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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, AUGUST 6, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance

***** Certificates of Appointment**

Avalon Theatre Advisory Committee

Grand Junction Housing Authority

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Setting a Hearing on Zoning the Eagle Pointe Subdivision, Located at 2814 C 3/4 Road** [File #PP-2007-225] [Attach 1](#)

A request for approval to zone property located at 2814 C 3/4 Road to PD (Planned Development) with a default zone of MU (Mixed Use) by approval of the Preliminary Development Plan as a Planned Development containing 76 multifamily dwelling units on one 4.23 acre lot and 4 commercial/industrial lots.

Proposed Ordinance Zoning Eagle Ponte Subdivision to PD (Planned Development) Zone, by Approving a Preliminary Development Plan with a Default

*** Indicates New Item

® Requires Roll Call Vote

REVISED

MU (Mixed Use) Zone for the Development of Five Lots, One Residential Containing 76 Dwelling Units and Four (4) Commercial/Industrial Lots, Located at 2814 C 3/4 Road

Action: Introduction of Proposed Ordinance and Set a Public Hearing for August 20, 2008

Staff presentation: Greg Moberg, Planning Services Supervisor

2. **Setting a Hearing for Amending and Establishing Rates Used to Compute Assessments Levied Against Properties Located in Alley Improvement Districts** [Attach 2](#)

The City's alley improvement district program has been in place since 1989. The alley improvement district assessment rates have not been revised since 1999. Since then construction costs for alleys have increased by 110% (average of 12% per year).

Proposed Ordinance Setting the Assessable Cost of the Improvements Made in and for Alley Improvement Districts

Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2008

Staff presentation: Tim Moore, Public Works and Planning Director

3. **Construction Contract for 2008 New Sidewalk Construction** [Attach 3](#)

The 2008 New Sidewalk projects consists of installation of sidewalk in 5 locations. To be considered for this project the areas must first have curb and gutter adjacent to the property.

Action: Authorize the City Manager to Sign a Construction Contract for the 2008 New Sidewalk Construction to BPS Concrete, Inc. in the Amount of \$105,979.17

Staff presentation: Tim Moore, Public Works and Planning Director

4. **Construction Contract for 2008 Alley Improvement District** [Attach 4](#)

Bids were received on July 22, 2008 for construction of the 2008 Alley Improvement District. B.P.S. Concrete, Inc. submitted the low bid in the amount of \$369,309.84.

Action: Authorize the City Manager to Sign a Construction Contract for the 2008 Alley Improvement District to BPS Concrete, Inc. in the Amount of \$369,308.84

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

5. **Contract for Public Safety Building Pre-Construction Design Services** [Attach 5](#)

This approval request is for the contract award for pre-construction design services for the Public Safety Initiative.

Action: Authorize the City Purchasing Division to Enter into a Contract with Shaw Construction, LLC in the Amount of \$147,729 for Pre-construction Design Services Associated with the Public Safety Initiative

Staff presentation: Troy Smith, Deputy Chief of Police
Jim Shanks, Special Project Engineer

6. **Public Hearing—Assessments for Sanitary Sewer Improvement District No. SS-49-07 (Galley Lane)** [Attach 6](#)

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located in the area of Galley Lane and Young Street.

Ordinance No. 4273—An Ordinance Approving the Assessable Cost of the Improvements made in and for Galley Lane Sanitary Sewer Improvement District No. SS-49-07, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, As Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the

Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4273

Staff presentation: Tim Moore, Public Works and Planning Director

7. **Public Hearing—The FedEx-Swanson Annexation and Zoning, Located at 788 22 Road and 2223 H Road** [File #ANX-2008-091] [Attach 7](#)

Request to annex and zone 13.2 acres, located at 788 22 Road and 2223 H Road, to I-1 (Light Industrial). The FedEx-Swanson Annexation consists of two parcels and a portion of the 22 Road Right-of-Way.

a. Accepting Petition

Resolution No. 112-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the FedEx-Swanson Annexation, Located at 788 22 Road and 2223 H Road, Including a Portion of the 22 Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4274—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, FedEx-Swanson Annexation, Approximately 13.2 Acres, Located at 788 22 Road and 2223 H Road, Including a Portion of the 22 Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4275—An Ordinance Zoning the FedEx-Swanson Annexation to I-1 (Light Industrial), Located at 788 22 Road and 2223 H Road

®Action: Adopt Resolution No. 112-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4274 and 4275

Staff presentation: Greg Moberg, Planning Services Supervisor

8. **Ratify Agreement with the Grand Junction Rural Fire Protection District and Redlands Subdistrict** [Attach 8](#)

The City and the Grand Junction Rural Fire Protection District have a longstanding relationship for the delivery of fire and emergency medical services (EMS) by the City to the residents of the District, memorialized in a 2002 service contract between the parties. Because of decreasing revenues of the District and the Subdistrict since 2002, both parties are in agreement that the 2002 service contract needs to be amended. A new Agreement has been prepared and signed by the District and the City Manager.

Resolution No. 113-08—A Resolution Authorizing and Ratifying an Agreement Between the City of Grand Junction and the Grand Junction Rural Fire Protection District

®Action: *Adopt Resolution No. 113-08*

Staff presentation: John Shaver, City Attorney

*** 9. **Policy Regarding Invocations at City Council Meetings** [Attach 9](#)

Given the state of the law and the Council majority's preference to continue the invocation, this resolution presents a very meaningful opportunity to be very respectful of the diverse interests of the community.

Resolution No. 114-08 – A Resolution Concerning the Offering of Invocations Prior to the Meetings of the City Council and Other Deliberative Bodies of the City of Grand Junction

Action: *Adopt Resolution No. 114 -08*

Staff presentation: Laurie Kadrich, City Manager
John Shaver, City Attorney

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

11. **Other Business**

12. **Adjournment**

Attach 1
Setting a Hearing on Zoning the Eagle Pointe Subdivision
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning the Eagle Pointe Subdivision – Located at 2814 C ¾ Road		
File #	PP-2007-225		
Meeting Day, Date	Wednesday, August 6, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 21, 2008		
Author Name & Title	Greg Moberg, Planning Services Supervisor		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: A request for approval to zone property located at 2814 C ¾ Road to PD (Planned Development) with a default zone of MU (Mixed Use) by approval of the Preliminary Development Plan as a Planned Development containing 76 multifamily dwelling units on one 4.23 acre lot and 4 commercial/industrial lots.

Budget: N/A

Action Requested/Recommendation: Introduction of a proposed Ordinance zoning the property to Planned Development and set a public hearing for August 20, 2008.

Attachments:

1. Staff Report
2. Site Location Map/Aerial Photo Map
3. Future Land Use Map/Existing City and County Zoning Map
4. Preliminary Development Plan
5. Proposed Ordinance

BACKGROUND INFORMATION					
Location:		2814 C 3/4 Road			
Applicants:		Owner – Summer Glen, LLC Representative – Design Specialists, PC			
Existing Land Use:		Residential/Agriculture			
Proposed Land Use:		Commercial/Industrial/Residential			
Surrounding Land Use:	North	Residential/Vacant			
	South	Residential/Vacant			
	East	Residential/Vacant			
	West	Residential			
Existing Zoning:		Undetermined			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	I-1 (Light Industrial)			
	South	County RSF-R			
	East	R-8 (Residential – 8 du/ac)			
	West	County PUD and I-2 (General Industrial)			
Growth Plan Designation:		Commercial/Industrial			
Zoning within density range?		X	Yes		No

Staff Analysis:

Background

The subject parcel was annexed into the City of Grand Junction as the Pacheco-Woodring Annexation on December 6, 2006. The property was not zoned at the time the annexation was approved. Originally the Applicant had applied for an MU (Mixed Use) zoning designation of the property. At that time, Staff raised a concern that the use of the property entirely for multifamily dwelling units might not be appropriate and by zoning the property MU that was a possibility. It was suggested that the Applicant modify the request and apply for a PD (Planned Development) zone with a default zone of MU. The Applicant agreed resulting in this request.

The Applicant is proposing that the property be developed as a PD with a default zone of MU. Section 3.4 J. of the Zoning and Development Code states that the purpose of the MU zone is:

“To provide for a mix of light manufacturing and office park employment centers, retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the commercial, commercial/industrial, industrial and mixed use future land use classifications of the Growth Plan, as well as serving as a transition between residential and nonresidential use areas.”

The bulk standards for the MU zone, as indicated in Table 3.2 (including Footnotes) in the Zoning and Development Code, are as follows:

Density: 8 to 24 dwelling units per acre

Nonresidential FAR: 0.50

Maximum building size: 150,000 square feet (30,000 square feet for retail)

Minimum lot area: one acre

Minimum lot width: 100 feet

Front yard setback: 15 feet for principal structures/25 feet for accessory structures

Side yard setback: 15 feet for principal structures/15 feet for accessory structures

Front yard setback: 25 feet for principal structures/25 feet for accessory structures

Maximum building height: 40 feet

The proposal is to allow both residential and commercial/industrial uses on the site. The east half of the site would be developed as residential and the west half as commercial/industrial. The residential portion of the property will be located on one lot (Lot 5). The lot will contain 76 dwelling units (19 four-unit structures), 138 parking spaces (137 spaces are required) and approximately 64,500 square feet (45,000 square feet is required) of outdoor living area. Within the outdoor living area picnic tables with barbeques, a community garden and horseshoe pits will be provided.

In addition to the one residential lot, four commercial/industrial lots are proposed on the west half of the property. The uses allowed on these lots will conform to the uses allowed under the MU zone in Table 3.5 of the Zoning and Development Code.

Density

If approved, the overall density of Lot 5 will be 17.96 dwelling units per acre which is consistent with the density allowed in an MU zone. Summer Glen Subdivision is located directly to the east of the site and is zoned R-8 (Residential 8 du/ac) with a density of 4.9 units per acre.

Access

A cul-de-sac, Kistrel Street, bisects the property and provides access to all five lots.

Open Space / Park

Other than the “outdoor living area” provided within Lot 5, no open space or parkland is proposed for the site.

Lot Layout

All of the lots meet or exceed the minimum requirements and standards of the MU zone.

Landscaping

Lots 1 through 4 will be landscaped in accordance with Section 6.5 of the Zoning and Development Code which will be reviewed as part of a site plan application for each lot when development is proposed.

An Outlot, located south of Lot 1 and created for detention of stormwater, will be landscaped in accordance with Section 6.5 of the Zoning and Development Code and will be conveyed to and maintained by the Home Owners Association.

Lot 5 will be landscaped in accordance with Section 6.5 of the Zoning and Development Code which will be reviewed as part of the site plan application. Privacy fencing currently exists along the east property line of Lot 5 adjacent to Summer Glen Subdivision. A six foot high block wall will be constructed along the north property line of Lot 5. The common area will be conveyed to and maintained by the Home Owners Association and will include the landscaping and block wall.

STANDARDS AND CRITERIA

Consistency with the review criteria of Section 2.6 A. of the Zoning and Development Code.

