22 acres (9,691.36 sq. ft.), more or less, as described.

PANORAMA POINT ANNEXATION NO 2

A certain parcel of land located in the Northwest Quarter of the Southwest (NW 1/4 SW 1/4) and the Southwest Quarter of the Northwest (SW 1/4 NW 1/4) of Section 14, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northwest corner of Lot 11 of the replat of Panorama Subdivision Filing No. 2, as same is recorded in Plat Book 9, Page 200, public records of Mesa County, Colorado and assuming the North line of Lot 11 of said replat of Panorama Subdivision Filing No. 2 to bear N64°23'28"W with all bearings contained herein relative thereto; thence along the following sixteen (16) courses: (1) N37°24'39"E a distance of 254.24 feet; (2) N46°12'30"W a distance of 82.81 feet; (3) N43°47'30"E a distance of 100.00 feet; (4) S46°12'30"E a distance of 71.63 feet; (5) N37°24'39"E a distance of 214.68 feet; (6) S33°37'34"E a distance of 9.28 feet; (7) S39°36'25"E a distance of 159.03 feet; (8) S49°00'02"E a distance of 221.06 feet; (9) S68°20'53"E a distance of 220.38 feet; (10) S52°00'12"E a distance of 120.98 feet; (11) S56°45'55"E a distance of 192.34 feet; (12) S67°42'21"E a distance of 16.56 feet; (13) S22°17'39"W a distance of 192.72 feet; (14) S15°07'42"W a distance of 117.64 feet; (15) S50°32'50"W a distance of 260.76 feet; (16) S16°12'23"E a distance of 68.20 feet to the Northwest corner of Lot 13 of Panorama Terraces, as same is recorded in Book 4541, Page 953, public records of Mesa County, Colorado; thence S19°41'18"E a distance of 112.39 feet along the

West line of Lot 13 of said Panorama Terraces; thence S51°17'58"W a distance of 8.82 feet; thence S29°28'00"E a distance of 18.03 feet; thence 71.41 feet along the arc of a 498.00 foot radius curve, concave Northeast, having a central angle of 08°12'59" and a chord bearing S34°35'31"E a distance of 71.35 feet; thence along a line being 2.00 feet East of Panorama Point Annexation No. 1 the following five (5) courses: (1) S38°42'02"E a distance of 164.88 feet; (2) 66.72 feet along the arc of a 152.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing S26°07'32"E a distance of 66.18 feet; (3) S13°33'02"E a distance of 147.78 feet; (4) 35.70 feet along the arc of a 148.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing S20°27'36"E a distance of 35.61 feet; (5) S27°22'09"E a distance of 95.34 feet; thence along a line being 2.00 feet South of said Panorama Point Annexation No. 1 the following three (3) courses: (1) S53°13'38"W a distance of 245.15 feet; (2) 97.13 feet along the arc of a 193.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing N75°39'05"W a distance of 96.10 feet; (3) N89°21'00"W a distance of 720.62 feet to a point on the Easterly line of said Panorama Terrace Annexation No. 1; thence along the South line of said Panorama Terrace Annexation No. 1 the following four (4) courses: (1) N04°11'00"E a distance of 2.00 feet; (2) S89°21'00"E a distance of 720.50 feet; (3) 96.82 feet along the arc of a 195.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing S75°39'05"W a distance of 95.83 feet; (4) N53°13'38"E a distance of 242.16 feet; thence along the Northeasterly line of said Panorama Terrace Annexation No. 1 the following six (6) courses: (1) N27°22'09"W a distance of 93.65 feet; (2) 36.18 feet along the arc of a 150.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing N20°27'36"W a distance of 36.09 feet; (3) N13°33'02"W a distance of 147.78 feet; (4) 65.84 feet along the arc of a 150.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing N26°07'32"W a distance of 65.31 feet; (5) N38°42'02"W a distance of 164.88 feet; (6) S51°17'58"W a distance of 2.00 feet; thence 72.02 feet along the arc of a 502.00 foot radius curve, concave Northeast, having a central angle of 08°12'59" and a chord bearing N34°35'31"W a distance of 71.96 feet; thence N29°28'04"W a distance of 17.41 feet; thence S51°20'16"W a distance of 8.27 feet to the Southeasterly corner of Lot 12 of said Panorama Terraces; thence N19°41'18"W a distance of 113.87 feet along the Easterly line of Lot 12 of said Panorama Terraces; thence S55°09'20"W a distance of 262.13 feet along the Northerly line of said Panorama Terraces to a point on the East line of Lot 7 of Panorama Subdivision Filing No. 2, as same is recorded in Plat Book 9, Page 178, public records of Mesa County, Colorado; thence N01°28'51"E a distance of 551.38 feet along the Easterly of said Panorama Subdivision Filing No. 2; thence along the Northerly line of said replat of Panorama Subdivision Filing No. 2 the following three (3) courses: (1) N72°35'35"W a distance of 208.40 feet; (2) N81°29'35"W a distance of 74.22 feet; (3) N64°23'28"W a distance of 351.78 feet to the Point of Beginning

Said parcel contains 12.33 acres (537,303.32 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 15th day of September, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
August 6, 2008
August 13, 2008
August 20, 2008
August 27, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PANORAMA POINT ANNEXATION NO 1

APPROXIMATELY 0.22 ACRES

**LOCATED AT 2122 AND 2123 SEQUOIA COURT AND INCLUDING PORTIONS OF
THE BROADWAY, PANORAMA DRIVE, SEQUOIA ROAD, SEQUOIA COURT, AND
WILD ROSE WAY RIGHTS-OF-WAY**

WHEREAS, on the 4th day of August, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of September, 2008; and

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

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

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

PANORAMA POINT ANNEXATION NO 1

A certain parcel of land located in the Northeast Quarter (NE 1/4) of Section 22, the Southeast Quarter (SE 1/4) of Section 15, and the West Half (W 1/2) of Section 14, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of SW 1/4 SW 1/4 of said Section 14 and assuming the South line of the SW 1/4 SW 1/4 of said Section 14 to bear S89°34'19"E with all bearings contained herein relative thereto; thence S89°47'50"W a distance of 1125.50 feet along the North line of Rim View Estates Annexation, Ordinance No. 4129, City of Grand Junction; thence N00°06'34"W a distance of 2.00 feet; thence N89°47'50"E a

distance of 1125.50 feet along a line being 2.00 feet North of and parallel with the North line of said Rim View Estates Annexation; thence S89°34'19"E a distance of 158.17 feet along a line being 2.00 feet North of and parallel with the South line of the SW 1/4 SW 1/4 of said Section 14; thence N04°11'00"E a distance of 1645.79 feet; thence S89°21'00"E a distance of 722.38 feet; thence 96.53 feet along the arc of a 197.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing S75°39'05"E a distance of 95.57 feet; thence N53°13'38"E a distance of 239.19 feet; thence N27°22'09"W a distance of 91.95 feet; thence 36.66 feet along the arc of a 152.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing N20°27'36"W a distance of 36.57 feet; thence N13°33'02"W a distance of 147.78 feet; thence 64.96 feet along the arc of a 148.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing N26°07'32"W a distance of 64.44 feet; thence N38°42'02"W a distance of 164.88 feet; thence N51°17'58"E a distance of 2.00 feet; thence S38°42'02"E a distance of 164.88 feet; thence 65.84 feet along the arc of a 150.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing S26°07'32"E a distance of 65.31 feet; thence S13°33'02"E a distance of 147.78 feet; thence 36.18 feet along the arc of a 150.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing S20°27'36"E a distance of 36.09 feet; thence S27°22'09"E a distance of 93.65 feet; thence S53°13'38"W a distance of 242.16 feet; thence 96.82 feet along the arc of a 195.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing N75°39'05"W a distance of 95.83 feet; thence N89°21'00"W a distance of 720.50 feet; thence S04°11'00"W a distance of 1643.78 feet; thence S89°34'19"E a distance of 349.12 feet along a line being 2.00 feet North of and parallel with the South line of the SW 1/4 SW 1/4 of said Section 14; thence S00°32'41"W a distance of 2.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 14, said point also being the Northeast corner of said Rim View Estates Annexation; thence N89°34'19"W a distance of 509.30 feet along the South line of the SW 1/4 SW 1/4 of said Section 14, said line also being the Northerly line of said Rim View Estates to the Point of Beginning

Said parcel contains 0.22 acres (9,691.36 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PANORAMA POINT ANNEXATION NO 2

APPROXIMATELY 12.33 ACRES

**LOCATED AT 2122 AND 2123 SEQUOIA COURT AND INCLUDING A PORTION OF
THE WILD ROSE WAY RIGHT-OF-WAY**

WHEREAS, on the 4th day of August, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of September, 2008; and

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

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

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

PANORAMA POINT ANNEXATION NO 2

A certain parcel of land located in the Northwest Quarter of the Southwest (NW 1/4 SW 1/4) and the Southwest Quarter of the Northwest (SW 1/4 NW 1/4) of Section 14, Township Eleven South, Range One Hundred and One West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northwest corner of Lot 11 of the replat of Panorama Subdivision Filing No. 2, as same is recorded in Plat Book 9, Page 200, public records of Mesa County, Colorado and assuming the North line of Lot 11 of said replat of Panorama Subdivision Filing No. 2 to bear N64°23'28"W with all bearings contained herein relative thereto; thence along the following sixteen (16) courses: (1) N37°24'39"E a distance of 254.24 feet; (2) N46°12'30"W a distance of 82.81 feet; (3) N43°47'30"E a distance of

100.00 feet; (4) S46°12'30"E a distance of 71.63 feet; (5) N37°24'39"E a distance of 214.68 feet; (6) S33°37'34"E a distance of 9.28 feet; (7) S39°36'25"E a distance of 159.03 feet; (8) S49°00'02"E a distance of 221.06 feet; (9) S68°20'53"E a distance of 220.38 feet; (10) S52°00'12"E a distance of 120.98 feet; (11) S56°45'55"E a distance of 192.34 feet; (12) S67°42'21"E a distance of 16.56 feet; (13) S22°17'39"W a distance of 192.72 feet; (14) S15°07'42"W a distance of 117.64 feet; (15) S50°32'50"W a distance of 260.76 feet; (16) S16°12'23"E a distance of 68.20 feet to the Northwest corner of Lot 13 of Panorama Terraces, as same is recorded in Book 4541, Page 953, public records of Mesa County, Colorado; thence S19°41'18"E a distance of 112.39 feet along the West line of Lot 13 of said Panorama Terraces; thence S51°17'58"W a distance of 8.82 feet; thence S29°28'00"E a distance of 18.03 feet; thence 71.41 feet along the arc of a 498.00 foot radius curve, concave Northeast, having a central angle of 08°12'59" and a chord bearing S34°35'31"E a distance of 71.35 feet; thence along a line being 2.00 feet East of Panorama Point Annexation No. 1 the following five (5) courses: (1) S38°42'02"E a distance of 164.88 feet; (2) 66.72 feet along the arc of a 152.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing S26°07'32"E a distance of 66.18 feet; (3) S13°33'02"E a distance of 147.78 feet; (4) 35.70 feet along the arc of a 148.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing S20°27'36"E a distance of 35.61 feet; (5) S27°22'09"E a distance of 95.34 feet; thence along a line being 2.00 feet South of said Panorama Point Annexation No. 1 the following three (3) courses: (1) S53°13'38"W a distance of 245.15 feet; (2) 97.13 feet along the arc of a 193.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing N75°39'05"W a distance of 96.10 feet; (3) N89°21'00"W a distance of 720.62 feet to a point on the Easterly line of said Panorama Terrace Annexation No. 1; thence along the South line of said Panorama Terrace Annexation No. 1 the following four (4) courses: (1) N04°11'00"E a distance of 2.00 feet; (2) S89°21'00"E a distance of 720.50 feet; (3) 96.82 feet along the arc of a 195.01 foot radius curve, concave Southwest, having a central angle of 28°26'50" and a chord bearing S75°39'05"W a distance of 95.83 feet; (4) N53°13'38"E a distance of 242.16 feet; thence along the Northeasterly line of said Panorama Terrace Annexation No. 1 the following six (6) courses: (1) N27°22'09"W a distance of 93.65 feet; (2) 36.18 feet along the arc of a 150.00 foot radius curve, concave Northeast, having a central angle of 13°49'08" and a chord bearing N20°27'36"W a distance of 36.09 feet; (3) N13°33'02"W a distance of 147.78 feet; (4) 65.84 feet along the arc of a 150.00 foot radius curve, concave Southwest, having a central angle of 25°08'53" and a chord bearing N26°07'32"W a distance of 65.31 feet; (5) N38°42'02"W a distance of 164.88 feet; (6) S51°17'58"W a distance of 2.00 feet; thence 72.02 feet along the arc of a 502.00 foot radius curve, concave Northeast, having a central angle of 08°12'59" and a chord bearing N34°35'31"W a distance of 71.96 feet; thence N29°28'04"W a distance of 17.41 feet; thence S51°20'16"W a distance of 8.27 feet to the Southeasterly corner of Lot 12 of said Panorama Terraces; thence N19°41'18"W a distance of 113.87 feet along the Easterly line of Lot 12 of said Panorama Terraces; thence S55°09'20"W a distance of 262.13 feet along the Northerly line of said Panorama Terraces to a point on the East line of Lot 7 of Panorama Subdivision Filing No. 2, as same is recorded in Plat Book 9, Page 178, public records of Mesa County, Colorado; thence N01°28'51"E a distance of

551.38 feet along the Easterly of said Panorama Subdivision Filing No. 2; thence along the Northerly line of said replat of Panorama Subdivision Filing No. 2 the following three (3) courses: (1) N72°35'35"W a distance of 208.40 feet; (2) N81°29'35"W a distance of 74.22 feet; (3) N64°23'28"W a distance of 351.78 feet to the Point of Beginning

Said parcel contains 12.33 acres (537,303.32 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

CITY COUNCIL AGENDA			
Subject	Krogh Annexation - Located at 2932 B 1/2 Road		
File #	ANX-2008-164		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 23, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to annex 9.58 acres, located at 2932 B 1/2 Road. The Krogh Annexation consists of 1 parcel and includes a portion of the B 1/2 Road right-of-way.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for Annexation and introduce the proposed Ordinance and set a hearing for September 15, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2932 B 1/2 Road		
Applicants:		Owners: David R Krogh; James Walter Krogh Representative: Meadowlark Consulting, LLC – Paul Johnson		
Existing Land Use:		Single Family Home/Agriculture		
Proposed Land Use:		Single Family Residential Development		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Home/Agriculture		
	West	Single Family Home/Agriculture		
Existing Zoning:		County RSF-R (Residential Single Family Rural 1 du/ 5 ac)		
Proposed Zoning:		City R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	City R-4 (Residential 4 du/ac)		
	South	County RSF-R (Residential Single Family Rural 1 du/ 5 ac) / City R-4 (Residential 4 du/ac)		
	East	County RSF-R (Residential Single Family Rural 1 du/ 5 ac) / City R-4 (Residential 4 du/ac)		
	West	City R-4 (Residential 4 du/ac)		
Growth Plan Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 9.58 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

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

The following annexation and zoning schedule is being proposed.

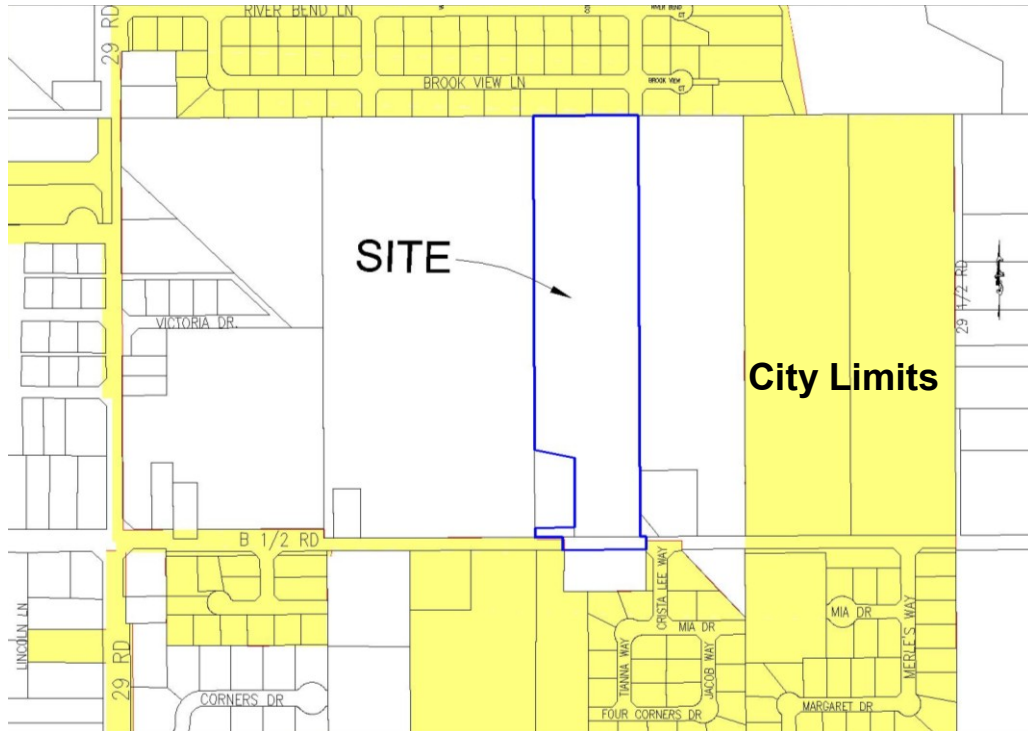
<i>ANNEXATION SCHEDULE</i>	
August 4, 2008	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
August 26, 2008	Planning Commission considers Zone of Annexation
September 3, 2008	Introduction of a proposed Ordinance on Zoning by City Council
September 15, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 17, 2008	Effective date of Annexation and Zoning

KROGH ANNEXATION SUMMARY

File Number:	ANX-2008-164	
Location:	2932 B 1/2 Road	
Tax ID Number:	2943-292-00-020	
Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	9.58 acres	
Developable Acres Remaining:	8.305 acres	
Right-of-way in Annexation:	0.24 acres of the B 1/2 Road right-of-way	
Previous County Zoning:	RSF-R (Residential Single Family Rural 1 du/ 5 ac)	
Proposed City Zoning:	R-4 (Residential 4 du/ac)	
Current Land Use:	Single Family Home / Agriculture	
Future Land Use:	Single Family Residential Development	
Values:	Assessed:	= \$10,980
	Actual:	= \$109,500
Address Ranges:	2932 B 1/2 Road only	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural
	Irrigation:	Orchard Mesa Irrigation
	School:	Mesa County School District #51
	Pest:	Grand River Mosquito District