A request to rezone property must only occur if:

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

There was no error at the time of adoption of the Growth Plan or the Pear Park Neighborhood Plan.

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.;

The Pear Park area is in a state of transition as the area moves from rural and agricultural uses to urban densities and commercial and industrial uses. Recently, the Mesa State property located at 29 and D Roads has been zoned to MU and more and more urban density subdivisions are being developed further to the east. The proposed development of this property as high density residential and commercial/industrial follows this trend and is compatible with the developing character of the surrounding neighborhood.

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;

The use of the adjacent property to the east is residential with an approximate density of 4.9 dwelling units per acre. The property to the west is a mixture of commercial and industrial uses. Therefore the proposed development, with high density residential located on the east half of the property and commercial/industrial uses on the west half of the property, is compatible with the neighborhood.

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;

Adequate public facilities are currently available and can address the impacts of the proposed development. The property is located in the Central Grand Valley Sewer District and the Ute Water District. There is an 18" sewer line and a 12" water line located in the C 3/4 Road right-of-way.

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

There currently is an inadequate supply of high density residentially zoned and commercial/industrial zoned lands within the Pear Park area. Because this development proposes both, this request accommodates the community's needs.

6. The community will benefit from the proposed zone.

Approving this request would create a transition between the existing residential development to the east and the existing and potential commercial/industrial uses to the west. Furthermore, the proposal would also allow for the property to be developed at a higher residential density.

Therefore this request would benefit both the Pear Park area and the City as a whole.

Consistency with the review criteria of Section 2.12.C.2. of the Zoning and Development Code.

A preliminary development plan application shall demonstrate conformance with all of the following:

1. The ODP review criteria in Section 2.12.B;
 - a. The Growth Plan, Major street plan and other adopted plans and policies.

The Growth Plan designates this property as Commercial/Industrial. The Applicant is proposing to subdivide the site into 5 lots. Lot 5 will contain 76 multifamily dwelling units and Lots 1-4 will be for future commercial/industrial uses. A PD with a default MU zone is consistent with the Future Land Use designation of the Growth Plan and the Pear Park Neighborhood Plan.

- b. The rezoning criteria provided in Section 2.6 of the Zoning and Development Code.

The proposed development meets the criteria provided in Section 2.6 of the Zoning and Development Code as noted previously in this report.

- c. The planned development requirements of Chapter Five of the Zoning and Development Code.

The proposed development meets the requirements of Chapter Five. The Applicant is proposing approximately 64,500 square feet of outdoor living area. There is currently an existing privacy fence along the east property line of Lot 5 and the Applicant is proposing a six foot high block wall along the north property line. The proposed development is a transition between the adjacent residential development to the east and the existing and potential commercial/industrial uses to the west. Landscaping shall be required on all lots and shall meet the requirements of Chapter Six. Off-street parking on Lot 5 does meet the Code requirement of 1.8 spaces per dwelling unit.

- d. The applicable corridor guidelines and other overlay districts in Chapter Seven.

There are no applicable corridor guidelines or overlay districts that cover this property.

- e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

All public services and facilities are currently available. Multi-purpose easements are shown on the preliminary development plan that will provide adequate room for the extension of the existing facilities.

- f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

There is adequate circulation to serve the development.

- g. Appropriate screening and buffering of adjacent property and uses shall be provided.

There is currently an existing privacy fence along the east property line of Lot 5 and the Applicant is proposing a six foot high block wall along the north property line.

- h. An appropriate range of density for the entire property or for each development pod/area to be developed.

Lot 5 will be developed at a gross density of 17.96 dwelling units per acre meeting the requirements for the MU zone district.

- i. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

A default zone of MU is proposed for the entire site. No deviations are being requested.

- j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The property will be developed in one phase.

- k. The property is at least twenty (20) acres in size.

The property is less than 20 acres in size. However the property is approximately 10 acres in size meeting the minimum requirement of Section 5.4.E. of the Zoning and Development Code which calls for a minimum of five acres.

2. The applicable preliminary subdivision plan criteria in Section 2.8.B;

A preliminary plat can only be approved when it is in compliance with all of the following:

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

The Growth Plan designates this property as Commercial/Industrial. The Applicant is proposing to subdivide the site into 5 lots. Lot 5 will contain 76 multifamily dwelling units and Lots 1 through 4 will be for future commercial/industrial uses. A PD with a default MU zone is consistent with the Future Land Use designation of the Growth Plan and the Pear Park Neighborhood Plan.

- b. The Subdivision standards Chapter Six.

All of the subdivision standards contained within Section 6.7 of Chapter 6 have been met. The landscape standards contained under Section 6.5 will be reviewed at the time site plans are submitted for review and approval.

- c. The Zoning standards contained in Chapter Three.

The Zoning standards found in Chapter 3 have been met or will be met site plans are submitted.

- d. Other standards and requirements of the Zoning and Development Code and all other City policies and regulations.

Standards of the Zoning and Development Code have been met as well as the requirements for the Transportation Engineering Design Standards (TEDS).

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

Adequate public facilities and services are available and are adequate to serve this development.

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

The proposed mixed-use development will have no adverse or negative impacts on the natural or social environment.

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

The development will provide multifamily housing thereby creating a transition between the existing lower density residential development to the east and the existing and potential commercial/industrial developments to the west. Therefore the proposed development creates compatibility between existing and potential uses.

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

There are no adjacent agricultural lands.

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

This development is neither piecemeal nor premature development of agricultural land or other unique areas.

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

The preliminary development plan shows that there is adequate room for easements for all public services that will be provided for the development of this subdivision.

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

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

- 3. The applicable site plan review criteria in Section 2.2.D.4;

Site plan review criteria is not applicable to this project, only the subdivision criteria that was addressed above applies.

4. The approved ODP, if applicable;

There is no ODP, therefore this is not applicable.

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

Not applicable. There is no approved ODP.

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

The proposed density of 17.96 dwelling units per acre on Lot 5 meets the density requirements for the MU zone.

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

The property is approximately 10.13 acres in size.

Long-Term Community Benefit

The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Chapter 3 of the Code. The Code also states that PD zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative design;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The proposed development has met the following long-term community benefits:

1. More effective infrastructure;
2. Needed housing types and/or mix; and

3. Innovative design.

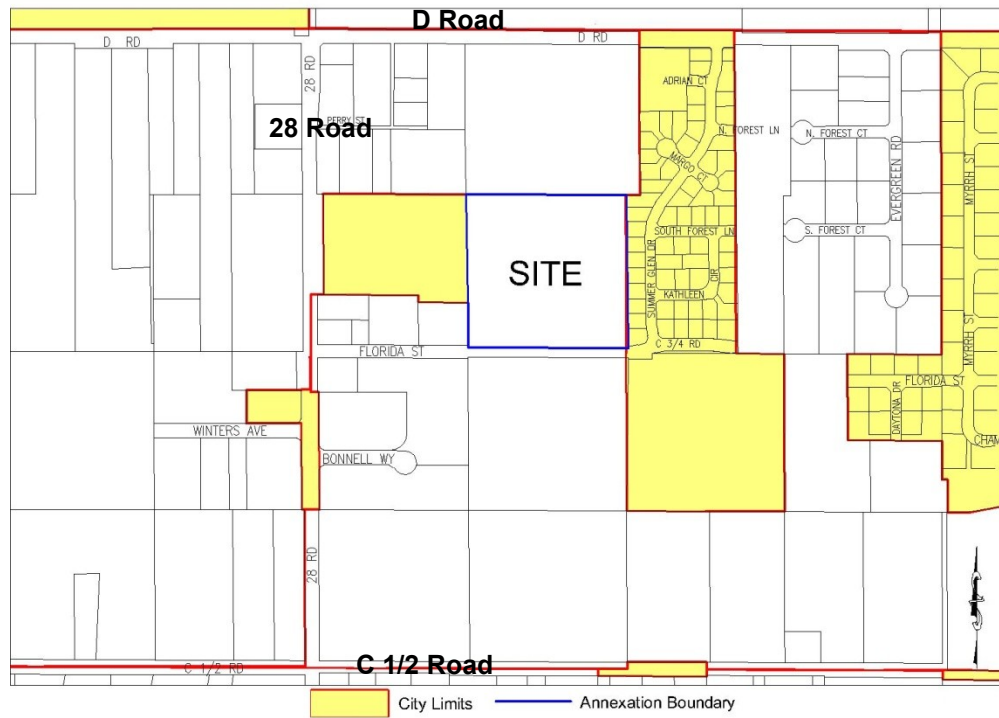
FINDINGS OF FACT AND CONCLUSIONS: After reviewing the Eagle Pointe Planned Development application, PP-2007-225, for a rezone to PD, staff makes the following findings of fact and conclusions:

1. The requested rezone is consistent with the Growth Plan.
2. The review criteria of Section 2.6.A. of the Zoning and Development Code have been met.
3. The review criteria of Section 2.12.C.2. of the Zoning and Development Code have been met.
4. The proposed development provides long-term community benefits above and beyond those required to mitigate the impacts of development and complies with Chapter 5 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: At their regularly scheduled meeting of June 10, 2008; the Planning Commission forwards a recommendation of approval to the City Council, for the requested zone to PD and approval of the Preliminary Development Plan for Eagle Pointe Subdivision, file number PP-2007-225, with the findings and conclusions as listed in the Staff Report.