Annexation-Site Location Map

Figure 1



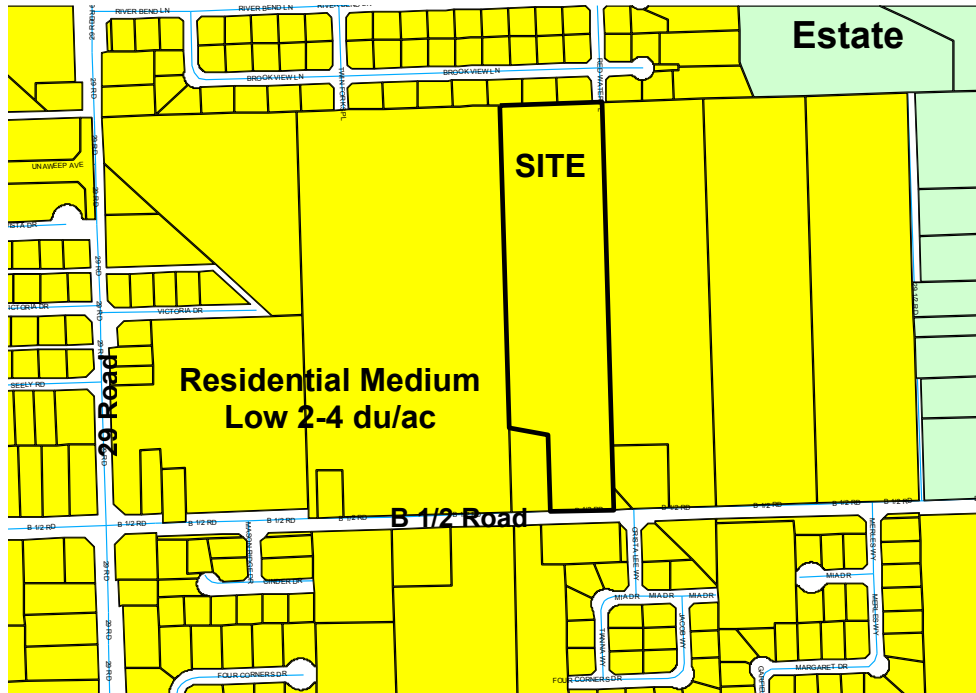
Aerial Photo Map

Figure 2



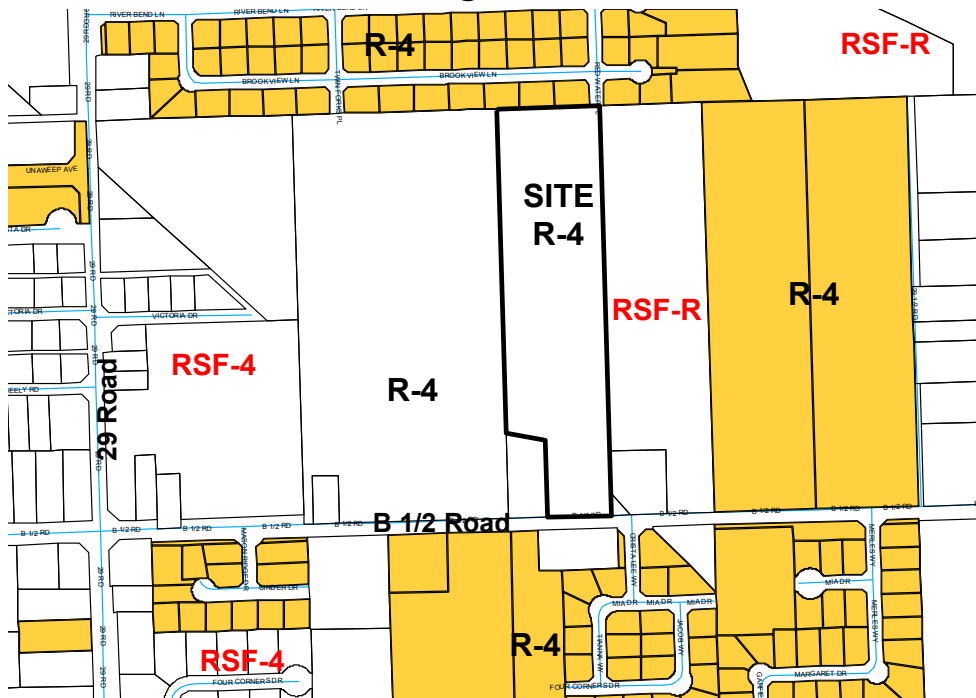
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



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

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th of August, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

KROGH ANNEXATION

**LOCATED AT 2932 B 1/2 ROAD INCLUDING A PORTION OF THE B 1/2 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 4th day of August, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

KROGH ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southwest corner of the SE 1/4 NW 1/4 of said Section 29 and assuming the West line of the SE 1/4 NW 1/4 of said Section 29 to bear N00°10'25"W with all bearings contained herein relative thereto; thence N00°10'25"W a distance of 30.00 feet along the West line of the SE 1/4 NW 1/4 of said Section 29, said line also being the East line of Level III Annexation, City of Grand Junction; thence N89°50'36"E a distance of 125.00 feet; thence N00°10'24"W a distance of 218.03 feet; thence N78°25'24"W a distance of 127.68 feet to a point on the West line of the SE 1/4 NW 1/4 of said Section 29, said point also being on the East line of said Level III Annexation; thence N00°10'25"W a distance of 1045.99 feet along the West line of the SE 1/4 NW 1/4 of said Section 29 to the Northwest corner of the SE 1/4 NW 1/4 of said Section 29, said point also being on the South line of Riverview Estates, as same is recorded in Book 4354, Pages 734 through 737, inclusive, public records of Mesa County, Colorado; thence N89°50'55"E a distance of 330.04 feet along the North line of SE 1/4 NW 1/4 of said Section 29, said line also being the South line of said Riverview Estates; thence S00°10'03"E a distance of 1319.96 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 29; thence N89°50'36"E a distance of 18.39 feet along the South line of the SE 1/4 NW 1/4 of said Section 29 to the Northwesterly

corner of Crista Lee Annexation, Ordinance No. 3471, City of Grand Junction; thence S00°10'41"E a distance of 40.00 feet along the Westerly line of said Crista Lee Annexation; thence S89°50'36"W a distance of 261.36 feet along a line being 40.00 feet South of and parallel with the South line of the SE 1/4 NW 1/4 of said Section 29 to a point on the Easterly line of Larson Annexation No. 3, Ordinance No. 3425, City of Grand Junction; thence N00°10'28"W a distance of 40.00 feet along the Easterly line of said Larson Annexation No. 3 to a point on the South line of the SE 1/4 NW 1/4 of said Section 29; thence S89°50'36"W a distance of 86.93 feet along the South line of the SE 1/4 NW 1/4 of said Section 29, said line also being the North line of said Larson Annexation No. 3 to the Point of Beginning.

Said parcel contains 9.58 acres (417,127.99sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 15th day of September, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
August 6, 2008
August 13, 2008
August 20, 2008
August 27, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

KROGH ANNEXATION

APPROXIMATELY 9.58 ACRES

**LOCATED AT 2932 B 1/2 ROAD INCLUDING A PORTION OF THE B 1/2 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 4th day of August, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of September, 2008; and

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

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

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

KROGH ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southwest corner of the SE 1/4 NW 1/4 of said Section 29 and assuming the West line of the SE 1/4 NW 1/4 of said Section 29 to bear N00°10'25"W with all bearings contained herein relative thereto; thence N00°10'25"W a distance of 30.00 feet along the West line of the SE 1/4 NW 1/4 of said Section 29, said line also being the East line of Level III Annexation, City of Grand Junction; thence N89°50'36"E a distance of 125.00 feet; thence N00°10'24"W a distance of 218.03 feet; thence N78°25'24"W a distance of 127.68 feet to a point on the West line of the SE 1/4 NW

1/4 of said Section 29, said point also being on the East line of said Level III Annexation; thence N00°10'25"W a distance of 1045.99 feet along the West line of the SE 1/4 NW 1/4 of said Section 29 to the Northwest corner of the SE 1/4 NW 1/4 of said Section 29, said point also being on the South line of Riverview Estates, as same is recorded in Book 4354, Pages 734 through 737, inclusive, public records of Mesa County, Colorado; thence N89°50'55"E a distance of 330.04 feet along the North line of SE 1/4 NW 1/4 of said Section 29, said line also being the South line of said Riverview Estates; thence S00°10'03"E a distance of 1319.96 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 29; thence N89°50'36"E a distance of 18.39 feet along the South line of the SE 1/4 NW 1/4 of said Section 29 to the Northwesterly corner of Crista Lee Annexation, Ordinance No. 3471, City of Grand Junction; thence S00°10'41"E a distance of 40.00 feet along the Westerly line of said Crista Lee Annexation; thence S89°50'36"W a distance of 261.36 feet along a line being 40.00 feet South of and parallel with the South line of the SE 1/4 NW 1/4 of said Section 29 to a point on the Easterly line of Larson Annexation No. 3, Ordinance No. 3425, City of Grand Junction; thence N00°10'28"W a distance of 40.00 feet along the Easterly line of said Larson Annexation No. 3 to a point on the South line of the SE 1/4 NW 1/4 of said Section 29; thence S89°50'36"W a distance of 86.93 feet along the South line of the SE 1/4 NW 1/4 of said Section 29, said line also being the North line of said Larson Annexation No. 3 to the Point of Beginning.

Said parcel contains 9.58 acres (417,127.99sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

CITY COUNCIL AGENDA			
Subject	Green Leaf Annexation - Located at 3109 E Road		
File #	ANX-2008-196		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 9, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: Request to annex 2.29 acres, located at 3109 E Road. The Green Leaf Annexation consists of 1 parcel.

Budget: N/A

Action Requested: Adopt a Resolution referring the petition for Annexation and introduce the proposed Ordinance and set a hearing for September 15, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION					
Location:		3109 E Road			
Applicant:		Villa Tasso Development, LLC			
Existing Land Use:		Vacant – former commercial greenhouse			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Church / Single Family			
	South	Single Family Residential			
	East	Single Family Residential			
	West	Single Family Residential			
Existing Zoning:		County RMF-5 (Residential Multi-Family 5 du/ac)			
Proposed Zoning:		City R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural 1du/5ac)			
	South	County RMF-5 (Residential Multi-Family 5 du/ac)			
	East	County RMF-5 (Residential Multi-Family 5 du/ac)			
	West	County RMF-5 (Residential Multi-Family 5 du/ac)			
Growth Plan Designation:		Residential Medium (4-8 du/ac)			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 2.29 acres of land and is comprised of 1 parcel. The property owner has requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition, pursuant to C.R.S. 31-12-104, that the Green Leaf Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single

- demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

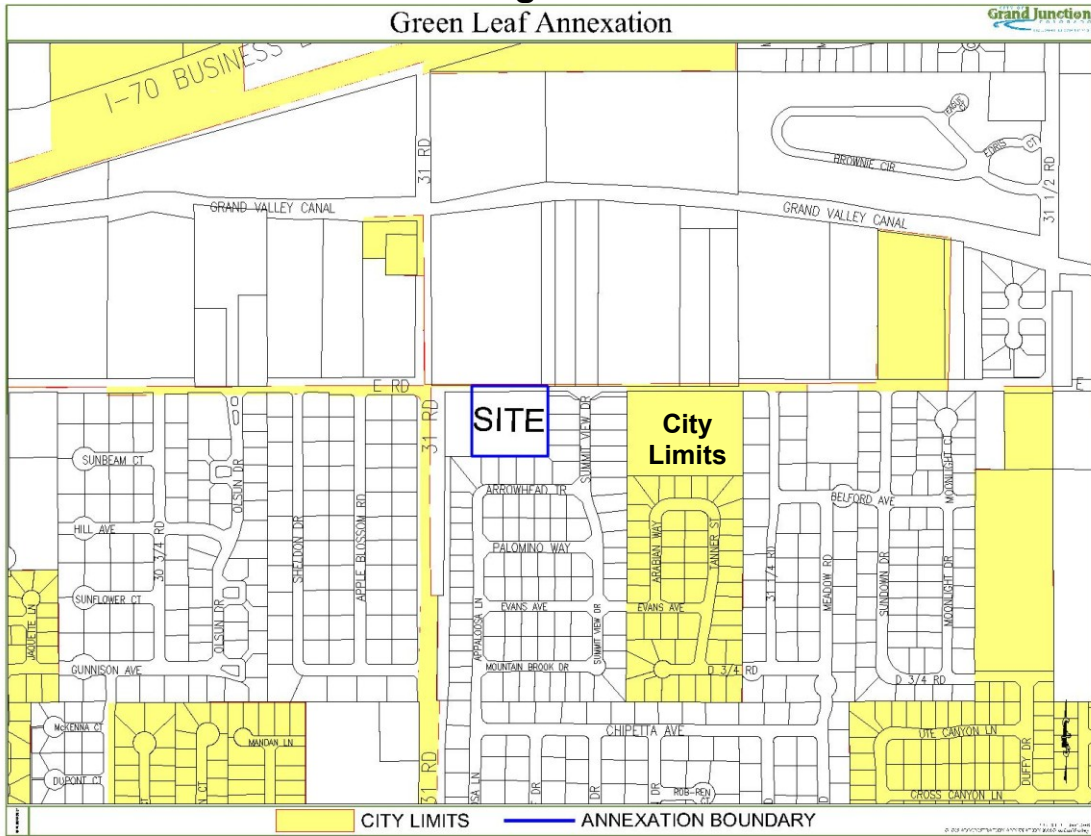
<u>ANNEXATION SCHEDULE</u>	
August 4, 2008	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
August 12, 2008	Planning Commission considers Zone of Annexation
September 3, 2008	Introduction of a proposed Ordinance on Zoning by City Council
September 15, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 17, 2008	Effective date of Annexation and Zoning

GREEN LEAF ANNEXATION SUMMARY

File Number:	ANX-2008-196	
Location:	3109 E Road	
Tax ID Number:	2943-152-00-015	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	2.29 acres	
Developable Acres Remaining:	2.29 acres	
Right-of-way in Annexation:	None	
Previous County Zoning:	County RMF-5 (Residential Multi-Family 5du/ac)	
Proposed City Zoning:	City R-8 (Residential 8 du/ac)	
Current Land Use:	Vacant – former commercial greenhouse	
Future Land Use:	Residential	
Values:	Assessed:	= \$65,580
	Actual:	= \$226,130
Address Ranges:	3109 E Road	
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sewer District
	Fire:	Clifton Fire Protection District
	Irrigation:	Grand Valley Irrigation Company
	School:	Mesa County School Dist #51
	Pest:	Upper Grand Valley Pest Control District
	Mosquito:	Grand River Mosquito District
	Drainage:	Grand Valley Drainage District

Annexation - Site Location Map

Figure 1



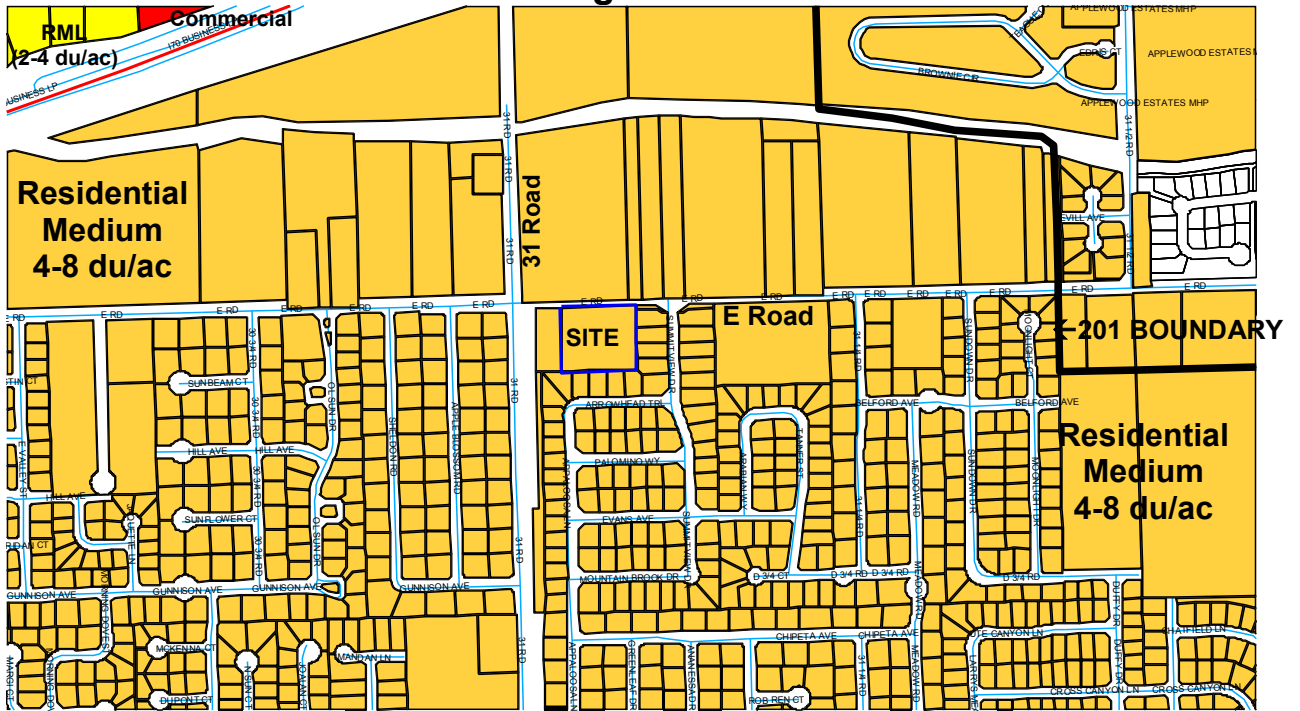
Aerial Photo Map

Figure 2



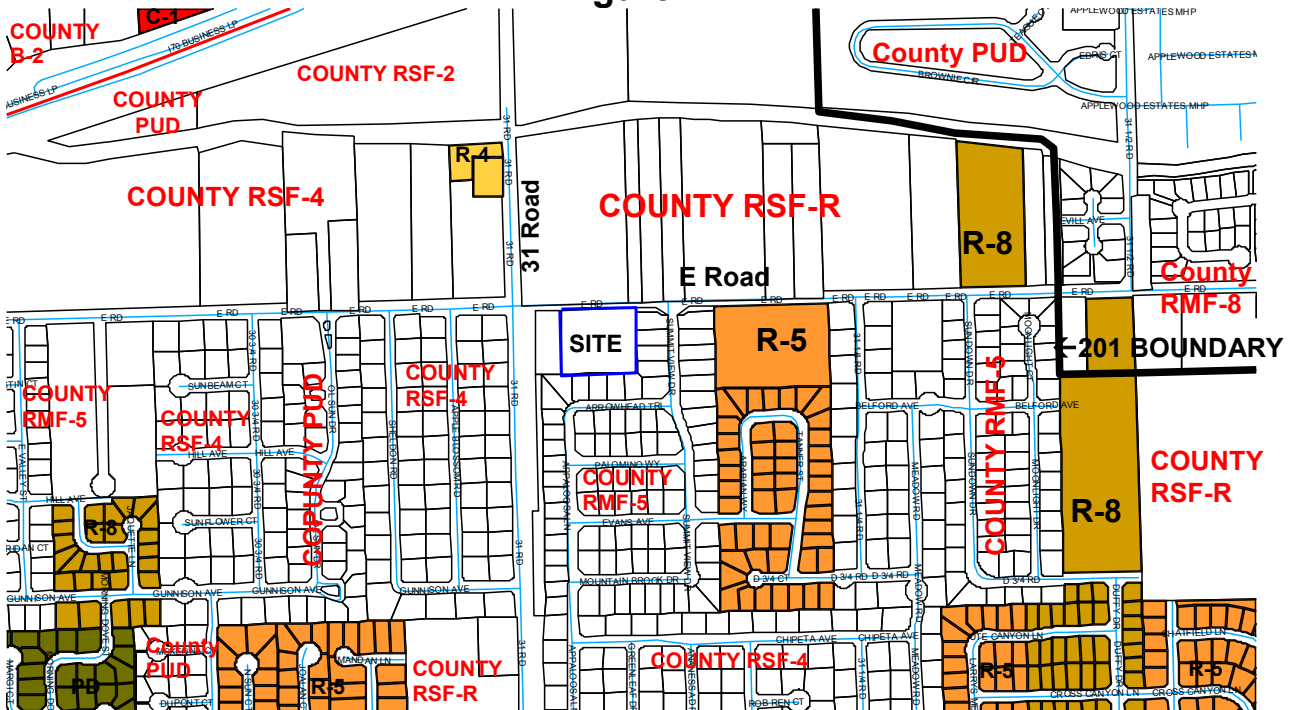
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th of August, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