Site Location Map

Figure 1



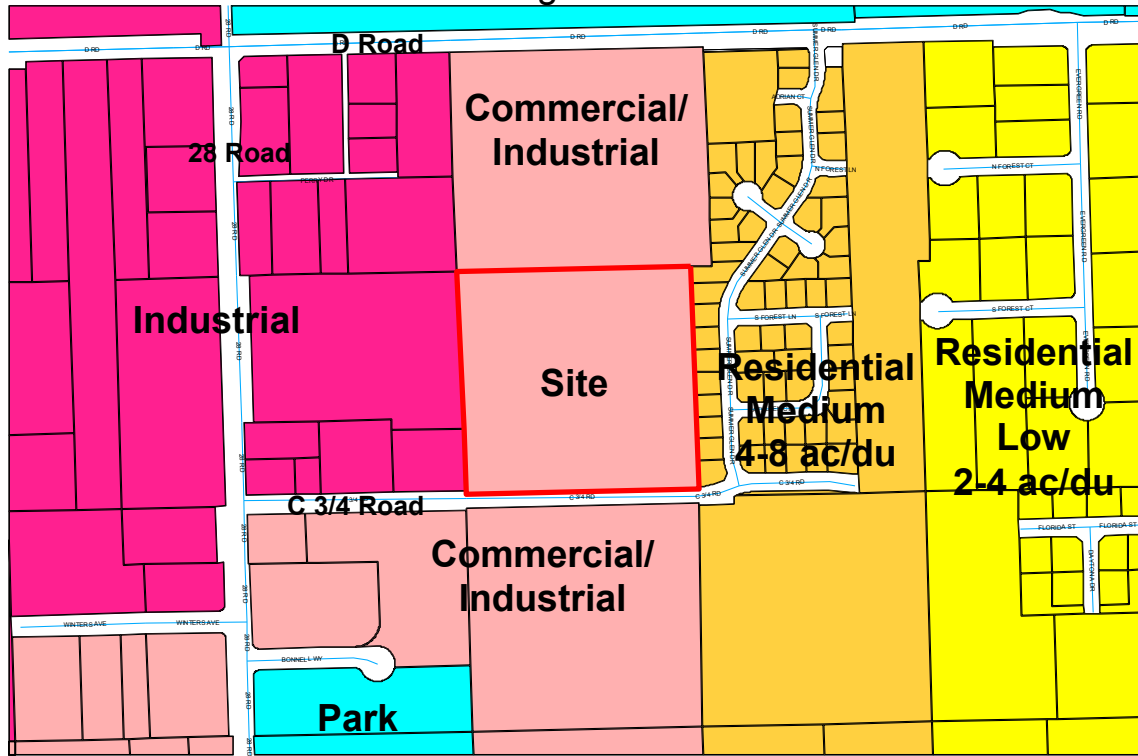
Aerial Photo Map

Figure 2



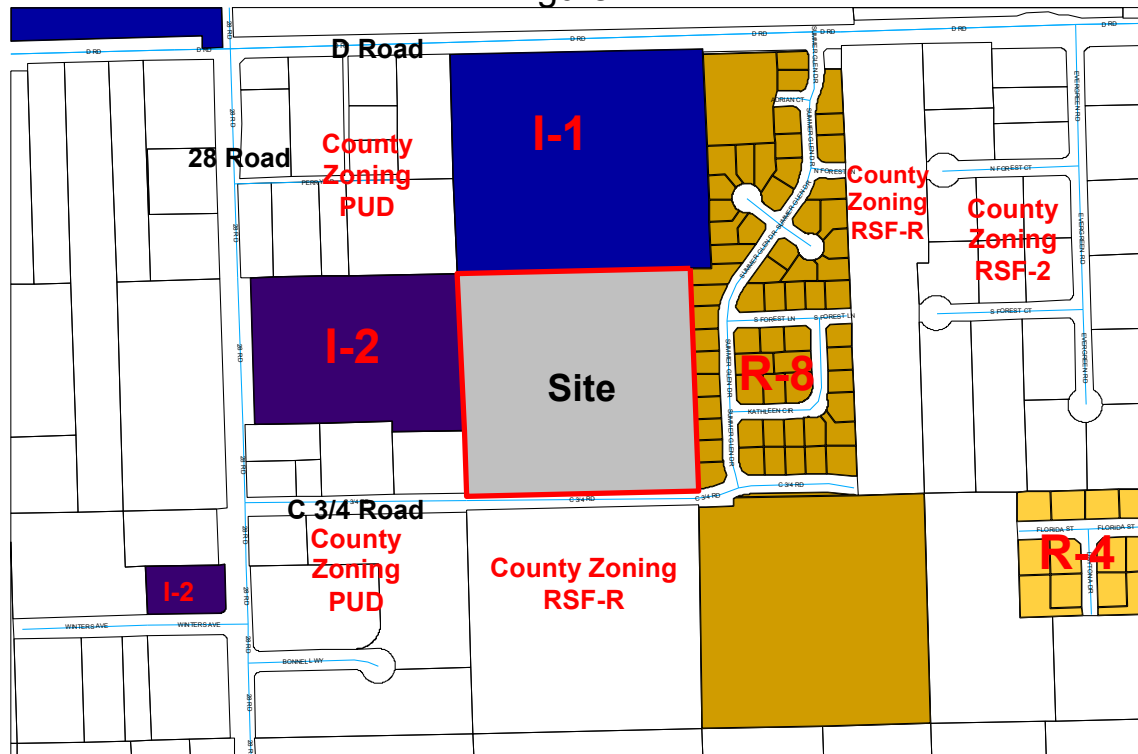
Future Land Use Map

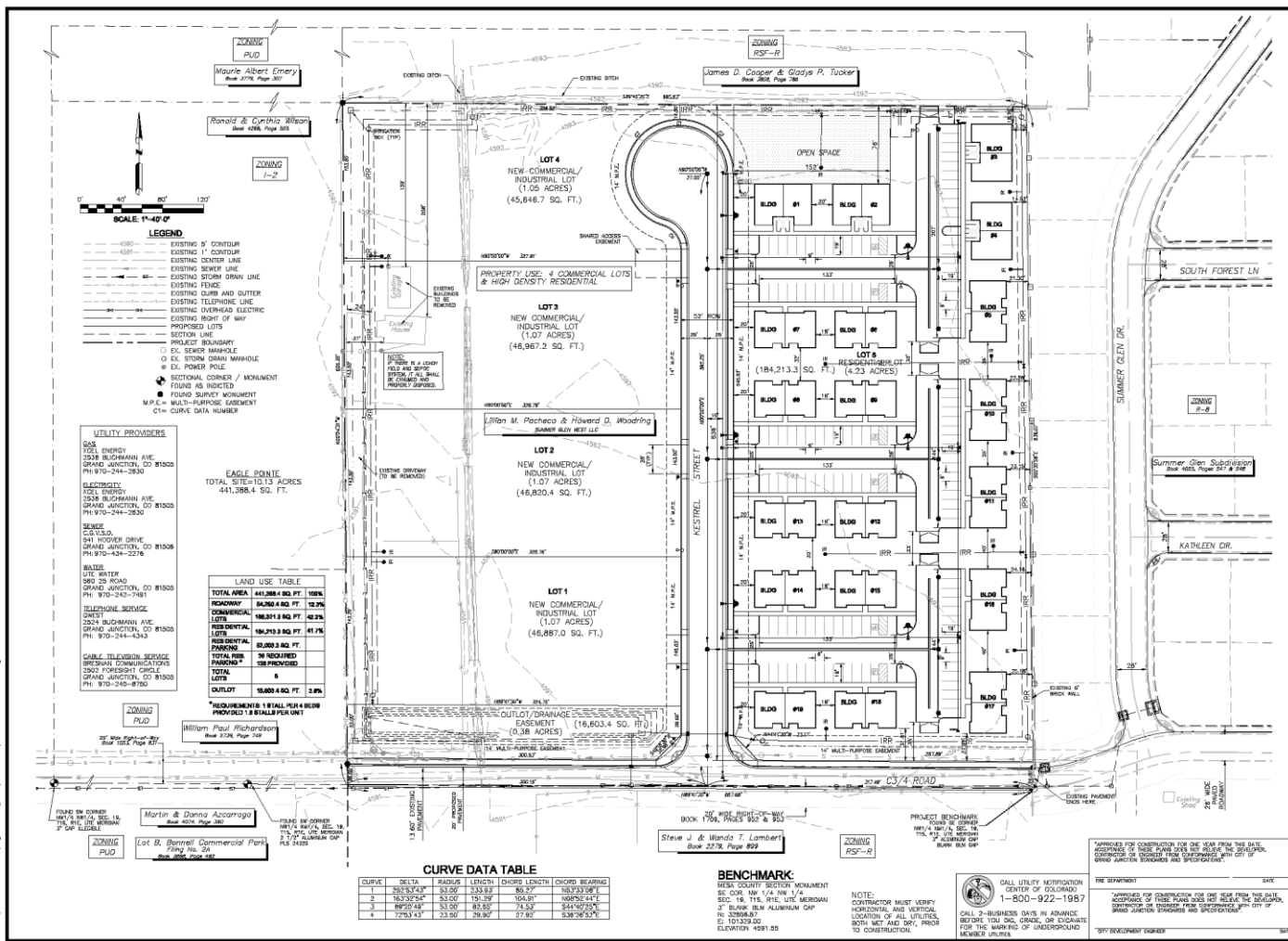
Figure 3



Existing City and County Zoning Map

Figure 4





Drawn: [Name], Checked: [Name], Date: [Date]

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING EAGLE PONTE SUBDIVISION TO PD (PLANNED DEVELOPMENT) ZONE, BY APPROVING A PRELIMINARY DEVELOPMENT PLAN WITH A DEFAULT MU (MIXED USE) ZONE FOR THE DEVELOPMENT OF FIVE LOTS, ONE RESIDENTIAL CONTAINING 76 DWELLING UNITS AND FOUR (4) COMMERCIAL/INDUSTRIAL LOTS

LOCATED AT 2814 C 3/4 ROAD

Recitals:

A request to zone 10.13 acres to PD (Planned Development) by approval of a Preliminary Development Plan (Plan) with a default MU zone has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development Zoning Ordinance will establish the standards, default zoning (MU) and adopt the Preliminary Development Plan for Eagle Pointe Subdivision. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards of the MU zone district.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Preliminary Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Growth Plan. Furthermore, it was determined that the proposed Plan has achieved “long-term community benefits” by proposing more effective infrastructure, needed housing types and innovative design.

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

The following property be zoned PD, Planned Development

- A. A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 19 and assuming the South line of the NW 1/4 NW 1/4 of said Section 19 bears N89°41'26"W with all other bearings contained herein being relative thereto; thence from

said Point of Beginning, N89°41'26"W along the South line of the NW 1/4 NW 1/4 of said Section 19 a distance of 667.67 feet; thence N00°24'32"W along the West line of that certain parcel of land as described in Book 2757, Page 618, Public Records of Mesa County Colorado, to the Northwest corner of said parcel; thence S89°40'25"E along the North line of said parcel, a distance of 665.63 feet to the Northeast corner of said parcel and being a point on the East line of NW 1/4 NW 1/4 of said Section 19; thence S00°35'08"E along the East line of the NW 1/4 NW 1/4 of said Section 19, a distance of 662.07 feet, more or less to the POINT OF BEGINNING.

Said parcel contains 10.13 acres (441,381 square feet), more or less, as described.

- B. Eagle Pointe Subdivision Preliminary Development Plan is approved with the Findings of Facts, Conclusions and Conditions listed in the Staff Presentations dated August 4, 2008 and August 8, 2008 including attachments and Exhibits.
- C. The default zoning will be MU (Mixed Use).

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

ADOPTED on second reading this _____ day of _____ 2008.

ATTEST:

Gregg Palmer
President of the Council

Stephanie Tuin
City Clerk

Attach 2
Setting a Hearing for Amending and Establishing Rates Used to Compute
Assessments Levied Against Properties Located in Alley Improvement Districts
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Setting a Hearing for proposed Ordinance amending and establishing rates used to compute assessments levied against properties located in alley improvement districts.		
File #			
Meeting Day, Date	Wednesday, August 6, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 11, 2008		
Author Name & Title	Trent Prall, Engineering Manager Mike Grizenko, Real Estate Technician		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City's alley improvement district program has been in place since 1989. The alley improvement district assessment rates have not been revised since 1999. Since then construction costs for alleys have increased by 110% (average of 12% per year).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for August 20, 2008.