GREEN LEAF ANNEXATION

LOCATED AT 3109 E ROAD

WHEREAS, on the 4th day of August, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

GREEN LEAF ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 15, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of the NW 1/4 NW 1/4 of said Section 15 and assuming the North line of the NW 1/4 NW 1/4 of said Section 15 to bear S89°50'35"E with all bearings contained herein relative thereto; thence S89°50'35"E a distance of 164.29 feet along the North line of the NW 1/4 NW 1/4 of said Section 15, said line also being the South line of Pellam Annexation, Ordinance No. 3613, City of Grand Junction to the Point of Beginning; thence S89°50'35"E a distance of 330.00 feet along the North line of the NW 1/4 NW 1/4 of said Section 15, said line also being the South line of said Pellam Annexation; thence S00°02'15"W a distance of 302.40 feet along the Northwesterly line of Summit View Ranch Filing No. 2, as same is recorded in Plat Book 18, Pages 60 through 61, inclusive, public records of Mesa County, Colorado; thence N89°50'35"W a distance of 330.00 feet along the Northerly line of said Summit View Ranch Filing No. 2; thence N00°02'15"E a distance of 302.40 feet to a point on the North line of the NW 1/4 NW 1/4 of said Section 15 and the Point of Beginning.

Said parcel contains 2.29 acres (99,791.79 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 15th day of September, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
August 6, 2008
August 13, 2008
August 20, 2008
August 27, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GREEN LEAF ANNEXATION

APPROXIMATELY 2.29 ACRES

LOCATED AT 3109 E ROAD

WHEREAS, on the 4th day of August, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of September, 2008; and

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

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

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

GREEN LEAF ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 15, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of the NW 1/4 NW 1/4 of said Section 15 and assuming the North line of the NW 1/4 NW 1/4 of said Section 15 to bear S89°50'35"E with all bearings contained herein relative thereto; thence S89°50'35"E a distance of 164.29 feet along the North line of the NW 1/4 NW 1/4 of said Section 15, said line also being the South line of Pellam Annexation, Ordinance No. 3613, City of Grand Junction to the Point of Beginning; thence S89°50'35"E a distance of 330.00 feet along the North line of the NW 1/4 NW 1/4 of said Section 15, said line also being the South line of said Pellam Annexation; thence S00°02'15"W a distance of 302.40 feet along the Northwesterly line of Summit View Ranch Filing No. 2, as same is recorded in Plat Book 18, Pages 60 through 61, inclusive, public records of Mesa County, Colorado; thence N89°50'35"W a distance of 330.00 feet along the Northerly line of said Summit View

Ranch Filing No. 2; thence N00°02'15"E a distance of 302.40 feet to a point on the North line of the NW 1/4 NW 1/4 of said Section 15 and the Point of Beginning.

Said parcel contains 2.29 acres (99,791.79 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 7
Setting a Hearing on Mesa View Elementary School Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Mesa View Elementary School Annexation – Located at 2967 B Road		
File #	GPA-2008-206		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 25, 2008		
Author Name & Title	Brian Rusche, Senior Planner		
Presenter Name & Title	Brian Rusche, Senior Planner		

Summary: Request to annex 19.51 acres, located at 2967 B Road. The Mesa View Elementary Annexation consists of 1 parcel.

Budget: N/A

Action Requested: Adopt a Resolution referring the petition for Annexation and introduce the proposed Ordinance and set a hearing for September 15, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2967 B Road		
Applicant:		Mesa County Valley School District #51		
Existing Land Use:		Mesa View Elementary School		
Proposed Land Use:		Elementary School / Residential		
Surrounding Land Use:	North	Single Family Residential		
	South	Agricultural		
	East	Agricultural / Single Family Residential		
	West	Agricultural / Single Family Residential		
Existing Zoning:		County RSF-R (Residential Single-Family 1 du/ 5ac)		
Proposed Zoning:		CSR (Community Services and Recreation) R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	R-4 (Residential 4 du/ac) PD (Planned Development)		
	South	R-4 (Residential 4 du/ac)		
	East	R-4 (Residential 4 du/ac) County RSF-R (Residential Single-Family 1 du/ 5ac)		
	West	County RSF-R (Residential Single-Family 1 du/ 5ac)		
Growth Plan Designation:		Current: Public Proposed: Public / Residential Medium Low (2-4 du/ac)		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 19.51 acres of land and is comprised of 1 parcel. The property owner has requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition, pursuant to C.R.S. 31-12-104, that the Mesa View Elementary Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

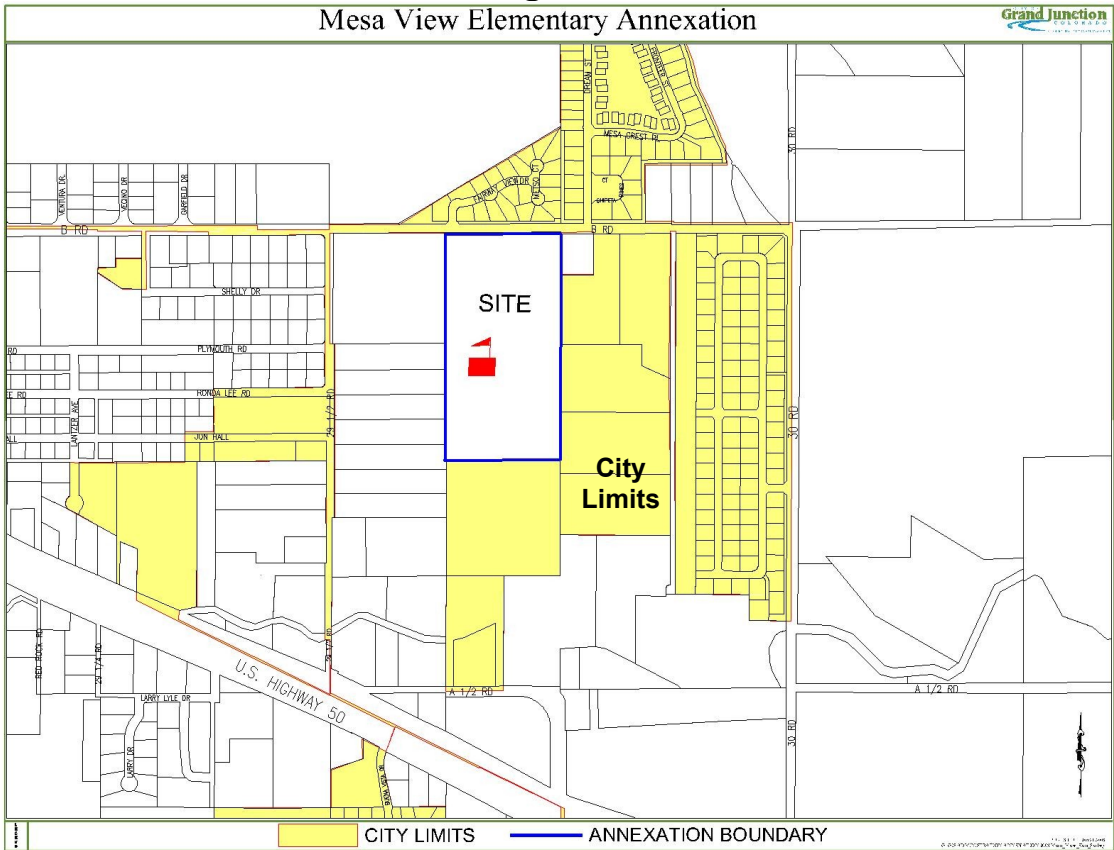
<u>ANNEXATION SCHEDULE</u>	
August 4, 2008	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
August 12, 2008	Planning Commission considers Growth Plan Amendment (GPA)
September 3, 2008	City Council considers Growth Plan Amendment (GPA)
September 9, 2008	Planning Commission considers Zone of Annexation
September 15, 2008	Introduction of a proposed Ordinance on Zoning by City Council
September 15, 2008	Acceptance of Petition and Public Hearing on Annexation by City Council
September 29, 2008	Public Hearing on Zone of Annexation
October 17, 2008	Effective date of Annexation and Zoning

MESA VIEW ELEMENTARY ANNEXATION SUMMARY

File Number:		GPA-2008-206
Location:		2967 B Road
Tax ID Number:		2943-321-00-942
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		1
# of Dwelling Units:		0
Acres land annexed:		19.51 acres
Developable Acres Remaining:		9.497 acres
Right-of-way in Annexation:		None
Previous County Zoning:		County RSF-R (Residential Single-Family Rural 1du / 5ac)
Proposed City Zoning:		City CSR (Community Services and Recreation) City R-4 (Residential 4 du/ac)
Current Land Use:		Elementary School
Future Land Use:		Elementary School / Residential
Values:	Assessed:	= \$1,140,440
	Actual:	= \$3,932,570
Address Ranges:		2967 B Road
Special Districts:	Water:	Ute Water
	Sewer:	Persigo 201
	Fire:	Grand Junction Rural
	Irrigation:	Orchard Mesa Irrigation District
	School:	Mesa County Valley School Dist #51
	Mosquito:	Grand River Mosquito District
	Drainage:	Orchard Mesa Drainage Basin

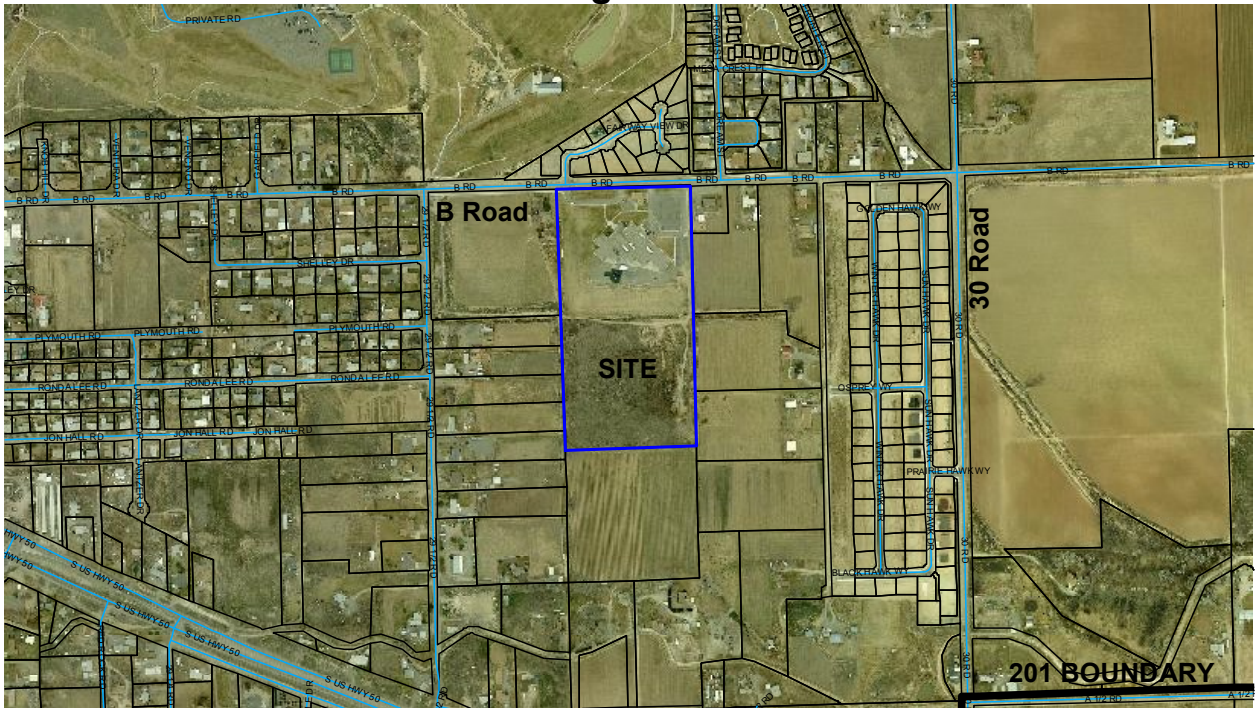
Annexation - Site Location Map

Figure 1



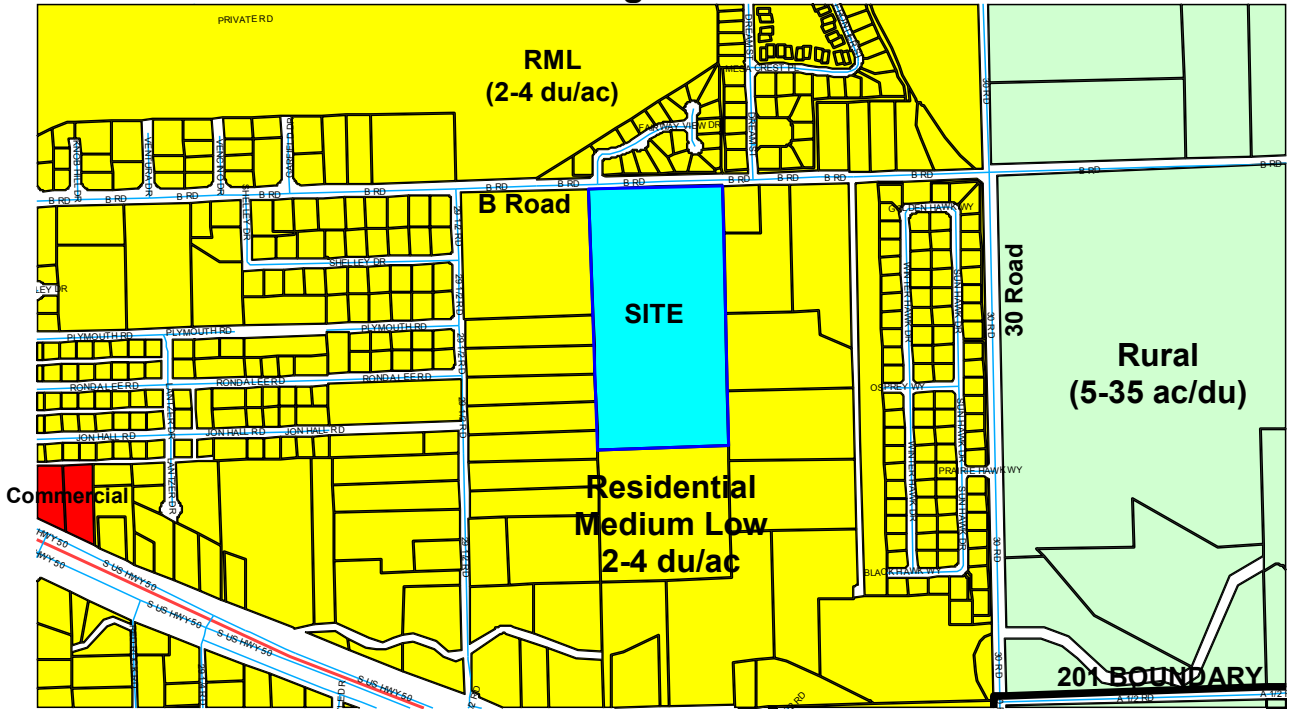
Aerial Photo Map

Figure 2



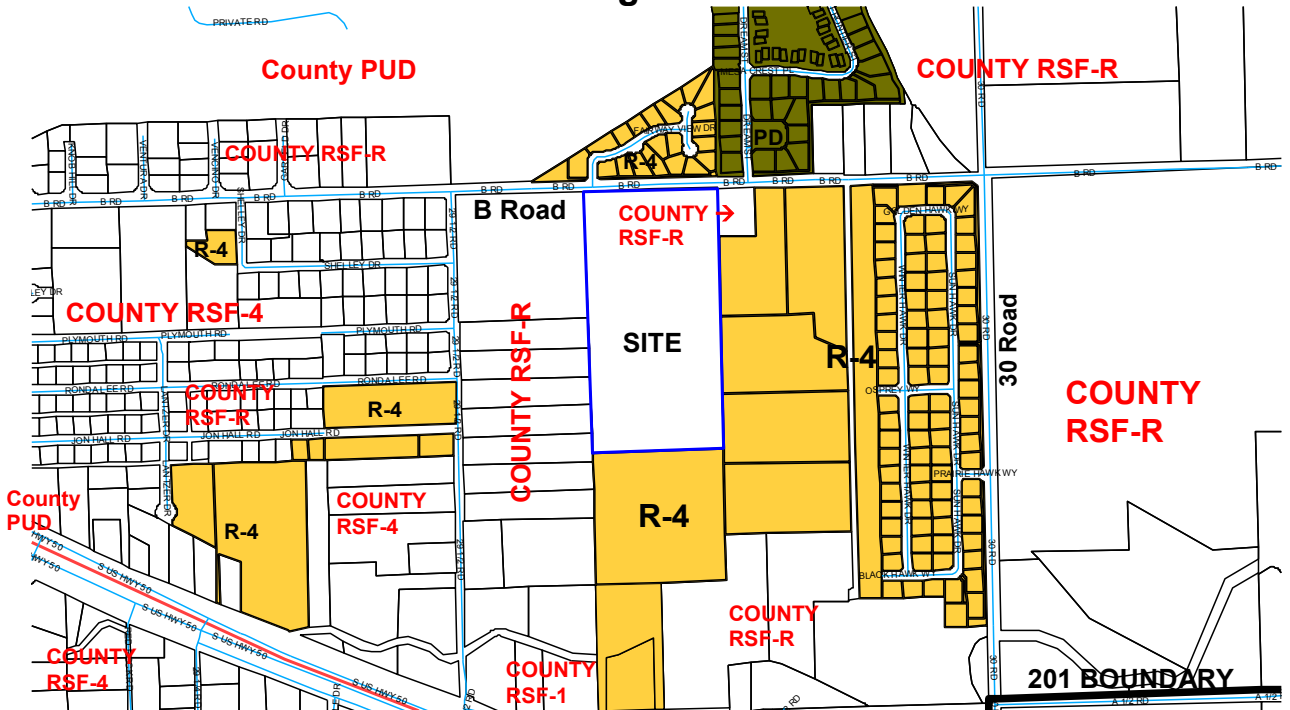
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th of August, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