Attachments:

1. Staff report/Background information
2. Ordinance

Background Information: Historically the rates have been set at a fixed amount for three separate uses. Single Family, Multi-family, and Non-Residential. Multi-family rates tend to be roughly twice the single family rate and non-residential rates tend to be roughly four times the single family rate.

The table below reflects Alley Improvement Districts (AID) rates from the inception of program through 2007.

Inception Years	Single family rate	Multi-family rate	Non-Residential rate	City Share at period start	City share at period end
1990-1999	\$6.00	\$12.00	\$22.50	66%	88%
2000-2007	\$8.00	\$15.00	\$31.50	73%	83%*

*it is estimated that City share will approach 90% in 2008

Rate changes historically have been made when the City's share reaches 85-90%.

It is unknown how any AID rate increase may affect the popularity of the program. Currently there are 18 alleys on a list to be petitioned for inclusion in an AID. Depending on availability of funds it would take 3 to 4 years to construct those on the current list. Approximately four or five alleys are added to the list each year.

From program inception through 2008, 126 alleys will have been paved; approximately 164 alleys remain to be paved.

Applying proposed assessable costs for 2009 of \$165/foot results in the following table. The table assumes that all the assessment would be composed of one use.

	Current rate 2000-2008	City Share 2008	Proposed 2009 Rate	City share 2009
Single Family	\$8.00	92%	\$13.00	86%
Multi-Family	\$15.00	84%	\$26.00	72%
Non-Residential	\$31.50	67%	\$50.00	50%

Based on the proposed rates the following table reflects what a typical lot (50' wide) would pay for each use.

	Assessable Cost
Single Family use	\$650.00
Multi-family use	\$1,300.00
Non-residential use	\$2,500.00

It is recommended to implement the proposed rates beginning with the 2009 AID and monitor rates until such time as the City share once again becomes excessive.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE SETTING THE ASSESSABLE COST OF THE IMPROVEMENTS
MADE IN AND FOR ALLEY IMPROVEMENT DISTRICTS**

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have established by law a process for the creation of public improvement districts; and

WHEREAS, the City Council has heretofore determined the cost to be paid by the benefiting owners and the cost to be paid by the City for the local improvements; and

WHEREAS, the share of the cost to be apportioned to and upon each lot or tract of land within the Districts has decreased over time and the City's cost of the improvements has increased; and

WHEREAS, City staff has reviewed the allocation of costs and recommended the costs be apportioned differently;

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

Section 1. That the assessable cost and apportionment of the cost of Alley Improvement Districts as herein set forth below, is and shall be

- a. The Single-Family Assessment rate shall be \$13.00 per each linear foot of property abutting the alley right-of-way.
- b. The Multi-Family assessment rate shall be \$26.00 per each linear foot of property abutting the alley right-of-way.
- c. The Non-residential assessment rate shall be \$50.00 per each linear foot of property abutting the alley right-of-way.

Section 2. That all other terms of Chapter 28 and the various resolutions, orders and proceedings necessary or required shall remain unchanged.

INTRODUCED on First Reading this ___ day of _____, 2008.

PASSED AND ADOPTED on the ____ day of _____, 2008.
Attest:

City Clerk

President of the Council

Attach 3
Construction Contract for 2008 New Sidewalk Construction
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Contract Award for 2008 New Sidewalk Construction		
File #			
Meeting Day, Date	Wednesday, August 6, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 28, 2008		
Author Name & Title	Justin Vensel, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The 2008 New Sidewalk projects consists of installation of sidewalk in 5 locations. To be considered for this project the areas must first have curb and gutter adjacent to the property.

Bidder	From	Bid Amount
BPS Concrete Inc.	Grand Junction	\$105,979.17
Vista Paving	Grand Junction	\$110,587.93
Reyes Construction	Fruita	\$124,980.90
G & G Paving	Grand Junction	\$135,534.50
Engineer's Estimate		\$143,408.24

Budget: Project No.: 2011-F01300

Project costs:

Construction contract (low bid)	\$105,979.17
Design	\$6,985.79
Construction Inspection and Administration (est.)	<u>\$15,000.00</u>
Total Project Costs	\$127,964.96

Project Funding:

<u>Capital Fund</u>	<u>2008 Current Balance</u>	<u>Allocation for this Project</u>	<u>Remaining Budget</u>
Fund 2011-F00900 Curb Gutter and Sidewalk Replacement	\$150,000.00	\$ 127,964.96	\$ 22,035.04

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2008 New Sidewalk Construction** to **BPS Concrete Inc.** in the amount of **\$ 105,979.17**.

Attachments: None

Background Information: A list of candidate streets was compiled several years ago for streets containing curb and gutter that still needed sidewalks. The streets selected for the sidewalk installations in 2008 are:

- 2nd Street – North Ave to W. Sherwood (West Side)
- Glenwood – 3rd Street to 4th Street (South Side)
- Glenwood – 4th Street to 5th Street (North Side)
- Glenwood – 4th Street to 5th Street (South Side)
- 4th Street – Glenwood Ave to Kennedy Ave (East Side)
- 9th Street – Teller Ave to Belford Ave, Alley north (East Side)
- 8th Street – Belford Ave to North Ave (West Side)

This contract is scheduled to begin on August 8, 2008 and be completed on October 18, 2008.

Attach 4
Construction Contract for 2008 Alley Improvement District
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Construction Contract for 2008 Alley Improvement District		
File #			
Meeting Day, Date	Wednesday, August 6, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	July 24, 2008		
Author Name & Title	William Frazier, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: Bids were received on July 22, 2008 for construction of the **2008 Alley Improvement District**. B.P.S. Concrete, Inc. submitted the low bid in the amount of **\$369,309.84**.

Budget: This project is funded under Funds 2011 and 905 for Program Year 2008.

Alley Project costs:

Construction contract (low bid)	\$149,352.12
Design	\$9244.03
Construction Inspection and Administration (est.)	\$10,000
Improvement District Administration	<u>\$20,000</u>
Total Project Costs	\$188,596.15

Alley I.D. Project funding:

City budgeted funds(2011-F00711)	\$200,000
Total Costs	<u>\$188,596.15</u>
Balance	\$11,403.85

Sewer Project costs:

Construction contract (low bid)	\$209,957.72
Design	\$9244.03
Construction Inspection and Administration (est.)	<u>\$10,000</u>
Total Project Costs	\$229,201.75

Sewer Project funding:

City budgeted funds(905-F10300)	\$250,000
Total Costs	<u>\$229,201.75</u>
Balance	\$20,798.25

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2008 Alley Improvement District** to **B.P.S. Concrete, Inc.** in the amount of **\$369,308.84**.

Attachments: none

Background Information:

The following bids were opened on July 22, 2008:

Bidder	From	Bid Amount
B.P.S. Concrete, Inc.	Grand Junction	\$369,309.84
Reyes Concrete Inc.	Fruita	\$412,741.89
Vista Paving Corporation	Grand Junction	\$426,702.72
Downey Excavation, Inc.	Montrose	\$443,934.00
Zeck Homes Inc.	Fruita	\$524,560.45
Engineer's Estimate		\$294,061.76

This project consists of construction of concrete pavement in three alleys and removal and replacement of four deteriorated sewer lines.

The work will take place in four alleys. The locations are tabulated below:

3 rd to 4 th Street between Gunnison Ave. and Hill Ave.; sewer and pavement
8 th to 9 th Street between Teller Ave. and Belford Ave; sewer
9 th to 10 th Street between Teller Ave. and Belford Ave; sewer and pavement
Hall Ave. to Orchard Ave. between 14 th and 15 th Streets; sewer and pavement
Sewer replacement to continue south between Hall Ave. and Mesa Ave.

The project schedule is as follows:

2008 Alley Improvement District Construction Start
August 18, 2008
2008 Alley Improvement District Construction Complete
October 31, 2008

Attach 5
Contract for Public Safety Building Pre-Construction Design Services
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Public Safety Building Preconstruction Design Services		
File #			
Meeting Day, Date	Monday, August 4, 2008		
Placement on the Agenda	Consent		Individual
Date Prepared	July 31, 2008		
Author Name & Title	Scott Hockins, Purchasing Supervisor		
Presenter Name & Title	Troy Smith, Deputy Chief of Police Jim Shanks, Special Project Manager		

Summary: This approval request is for the contract award for pre-construction design services for the Public Safety Initiative.

Budget: The pre-construction design services will be funded with an Energy Impact Grant, awarded by the Department of Local Affairs.

Action Requested/Recommendation: Authorize the City Purchasing Division to enter into a contract with Shaw Construction, LLC in the amount of \$147,729 for pre-construction design services associated with the Public Safety Initiative.

Attachments: Pre-Construction Services document

Background Information: The general scope of services to be obtained as a result of this pre-construction services contract includes review of building systems, materials selection, construction feasibility, site feasibility, construction phasing, construction scheduling, cost estimating and value engineering. A more detailed list of the scope of services for the pre-construction services associated with the planned design of the Grand Junction Public Safety facilities located in the general vicinity of 6th and Ute is attached. The selected firm will work as a part of a team comprised of the City's architect, Humphries-Poli Architects and the City of Grand Junction project staff.

The Public Safety Facility, relative to this contract will include: a Public Safety building which is planned to be 3 stories and approximately 140,000 square feet. This building will house the Grand Junction Police Department, the Grand Junction Fire Department Head Quarters Staff, the Grand Junction Municipal Court, the 911 Regional Communications Center, and a City/County Emergency Operations Center. This

building is planned to be located on the city block between 5th Street and 6th Street from Ute Avenue to Pitkin Avenue. The Public Safety Facility also includes the construction of a 60,000 square foot Public Safety Annex. This building will include evidence storage space, specialized vehicle storage space, vehicle technology maintenance and evidence processing bays, storage and training space. The annex building is planned to be constructed on the City block between 6th Street and 7th Street and between Ute Avenue and Pitkin Avenue in the approximate location of the existing police building. The Public Safety Facility also includes a 100,000 square foot parking garage that is planned to be constructed in the same block as the Annex Building. This parking garage is planned to be 3 levels and constructed from cast-in-place or pre-cast concrete. The final element of the Public Safety Facility, relative to this contract, is the construction of a 30,000 square foot fire station to be located on the east side of 7th Street between Ute Avenue and Pitkin Avenue.

Note: The three neighborhood fire stations, located generally in the northeast, northwest and near the airport that are a part of the Public Safety Initiative are not included in this contract proposal. Preliminary design on these three facilities has not been undertaken at this point in the project.

The Request for Proposal was advertised in the Daily Sentinel, posted on a governmental solicitation website, and sent to firms on the current source list for construction consulting services. The following four firms submitted formal proposals and were invited for interview and oral presentations:

- Shaw Construction, Grand Junction
- FCI Construction, Grand Junction
- Whiting-Turner, Greenwood Village
- Kiewit Building Group, Englewood

Prior to the interviews, Kiewit Building Group withdrew from consideration, citing workload constraints.