MESA VIEW ELEMENTARY ANNEXATION

LOCATED AT 2967 B ROAD

WHEREAS, on the 4th day of August, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

MESA VIEW ELEMENTARY SCHOOL ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southeast corner of the NW 1/4 NE 1/4 of said Section 32 and assuming the South line of the NW 1/4 NE 1/4 of said Section 32 to bear S89°51'22"W with all bearings contained herein relative thereto; thence S89°51'22"W a distance of 657.87 feet along the South line of the NW 1/4 NE 1/4 of said Section 32, said line also being the North line of Garden Grove-Turley Annexation No. 1, Ordinance No. 4193, City of Grand Junction; thence N00°07'30"E, along the West line of the East half (E 1/2) of the NW 1/4 NE 1/4 of said Section 32, a distance of 1289.87 feet to a point on the South line of Red Tail Ridge Annexation No. 1, Ordinance No. 3499, City of Grand Junction; thence N89°52'02"E a distance of 659.61 feet along the South line of the said Red Tail Ridge Annexation No. 1, said line also being 30.00 feet South of and parallel with the North line of NW 1/4 NE 1/4 of said Section 32; thence S00°12'09"W a distance of 1289.75 feet along the East line of said NW 1/4 NE 1/4 of said Section 32 to Point of Beginning.

Said parcel contains 19.51 acres (849,727.80sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 15th day of September, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
August 6, 2008
August 13, 2008
August 20, 2008
August 27, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MESA VIEW ELEMENTARY ANNEXATION

APPROXIMATELY 19.51 ACRES

LOCATED AT 2967 B ROAD

WHEREAS, on the 4th day of August, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of September, 2008; and

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

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

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

MESA VIEW ELEMENTARY SCHOOL ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southeast corner of the NW 1/4 NE 1/4 of said Section 32 and assuming the South line of the NW 1/4 NE 1/4 of said Section 32 to bear S89°51'22"W with all bearings contained herein relative thereto; thence S89°51'22"W a distance of 657.87 feet along the South line of the NW 1/4 NE 1/4 of said Section 32, said line also being the North line of Garden Grove-Turley Annexation No. 1, Ordinance No. 4193, City of Grand Junction; thence N00°07'30"E, along the West line of the East half (E 1/2) of the NW 1/4 NE 1/4 of said Section 32, a distance of 1289.87 feet to a point on the South line of Red Tail Ridge Annexation No. 1, Ordinance No. 3499, City of Grand Junction; thence N89°52'02"E a distance of 659.61 feet along the South line of the said Red Tail Ridge Annexation No. 1, said line also being 30.00 feet South of and parallel

with the North line of NW 1/4 NE 1/4 of said Section 32; thence S00°12'09"W a distance of 1289.75 feet along the East line of said NW 1/4 NE 1/4 of said Section 32 to Point of Beginning.

Said parcel contains 19.51 acres (849,727.80sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 8
Setting a Hearing on the Martin R and S Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Martin R and S Annexation - Located at 2105 H Road		
File #	ANX-2008-205		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 24, 2008		
Author Name & Title	Judith Rice, Associate Planner		
Presenter Name & Title	Judith Rice, Associate Planner		

Summary: Request to annex 1.54 acres, located at 2105 H Road. The Martin R and S Annexation consists of one (1) parcel and includes portions of the 21 Road and H Road rights of way.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Annexation, introduce the proposed Ordinance and set a hearing for September 15, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2105 H Road		
Applicants:		Russ O. Martin; Sheila D. Martin; Tracy Moore (Representative)		
Existing Land Use:		Residential		
Proposed Land Use:		Industrial		
Surrounding Land Use:	North	Residential, Single Family		
	South	Industrial		
	East	Industrial		
	West	Commercial		
Existing Zoning:		County RSF-R, Residential Single Family Rural		
Proposed Zoning:		I-1, Light Industrial		
Surrounding Zoning:	North	County RSF-R, Residential Single Family Rural		
	South	City I-1, Light Industrial		
	East	City I-1, Light Industrial		
	West	County Commercial PUD (Fruita Cooperative Planning Area)		
Growth Plan Designation:		Commercial Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.54 acres of land and is comprised of one (1) parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;

- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

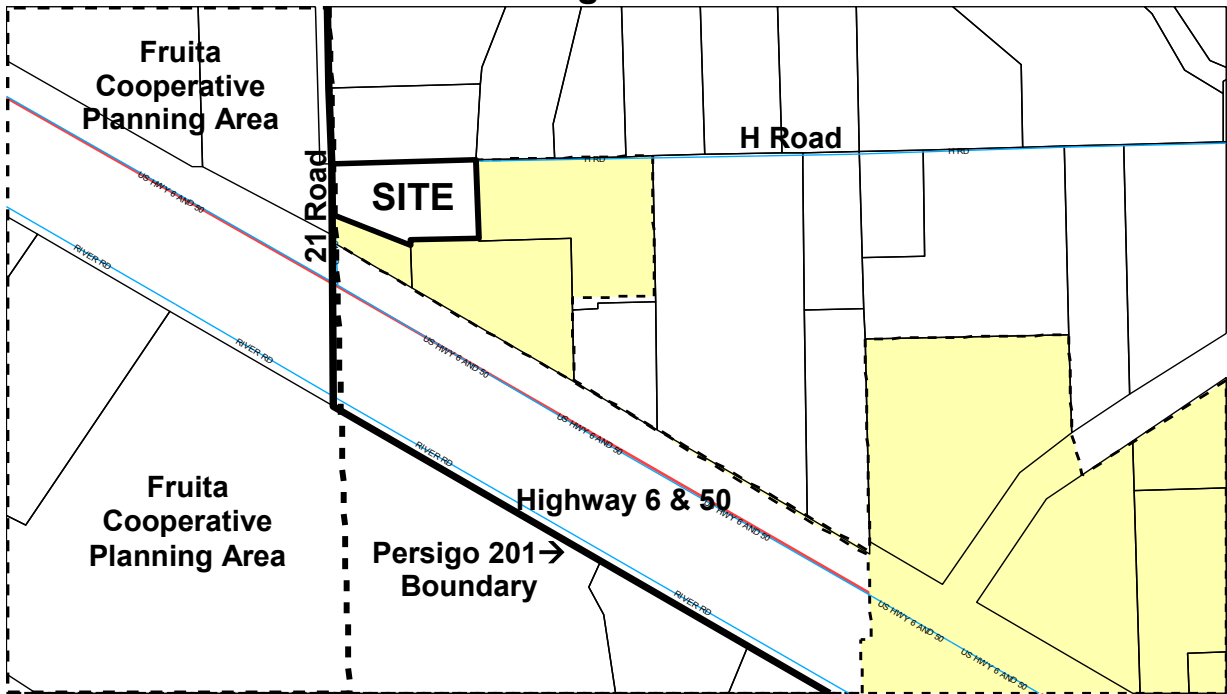
<u><i>ANNEXATION SCHEDULE</i></u>	
August 4, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
August 12, 2008	Planning Commission considers Zone of Annexation
September 3, 2008	Introduction of a proposed Ordinance on Zoning by City Council
September 15, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 17, 2008	Effective date of Annexation and Zoning

MARTIN R AND S ANNEXATION SUMMARY

File Number:	ANX-2008-205	
Location:	2105 H Road	
Tax ID Number:	2697-362-00-040	
# of Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	-0-	
# of Dwelling Units:	1	
Acres land annexed:	1.54 acres	
Developable Acres Remaining:	1.24 acres	
Right-of-way in Annexation:	.30 acres in H Road and 21Road ROW	
Previous County Zoning:	RSF-R, Residential Single Family Rural	
Proposed City Zoning:	I-1, Light Industrial	
Current Land Use:	Residential	
Future Land Use:	Commercial Industrial	
Values:	Assessed:	\$13,340
	Actual:	\$167,590
Address Ranges:	2100 to 2106, Even Only	
Special Districts:	Water:	Ute Water
	Sewer:	201 Boundary
	Fire:	Lower Valley Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation/ Grand Valley Drainage
	School:	District 51
	Pest:	n/a

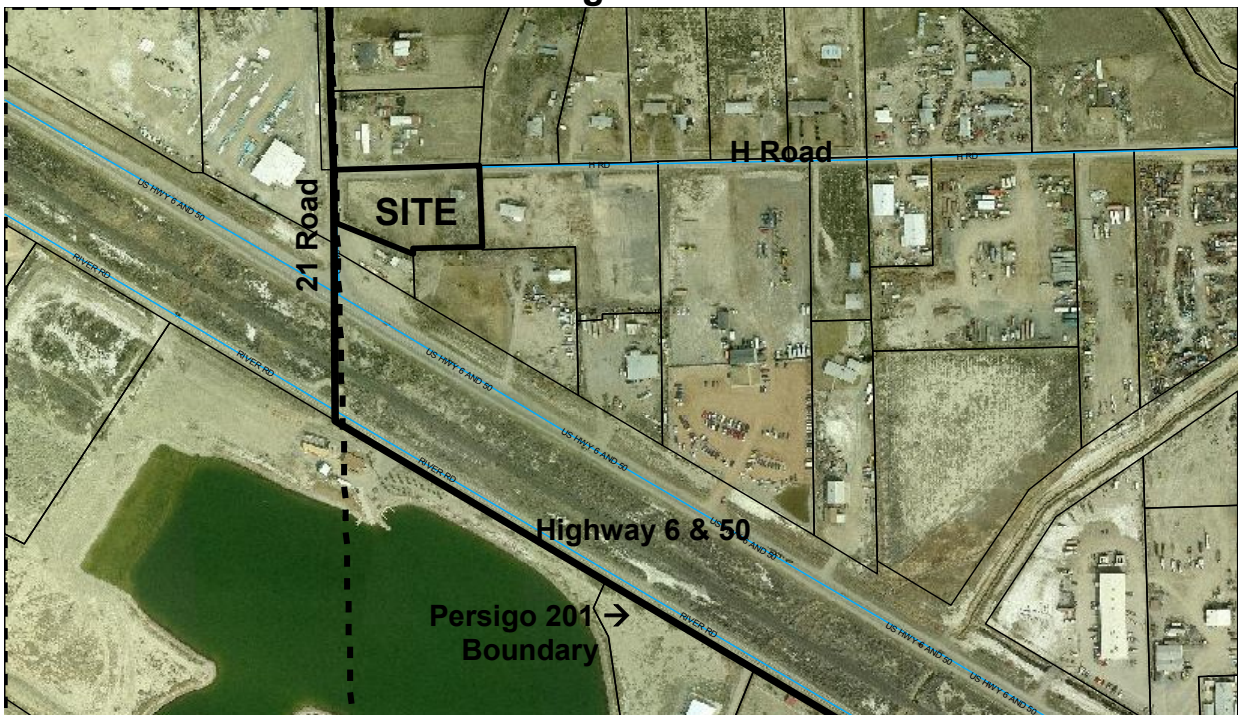
Site Location Map

Figure 1



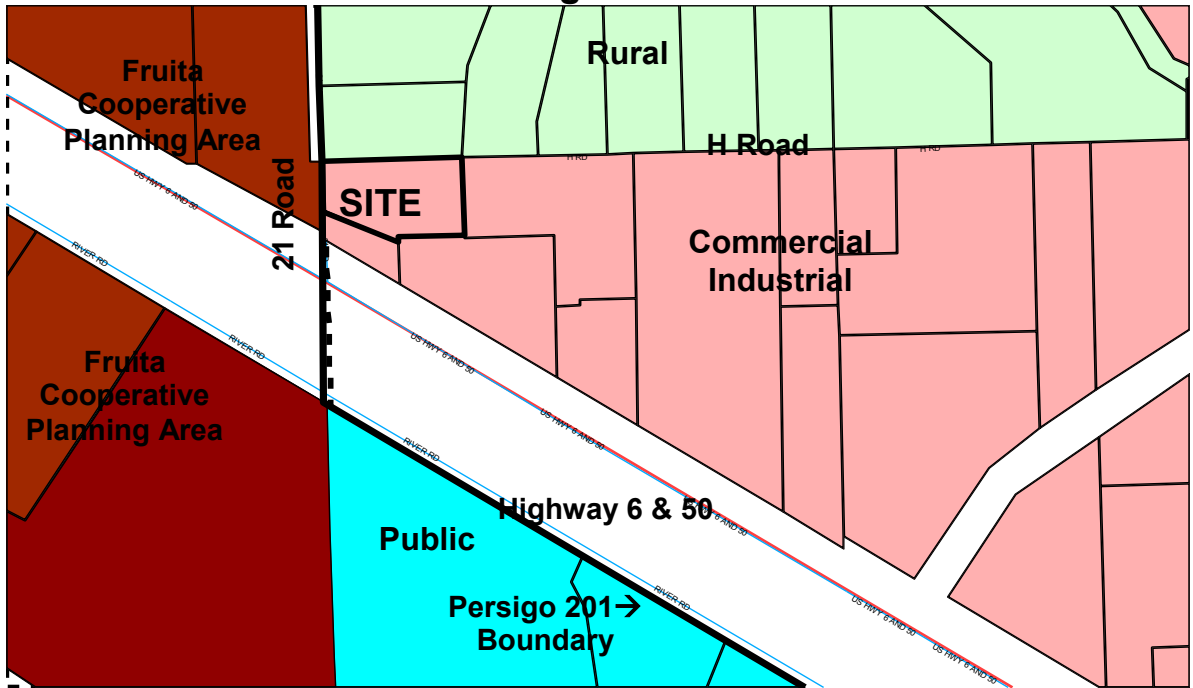
Aerial Photo Map

Figure 2



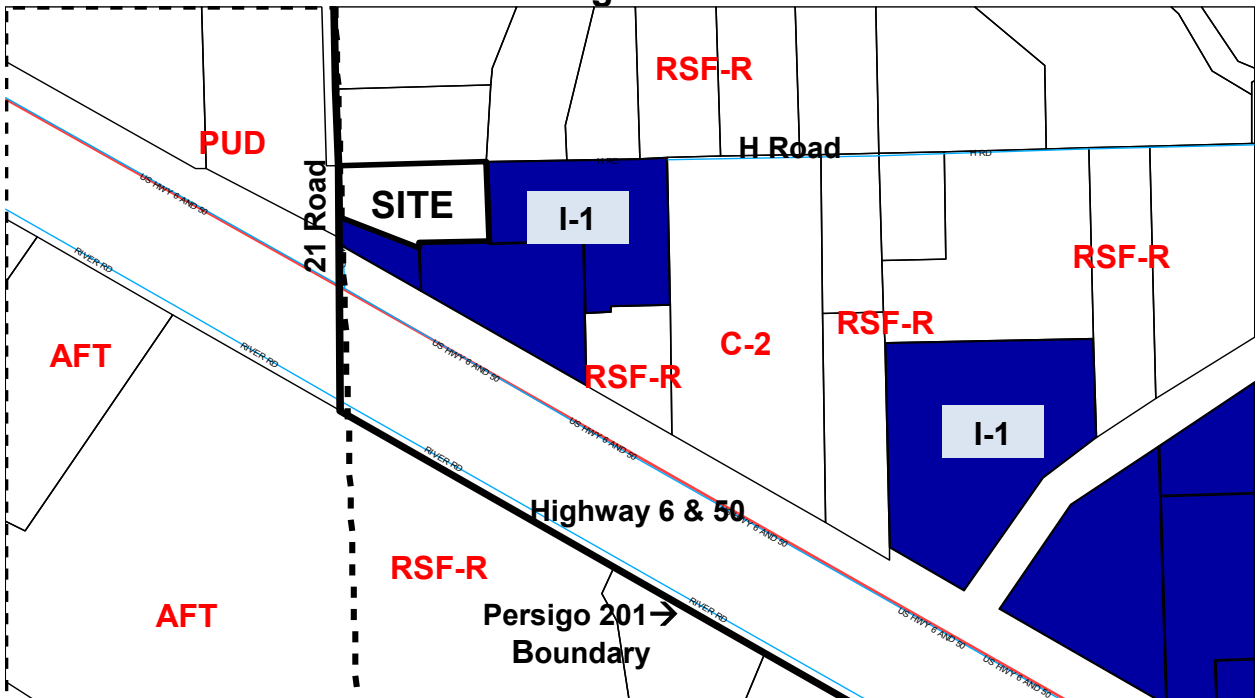
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th of August, 2008, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

MARTIN R AND S ANNEXATION

**LOCATED AT 2105 H ROAD AND INCLUDES PORTIONS OF THE 21 ROAD AND H
ROAD RIGHTS OF WAY**

WHEREAS, on the 4th day of August, 2008, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

MARTIN R AND S ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4) of Section 36, Township One North, Range Two West of the Ute Principal Meridian and being more particularly described as follows:

BEGINNING at the Northwest corner of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, thence South 0°10' West 100.0 feet, thence South 56°24' East 230.0 feet, thence North 0°10' East 210.28 feet, thence North 89°42' West 363.0 feet to the Point of Beginning, containing 1.54 Acres more or less, except 30 feet for road on West and North sides, Mesa County, Colorado.
Book 1778, Page 467.

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

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

1. That a hearing will be held on the 15th day of September, 2008, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists

between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

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

ADOPTED the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
August 6, 2008
August 13, 2008
August 20, 2008
August 27, 2008

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MARTIN R AND S ANNEXATION

APPROXIMATELY 1.54 ACRES

**LOCATED AT 2105 H ROAD AND INCLUDES PORTIONS OF THE 21 ROAD AND H
ROAD RIGHTS OF WAY**

WHEREAS, on the 4th day of August, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 15th day of September, 2008; and

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

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

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

MARTIN R AND S ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4) of Section 36, Township One North, Range Two West of the Ute Principal Meridian and being more particularly described as follows:

BEGINNING at the Northwest corner of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian, thence South 0°10' West 100.0 feet, thence South 56°24' East 230.0 feet, thence North 0°10' East 210.28 feet, thence North 89°42' West 363.0 feet to the Point of Beginning, containing 1.54 Acres more or less, except 30 feet for road on West and North sides, Mesa County, Colorado.
Book 1778, Page 467.

CONTAINING 1.54 Acres (67,082.4 Sq. Ft.), more or less, as described

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

INTRODUCED on first reading on the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 9
Setting a Hearing on Zoning the Shady Acre Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Shady Acre Annexation - Located at 528 29 Road		
File #	ANX-2008-159		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 3, 2008		
Author Name & Title	Ivy Williams, Development Services Supervisor		
Presenter Name & Title	Ivy Williams, Development Services Supervisor		

Summary: Request to zone the 1.25 acre Shady Acre Annexation, located at 528 29 Road, to R-8 (Residential 8 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for August 18, 2008.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		528 29 Road		
Applicants:		Owner: Valley Mortgage, Inc Representative: Tom Dixon		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		Multi Family Residential		
Surrounding Land Use:	North	Single Family/Multi Family Residential		
	South	Daycare/Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		County RMF-8 (Residential Multi Family 8 du/ac)		
Proposed Zoning:		R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	County RMF-8 (Residential Multi Family 8 du/ac)		
	South	County RMF-8 (Residential Multi Family 8 du/ac)		
	East	County RMF-8 (Residential Multi Family 8 du/ac)		
	West	R-8 (Residential 8 du/ac)		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-8 zone district is consistent with the Growth Plan designation of Residential Medium 4-8 du/ac. The existing County zoning is RMF-8 (Residential Multifamily 8 du/ac). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The subject property and the surrounding properties on all sides are zoned R-8 or County RMF-8. There are several triplexes on the north side of the property and there is a variety of single-family and multifamily development in the surrounding area. The proposed R-8 zone is compatible with the neighborhood.

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

Response: There is an existing 12 inch sewer line and an existing eight inch Ute water line located in the 29 Road right-of-way that are available for providing service to development on the subject property.

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

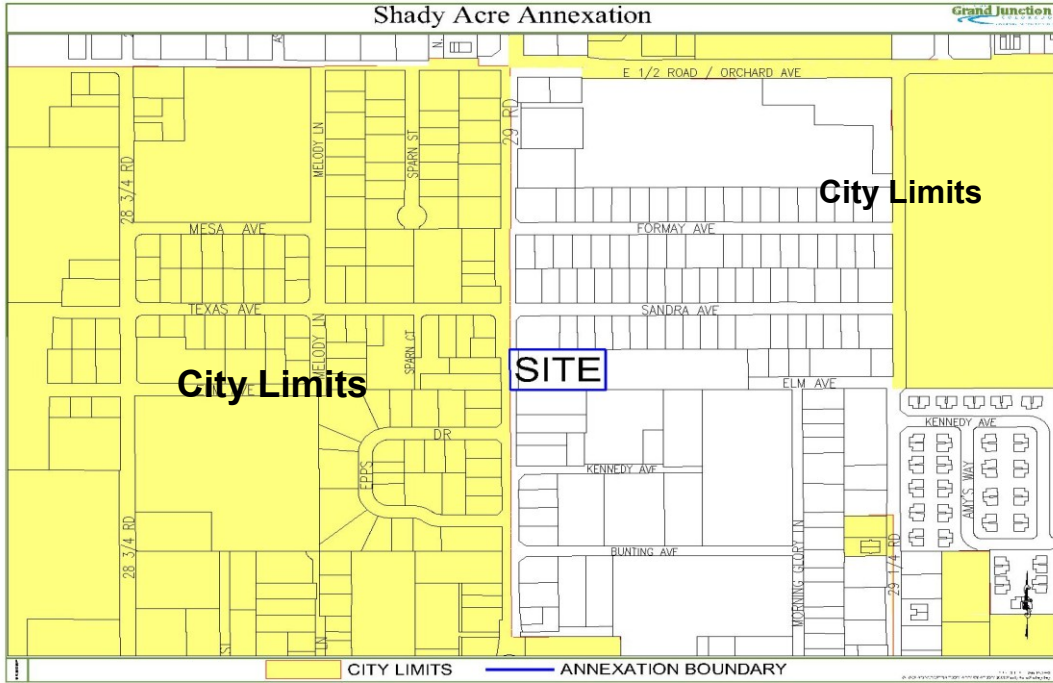
- a. R-4
- b. R-5

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council on July 22, 2008, finding the zoning to the R-8 district to be consistent with the Growth Plan, the existing County Zoning of RMF-8 and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation - Site Location Map

Figure 1



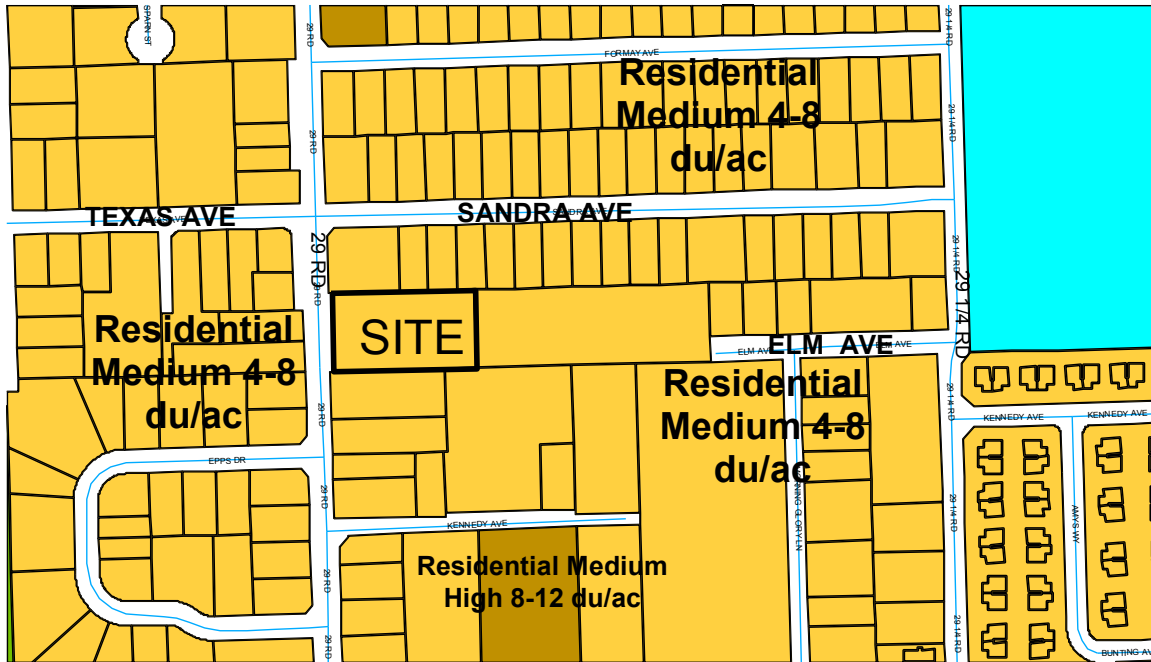
Aerial Photo Map

Figure 2



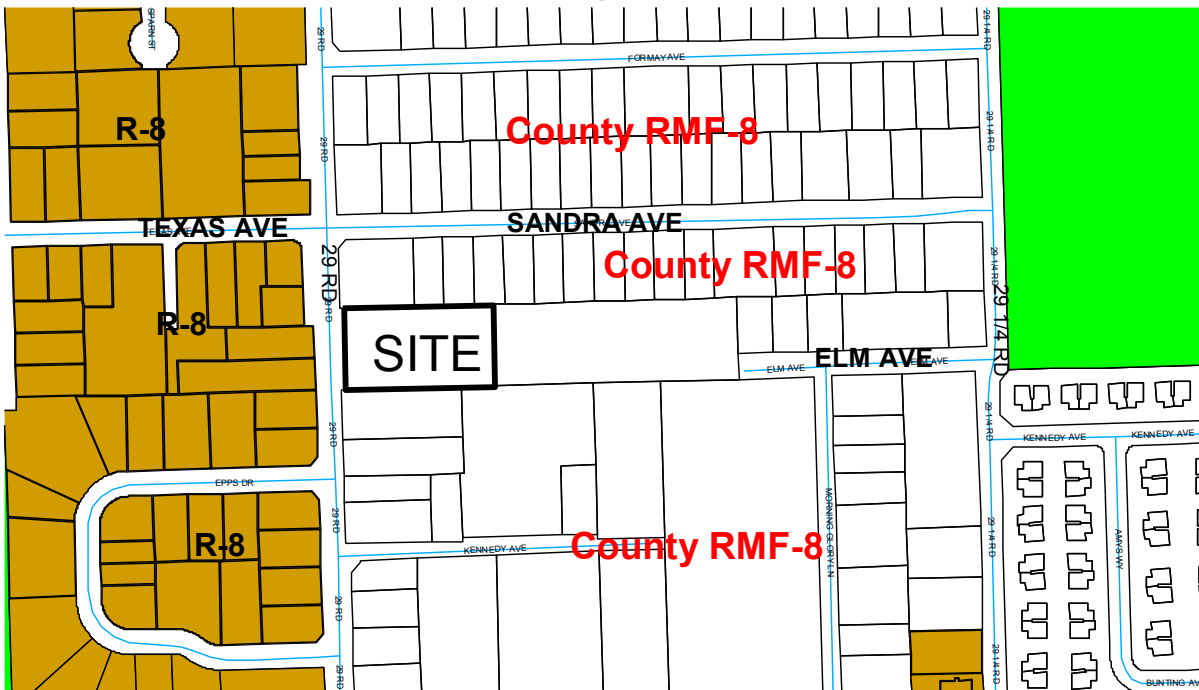
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE SHADY ACRE ANNEXATION TO
R-8**

LOCATED AT 528 29 ROAD

Recitals:

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

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

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

The following property be zoned R-8 (Residential 8 du/ac).

A parcel of land situate in the NW ¼ SW ¼ Section 8, Township 1 South, Range 1 East of the Ute Meridian, Mesa, County, Colorado, as demonstrated in Book 2722 at Page 565 of the records of said Mesa County, being more particularly described as follows:

The west 330.00 feet of the south 5 acres of said NW ¼ SW ¼; EXCEPT: the west 30.00 feet for right of way; Said parcel contains 1.13 acres more or less.

INTRODUCED on first reading the ____ day of _____, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 10

Operation and Use Agreement with Cinema at the Avalon, Inc. for the Avalon Theatre

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Operation and Use Agreement with Cinema at the Avalon, Inc. for the Avalon Theatre		
File #			
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 28, 2008		
Author Name & Title	Debbie Kovalik, VCB and TRCC Director		
Presenter Name & Title	Debbie Kovalik, VCB and TRCC Director		

Summary: Approve a one-year Agreement with Cinema at the Avalon, Inc. (CAI) for use and operation of the Avalon Theatre. City Staff and the CAI Board have been working for the past 6 months to develop a new contract patterned after the agreement approved in 2007.

Budget:

Action Requested/Recommendation: Authorize the City Manager to sign a one-year Agreement with Cinema at the Avalon, Inc. for use and operation of the Avalon Theatre.

Attachments: Agreement

Background Information: The original operating agreement between the City and CAI was formed in 2003. In 2004, 2005 and 2006, CAI was able to meet its contractual obligations. The CAI Board cited films such as "Flight of the Penguins" as a reason for their ability to meet the contract obligations.

The agreement worked well for the first few years until financially difficult times fell upon CAI beginning in late 2006. The opening of the Regal Theaters increased the number of entertainment seats four-fold and had an immediate and ongoing negative impact on film attendance at CAI. When attendance dropped, so did CAI operating revenue, resulting in CAI's inability to pay rent at the originally agreed upon rates. In mid-2007 CAI began efforts to re-negotiate the lease terms, which included (1) more control of the scheduling to reduce pre-emption of CAI activities and (2) significantly lower rent obligations to the City. Both those measures may have helped CAI but would have had

negative impacts on the theatre's bottom line and would have limited benefit to the City.

Recognizing the asset that CAI brings to the community, the City has continued to work toward a mutually beneficial partnership. The result of these negotiations is a 12-month agreement, during which time CAI and City staff will work to develop a business model that is financially sound.

Under the proposed agreement, CAI will:

- Pay the City a non-negotiable fixed rent, due monthly
- Develop and execute a comprehensive long-term business and marketing plan
- Provide the City with monthly financial reports
- Hold at least two major fundraising events during the next 12 months.

Under the proposed agreement, the City will:

- Expand the pre-emption period from 7 days to 21 days
- Recognize the competitive disadvantages in the marketplace by lowering the rental fee to \$1,250 per month
- Work cooperatively through the VCB, TRCC and DDA to strengthen CAI's public relations and promotional effectiveness

These efforts to develop a business plan and this new agreement should allow CAI to successfully and financially continue as a tenant at the Avalon Theatre, while maintaining the City's ability to meet revenues necessary to operate the facility.

OPERATION AND USE AGREEMENT
for the Avalon Theatre

THIS AGREEMENT ("Agreement"), is made _____ day of August 2008 by and between the CITY OF GRAND JUNCTION, a Colorado home rule municipality, (City) and the Board of Directors of Cinema at the Avalon, Incorporated, (CAI). Collectively the City and CAI may be referred to as the Parties.

RECITALS:

The City owns and operates the historic downtown Avalon Theatre (Theatre). CAI programs film and film events.

CAI and the City entered into an agreement in September 2003 for use of the Theatre (2003 Agreement) which was extended annually through March 15, 2006. The Parties operated informally from March 2006 through April 2007, under similar terms as those prescribed by the 2003 Agreement.

An advisory board was formed to review the use of the Theatre, to study its potential and to develop recommendations for the City for future use and/or further development of or improvement(s) to the Theatre. The advisory board has issued its report and recommendations.

The Parties desire to set forth the terms by which CAI may use the Theatre for its film showings and film events, while allowing the Theatre to also serve other clientele and be used for other events.

References to the City herein shall include Two Rivers Convention Center, which shall be the departmental point of contact for the City hereunder.

Based on the foregoing, the Parties do hereby agree:

1. **Term.** The term of this Agreement shall be from August 1, 2008 through July 31, 2009.
2. **Scheduling and pre-emption.** CAI will schedule movie showings in advance and provide a weekly schedule of movie showings to TRCC. TRCC retains the right to preempt scheduled movie showings or CAI activities at the Theater up to 21 days prior to the scheduled date of the movie / activity. CAI may show cinema film at the Avalon Theater on any day in which no other TRCC approved, sponsored and contracted event is occurring, subject to this right of preemption. Exceptions to these scheduling and pre-emption rights and obligations shall be by mutual agreement of the parties only. Should CAI desire to host/sponsor any event other than daily cinema at the Avalon Theatre (e.g., fundraising event), prior approval of the City shall be required.

3. **Rent.** CAI shall pay rent in the amount of \$1,250.00 per month to the City for its use of the Theatre for the showing of films. Rent shall be due no later than the 20th day of each month, beginning August 2008. If a rent payment is not received by the City by the 20th of the month, a 10% late fee will be assessed. Interest on late rent payments shall accrue at the rate of 18% per month.

4. **Audit.** CAI shall undergo at its own expense an independent financial audit covering a period of three years using reasonably agreed upon procedures and provide a report of its financial status and accountability on or before September 30, 2008.

5. **Record Keeping and Reporting.** CAI shall document all revenue and expenses (including admissions, concessions, advertising, film rental, fundraising activity and all other activities it undertakes) in accordance with generally accepted accounting principles. CAI shall provide monthly financial reports to the City detailing CAI's financial performance (including all revenues and expenses), and fundraising and revenue-generating efforts. CAI shall also make financial records available to the City for inspection or audit upon 5 days advance notice.

6. **Insurance.** CAI shall procure and maintain at all times liability insurance complying with Colorado Governmental Immunity Act insurance limit requirements. The City shall be an additional named insured on CAI's insurance. CAI shall provide the City with an ACORD form evidencing the insurance in the form and amount required by the City. This insurance shall not be cancelled without 30 days advance written notice to the City.

7. **Maintenance of Theatre.** The City shall be responsible for utilities, janitorial services and general building maintenance for the Theatre building. The City shall maintain the theatre building, including the furniture, fixtures and equipment (except the film equipment. CAI shall neither direct nor require any physical changes to the Theatre building. In the event CAI identifies a maintenance need, it shall promptly inform the City within forty-eight (48) hours. The City shall thereafter, within three (3) business days, meet with CAI to determine whether and when the maintenance will be performed. The City shall perform the maintenance as agreed.

Notwithstanding the foregoing, CAI may perform "light maintenance," such as changing lightbulbs or replacing broken glass, without advance notice or approval from the City. CAI shall clean the concession sales/preparation area and reasonably use the concession equipment and facilities. The City shall provide CAI's designated manager with a key to the building and a work area within the Theatre. The City is not responsible for providing any furniture, fixtures or equipment to the manager.

CAI shall pay for telephone maintenance, recurring telecommunications charges and for all toll telephone calls. CAI shall contract with a person and/or firm for the maintenance of the film equipment. CAI shall be solely responsible for the cost of preventative and on-going maintenance of the same. CAI shall be solely responsible for the handling, care and use of film(s) and for any damage thereto.

In the event of a dispute the City shall have and maintain final authority over all aspects of operation of the Theatre.

8. CAI Responsibilities – Employees, Staffing, Use of Theatre. In using the Theatre for its film showings and events, CAI shall establish all fees and charges for food and beverage subject to City review and approval. CAI may in conjunction with artists and/or vendors establish the price of collectibles, including but not limited to soundtracks, CD's, DVD's, posters and related items.