The selection panel selected Shaw Construction, LLC as the most qualified to perform the scope of services based upon responsiveness, understanding of the project and objectives, necessary resources, required skills, and demonstrated capability.

**Attach 6
Public Hearing—Assessments for Sanitary Sewer Improvement District No. SS-49-07 (Galley Lane)**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Public Hearing on a Proposed Assessing Ordinance for Galley Lane Sanitary Sewer Improvement District No. SS-49-07		
File #			
Meeting Day, Date	Wednesday, August 6, 2008		
Placement on the Agenda	Consent		Individual <input checked="" type="checkbox"/>
Date Prepared	July 25, 2008		
Author Name & Title	Michael Grizenko, Real Estate Technician		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located in the area of Galley Lane and Young Street.

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

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

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

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

Action Requested/Recommendation: Conduct a Public Hearing and Adopt a Proposed Ordinance for Galley Lane Sanitary Sewer Improvement District No. SS-49-07.

Attachments:

1. Vicinity Map
2. Ownership Summary Sheet
3. Proposed Ordinance.

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

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

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
3. √ Council awards the construction contract.
4. √ Construction.
5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. √ Council passes a Resolution approving and accepting the improvements and gives notice of a public hearing concerning a proposed Assessing Ordinance.
7. √ Council conducts the first reading of the proposed Assessing Ordinance.
8. ► Council conducts a public hearing and second reading of the proposed Assessing Ordinance.
9. The adopted Ordinance is published for three consecutive days.
10. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

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

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

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

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

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

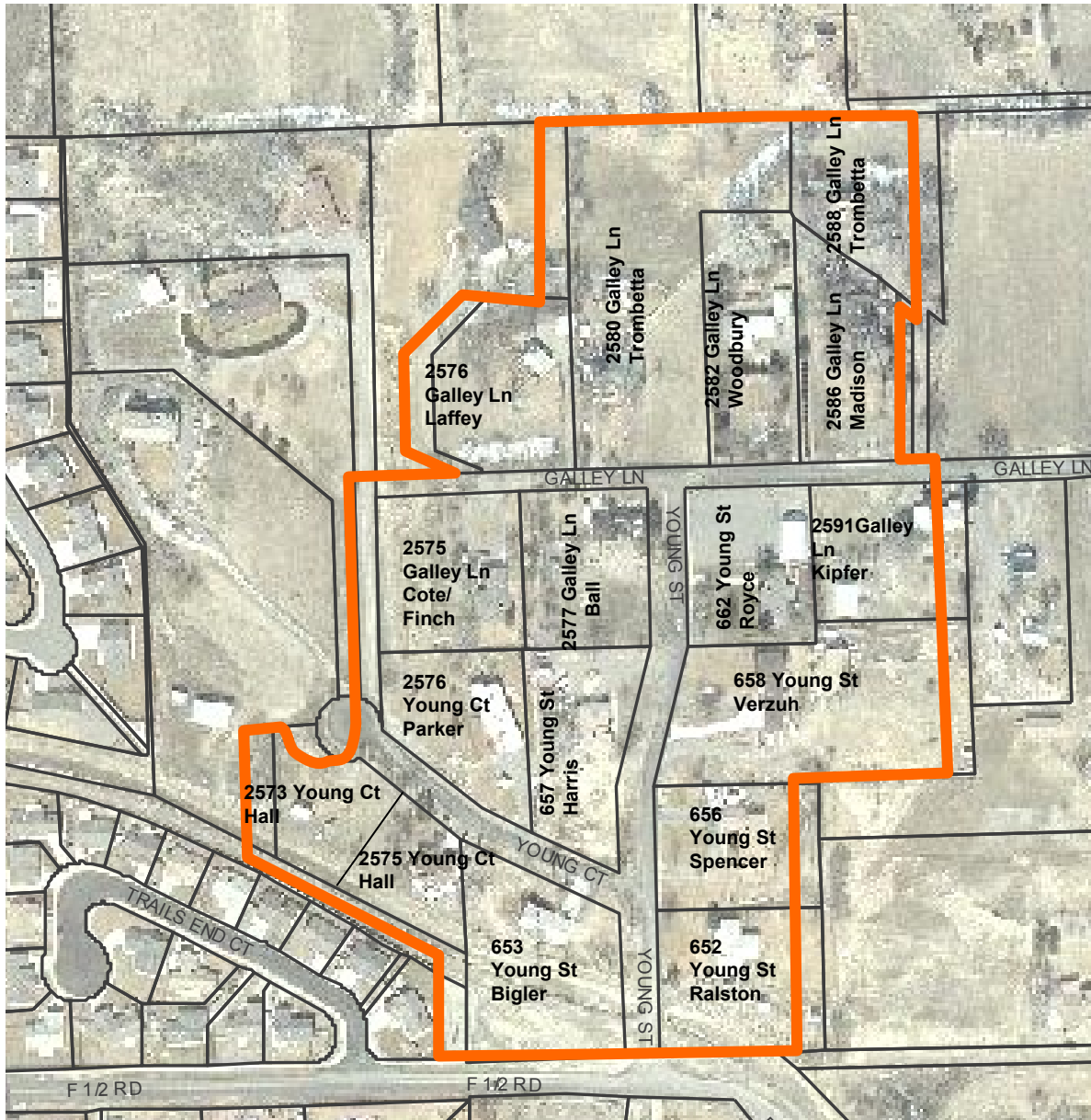
The published assessable costs of \$10,232.19 per lot include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by September 15, 2008. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection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

**GALLEY LANE
SANITARY SEWER IMPROVEMENT DISTRICT**

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

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

BOUNDARY OF THE GALLEY LANE SANITARY SEWER IMPROVEMENT DISTRICT



CITY OF GRAND JUNCTION, CO

ORDINANCE NO. __

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

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

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

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

after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

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

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Galley Lane Sanitary Sewer Improvement District No. SS-49-0, duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Galley Lane Sanitary Sewer Improvement District No. SS-49-07 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$173,947.23, said sum including a one-time charge of six percent (6%) for costs of collection and other incidentals; and

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

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

	thence South 255.89 feet; thence N65°48'W 76.82 feet; thence N47°12'W 38.42 feet to the point of beginning, City of Grand Junction.	
2945-031-01-011	Beginning at the NE corner of Lot 7 Linda Subdivision, thence S15°26'W 200.6 feet; thence South 117.18 feet; thence N65°48'W 133.34 feet; thence North 255.89 feet; thence East 175 feet to the point of beginning, except road right-of-way granted to Mesa county in Book 1070, Page 362, City of Grand Junction	\$10,232.19
2945-031-01-012	Lot 4 Linda Subdivision, and beginning 610 feet West and 209 feet South of the NE corner of the south 5 acres of the N1/2SE1/4NE1/4, Section 3, T1S, R1W, Ute Meridian; thence South 105 feet; thence West 209 feet; thence North 105 feet; thence East 209 feet to the beginning, and beginning 369.18 feet West, 495 feet North and 240.82 feet West of the SE corner of the NE1/4 Section 3; thence North 16 feet; thence West 209 feet; thence South 111 feet; thence East 209 feet; thence North 93 feet to the beginning, City of Grand Junction	\$10,232.19
2945-031-37-002	Lot 2, Galley Minor Subdivision, City of Grand Junction	\$10,232.19
2945-031-00-034	Beginning 170 East of the NW corner of the SE1/4NE1/4 Section 3 T1S, R1W, Ute Meridian; thence South 495 feet; thence East 310 feet; thence North 495 feet; thence West 310 feet to the point of beginning, except the South 15 feet for road, and except beginning 480 feet East and 145 feet South of the NW corner of the SE1/4NE1/4 Section 3; thence West 125 feet; thence South 350 feet; thence East 125 feet; thence North 350 feet to the beginning, City of Grand Junction.	\$10,232.19
2945-031-00-035	Beginning 480 feet East and 145 feet South of the NW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence West 125 feet; thence South 350 feet; thence East 125 feet; thence North 350 feet to the beginning, except the South 15 feet for road, City of Grand Junction.	\$10,232.19
2945-031-00-038	Beginning 610 feet West of the NE corner of the South 5 acres of the N1/2SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence West 209 feet; thence South 209 feet; thence East 209 feet; thence North 209 feet to the beginning, except the North 15 feet thereof, City of Grand Junction.	\$10,232.19
2945-031-71-001	Lot 1, DJ Hall Subdivision, City of Grand Junction.	\$10,232.19
2945-031-71-002	Lot 2, DJ Hall Subdivision, City of Grand Junction	\$10,232.19
2945-031-00-181	Beginning S89°42'25"E 170 feet and South 244.85 feet of the NW corner of the SE1/4NE1/4 Section 3, T1S, R1W, Ute Meridian; thence N86°30'W 111 feet; thence	\$10,232.19

	S43°14'03"W 111.93 feet; thence S00°30'30"W 132.07 feet; thence S65°42'30"E 67.40 feet; thence South 17.5 feet to Galley Lane; thence S89°42'25"E 130 feet; thence North 250 feet to the beginning, City of Grand Junction.	
2945-031-37-003	Lot 3, Galley Minor Subdivision, City of Grand Junction	\$10,232.19

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

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

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

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

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

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

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

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

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

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

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

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

PASSED and **ADOPTED** on the _____ day of _____, 2008

Attest:

City Clerk

President of the Council

**Attach 7
Public Hearing—The FedEx-Swanson Annexation and Zoning
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	FedEx-Swanson Annexation and Zoning - Located at 788 22 Road and 2223 H Road		
File #	ANX-2008-091		
Meeting Day, Date	Wednesday, August 6, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	July 18, 2008		
Author Name & Title	Greg Moberg, Planning Services Supervisor		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: Request to annex and zone 13.2 acres, located at 788 22 Road and 2223 H Road, to I-1 (Light Industrial). The FedEx-Swanson Annexation consists of two parcels and a portion of the 22 Road Right-of-Way.

Budget: N/A

Action Requested/Recommendation: Adopt Resolution accepting the petition for Annexation and hold a public hearing and consider the 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:		788 22 Road and 2223 H Road		
Applicants:		FedEx Freight West/Wesley & Arlene Swanson		
Existing Land Use:		FedEx Facility and Single Family Residence		
Proposed Land Use:		FedEx Parking Area Expansion and Residence		
Surrounding Land Use:	North	Gay Johnson Storage Facility		
	South	Vacant		
	East	Agricultural/Residential/Vacant		
	West	Henderson Trucking		
Existing Zoning:		County PD (Planned Development) and AFT (Agricultural/Forestry/Transitional)		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	County AFT and RSF-R (Rural, 5 ac/du)		
	South	City I-1 (Light Industrial)		
	East	County AFT		
	West	City I-1 (Light Industrial)		
Growth Plan Designation:		C-I (Commercial/Industrial)		
Zoning within density range?		N/A	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 13.2 acres of land and is comprised of two parcels, including a portion of the 22 Road Right-of-Way. 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 FedEx-Swanson 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>	
June 18, 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 16, 2008	Introduction of a proposed Ordinance on Zoning by City Council
August 6, 2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
September 7, 2008	Effective date of Annexation and Zoning

FEDEX-SWANSON ANNEXATION SUMMARY		
File Number:		ANX-2008-091
Location:		788 22 Road and 2223 H Road
Tax ID Number:		2701-312-03-003/2701-312-00-205
Parcels:		2
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		13.2
Developable Acres Remaining:		4
Right-of-way in Annexation:		1.29
Previous County Zoning:		PD (Planned Development)
Proposed City Zoning:		I-1 (Light Industrial)
Current Land Use:		FedEx Facility/Agricultural & Residence
Future Land Use:		FedEx Parking Expansion/Agricultural
Values:	Assessed:	378,170
	Actual:	1,378,440
Address Ranges:		788-792 22 Road (even), 2217-2223 H Road (odd)
Special Districts:	Water:	Ute Water District
	Sewer:	Persigo WWTF
	Fire:	Lower Valley Fire Dept.
	Irrigation/ Drainage:	Grand Valley Irrigation/Grand Valley Drainage District
	School:	51
	Pest:	N/A

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the I-1 (Light Industrial) zone district is consistent with the Growth Plan designation of Commercial/Industrial. The existing County zoning is PD (Planned Development) and AFT (Agricultural/Forestry/Transitional). 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: Policy 1.3 of the Growth Plan states that the City will use the Future Land Use Map in conjunction with other policies of the Growth Plan to guide zoning and development decisions. The proposed zoning of I-1 is compatible with the neighborhood as adjacent properties are zoned I-1 with such uses as Henderson Trucking Company, Schlumberger and 84 Lumber Company. The zoning request of I-1 conforms to the goals and policies of the Growth Plan and the H Road/Northwest Area 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: Adequate public facilities are available or will be supplied at the time of further development of the property. There is an existing 24" water line in 22 Road and in H Road and an 8" sewer line adjacent to the FedEx facility, which have been servicing the commercial and industrial uses in the subject area.

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

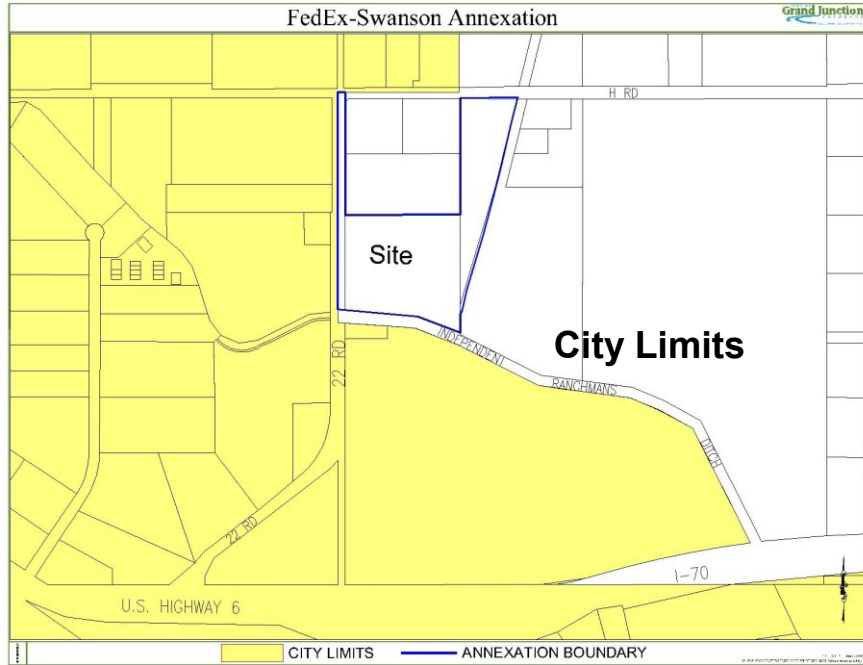
- a. C-2 (General Commercial)
- b. I-O (Industrial/Office)
- c. M-U (Mixed Use)

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 on July 8, 2008 of the requested zone of annexation to the City Council, finding the zoning to the I-1 (Light Industrial) district to be consistent with the goals and policies of the Growth Plan, the H Road/Northwest Area Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

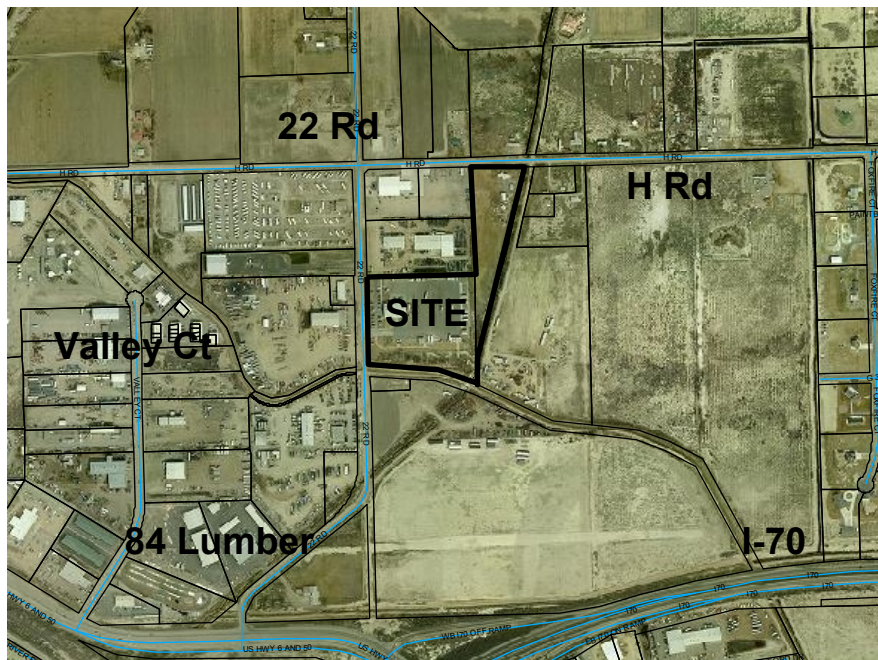
Annexation/Site Location Map

Figure 1



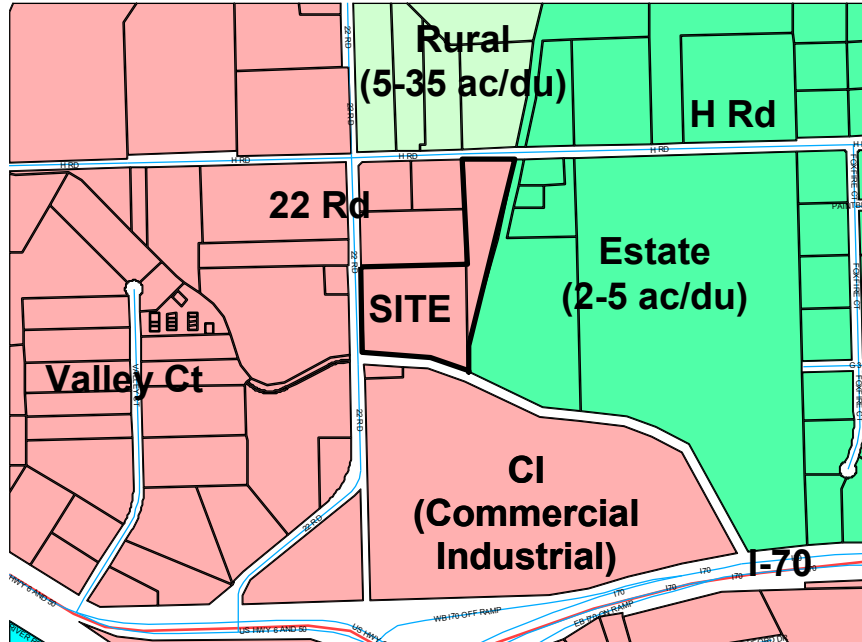
Aerial Photo Map

Figure 2



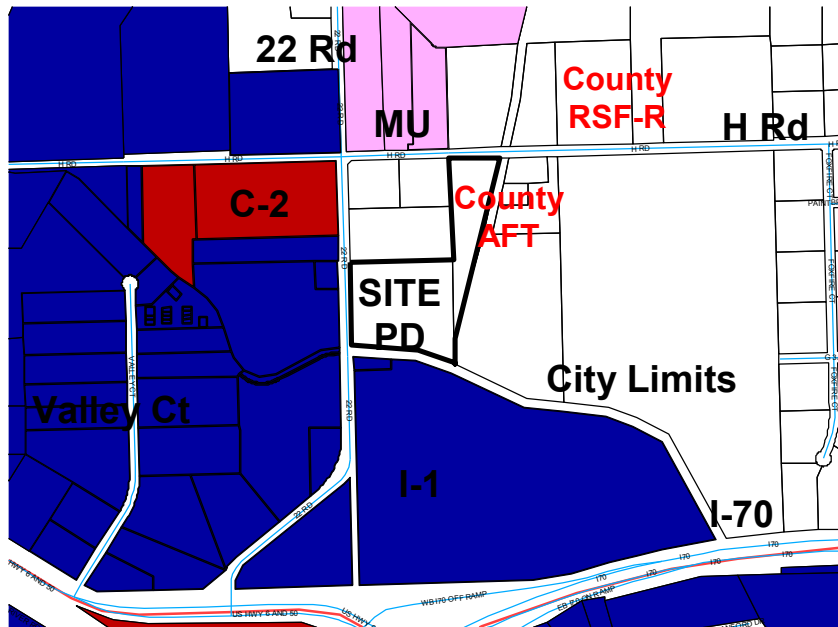
Future Land Use Map

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**

FEDEX-SWANSON ANNEXATION

**LOCATED AT 788 22 ROAD AND 2223 H ROAD,
INCLUDING A PORTION OF THE 22 ROAD RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 18th day of June, 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:

FEDEX-SWANSON ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 31, Township One North, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northwest corner of the NW 1/4 NW 1/4 of said Section 31 and assuming the West line of the NW 1/4 NW 1/4 of said Section 31 to bear N00°05'29"E with all bearings contained herein relative thereto; thence N89°59'50"E a distance of 40.00 feet along the North line of the NW 1/4 NW 1/4 of said Section 31, said line also being the South line of Reigan/Patterson/Tek/Morario Annexation No. 1, Ordinance No. 4143, City of Grand Junction; thence S00°05'29"W a distance of 658.62 feet along a line being 40.00 feet East of and parallel with the West line of the NW 1/4 NW 1/4 of said Section 31, said line also being the West line of Lot 1 of Loncar Subdivision, as same is recorded in Plat Book 19, Page 302, public records of Mesa County, Colorado, said line also being the West line of Lot 2 of T.I.C. Industrial Park, as same is recorded in Plat Book 13, Page 92, public records of Mesa County, Colorado; thence N89°59'49"E a distance of 621.18 feet along the South line of said Lot 2 of T.I.C. Subdivision; thence N00°06'56"E a distance of 658.62 feet along the East line of said Lot 2 of T.I.C. Subdivision to a point on the North line of the NW 1/4 NW 1/4 of said Section 31; thence N89°59'50"E a distance of 317.99 feet along the North line of the NW 1/4 NW 1/4 of said Section 31; thence along the following eight (8) courses: (1) S14°10'46"W a distance of 146.75 feet; (2) S13°40'43"W a distance of 272.98 feet; (3)

S14°03'32"W a distance of 167.69 feet; (4) S15°34'04"W a distance of 205.24 feet; (5) S16°26'23"W a distance of 308.08 feet; (6) S14°05'48"W a distance of 106.88 feet; (7) S21°51'06"W a distance of 29.17 feet; (8) S00°06'56"W a distance of 94.39 feet to a point on the North line of Right of Way of the Grand Valley Canal, as same as recorded in Book 80, Page 320 of the Mesa County, Colorado public records; thence along the said North line of Right of Way of the Grand Valley Canal the following two (2) courses: (1) N69°21'09"W a distance of 243.90 feet; (2) N84°43'08"W a distance of 434.44 feet to a point on the West line of the NW 1/4 NW 1/4 of said Section 31, said point also being on the East line of Persigo Annexation No. 2, Ordinance No. 2556, City of Grand Junction; thence N00°05'29"E a distance of 1162.47 feet along the West line of the NW 1/4 NW 1/4 of said Section 31, said line also being the East line of said Persigo Annexation No. 2 to the Point of Beginning. Said parcel contains 13.20 acres (575,032.28 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th 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 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**

FEDEX-SWANSON ANNEXATION

APPROXIMATELY 13.2 ACRES

**LOCATED AT 788 22 ROAD AND 2223 H ROAD,
INCLUDING A PORTION OF THE 22 ROAD RIGHT-OF-WAY**

WHEREAS, on the 18th 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 6th 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:

FEDEX-SWANSON ANNEXATION

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 31, Township One North, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northwest corner of the NW 1/4 NW 1/4 of said Section 31 and assuming the West line of the NW 1/4 NW 1/4 of said Section 31 to bear N00°05'29"E with all bearings contained herein relative thereto; thence N89°59'50"E a distance of 40.00 feet along the North line of the NW 1/4 NW 1/4 of said Section 31, said line also being the South line of Reigan/Patterson/Tek/Morario Annexation No. 1, Ordinance No. 4143,

City of Grand Junction; thence S00°05'29"W a distance of 658.62 feet along a line being 40.00 feet East of and parallel with the West line of the NW 1/4 NW 1/4 of said Section 31, said line also being the West line of Lot 1 of Loncar Subdivision, as same is recorded in Plat Book 19, Page 302, public records of Mesa County, Colorado, said line also being the West line of Lot 2 of T.I.C. Industrial Park, as same is recorded in Plat Book 13, Page 92, public records of Mesa County, Colorado; thence N89°59'49"E a distance of 621.18 feet along the South line of said Lot 2 of T.I.C. Subdivision; thence N00°06'56"E a distance of 658.62 feet along the East line of said Lot 2 of T.I.C. Subdivision to a point on the North line of the NW 1/4 NW 1/4 of said Section 31; thence N89°59'50"E a distance of 317.99 feet along the North line of the NW 1/4 NW 1/4 of said Section 31; thence along the following eight (8) courses: (1) S14°10'46"W a distance of 146.75 feet; (2) S13°40'43"W a distance of 272.98 feet; (3) S14°03'32"W a distance of 167.69 feet; (4) S15°34'04"W a distance of 205.24 feet; (5) S16°26'23"W a distance of 308.08 feet; (6) S14°05'48"W a distance of 106.88 feet; (7) S21°51'06"W a distance of 29.17 feet; (8) S00°06'56"W a distance of 94.39 feet to a point on the North line of Right of Way of the Grand Valley Canal, as same as recorded in Book 80, Page 320 of the Mesa County, Colorado public records; thence along the said North line of Right of Way of the Grand Valley Canal the following two (2) courses: (1) N69°21'09"W a distance of 243.90 feet; (2) N84°43'08"W a distance of 434.44 feet to a point on the West line of the NW 1/4 NW 1/4 of said Section 31, said point also being on the East line of Persigo Annexation No. 2, Ordinance No. 2556, City of Grand Junction; thence N00°05'29"E a distance of 1162.47 feet along the West line of the NW 1/4 NW 1/4 of said Section 31, said line also being the East line of said Persigo Annexation No. 2 to the Point of Beginning. Containing 13.2 Acres (575,032.28 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 18th 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 FEDEX-SWANSON ANNEXATION
TO I-1 (LIGHT INDUSTRIAL)**

LOCATED AT 788 22 ROAD AND 2223 H 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 FedEx-Swanson Annexation to the I-1 (Light Industrial) 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 I-1 (Light Industrial) 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 I-1 (Light Industrial).

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 31, Township One North, Range One West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Lot Three of the T.I.C. Industrial Park, as same is recorded in Plat Book 13, Page 92, Public Records of Mesa County, Colorado, TOGETHER WITH, the East-Half (E ½) of the NW ¼ NW ¼ of said Section 31, lying South of H Road right of way and West of the centerline of the Persigo Wash, Mesa County, Colorado.

Containing 12.116 Acres, more or less, as described.

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

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

ATTEST:

President of the Council

City Clerk

Attach 8

Ratify Agreement with the Grand Junction Rural Fire Protection District and Redlands Subdistrict

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Ratify Agreement with the Grand Junction Rural Fire Protection District and Redlands Subdistrict		
Meeting Day, Date	Wednesday, August 6, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	August 1, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The City and the Grand Junction Rural Fire Protection District have a longstanding relationship for the delivery of fire and emergency medical services (EMS) by the City to the residents of the District, memorialized in a 2002 service contract between the parties. Because of decreasing revenues of the District and the Subdistrict since 2002, both parties are in agreement that the 2002 service contract needs to be amended. A new Agreement has been prepared and signed by the District and the City Manager.

Action Requested/Recommendation: Ratify the City Manager's signature and approve the 2008 Agreement and Resolution.

Attachments: Agreement
Resolution

Background Information: The City and the Grand Junction Rural Fire Protection District have worked cooperatively to fund the provision of fire and emergency medical EMS services by the City to the residents of the District, largely by creating the Redlands Subdistrict, imposing an additional mill levy and constructing the City's Fire Station No. 5, which serves a large area of the District. Since 2002, the revenues of the District and Subdistrict have decreased because of recent annexations into the City. The City acknowledges this fact and does not hold the District in default of any of the terms of the 2002 contract. The City agrees to amend the terms of the 2002 contract and accept those revenues that the District generates as full payment for the cost of delivery of fire and EMS services.

RECEIVED JUL 31 2008

2008 Agreement Regarding Fire Protection Services Between the City of Grand Junction and the Grand Junction Rural Fire Protection District and the Redlands Subdistrict

This 2008 Agreement Regarding Fire Protection Services is entered into between the City of Grand Junction ("City") and the Grand Junction Rural Fire Protection District ("District") and the Redlands Subdistrict ("Subdistrict") as of the 1st day of July, 2008.

Recitals

The parties entered into an agreement for providing Fire Protection Services on the 26th day of November 2002 ("2002 Agreement"). Paragraph 9 of the 2002 Agreement contemplates that at some time prior to December 31, 2012 the District and Subdistrict (as contemplated by the 2002 Agreement) revenues from all sources will be insufficient to meet the payments under the formula set forth in paragraph 2 of the 2002 Agreement. The parties now desire to enter into this 2008 Agreement which shall in all respects supersede the 2002 Agreement and shall further supersede the November 6, 2001 Base Contract. The parties agree that all parties to the 2002 Agreement have fully performed all services required under the 2002 Agreement and that there are no defaults.

Agreement

NOW, THEREFORE, the parties agree as follows:

1. **Term:** This Agreement shall have an effective date of July 1, 2008 and shall continue through December 31, 2017. This Agreement shall be automatically extended for additional five year terms unless either party gives notice of termination at least 24 months in advance of the termination date of the initial term or of any extended term.

2. **Emergency Response Services:** The City, through its Fire Department, shall provide emergency response services to the District and Subdistrict on a reasonably equivalent basis to the emergency response services that the City provides to the incorporated areas of the City. The term "emergency response services" shall include all of the services provided by the City Fire Department to properties within the incorporated City limits such as fire response, fire prevention, safety inspections, emergency and medical response. Staffing of the City fire stations and including Station #5 (the Redlands Fire station), shall be at such levels as are determined by the City so long as staffing at the Redlands fire station is reasonably equivalent to that provided at the other City fire stations.

3. Payment for Services: The District and the Subdistrict shall pay to the City all revenues received by the District and the Subdistrict except for reasonable amounts retained by the District and Subdistrict for costs of its operations, as defined herein. Unless otherwise agreed to by the City, the amount retained by the District and Subdistrict for its operations will not exceed \$25,000.00 each calendar year. The term "all revenues" means any source of revenue for the District and/or the Subdistrict including all ad valorem property tax revenues received from the imposition of the District mill levy and the Subdistrict mill levy, all Specific Ownership tax revenues, interest income and any other revenues.

4. Payment Dates: The District's payments are due to the City each July 31st and January 31st beginning July 31, 2008. The amount of each payment will be all of the District and Subdistrict revenues, fund balances and/or reserves, less and except for the following reserves to be retained by the District: (a) any reserves required by Article XX, Section 10 of the Colorado Constitution (TABOR) and any other reserves required by Colorado law, and (b) an amount not to exceed \$25,000.00 annually (net of County Treasurer fees for property tax collection) for all other District expenses. The amount held for District operations may be increased by the District based upon demonstrated need of the District and with the prior written approval of the City, which approval shall not be unreasonably withheld. Demonstrated need shall include all reasonable costs of complying with legal requirements associated with District elections.

5. Investment of District Funds. All District and Subdistrict funds shall be invested by the District in investments permitted by C.R.S. 24-75-601.1 and 604 as amended.

6. Setting of Mill Levies. As of January 1, 2008, the real property tax levy for the District is 5.936 mills and the tax levy for the Subdistrict is 4.111 mills. Unless prohibited by law, the District and the Subdistrict shall impose those mill levies each year during the term of this Agreement and shall continue to take such actions and steps to assure that the District and Subdistrict revenues are assessed, collected and paid to the City. Neither the District nor the Subdistrict will reduce the current mill levies unless required by Colorado law and until the City has been notified of any proposed reduction and has been given a reasonable opportunity (not less than 30 days) to respond to any proposed decrease. Notice of all mill levies shall be in writing and delivered to the City no later than November 15 of each calendar year.

7. Restriction on Expenditures. Neither the District nor the Subdistrict will budget, appropriate or spend any funds, accounts or other money other than as permitted by this Agreement, without the prior written consent of the City, such consent not to be unreasonably withheld.

8. Annual Appropriations. Subject to Article XX, Section 10 of the Colorado Constitution, the performance of the parties is subject to annual appropriations

of amounts necessary to fulfill the various obligations, payments and Services set forth in this Agreement.

9. Exclusions. The parties shall work cooperatively to implement C.R.S. 32-1-502 to exclude from the District and Subdistrict properties that are annexed into the City. The City shall annually petition for exclusions from the District and Subdistrict of all properties annexed to the City during the prior year.

10. Agency Designation. The City is hereby authorized to act on behalf of the District in all land use applications, hearings, decisions and building and/or construction projects on which the District and Subdistrict would be asked, entitled or required to review and/or comment upon.

11. Insurance. To the extent authorized by law, the City will provide liability insurance coverage protecting itself and the District and Subdistrict from all claims and demands arising out of its operations and the discharge of its Services. The City will provide equipment and property damage insurance coverage for all City owned equipment utilized in the District and Subdistrict in the performance of Services. The District and Subdistrict acknowledge and agree that the City is self insured and is a member of the Colorado Intergovernmental Risk Sharing Agency (CIRSA) and that those coverages meet the requirements of this paragraph. The City does not provide errors and omissions coverage for the District and Subdistrict Board. The District and Subdistrict shall provide for errors and omissions insurance as is required by law and as determined by its Board.

12. Hold Harmless. To the extent authorized by law the City shall defend and hold harmless the District and Subdistrict for all claims, demands or causes of action for compensation for any loss, damage, personal injury, or death arising or occurring out of the performance or non performance of this Agreement. Similarly, the District and Subdistrict shall defend and hold harmless the City for all claims, demands or causes of action for compensation for any loss, damage, personal injury, or death arising or occurring in their performance of this Agreement.

13. No Waiver of Governmental Immunity. Nothing contained in this Agreement shall be interpreted as a waiver of the protections afforded to the parties, either individually or collectively, under the provisions of the Colorado Governmental Immunities Act, C.R.S. 24-10-101, et. seq.

14. Complete Agreement. All previous agreements between the City and the District and Subdistrict are terminated as of the effective date of this Agreement and this Agreement represents the full and complete understanding of the parties.

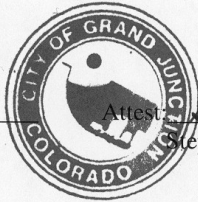
15. Enforcement. Enforcement of this Agreement and all rights of action relating to such enforcement are reserved to the City, the District and Subdistrict and nothing contained in this Agreement shall give or allow any claim or right of action by any other entity or person to enforce this Agreement. It is the intention of the parties that

any person or entity receiving any benefits from this Agreement shall be deemed to be incidental beneficiaries only.

IN WITNESS WHEREOF, the parties have signed this agreement effective the year and day first above written.

CITY OF GRAND JUNCTION

By: *Laurie Kadrich*
Laurie Kadrich, City Manager



Attest: *Stephanie Tuin*
Stephanie Tuin, City Clerk

**GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT
and the
GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT
REDLANDS SUBDISTRICT**

By: *Stephen Grant*
Stephen Grant, Chairman

Attest: *Deborah A. Heidel*
Secretary of the Board

RESOLUTION NO. _____ -08

**A RESOLUTION AUTHORIZING AND RATIFYING AN AGREEMENT BETWEEN THE
CITY OF GRAND JUNCTION AND THE GRAND JUNCTION RURAL FIRE
PROTECTION DISTRICT**

Recitals:

The City and the Grand Junction Rural Fire Protection District have had a longstanding relationship for the delivery of fire and emergency medical services (EMS) by the City to the residents of the District.

In 2002 the City and the District worked cooperatively to fund, by the creation of a sub-district and the imposition of an additional mill levy, the construction of Fire Station 5, which station serves a large area of the District. The service arrangement between the City and the District was established by contract, which the parties have agreed to amend.

Since 2002 the revenues of the District and the sub-district have been decreasing. The City acknowledges that fact and had anticipated that fact in the 2002 contract. The District is not in default of any of the terms of the 2002 contract.

Now by agreement of the City and the District, the City has agreed to accept in satisfaction of the payment for the cost of delivery of services to the District, those revenues that the District generates, less certain amounts required that the District retain by law or contract.

The City is ready, willing and able to accept the terms established by the proposed amendment, as evidenced by the signature of the City Manager on the agreement.

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

1. The City Council hereby ratifies the signature of the City Manager on 2008 Agreement Regarding Fire Protection Services Between the City of Grand Junction and the Grand Junction Rural Fire Protection District and the Redlands Subdistrict.
2. The City Council hereby authorizes the expenditure of funds and the commitment of resources, as necessary to meet the terms and obligations of the agreement

and ratifies the action heretofore taken to deliver fire and EMS services to the residents of the District and Subdistrict.

3. This resolution to be in full force and effect relating back to the date of the City Manager's signature.

PASSED AND APPROVED this ____ of _____ 2008.

Gregg Palmer
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

**Attach 9
Policy Regarding Invocations at City Council Meetings**

RESOLUTION ___-08

**A RESOLUTION CONCERNING THE OFFERING OF INVOCATIONS
PRIOR TO THE MEETINGS OF THE CITY COUNCIL AND
OTHER DELIBERATIVE BODIES OF THE
CITY OF GRAND JUNCTION**

Recitals:

Over the course of the last 217 years, the United States government and the various governments of the States, Counties, Cities and Towns that comprise our great country have worked to honor the Constitutional principles and traditions of separation of Church and State as the same are provided for by the First Amendment of the United States Constitution.

The First Amendment provides, among other things, that “Congress shall make no law respecting an establishment of religion.” That principle is made applicable to the States and other subdivisions of government by and through the Fourteenth Amendment and the decisions of various courts construing and applying the Constitution and the Bill of Rights.

The Establishment Clause of the First Amendment was written in order to keep the government from preferring one religion over another, to keep the government from requiring persons to profess a belief or disbelief in any religion and to ensure that no person would be penalized for professing beliefs or disbeliefs.

The Establishment Clause among other things serves to protect religion from the influence of governmental direction and control by disallowing the government from taking a position on matters of religious belief or from making submission to religion in any way a determining factor of a person’s importance, position or influence in the community or the conduct of governmental affairs.

The City has been called upon by some of the City’s citizens, in the name of the Establishment Clause of the First Amendment, to consider the means and methods by which invocations are offered at City Council meetings. That call has caused the City staff and in turn City Council to review and re-affirm their legal obligations to ensure thoughtful adherence to the principles of separation of Church and State but not the separation of God and State.

Many legal cases have been argued and decided on many different facts and points of law regarding separation of Church and State. While that body of law is not wholly settled, one principle, as articulated by the United States Supreme Court, is that it is constitutionally permissible for a public body to invoke divine guidance on the work of the public body.

The Court has further ruled that an invocation or prayer for such divine guidance is not an establishment of religion or a step toward establishment in violation of the First Amendment; instead an invocation is simply a tolerable acknowledgement of beliefs widely held among the people of the United States. The City Council trusts that those same beliefs are widely held by the people of the City of Grand Junction.

The City Council as a statement of its policy does hereby resolve that all invocations and prayers offered at City Council meetings should not serve to establish a religion and in order to achieve that policy and to be consistent with the legal traditions of our country, invocations and prayers offered at City Council meetings or meetings of other deliberative public bodies of the City must not proselytize a particular religious tenet or belief or aggressively advocate a specific religious creed or derogate another religious faith or doctrine.

It is the policy of the City that the invocation is the offering of a brief pronouncement of simple values intended to solemnize the occasion of the meeting. The invocation is not intended for the exchange of views or public discourse; it is intended for the benefit of the City Council or other deliberative public body.

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

“Invocation” or “prayer” means a verbal or written statement delivered at the beginning of a public meeting of the City Council or another deliberative public body of the City. In order to comply with applicable Constitutional principles, an invocation or prayer must not be offered to proselytize or advance any one faith or belief or to disparage any other faith or belief.

“Deliberative public body” means the Planning Commission, the Zoning Board of Appeals, the Parks and Recreation Advisory Board and any other authoritative board or commission of the City.

By this resolution the City Council does adopt an invocation policy that is consistent with the principles of the Establishment Clause and honors the long and closely held traditions of our country. The City Council finds and declares as its policy that:

(a) an invocation or prayer as defined herein is to be offered at the beginning of meetings of the City Council or another City deliberative public body (if that deliberative public body passes a standing resolution for an invocation) for the benefit of the City

Council and/or the members of the deliberative public body or for observation or acknowledgement of non-sectarian religious or non-religious events, persons or historical events.

(b) an invocation or prayer may be offered on a voluntary basis, at the beginning of the meeting, by:

(i) a chaplain chosen by the City Council for the City including the deliberative public bodies that desire an invocation or

(ii) an invocation speaker selected on a random, rotating basis from among a pool of spiritual leaders serving congregations in the City and surrounding local community.

(c) to ensure reasonable objectivity in the selection of invocation speakers the City Council shall on an annual basis direct the City Clerk to compile a list of all known, established congregations and spiritual assemblies located in the community by reference to local telephone book(s), the internet or similar sources or both in the sole discretion of the City Clerk and to advertise in a newspaper of general circulation in the City that the list is being compiled and that interested spiritual leaders may contact the City Clerk to be included on the list.

On a quarterly basis the City Clerk shall randomly select spiritual leaders from the compiled list of congregations or assemblies and invite the spiritual leader of the selected assembly or congregation to offer an invocation. The invitation must contain, in addition to scheduling and other general information, the following statement:

“A spiritual leader is free to offer an invocation according to the dictates of his/her own conscience but in order to comply with applicable Constitutional law, the City Council requests that the invocation not be exploited to proselytize a particular religious tenet or religious creed or derogate another religious faith or to disparage any other faith or belief.”

“Each person who accepts this invitation to deliver an invocation at an upcoming meeting of the City Council and/or a deliberative public body of the City has been selected to deliver an invocation on a random basis.”

“If you [the randomly selected spiritual leader] do not agree to be the invocation speaker, then a moment of silence may be called for by the president of the City Council or the chair of the deliberative public body.”

(d) To ensure that those attending meetings at which an invocation is offered are aware of the purpose of the invocation, the agenda shall contain the following statement:

“The invocation is offered for the use and benefit of the City Council [other deliberative public body as applicable]. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage

recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.”

(e) In order that the City Council or deliberative public bodies may have access to advice on the current status of the law concerning invocations, the City Attorney shall prepare a statement of the applicable Constitutional law and, upon request, make that statement available to the invocation speakers and the City Council. As necessary, the City Attorney shall update his statement to reflect any changes in the law.

(e) The City Attorney shall defend against a facial challenge to the constitutionality of this Resolution.

(f) Nothing in this section prohibits the City Council or deliberative public body from amending this resolution upon advice from the City Attorney or a determination by a majority of the City Council or deliberative public body, as a matter of policy, to not schedule invocations prior to meetings of the City Council or City body(ies).

Passed and adopted this _____ day of _____, 2008.

President of the Council

ATTEST:

City Clerk