CAI agrees to emphasize exceptional customer service; the quality of food, beverage and the films shall be in accordance with industry standards. CAI, by and through its staff, shall greet and serve patrons in a manner consistent with industry standards. CAI commits that it will provide all necessary full and part-time staff for its film events consistent with industry standards.

The Executive Director of CAI shall be a CAI employee and be compensated by CAI. The City may participate in the Executive Director interview/selection process. CAI may not hire an Executive Director without the City's consent. The City has the right, in its sole and absolute discretion, to reject an applicant(s) for any or no reason being stated. The City agrees that it will not unreasonably reject any applicant. The City's decision to reject an applicant shall be final.

Volunteers may perform as food and beverage servers, ushers and as the projectionist. If CAI fails to provide such workers for all showings then the City may: 1) staff the Theatre and charge CAI for the total burdened cost of minimum staffing (as established in this agreement or as otherwise agreed in writing for any film/film event) or 2) the City may cancel any and all scheduled showings for which minimum staffing is not present and ready to work at the Theatre at least 30 minutes before show time. CAI shall not be relieved from paying rent for any and all scheduled showings for which minimum staffing is not present and maintained during each showing.

CAI volunteers shall be subject to reasonable background inquiry and screening by the City; the City has the right, in its sole and absolute discretion, to reject any or all CAI volunteer(s) for any or no reason being stated. The City agrees that it will not unreasonably reject any applicant/volunteer. The City's decision to reject an applicant/volunteer shall be final.

CAI staff and/or volunteers shall prepare and/or sell prepared concessions and concession products. CAI may use the concession equipment/facilities in the Theatre. CAI may also purchase its own concession equipment/facilities, which it may keep in the Theatre. CAI shall order, stock and staff the concession stand in accordance with Mesa County Health Department and any other applicable local and/or state laws, rules and regulations.

CAI may separately contract with the City, by and through Two Rivers Convention Center (TRCC) to supply appropriate canapés, snacks, appetizers, beverages and/or other concession foods/food products. When CAI chooses to provide alcoholic beverages to its patrons it shall contract with the City to provide the same by, through and under the City's license and personnel. CAI shall pay the City's cost of labor.

The City may reasonably charge (based on its then current rates) CAI for the use of City equipment and/or personnel necessary to operate special concession/food/beverage services that CAI may offer from time to time. Any and all purchase contracts by and between CAI and its vendors shall not obligate the City by or because the products are sold, used or consumed in the Theatre.

9. **Sale Proceeds.** CAI shall be entitled to all proceeds from its ticket sales. Any and all film rental contracts by and between CAI and its vendors shall clearly be made in the name of CAI. Ticket and concession proceeds shall be balanced, reconciled and deposited according to generally accepted accounting principles. The City assumes no liability for lost or stolen money, tickets or other valuables.

10. **Conduct of business.**

- (a) **Business plan.** CAI shall develop a business plan for the twelve-month term of this Agreement. This plan shall include, in addition to a plan for operations during the twelve month period, an outline of strategic long-range plans for solvency and success.
- (b) **Fundraising.** CAI shall plan and execute at least two major fundraising events during the twelve-month term of this Agreement.
- (c) **Programming.** CAI shall work cooperatively with the City to develop programming that will maximize revenues while operating primarily within the arts Theatre genre.

11. **Indemnification.** CAI shall hold the City harmless from any claim or demand and shall not obligate the City to pay for any rental, late fees, shipping charges, damage, damage deposit or otherwise financially obligate the City by or because a film(s) is shown and/or music is played in the Theatre. CAI shall indemnify and hold the City harmless for any and all CAI expenses, financial obligations and the several other obligations set forth herein. The City shall be entitled to review at any time CAI's contract documents to confirm that the City is not liable thereunder and/or that CAI has properly indemnified and held harmless the City.

12. **Review of performance.** The Parties agree that a detailed review of the performance under this contract and of the use of the Theatre shall be performed monthly for the remainder of 2008 and quarterly during 2009. These reviews shall be conducted by the City, and CAI shall fully cooperate with the same by providing financial statements and documents requested by the City. The documents the City

may require and CAI shall reasonably be required to produce shall detail, describe and demonstrate the CAI's Theatre operations as requested.

Stephan Schweissing, President
Cinema at the Avalon Inc.

Laurie Kadrich
City Manager
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Attach 11
Public Hearing—Rezoning the Grand View Care Lodge
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Rezoning the Grand View Care Lodge - Located at 815 26 1/2 Road		
File #	SPR-2008-144		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	July 23, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to rezone 1.9 acres from an R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac) zone district in order to construct an assisted living facility for 8 residents for property located at 815 26 1/2 Road.

Budget: N/A

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

Attachments:

1. Staff report/Background information
2. Letters from neighboring property owners
3. Site Location Map / Aerial Photo Map
4. Future Land Use Map / Existing City Zoning Map
5. Zoning Ordinance

Background Information: See attached report

BACKGROUND INFORMATION			
Location:	815 26 1/2 Road		
Applicants:	Owner/Developer: Paul & Korene Ewing Representative: Design Specialists, PC – Rob Rowlands		
Existing Land Use:	Vacant		
Proposed Land Use:	Small group living facility		
Surrounding Land Use:	North	Single Family Residential/Agricultural	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Agricultural	
Existing Zoning:	R-1 (Residential 1 du/ac)		
Proposed Zoning:	R-2 (Residential 2 du/ac)		
Surrounding Zoning:	North	R-1 (Residential 1 du/ac)	
	South	R-1 (Residential 1 du/ac)	
	East	R-4 (Residential 4 du/ac)	
	West	R-1 (Residential 1 du/ac)	
Growth Plan Designation:	Residential Low 1/2 – 2 ac/du		
Zoning within density range?	X	Yes	No

Staff Analysis:

1. Background

The property was annexed as a part of the Paradise Hills Annexation #2 in 1994 and zoned RSF-R. In 2000, when the current Zoning and Development Code was adopted and zoning changed throughout the City, the property zoning designation was changed to RSF-1. The property was a part of the 6.57 acres RND Subdivision recorded in 2006. The applicant purchased the property in May 2007 with the intent to construct an assisted living home for 8 residents on the property. Through the review process to construct the home, it was determined that the site could not meet the density requirements with its current zoning designation. The density for group living facilities is calculated as 2 beds equals 1 residential unit. This would allow the property group living facility with a maximum of four residents. However, the R-2 zone district is consistent within the Future Land Use designation and would allow the project to move forward within the requirements of the Zoning and Development Code.

The difference between the R-1 and R-2 zone districts is allowable density. The same uses are allowed in both zones.

2. Consistency with the Growth Plan

The R-2 (Residential 2 du/ac) zone district is consistent with the Future Land Use designation of Residential Low 1/2 – 2 ac/du and the Growth Plan goals to have a mix of densities throughout the community and utilize existing infrastructure for development.

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

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

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

Response: The zoning was not in error at the time of adoption. However, due to development in the area, the character is changing. These changes weren't foreseen when the current zoning was adopted.

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

Response: There is a continuing change in the character of the neighborhood. Garfield Estates, Grand Vista, and Weeminuche Subdivisions are all new residential subdivisions that have been approved since the zoning in the area was adopted. The densities of these subdivisions range from 2.39 to 3.3 du/ac.

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

Response: The proposed rezone is compatible with the neighborhood. It is a zoning that is mid-range between existing and developing properties in the area. The proposed zone district is supported by the Future Land Use designation of Residential Low 1/2 – 2 ac/du, and meets the bulk standards required for an R-2 zone district in the Zoning and Development Code.

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

Response: Adequate public facilities and services are available to the site. There are three sewer lines directly adjacent to the property, two 8" and one 10" and two Ute Water lines in 26 1/2 Road, one 6" and one 3". The nearest hospital is approximately two miles and Canyon View Park is approximately two miles away.

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

Response: The surrounding area is a mix of zoning ranging from R-1 (Residential 1 du/ac) to R-4 (Residential 4 du/ac) with a majority being specifically R-1 or R-4. The recently approved Weeminuche Subdivision, with a zoning of PD (Planned Development, with a default zone of R-4) and a density of 2.39 du/ac, is the closest representation of the R-2 zoning and density in the area.

6. The community will benefit from the proposed zone.

Response: The community will benefit from the rezone by furthering the opportunity to provide needed quality care and housing for elderly and disabled residents of the valley as well as an added layer of buffer between the higher density development to the east and the lower densities to the west.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Grand View Care Lodge application, SPR-2008-144 for a rezone, I recommend that the City Council make the following findings of fact and conclusions:

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

PLANNING COMMISSION RECOMMENDATION:

At its July 8, 2008 meeting, the Planning Commission forwarded a recommendation of approval of the requested zone, SPR-2008-144 to the City Council with the findings and conclusions listed above.

June 30, 2008

Grand Junction Public Works & Planning Department
Planning Division
250 North 5th Street
Grand Junction, CO 81501

ATTENTION: Senta Costello

SUBJECT: SPR-2008-144 – GRAND VIEW CARE LODGE REZONE – 815 26 ½ ROAD

On Friday, June 27, 2008 a meeting was held by property owners, Paul and Korene Ewing at the Holy Family Catholic School. The card I received read, "You are Invited to Attend a Meeting to Learn About a Proposed Growth Plan Amendment in Your Neighborhood". The meeting only lasted one hour and was attended by current neighbors of the Ewing's, one tenant from their current care facility and neighbors like us whose homes are located within 500 feet of the property. Oddly, the neighbor east of us did not receive any notice. Our home is located at 2642 H Road. It is 3 houses west of 26 ½ Road on the north side of H Road. Our home backs to the field where a 6 acre parcel was recently divided into a 2 acre parcel and a 4 acre parcel, the larger of the two being behind our home and the house west of us. The zoning needs to remain R-1. That is what already exists for all properties in this entire area.

We are adamantly against the proposed zoning change! I frankly do not understand why a business is even being considered in an area where all the surrounding neighbors are single family residences and have at least an acre and many have considerably more. None of us can build two homes on our acreage regardless of size and none of us want that. We are all R-1 and we want the R-1 zoning to remain in effect in this area. Years ago, without receiving any notice from the City, our property was changed from AFT to R-1. Surprise! Please do not randomly allow any more zoning changes to this lovely area.

Once again we are faced with having to deal with the City Planning Commission who rushes through zoning changes with no foresight as to how their decisions affect a whole neighborhood. The structures that Mr. Ewing plans to build are two very large ones and separate from one another. They are not attached. I understand that the care facility would be in excess of 6000 square feet and that his home that would be adjacent, not attached, would be about 4000 square feet. To rezone R-1 to an R-2 to accommodate a for-profit "business" does not conform at all. Please take note. We can only speak for ourselves but the neighborhood as a whole feels just the same.

Sincerely,


Wayne and Jane Clark

RECEIVED

JUL 2 2008

COMMUNITY DEVELOPMENT
DEPT.

July 1, 2008

Senta Costello
Grand Junction Planning Department
Grand Junction, CO 81501

RE: SPR-2008-114

I attended a neighborhood meeting for a perceived "Growth Plan Amendment" for 815 26 ½ Road, only to find out that it was a request for a re-zone for a 1.9 acre parcel from R-1 to an R-2 zone.

Not only was the post card misleading, so is the actual use of the property misleading.

We did not get a notice of the meeting because we are in excess of the 500 foot notification of a neighborhood zone change, consequently only 4 or 5 property owners were notified because of the acreage next to the proposed change.

The requested change is for the Grand View Care Lodge, a "for profit" elderly care facility.

How could the Planning Department even consider a "for profit" business in an R-1, much less an R-2 zone.

The request for a zone change is in appropriate for this location. This is an established R-1 area.

There are many areas already in existence for an R-2 facility. However, this is not a 2 family per acre request, this is a request for a "for profit" business.

A breakdown of the current zoning will only lead to more breakdown of present zoning, not only at this location, but for R-1 zones all over Grand Junction.

This is a continued example of what will happen to the proposed "Comprehensive Plan" currently trying to be sold to this community. This plan will not be in existence 10 days before a change will be proposed, and based on history, will be approved.

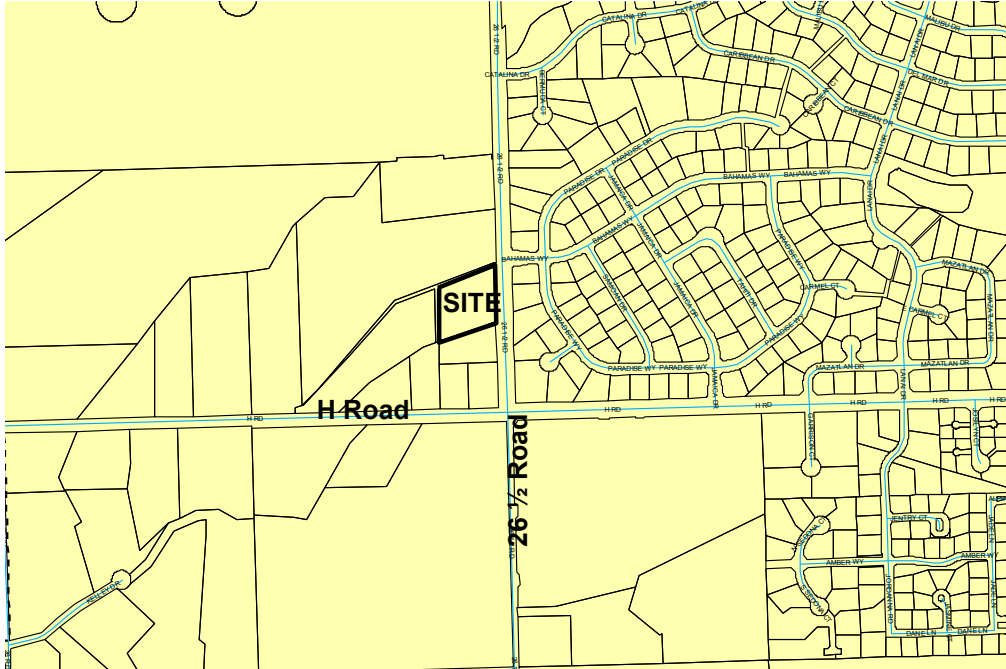
In order to gain Community support it must be demonstrated that there is a "Plan" and stay with it.

Sincerely,

W.A. & Betty Roy Pitts
2626 H Rd.
Grand Junction, CO 81506

Site Location Map

Figure 1



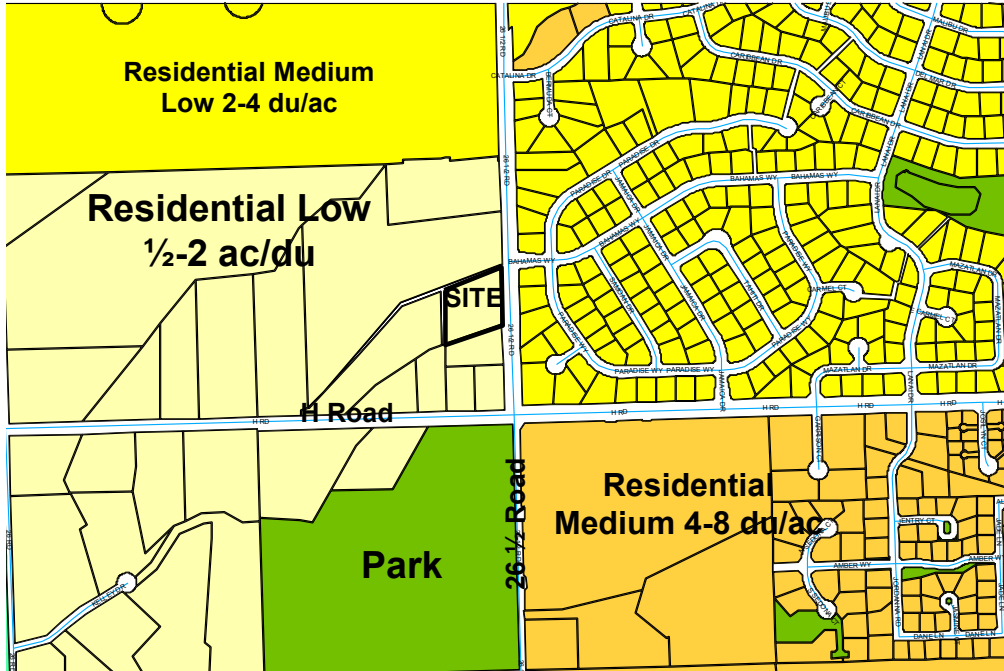
Aerial Photo Map

Figure 2



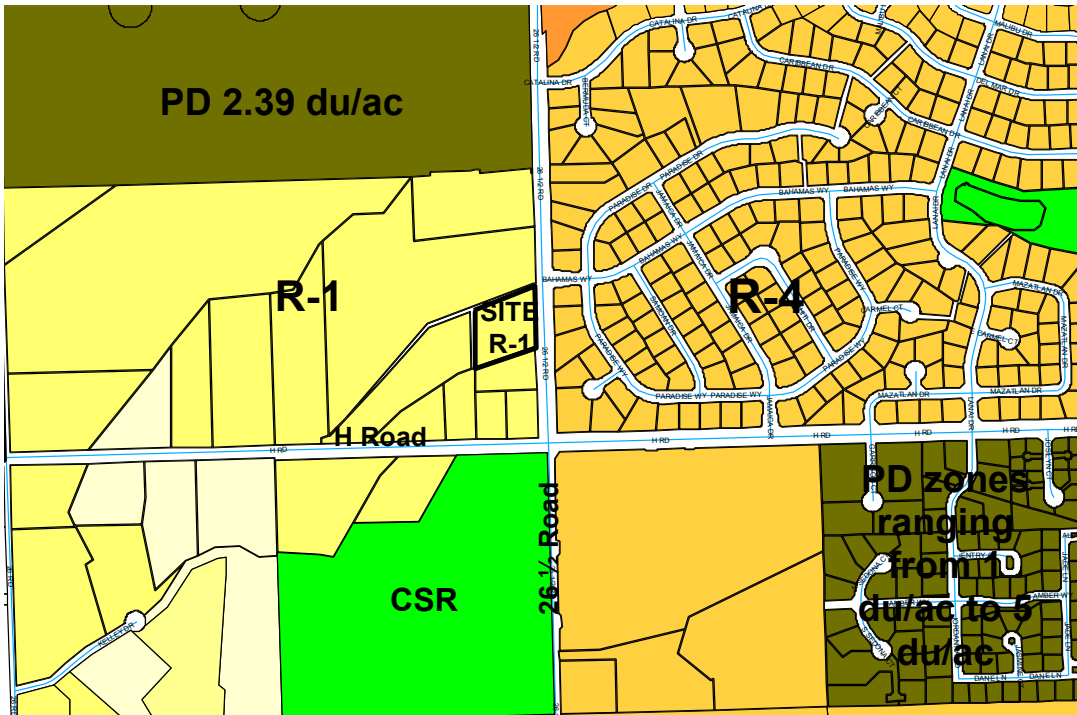
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE GRAND VIEW CARE LODGE FROM
R-1 (RESIDENTIAL 1 DU/AC) TO R-2 (RESIDENTIAL 2 DU/AC)**

LOCATED AT 815 26 1/2 ROAD

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Grand View Care Lodge to the R-2 (Residential 2 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-2 (Residential 2 du/ac) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned R-2 (Residential 2 du/ac).

LOT 1 RND Subdivision SEC 26 T1N R1W and an und interest in Tracts - 1.90 ac

INTRODUCED on first reading the 14th day July, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 12
Public Hearing—Fournier Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Fournier Annexation - Located at 2132 Rainbow Ranch Drive		
File #	ANX-2008-111		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	July 23, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to annex 6.48 acres, located at 2132 Rainbow Ranch Drive. The Fournier Annexation consists of 1 parcel and includes a portion of the Broadway right-of-way and all of the Rainbow Ranch Drive right-of-way.

Budget: N/A

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

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2132 Rainbow Ranch Drive		
Applicants:		Owner: Kathleen M. Fournier Representative: Meadowlark Consulting LLC – Paul Johnson		
Existing Land Use:		Vacant		
Proposed Land Use:		Single Family Residential Subdivision		
Surrounding Land Use:	North	Monument Village Shopping Center		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)		
Proposed Zoning:		City R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	County C-1 (Light Commercial) / City B-1 (Neighborhood Commercial)		
	South	County RSF-4 (Residential Single Family 4 du/ac)		
	East	County RSF-4 (Residential Single Family 4 du/ac)		
	West	County RSF-4 (Residential Single Family 4 du/ac)		
Growth Plan Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 6.48 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is proposed.

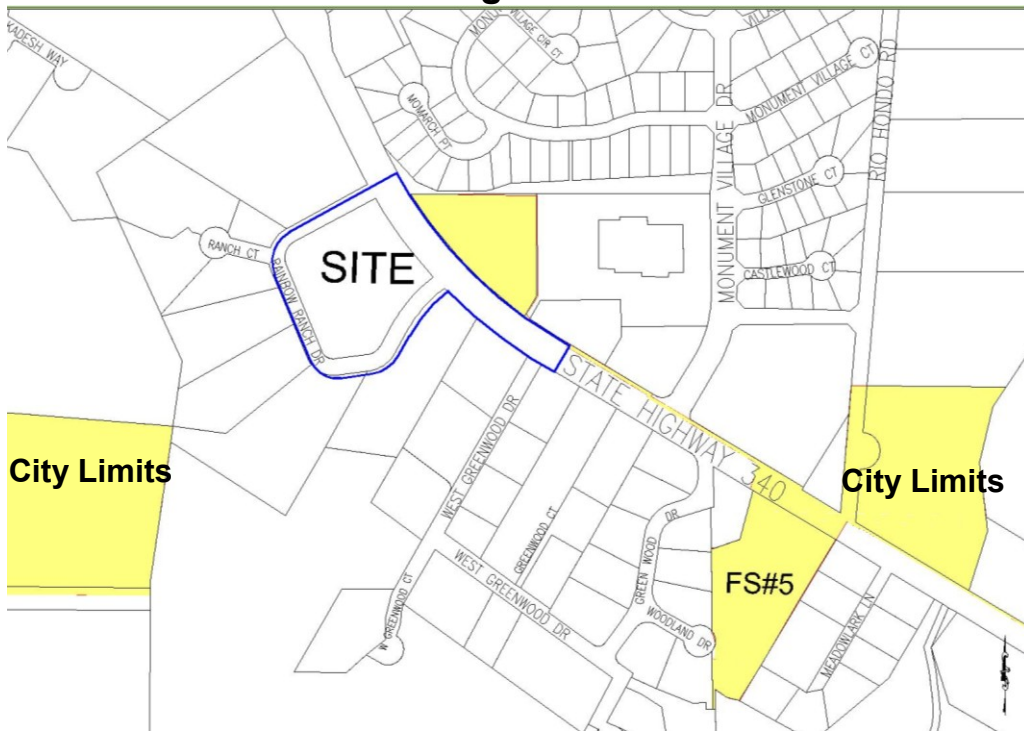
<i>ANNEXATION SCHEDULE</i>	
June 16, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
August 4, 2008	Acceptance of Petition and Public Hearing on Annexation
August 12, 2008	Planning Commission considers Zone of Annexation
August 20, 2008	Introduction of a proposed Ordinance on Zoning by City Council
September 3, 2008	Public Hearing on Zoning
September 5, 2008	Effective date of Annexation
October 5, 2008	Effective date of Zoning

FOURNIER ANNEXATION SUMMARY

File Number:	ANX-2008-111	
Location:	2132 Rainbow Ranch Drive	
Tax ID Number:	2947-232-44-001	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	6.48 acres	
Developable Acres Remaining:	3.27 acres	
Right-of-way in Annexation:	3.20 acres	
Previous County Zoning:	RSF-4 (Residential Single Family 4 du/ac)	
Proposed City Zoning:	R-4 (Residential 4 du/ac)	
Current Land Use:	Vacant	
Future Land Use:	Single Family Residential	
Values:	Assessed:	= \$27,550
	Actual:	= \$95,000
Address Ranges:	2126-2134 Rainbow Ranch Drive (even only)	
Special Districts:	Water:	Ute Water
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire District
	Irrigation:	Redlands Water & Power
	School:	Mesa County Valley School District #51
	Pest:	None

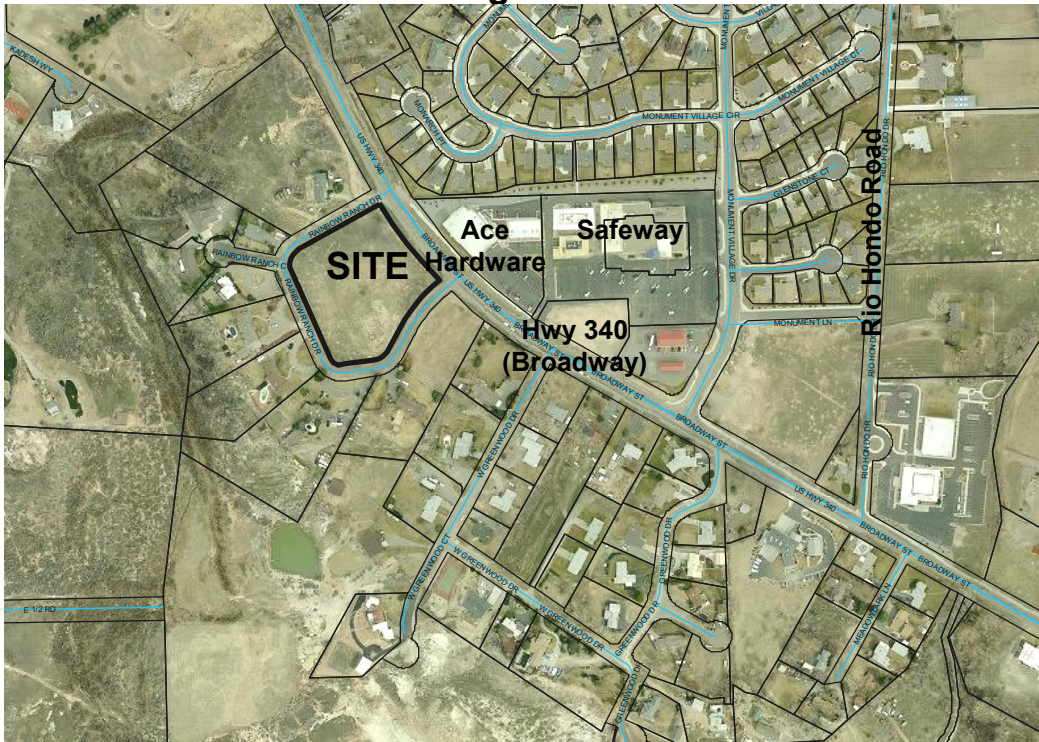
Annexation-Site Location Map

Figure 1



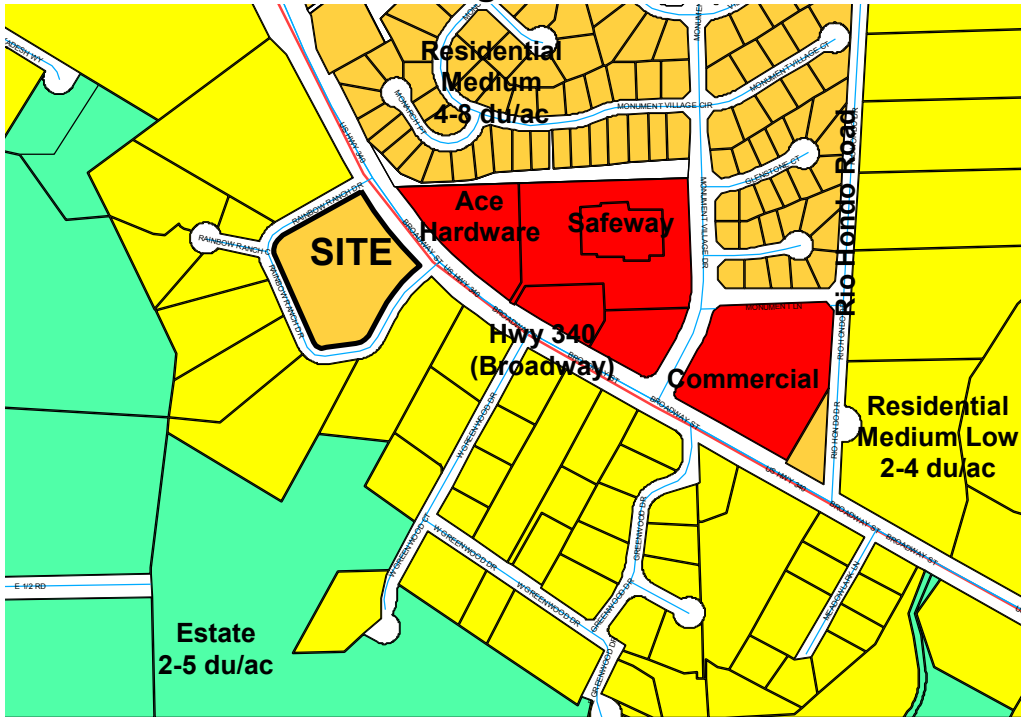
Aerial Photo Map

Figure 2



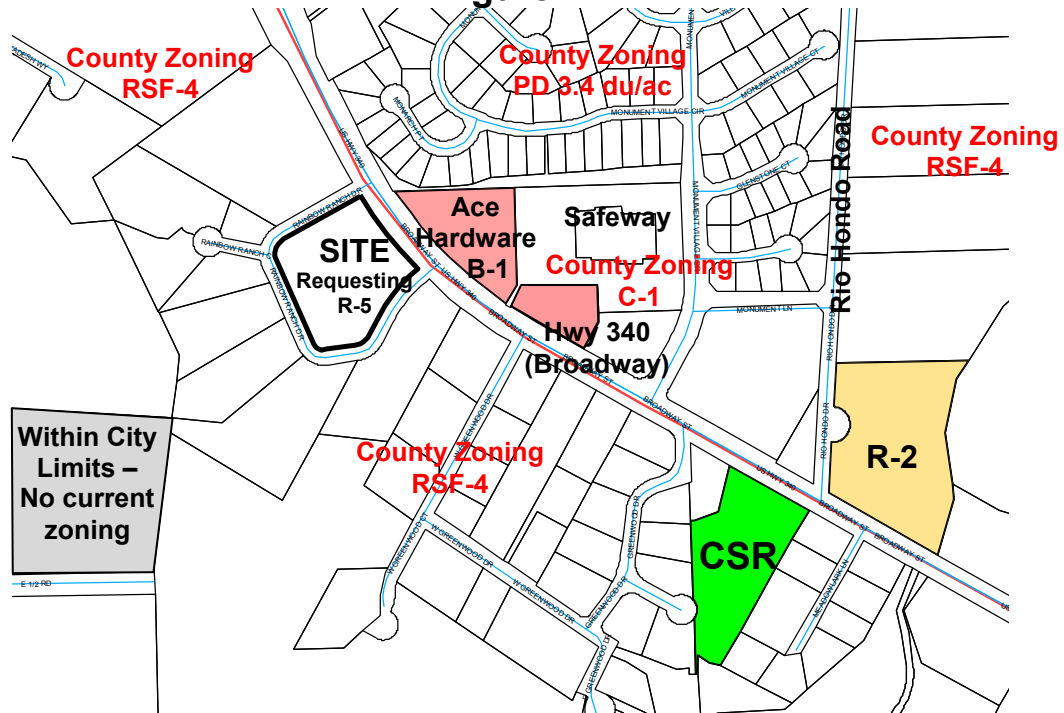
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

FOURNIER ANNEXATION

**LOCATED AT 2132 RAINBOW RANCH DRIVE INCLUDING A PORTION OF THE
HIGHWAY 340 (BROADWAY) RIGHT-OF-WAY AND ALL OF THE RAINBOW RANCH
DRIVE RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 16th day of June, 2008, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

FOURNIER ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 23, Township Eleven South (11S), Range One Hundred One West (101W) of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northeast corner of Lot 2 of Rainbow Ranch Subdivision, as same is recorded in Plat Book 11, Page 7, public records of Mesa County, Colorado and assuming the East line of Lot 6 of said Rainbow Ranch Subdivision to bear N22°40'55"W with all bearings contained herein relative thereto; thence N61°25'05"E a distance of 386.95 feet along the North line of Right of Way of Rainbow Ranch Drive, as same as recorded in Book 940, Page 202 of the Mesa County, Colorado public records to a point on the West line of Monument Village Filing No. 7, as same is recorded in Plat Book 2789, Page 969, public records of Mesa County, Colorado; thence 79.64 feet along the arc of a 1379.23 foot radius curve, concave Northeast, having a central angle of 03°18'30" and a chord bearing S30°21'40"E a distance of 79.63 feet along the West line of said Monument Village Filing No. 7 to the Northwest corner of Monument Village Shopping Center, as same is recorded in Plat Book 16, Page 66, public records of Mesa County, Colorado; thence along the West line of Ace Hardware Annexation No. 3, Ordinance No. 3832, City of Grand Junction the following four (4) courses: (1) 535.59 feet along the arc of a 1382.50 foot radius curve, concave Northeast, having a central angle of 22°11'49" and a chord bearing S43°06'32"E a distance of 532.25 feet along the West line of said Monument Village Shopping Center;

(2) 115.02 feet along the arc of a 1377.84 foot radius curve, concave Northeast, having a central angle of 04°46'59" and a chord bearing S56°38'24"E a distance of 114.99 feet; (3) S59°01'54"E a distance of 53.62 feet; (4) S30°59'17"W a distance of 95.33 feet; thence 84.07 feet along the arc of a 4225.09 foot radius curve, concave Northeast, having a central angle of 01°08'24" and a chord bearing N58°46'04"W a distance of 84.07 feet along the South line of Right of Way of Colorado Highway 340, as same as recorded in Book 530, Page 462 of the Mesa County, Colorado public records to the Northeast corner of Lot 11 of said Rainbow Ranch Subdivision; thence 340.63 feet along the arc of a 1498.25 foot radius curve, concave Northeast, having a central angle of 13°01'35" and a chord bearing N51°11'06"W a distance of 339.90 feet along the East line of said Rainbow Ranch Subdivision, said line also being the South line of said Right of Way; thence along the South line of Right of Way of Rainbow Ranch Drive, as same as recorded in Book 913, Page 991 of the Mesa County, Colorado public records the following four (4) courses: (1) 188.55 feet along the arc of a 445.20 foot radius curve, concave Southeast, having a central angle of 24°15'58" and a chord bearing S40°42'04"W a distance of 187.15 feet; (2) S28°34'05"W a distance of 72.50 feet; (3) 103.67 feet along the arc of a 110.00 foot radius curve, concave Northwest, having a central angle of 54°00'00" and a chord bearing S55°34'05"W a distance of 99.88 feet; (4) S82°34'05"W a distance of 100.53 feet; thence along the Westerly line of Right of Way of Rainbow Ranch Drive, as same as recorded in Book 940, Page 202 of the Mesa County, Colorado public records the following three (3) courses: (1) 118.02 feet along the arc of a 90.46 foot radius curve, concave Northeast, having a central angle of 74°45'00" and a chord bearing N60°03'25"W a distance of 109.82 feet; (2) N22°40'55"W a distance of 179.97 feet; (3) 157.85 feet along the arc of a 107.54 foot radius curve, concave Southeast, having a central angle of 84°06'00" and a chord bearing N19°22'05"E a distance of 144.06 feet to the Point of Beginning.

Said parcel contains 6.48 acres (282,393.18 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of August, 2008; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FOURNIER ANNEXATION

APPROXIMATELY 6.48 ACRES

**LOCATED AT 2132 RAINBOW RANCH DRIVE INCLUDING A PORTION OF THE
HIGHWAY 340 (BROADWAY) RIGHT-OF-WAY AND ALL OF THE RAINBOW RANCH
DRIVE RIGHT-OF-WAY**

WHEREAS, on the 16th day of June, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of August, 2008; and

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

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

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

FOURNIER ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 23, Township Eleven South (11S), Range One Hundred One West (101W) of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northeast corner of Lot 2 of Rainbow Ranch Subdivision, as same is recorded in Plat Book 11, Page 7, public records of Mesa County, Colorado and assuming the East line of Lot 6 of said Rainbow Ranch Subdivision to bear N22°40'55"W with all bearings contained herein relative thereto; thence N61°25'05"E a distance of 386.95 feet along the North line of Right of Way of Rainbow Ranch Drive, as same as recorded in Book 940, Page 202 of the Mesa County, Colorado public

records to a point on the West line of Monument Village Filing No. 7, as same is recorded in Plat Book 2789, Page 969, public records of Mesa County, Colorado; thence 79.64 feet along the arc of a 1379.23 foot radius curve, concave Northeast, having a central angle of 03°18'30" and a chord bearing S30°21'40"E a distance of 79.63 feet along the West line of said Monument Village Filing No. 7 to the Northwest corner of Monument Village Shopping Center, as same is recorded in Plat Book 16, Page 66, public records of Mesa County, Colorado; thence along the West line of Ace Hardware Annexation No. 3, Ordinance No. 3832, City of Grand Junction the following four (4) courses: (1) 535.59 feet along the arc of a 1382.50 foot radius curve, concave Northeast, having a central angle of 22°11'49" and a chord bearing S43°06'32"E a distance of 532.25 feet along the West line of said Monument Village Shopping Center; (2) 115.02 feet along the arc of a 1377.84 foot radius curve, concave Northeast, having a central angle of 04°46'59" and a chord bearing S56°38'24"E a distance of 114.99 feet; (3) S59°01'54"E a distance of 53.62 feet; (4) S30°59'17"W a distance of 95.33 feet; thence 84.07 feet along the arc of a 4225.09 foot radius curve, concave Northeast, having a central angle of 01°08'24" and a chord bearing N58°46'04"W a distance of 84.07 feet along the South line of Right of Way of Colorado Highway 340, as same as recorded in Book 530, Page 462 of the Mesa County, Colorado public records to the Northeast corner of Lot 11 of said Rainbow Ranch Subdivision; thence 340.63 feet along the arc of a 1498.25 foot radius curve, concave Northeast, having a central angle of 13°01'35" and a chord bearing N51°11'06"W a distance of 339.90 feet along the East line of said Rainbow Ranch Subdivision, said line also being the South line of said Right of Way; thence along the South line of Right of Way of Rainbow Ranch Drive, as same as recorded in Book 913, Page 991 of the Mesa County, Colorado public records the following four (4) courses: (1) 188.55 feet along the arc of a 445.20 foot radius curve, concave Southeast, having a central angle of 24°15'58" and a chord bearing S40°42'04"W a distance of 187.15 feet; (2) S28°34'05"W a distance of 72.50 feet; (3) 103.67 feet along the arc of a 110.00 foot radius curve, concave Northwest, having a central angle of 54°00'00" and a chord bearing S55°34'05"W a distance of 99.88 feet; (4) S82°34'05"W a distance of 100.53 feet; thence along the Westerly line of Right of Way of Rainbow Ranch Drive, as same as recorded in Book 940, Page 202 of the Mesa County, Colorado public records the following three (3) courses: (1) 118.02 feet along the arc of a 90.46 foot radius curve, concave Northeast, having a central angle of 74°45'00" and a chord bearing N60°03'25"W a distance of 109.82 feet; (2) N22°40'55"W a distance of 179.97 feet; (3) 157.85 feet along the arc of a 107.54 foot radius curve, concave Southeast, having a central angle of 84°06'00" and a chord bearing N19°22'05"E a distance of 144.06 feet to the Point of Beginning.

Said parcel contains 6.48 acres (282,393.18 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the 16th day of June, 2008 and ordered published.

ADOPTED on second reading the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 13
Public Hearing—Level III Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Level III Annexation and Zoning - Located at 2922 B 1/2 Road		
File #	ANX-2008-147		
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	July 23, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to annex and zone 19.68 acres, located at 2922 B ½ Road, to R-4 (Residential 4 du/ac). The Level III Annexation consists of 1 parcel and includes a portion of the B ½ Road right-of-way. The Level III Annexation creates an enclave of 6 properties.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for Annexation and hold a public hearing and consider final passage of the Annexation Ordinance and Zoning Ordinance.

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2922 B 1/2 Road	
Applicants:		Owner/Developer: Level III Development LLC – Bill Ogle Representative: Austin Civil Group – Jim Joslyn	
Existing Land Use:		Single Family Residence/Agricultural	
Proposed Land Use:		Single Family Residential Subdivision	
Surrounding Land Use:	North	Single Family Residential Subdivision	
	South	Single Family Residential Subdivision	
	East	Single Family Residential Subdivision/Agricultural	
	West	Single Family Residential/Agricultural	
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)	
Proposed Zoning:		City R-4 (Residential 4 du/ac)	
Surrounding Zoning:	North	City R-4 (Residential 4 du/ac)	
	South	County RSF-4 (Residential Single Family 4 du/ac) / City R-4 (Residential 4 du/ac)	
	East	City R-4 (Residential 4 du/ac)	
	West	County RSF-4 (Residential Single Family 4 du/ac) / City R-4 (Residential 4 du/ac)	
Growth Plan Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 19.68 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

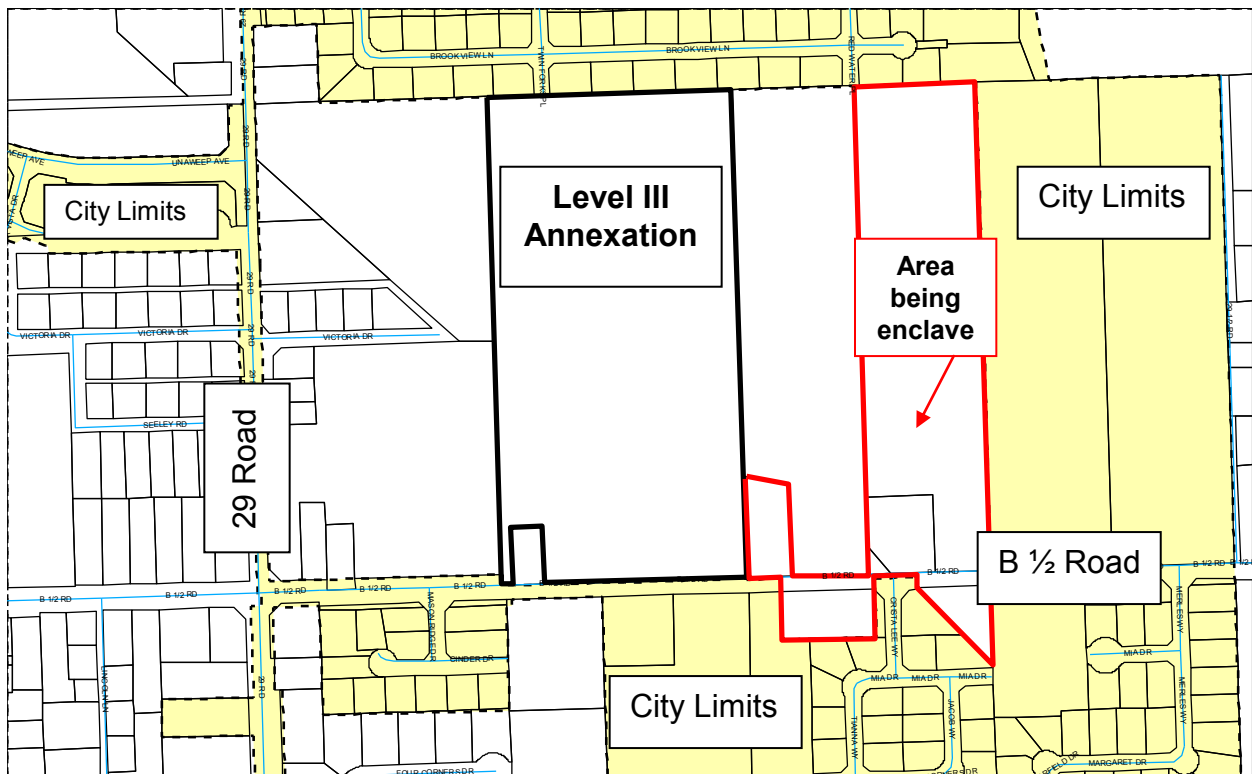
- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
June 16, 2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
July 8, 2008	Planning Commission considers Zone of Annexation
July 14, 2008	Introduction of a proposed Ordinance on Zoning by City Council
August 4, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
September 5, 2008	Effective date of Annexation and Zoning

The Level III Annexation located at 2922 B ½ Road will inadvertently enclave 6 properties (see picture below) which under the requirements of the Persigo Agreement with Mesa County requires the City to annex that property after three years but before five years from being enclaved. This has occurred several times over the years of the Persigo Agreement, each time staff has sent a letter signed by the mayor to the affected properties owners notifying them of their property being enclaved. A copy of the letter is attached.



<u>LEVEL III ANNEXATION SUMMARY</u>		
File Number:		ANX-2008-147
Location:		2922 B 1/2 Road
Tax ID Number:		2945292-00-017
Parcels:		1
Estimated Population:		1
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		19.68 acres
Developable Acres Remaining:		19.68 acres
Right-of-way in Annexation:		0.38 acres of B 1/2 Road right-of-way
Previous County Zoning:		RSF-4 (Residential Single Family 4 du/ac)
Proposed City Zoning:		R-4 (Residential 4 du/ac)
Current Land Use:		Single Family Residence / Agriculture
Future Land Use:		Single Family Residential Subdivision
Values:	Assessed:	= \$15,280
	Actual:	= \$169,370
Address Ranges:		2922-2928 B 1/2 Road (even only)
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation District
	Fire:	Grand Junction Rural Fire District
	Irrigation:	Orchard Mesa Irrigation District
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito District

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-4 (Residential 4 du/ac) zone district is consistent with the Growth Plan designation of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-4 (Residential Single Family 4 du/ac). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The propose R-4 zone district conforms to and furthers the goals and policies of the Growth Plan. The surrounding properties are either large agricultural properties with further development potential or residential neighborhoods zoned and developed at R-4 densities. The R-4 zone district implements the Residential Medium Low 2-4 du/ac land use category of the Future Land Use Map and Growth Plan.

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

Response: There is an existing sewer line in B 1/2 Road that varies from 8" to 12" available for sewer service. Ute water has 2 water lines in B 1/2 Road, one 2" and one 12" available to provide domestic water.

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

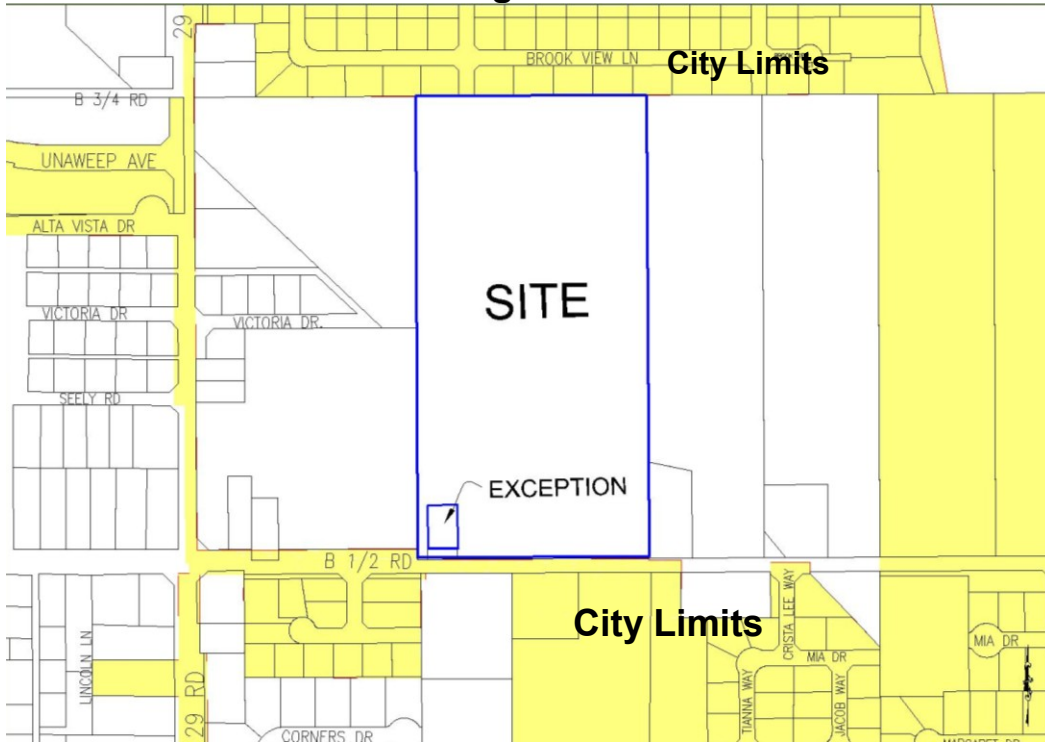
c. R-2

If the City Council chooses an alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: On July 8, 2008, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-4 district to be consistent with the Growth Plan, the existing County Zoning, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation-Site Location Map

Figure 1



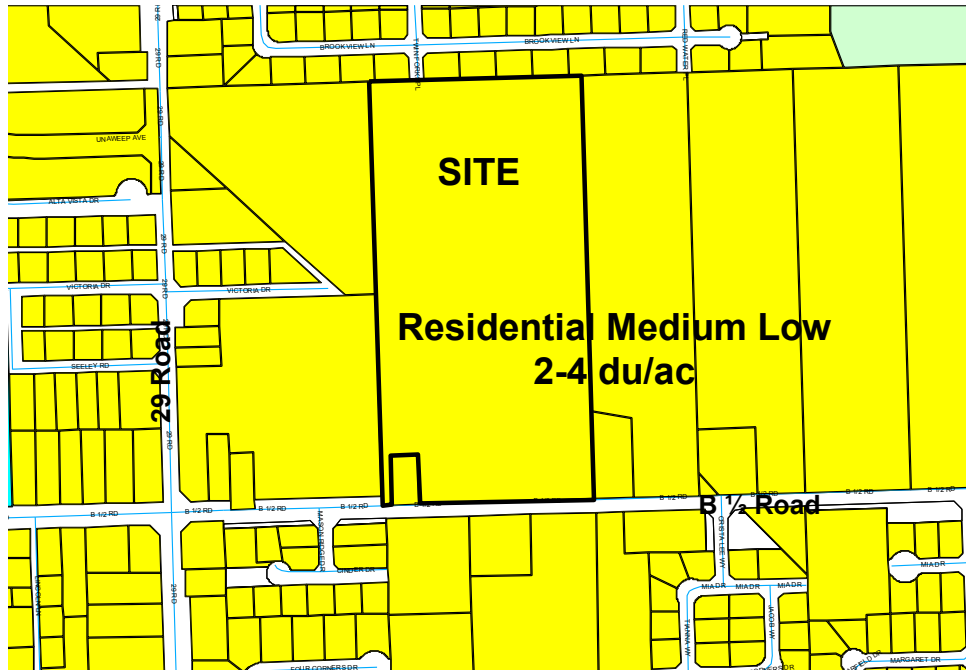
Aerial Photo Map

Figure 2



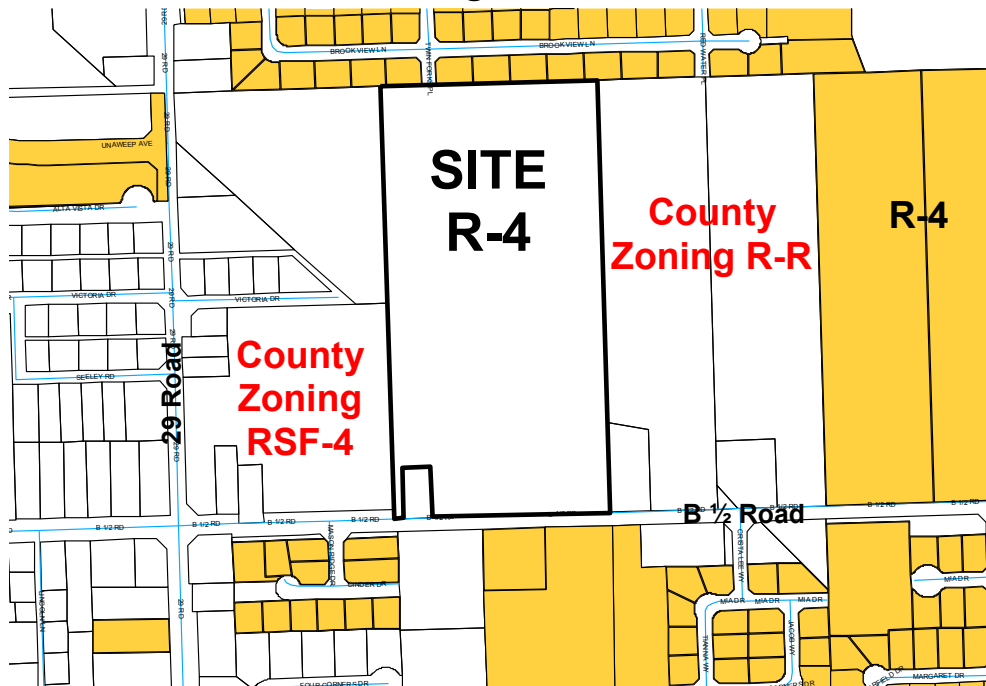
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

LEVEL III ANNEXATION

**LOCATED AT 2922 B 1/2 ROAD INCLUDING A PORTION OF THE B 1/2 ROAD
RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 16th day of June, 2008, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

LEVEL III ANNEXATION

A certain parcel of land located in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 29, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The East 1/2 of the SW 1/4 NW 1/4 of said Section 29 less however the South 5.00 feet thereof being Summit Annexation No. 1, Ordinance No. 3712, City of Grand Junction, also less a parcel of land recorded in Book 3524, Page 808 of the Mesa County, Colorado public records.

Said parcel contains 19.68 acres (857,363.10 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of August, 2008; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the

landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

LEVEL III ANNEXATION

APPROXIMATELY 19.68 ACRES

**LOCATED AT 2922 B 1/2 ROAD INCLUDING A PORTION OF THE B 1/2 ROAD
RIGHT-OF-WAY**

WHEREAS, on the 16th day of June, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of August, 2008; and

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

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

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

LEVEL III ANNEXATION

A certain parcel of land located in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 29, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The East 1/2 of the SW 1/4 NW 1/4 of said Section 29 less however the South 5.00 feet thereof being Summit Annexation No. 1, Ordinance No. 3712, City of Grand Junction, also less a parcel of land recorded in Book 3524, Page 808 of the Mesa County, Colorado public records.

Said parcel contains 19.68 acres (857,363.10 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the 16th day of June, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE LEVEL III ANNEXATION
TO R-4 (RESIDENTIAL 4 DU/AC)**

LOCATED AT 2922 B 1/2 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Level III Annexation to the R-4 (Residential 4 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 (Residential 4 du/ac) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned R-4 (Residential 4 du/ac).

LEVEL III ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows: The East-half (E 1/2) of the SW 1/4 NW 1/4 of said Section 29, LESS HOWEVER, that certain parcel of land described in Book 3524, Page 808 (Parcel 2943-292-00-018), public records of Mesa County, Colorado.

INTRODUCED on first reading the 14th day of July, 2008 and ordered published.

ADOPTED on second reading the ____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk
