



**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
WEDNESDAY, FEBRUARY 18, 2009, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance  
Invocation – Pastor Michael Chase, Northeast Christian Church

**Appointments**

To the Historic Preservation Board

To the Visitor and Convention Bureau Board of Directors

**Citizen Comments**

**Council Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Minutes of the February 2, 2009 and the February 4, 2009, Regular Meetings*

2. **Election Notice for Regular Election April 7, 2009** [Attach 2](#)

Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 16-09—A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 7, 2009 in the City of Grand Junction

\*\*\* Indicates New Item

® Requires Roll Call Vote

®Action: *Adopt Resolution No. 16-09*

Staff presentation: Stephanie Tuin, City Clerk

3. **Setting a Hearing Vacating a Portion of the 50' Road Petition (St. Mary's Rose Hill Hospitality House), Located at 609 26 ½ Road** [File #RZ-2008-227] [Attach 3](#)

A request to vacate a portion of the 50' Road Petition that was filed in Book 4336, Page 854 for the benefit of the proposed St. Mary's Rose Hill Hospitality House building expansion. The proposed right-of-way vacation request is located at 609 26 ½ Road.

Proposed Ordinance Vacating a Portion of the 50' Wide Road Petition Running Along the Centerline of 7<sup>th</sup> Street and Recorded in Book 4336, Page 854, Located at 609 26 ½ Road (St. Mary's Rose Hill Hospitality House)

Action: *Introduction of a Proposed Ordinance and set a Hearing for March 4, 2009*

Staff presentation: Scott D. Peterson, Senior Planner

4. **Setting a Hearing Vacating a Public Right-of-Way, along F ¼ Road Right-of-Way, North of 3032 N. 15<sup>th</sup> Street** [File #VR-2008-202] [Attach 4](#)

Request by the City of Grand Junction to vacate the 14.5 feet-wide and 627 feet long right-of-way along F ¼ Road undeveloped right-of-way, north of 3032 N 15<sup>th</sup> Street which is unnecessary for future roadway circulation and will allow the adjacent property owner to maintain landscaping.

Proposed Ordinance Vacating a Portion of F ¼ Right Right-of-Way Adjacent to 3032 N. 15<sup>th</sup> Street

Action: *Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009*

Staff presentation: Judith Rice, Associate Planner

5. **Setting a Hearing on Vacating the Hoesch Street Right-of-Way, Located Adjacent to 742 W. White Avenue** [File #VR-2008-312] [Attach 5](#)

A request to vacate a portion of the excess public right-of-way known as Hoesch Street, adjacent to 742 W. White Avenue, for expansion of the existing business and employee parking area.

Proposed Ordinance Vacating Right-of-Way for a Portion of Hoesch Street, Located Adjacent to 742 W. White Avenue

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009*

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing for the Vacation of Rights-of-Way for GCK, LLC, Relative to Development at 104 W. Colorado Avenue** [File #VR-2008-375] [Attach 6](#)

Request to vacate the portion of West Colorado Avenue between North 1<sup>st</sup> Street and the railroad tracks; the north/south alley between West Main Street and West Colorado Avenue, west of North 1<sup>st</sup> Street; and a diagonal piece of unimproved right-of-way on the western end of the site. These rights-of-way are either undeveloped or unnecessary for area circulation and will be used for future redevelopment of the property as a whole.

Proposed Ordinance Vacating Rights-of-Way for Portions of West Colorado/North-South Right-of-Way for Alley Located between North 1<sup>st</sup> Street and Spruce Street, South of Main Street/A Portion of A Diagonal Unimproved Un-named Road Right-of-Way Located South and West of North 1<sup>st</sup> Street and West Main Street

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009*

Staff presentation: Senta L. Costello, Senior Planner

7. **Setting a Hearing Vacating the Public Right-of-Way for Rimrock Business Park, Located along the West Side of 25 ½ Road** [File #FP-2008-356] [Attach 7](#)

A request for vacate three feet of right-of-way and an existing slope easement along the west side of 25 ½ Road for the Rimrock Business Park for the development of the subdivision and slope easement is no longer required.

Proposed Ordinance Vacating Right-of-Way for Rimrock Business Park; a Portion of the West Side of 25 ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for March 4, 2009*

Staff presentation: Lori V. Bowers, Senior Planner

8. **Setting a Hearing Zoning the Kapushion Annexations No. 1, 2, and 3, Located at 860 21 Road** [File #ANX-2008-305] [Attach 8](#)

Request to zone the 35.12 acre Kapushion Annexation, located at 860 21 Road, to I-1 (Light Industrial) zoning designation.

Proposed Ordinance Zoning the Kapushion Annexations No. 1, 2, and 3 to I-1 (Light Industrial), Located at 860 21 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009*

Staff presentation: Lori V. Bowers, Senior Planner

9. **Setting a Hearing Zoning the Northwest GJ Annexations No. 1 and No. 2, Located East of 860 21 Road** [File #ANX-2008-305] [Attach 9](#)

Request to zone the 45.52 acre Northwest GJ Annexation No. 1, located east of 860 21 Road along 21 ½ Road, to I-1 (Light Commercial) zone district and a request to zone the 20.09 acre Northwest GJ Annexation No. 2, located east of 860 21 Road, along 21 ½ Road, to R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Northwest GJ Annexation No. 1 to I-1 (Light Commercial), Located East of 860 21 Road along 21 ½ Road

Proposed Ordinance Zoning the Northwest GJ Annexation No. 2 to R-4 (Residential 4 du/ac), Located East of 860 21 Road, along 21 ½ Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for March 4, 2009*

Staff presentation: Lori V. Bowers, Senior Planner



10. **Setting a Hearing for the Reimer Annexation, Located at 2751 Riverside Parkway** [File #ANX-2009-006] [Attach 10](#)

Request to annex .64 acres, located at 2751 Riverside Parkway. The Reimer Annexation consists of one parcel and includes a portion of 27 ½ Road right-of-way.

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

Resolution No. 17-09—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Reimer Annexation, Located at 2751 Riverside Parkway and Includes a Portion of the 27 ½ Road Right-of-Way

®Action: *Adopt Resolution No. 17-09*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reimer Annexation, Approximately .64 Acres, Located at 2751 Riverside Parkway and Including a Portion of 27 ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for April 1, 2009*

Staff presentation: Michelle Hoshide, Associate Planner

11. **Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-08** [Attach 11](#)

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 3<sup>rd</sup> to 4<sup>th</sup>, between Gunnison Avenue and Hill Avenue
- East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Teller Avenue and Belford Avenue
- North/South Alley from 14<sup>th</sup> to 15<sup>th</sup>, between Hall Avenue and Orchard Avenue

Resolution No. 18-09—A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-08

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-08 in the City of Grand Junction,

Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*®Action: Adopt Resolution No. 18-09, Introduction of Proposed Ordinance and Set a Hearing for April 1, 2009*

Staff presentation: Tim Moore, Public Works and Planning Director

12. **Construction Contract Award for Persigo Sludge and Grease Line Rehabilitation**

[Attach 12](#)

The project consists of replacing approximately 940 lineal feet of deteriorating 6” ductile iron line with new pressure rated PVC line and installing Cast In Place Pipe in areas where conventional trenching is not viable option.

*Action: Authorize the City Manager to Sign a Construction Contract for the Persigo Sludge and Grease Line Rehabilitation with M.A. Concrete Construction Inc. in the Amount of \$252,789.96*

Staff presentation: Tim Moore, Public Works and Planning Director

13. **29 Road and I-70B Interchange 1% Funds for Underground Conversion of Overhead Power**

[Attach 13](#)

The construction of the 29 Road & I-70B Interchange project will require the relocation of many overhead power lines. Some of the overhead power lines will be converted to underground. The City’s franchise agreement with Xcel Energy includes an “Overhead to Underground 1% Fund” to cover the costs of conversion. This resolution will authorize Xcel Energy to use the City of Grand Junction Overhead to Underground One Percent Fund to underground approximately 2,700 feet of power lines along 29 Road between D and D ½ Road and along 29 Road between I-70B and North Avenue.

Resolution No. 19-09—A Resolution Authorizing Public Service Company of Colorado D/B/A/ XCEL Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the 29 Road and I-70B Interchange Project as Established in the Ordinance Granting a Franchise Signed November 4, 1992

®Action: *Adopt Resolution No. 19-09*

Staff presentation: Tim Moore, Public Works and Planning Director

14. **Great Outdoors Colorado (GOCO) Grant Application for Melrose Park**

[Attach 14](#)

Parks and Recreation is seeking approval to apply for a Great Outdoors Colorado (GOCO) grant to assist with funding future improvements at Melrose “Rocket” Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 2 with award decisions being made in June.

Resolution No. 20-09—A Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado for the Melrose “Rocket” Park Project

®Action: *Adopt Resolution No. 20-09*

Staff presentation: Rob Schoeber, Parks and Recreation Director

15. **FAA Grant at the Grand Junction Regional Airport to Relocate Utilities**

[Attach 15](#)

AIP-37 is for relocating utilities in the Cargo Ramp Area to make way for the final dirt embankment and fence relocation. The grant amount is \$204,867.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Action: *Authorize the Mayor to Sign the Original FAA AIP-37 Grant Documents for Cargo Ramp Utility Relocation (Phase I) at the Grand Junction Regional Airport and Also Authorize the City Manager to Sign the Supplemental Co-Sponsorship Agreement for AIP-37*

Staff presentation: Rex A. Tippetts, Airport Manager

16. **Change By-laws for the Commission on Arts and Culture**

[Attach 16](#)

Since its inception in 1989, the Grand Junction Arts Commission has grown and become an important part of the Grand Junction community. Because of the growth and increasing interest in arts culture, the Grand Junction City Council determines that it is important to the continuing success of the arts in Grand

Junction to expand the membership of the Commission. With an expanded board the Commission may continue its important work in our community.

Resolution No. 21-09—A Resolution Amending Resolution No. 44-89 Pertaining to the Grand Junction Arts Commission and Expanding the Number of Arts Commission Members

®Action: *Adopt Resolution No. 21-09*

Staff presentation: John Shaver, City Attorney

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

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

- 17. **Public Hearing – Growth Plan Amendment, Located at the West End of West Colorado Avenue, West of North 1<sup>st</sup> Street (also known as GCK, LLC project)**  
[File #VR-2008-375] [Attach 17](#)

Request for a change to the Future Land Use Designation from Public to Commercial for 0.821 acres, located at the west end of West Colorado Avenue, West of North 1<sup>st</sup> Street (also known as GCK, LLC project).

Resolution No. 22-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 0.821 Acres, Located at the West End of West Colorado Avenue, West of North 1<sup>st</sup> Street, GCK, LLC Growth Plan Amendment, from Public to Commercial

®Action: *Adopt Resolution No. 22-09*

Staff presentation: Senta L. Costello, Senior Planner

- 18. **Public Hearing - Request from GCK, LLC, for Inclusion into the Downtown Development Authority Boundaries** [Attach 18](#)

GCK, LLC, has requested inclusion into the DDA for the entire property located at 105 W. Colorado Avenue. At the current time, the eastern portion of the property is included in the Authority; the westernmost portion is not. A land use application has been submitted to the City to “replat” four existing tax parcels into one lot, as well as to vacate a portion of public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. In order to consolidate parcels,

it is required that all lots are either in or out of the DDA; the applicant has requested the addition of all parcels. The request has been considered and approved by the DDA Board of Directors.

Ordinance No. 4326—An Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4326*

Staff presentation: Heidi Hoffman Ham, DDA Executive Director

19. **Public Hearing - Rezoning the Twelfth and Patterson Center (City Market)**  
[File #RZ-2008-323] [Attach 19](#)

Request to rezone 3.62 +/- acres located at 1212, 1228, 1238, 1308, 1310, 1314, 1320, and 1324 Wellington Avenue Known as the Twelfth and Patterson Center (City Market) from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District.

Ordinance No. 4327—An Ordinance Rezoning the Property Known as the Twelfth and Patterson Center (City Market) from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District Located at 1212,1228, 1238,1308,1310,1314,1320, and 1324 Wellington Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4327*

Staff presentation: Scott D. Peterson, Senior Planner

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

21. **Other Business**

22. **Adjournment**

**Attach 1**

Minutes Previous Meetings

**GRAND JUNCTION CITY COUNCIL  
MINUTES OF THE REGULAR MEETING****February 2, 2009**

The City Council of the City of Grand Junction convened into regular session on the 2<sup>nd</sup> day of February 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, and Council President Gregg Palmer. Councilmember Linda Romer Todd was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Beckstein led in the Pledge of Allegiance followed by an invocation by Pastor Eric Turner, Liberty Baptist Church.

**Citizen Comments**

There were none.

**Council Comments**

Council President Palmer advised he visited Orchard Avenue Elementary School. These school children learned how many people in the world do not have fresh drinking water. This second grade class wanted to do something about it. They found an organization called Charity Water which will pay half the cost of drilling a well if there is a matching donor and the kids will get to watch the well get drilled. The students are raising money in a variety of ways for the matching funds. He complimented the students and praised their presentations.

**City Manager's Report**

City Manager Kadrich updated the City Council on the use of the Avalon Theatre with the loss of the primary tenant. There has been an increase in the marketing and there will be a number of different movies. They have reached out to other possible users including the folks from the previous Cabaret Theatre. She then reviewed the activity to date compared to last year. In the first quarter of 2008 there were fourteen events, sixteen days booked, 7,600 attendees, \$28,600 in revenue and \$7,250 in staffing expenses. Comparing that to the first three months under the new scenario (November, December 2008 and January 2009) there were sixteen events, twenty-five days booked, 11,100 attendees, \$44,230 in revenue and \$11,250 in staffing expenses. There has been a fifty

percent growth in revenue comparing the two time periods. She thinks the word is getting out and activity will increase.

Council President Palmer inquired about the dinner and a movie combo. City Manager Kadrach responded that 75% of the movie goers that evening are going to dinner first.

Councilmember Coons complimented Staff but noted the ads are very small, with very small print.

City Manager Kadrach then reported on the COPLINK project and its progress. Training of officers is occurring and they are already seeing results of the connection with identification of possible suspects. The most recent and public example is the arrest of suspects in a stabbing this last weekend. The data will be shared statewide.

Councilmember Doody asked if there is a possibility of connecting the data sharing with adjacent states. City Manager Kadrach said she is only aware of statewide connection but she will check on links to adjacent states.

Council President Palmer said discussion of this type of connection was discussed as long as six years ago but the technology was not available yet. He lauded the project.

City Manager Kadrach noted that it was that concept that led to the development of the software because the databases communicating are very different, but this system enables them to talk to each other.

## **CONSENT CALENDAR**

Councilmember Thomason read the Consent Calendar and then moved to approve consent items #1 through #4. Councilmember Hill seconded the motion. Motion carried by roll call vote.

### **1. Minutes of Previous Meeting**

*Action: Approve the Minutes of the January 21, 2009 Regular Meeting*

### **2. Setting a Hearing Amending the Municipal Code Regarding Industrial Pretreatment Regulations**

The U.S. Environmental Protection Agency (USEPA) conducted an audit of the City's industrial pretreatment program in July of 2008. The resulting audit report included recommendations and some required actions. Staff has prepared amendments to the Code to incorporate some of the changes required by the EPA audit.

Proposed Ordinance Amending Portions of Article II of Chapter 38 of the Grand Junction Code of Ordinances Pertaining to Pretreatment Regulations, to Incorporate Required Changes to the City's Legal Authority Requested by the United States Environmental Protection Agency through an Audit

*Action: Introduction of a Proposed Ordinance and Set a Hearing for April 13, 2009*

3. **Renaming 25 ½ Road to Base Rock Street** [File #MSC-2008-356]

Request to rename 25 ½ Road to Base Rock Street between Rimrock Avenue and Crosby Avenue.

Resolution No. 14-09—A Resolution Renaming 25 ½ Road to Base Rock Street Between Rimrock Avenue and Crosby Avenue

*Action: Adopt Resolution No. 14-09*

4. **Purchase an Automated Side Loader Refuse Truck**

This purchase is for the replacement of a Side Loader Automated Refuse Truck for the Solid Waste/Sanitation Division, as identified by the annual review of the Fleet Replacement Committee.

*Action: Authorize the City Purchasing Division to Purchase One 2009 Labrie Automizer with Right Handside Loader Mounted on a 2010 Mack Chassis from Faris Machinery, Grand Junction, CO. in the Amount of \$204,377.00*

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Food Distributor for Concessions at City Facilities**

Award Sysco Intermountain Food Service the food distributor contract for Concessions at Lincoln Park Stadium and Pools, Orchard Mesa Pools and Canyon View Park.

Tim Seeberg, Two Rivers Convention Center Manager, was available to answer questions.

Council President Palmer asked if other factors were considered besides cost when awarding this contract. Mr. Seeberg advised that cost was a significant factor, this vendor was lower in most categories. The vendor being recommended has a fully automated inventory system. This vendor will also deliver six days per week, on Saturdays which is critical to this contract.



Councilmember Coons asked if Sysco is the current provider. Mr. Seeberg said they are not the current provider for concessions but they are for the Convention Center.

Councilmember Hill asked who provided for the concessions to these facilities. Mr. Seeberg stated that Shamrock was the previous provider, at least recently.

Councilmember Coons moved to authorize the Purchasing Division to purchase food/concession products delivered from SYSCO Intermountain Food Services, Inc. Councilmember Beckstein seconded the motion. Motion carried.

**Public Hearing - Colorado Army National Guard Campus Annexation and Zoning, Located at 2800 Riverside Parkway** [File #ANX-2008-344]

Request to annex and zone 57.95 acres, located at 2800 Riverside Parkway to CSR (Community Services and Recreation). Colorado Army National Guard Campus Annexation Consist of three parcels.

The public hearing was opened at 7:27 p.m.

Michelle Hoshide, Associate Planner, presented this item. She described the site, the location and the request. She asked that the Staff Report and attachments be entered into the record. The annexation and zoning meets all the criteria. The applicant was present but did not need to do a presentation.

There were no public comments.

The public hearing was closed at 7:28 p.m.

**a. Accepting Petition**

Resolution No. 15-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Colorado Army National Guard Campus Located at 2800 Riverside Parkway, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4322—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colorado Army National Guard Campus Annexation, Approximately 57.95 Acres, Located at 2800 Riverside Parkway

**c. Zoning Ordinance**

Ordinance No. 4323—An Ordinance Zoning the Colorado Army National Guard Campus Annexation to CSR (Community Services and Recreation), Located at 2800 Riverside Parkway

Councilmember Beckstein moved to adopt Resolution No. 15-09 and Ordinance Nos. 4322 and 4323 and ordered them published. Councilmember Hill seconded the motion.

Councilmember Doody lauded the decision and noted the partnership the City has had with the National Guard when they relocated. When he served as Mayor, he discussed that partnership and the opportunity to build a fire training facility at this location. City Manager Kadrich responded that the City put forward \$500,000 for initial design and planning and the City is awaiting a grant approval for the construction.

Council President Palmer acknowledged Councilmember Doody's role in getting this project going and thanked him for his leadership in this project.

Motion carried by roll call vote.

### **Strategic Downtown Master Plan**

The Strategic Downtown Master Plan was developed through a public process involving a steering committee of interested downtown merchants, property owners, and policy makers during 2007-2008. Recognizing that a strong downtown core supports the economic and community development of an entire region, the goal of the plan was to quantify current condition, identify opportunities, and recommend specific actions for the decision makers of the Downtown Partnership and the City of Grand Junction.

Heidi Hoffman Ham, DDA Executive Director, presented this item. She reviewed the purpose and the future of the plan. The Executive Summary has been adopted by the Board of Directors of the DDA. The Plan area encompasses the original square mile of the City. The DDA does not cover that entire area. The DDA's focus is on the downtown but recognizes the importance of the surrounding historic residential areas. The consultant conducted broad assessment of the area. She reviewed the demographics of the study area. The psychographics of the study area were also ranked including "mobility blues." There was a land use assessment too. The survey showed most desired is more mixed use in the study area.

Ms. Ham displayed the Vision Statement and pointed out some highlights. She reviewed the goals in the plan, elaborated on each, and described ways the DDA is already supporting some of these goals. She explained what a catalyst project is and noted that the DDA/City can be a catalyst. One idea is to increase the downtown's vertical real estate. However, there are criteria that need to be looked at for a good catalyst project and she reviewed that criteria. One possible project is the City Center catalyst project which would be to take part of downtown that is possibly underused and create a new

level of service in that area. The ideas for catalyst projects are included as an appendix. Those are not part of the proposed resolution for approval but are separate.

Council President Palmer inquired what the Council is being asked to approve. Ms. Ham said the adoption of the Resolution gives the City Council an opportunity to sign off on the concepts. Mr. Palmer pointed out some areas that the wording sounds conflicting. Ms. Ham explained the “and beyond” statement was that the Plan would on be one piece of all the things to be considered.

Councilmember Coons asked if the request is to adopt the vision but when they get to specifics will there be an opportunity for additional input? Ms. Ham responded that will absolutely be the case. Anything coming through would have to go through the development process, the purpose of the plan is for awareness; they do not know how the details will work out.

Council President Palmer asked the City Attorney for clarification of some of the statements and the adoption versus commitment. City Attorney Shaver said adoption of the resolution would commit them to the policy but not the funding or endorsing specific projects. Council President Palmer was concerned over what some these things mean. City Attorney Shaver agreed that there needs to be some statement of goals to work toward.

Councilmember Hill asked what the terminology stating more progressive design characteristics means. Ms. Ham said maintaining the historic character and being more aggressive in that pursuit. Councilmember Hill liked the explanation better than the words in the plan. He also wished the map had been included in the piece being adopted. He felt the framework should have better clarity so future Councils will have a better understanding of what is meant. Ms. Ham was in complete agreement with it being clearer.

Kathy Portner, Neighborhood Services Manager, reinforced the desire to maintain the historic character and also have it be unique and have some design standards to maintain that unique identity. Defining the residential area, it was identified only generally to the north of Grand Avenue and then to the east of the downtown. She recommended this plan be uploaded into the Comprehensive Plan effort to better define those lines.

Councilmember Hill said he wanted more specifics before bringing it into the Comprehensive Plan. Ms. Portner said that can be done.

Councilmember Hill pointed out more civic facilities need to be mentioned and maintained in the downtown. Ms. Ham agreed and noted there are even other agencies that want to relocate to downtown.

Councilmember Hill asked for the definition of a transitional area. Ms. Portner explained there are not hard lines but generally where two areas with different uses coincide, such as along Grand Avenue.

Councilmember Coons asked if that will include businesses that are in residential buildings. Ms. Portner said that it will depend on what the building looks like and how it functions.

Councilmember Hill noted the goal about a wide range of housing opportunities. He asked if that is specific to living and working or retail versus office. Ms. Ham said it could be any of those things and described a couple of possible scenarios.

Councilmember Beckstein mentioned that the DDA wants to include more affordable housing in the downtown area too. Councilmember Coons added that she also heard senior housing. Councilmember Beckstein listed a number of ideas that are being discussed.

Councilmember Hill noted the variety of things going on in the different areas. He encouraged the DDA looking outside their boundaries so as to be aware of how things affect other areas. One missing element is the DDA funding mechanism, the TIF funding. He felt that the extension of the TIF should be DDA's number one goal. Ms. Ham agreed, noting the TIF has been extended twenty years but certainly it does need to be considered. Councilmember Hill asked if the question needs to go back to the voters. City Attorney Shaver said the matter does have to be approved by the other entities. Councilmember Hill pointed out the cap. City Attorney Shaver agreed but did not feel the DDA would exceed that cap for some time.

Councilmember Coons expressed her support of the goals but she is a little uncomfortable with what they are being asked to approve. She suggested it be tightened up and brought back to the City Council. Ms. Ham was happy to do that.

Councilmember Hill agreed, although he is very excited about the vision, the goals, and the implementation, he is concerned about handing this to a Council in two years and have them understand what was meant. He said a map of the various areas would also be helpful.

Councilmember Coons agreed noting the need for implementation details.

Council President Palmer agreed and he recalled early on there were more specifics in the beginning. He felt some of those specifics need to be put back in.

Ms. Ham agreed that a lot of that work has been done but they did not want to be presumptive. They can bring forward what came out of those discussions.

Council President Palmer asked if a motion is needed to direct Staff to come back. City Attorney Shaver said that is not necessary but Council can do as they wish. No additional motion or comments were made.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:23 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**February 4, 2009**

The City Council of the City of Grand Junction convened into regular session on the 4<sup>th</sup> day of February 2009 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, Doug Thomason, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

**Citizen Comments**

There were none.

**Council Comments**

Councilmember Todd reported on a conference she went to for the Colorado Water Congress. Water discussions include water basins, climate changes, ditch rights, sharing water, and other water issues. She announced that this year's "Water Buffalo" award, also known as the Wayne Aspinall Award, went to Tilman Bishop. The competition is high and she wanted the public to know that Grand Junction's own Tillie Bishop won this year. She also read a quote from Hank Brown who spoke at the conference relative to change.

**CONSENT CALENDAR**

Councilmember Hill read the Consent Calendar, amending the action for Item #3, the 22 Road Bridge Replacement, that it be subject to the final agreement with GVIC, and then moved to approve items #1 through #3, with the amendment to item #3. Councilmember Todd seconded the motion. Motion carried by roll call vote.

1. **Setting a Hearing on Rezoning the Twelfth and Patterson Center (City Market)** [File #RZ-2008-323]

Request to rezone 3.62 +/- acres located at 1212, 1228, 1238, 1308, 1310, 1314, 1320, and 1324 Wellington Avenue Known as the Twelfth and Patterson Center from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District.

Proposed Ordinance Rezoning the Property Known as the Twelfth and Patterson Center from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone

District Located at 1212,1228, 1238,1308,1310,1314,1320, and 1324 Wellington Avenue

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 18, 2009*

2. **Setting a Hearing on a Request from GCK, LLC, for Inclusion Into Downtown Development Authority Boundaries**

GCK, LLC, has requested inclusion into the DDA for the entire property located at 105 W. Colorado Avenue. At the current time, the eastern portion of the property is included in the Authority; the westernmost portion is not. A land use application has been submitted to the City to “replat” four existing tax parcels into one lot, as well as to vacate a portion of public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. In order to consolidate parcels, it is required that all lots are either in or out of the DDA; the applicant has requested the addition of all parcels. The request has been considered and approved by the DDA Board of Directors.

Proposed Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

*Action: Introduction of a Proposed Ordinance and Set a Hearing for February 18, 2009*

3. **Construction Contract Award for the 22 Road Bridge Replacement**

Bids were received on Wednesday, January 28, 2009 for replacement of the 22 Road Bridge crossing the Ranchman’s Ditch. Mays Concrete, Inc. submitted the low bid in the amount of \$127,362.

*Action: Authorize the City Manager to Sign a Construction Contract with Mays Concrete Inc. for the 22 Road Bridge Replacement in the Amount of \$127,362*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Energy Performance Contract Project Proposal**

Staff will present an update of the CORE (Conserving Our Resources Efficiently) committee work and present the facility improvement measures recommended by the technical energy audit completed for City facilities and the proposed Performance Contract with Johnson Controls (JCI) to implement the measures.

Kathy Portner, Neighborhood Services Manager, explained the presentation. She said she will lead off the discussion by providing an update on the activities of the CORE committee. Then Terry Franklin, Utilities and Streets Deputy Director, will detail the audit and provide details on going forward with the contract. Lastly, Jay Valentine, Assistant Financial Operations Manager, will speak to the financing of the project. Others present were Scott Hockins, Purchasing Supervisor, and Jim Stavast, Facilities Manager. Also present were representatives from Johnson Controls.

Ms. Portner spoke to some of the accomplishments in 2008 of the CORE committee. First she addressed transportation and fuel efficiency accomplishments in 2008 and goals for 2009. She then addressed recycling, reducing waste, and reusing efforts. She provided statistics from the GJRCI, the City's recycling facility. There are additional efforts planned for 2009 including recycling at all events and additional recycling drop-off facilities.

Next, Ms. Portner spoke to how purchasing policies have been amended to include a "green" component. An updated purchasing policy is planned for 2009 adoption. In the water conservation area, there is the DRIP program and then landscaping changes to be more focused on xeriscaping.

Lastly, there is an employee education component along with incentives, mandates and competitions to encourage conservation. There is a community outreach element too.

The City received a new energy communities grant which allowed the City to partner with Fruita, Palisade, and Mesa County. It has allowed Fruita and Palisade to participate in the energy audit, pay for the solar panels at Two Rivers Convention Center and to help with the CNG plant (natural gas).

Terry Franklin, Deputy Utilities and Streets Systems Director, first addressed the goals of the energy performance contract including lowering energy bills among other things. He explained how the energy audit took place. Buildings that won't be around in fifteen years were not audited since that is the payback term. From the audit, savings were identified in the areas of electric usage, natural gas, and water usage. Many fixtures will either be retrofitted or replaced. Another conservation effort will include a liquid pool cover which is a chemical that creates a film on the pool surface which prevents evaporation and thus saving heating costs as well as water conservation.

Jay Valentine, Assistant Financial Operations Manager, explained that this project has a guaranteed payback. That is one of the reasons these contracts have become so popular. The repayment is from the cost savings. There will be a 3% return over fifteen years.

Councilmember Coons asked if the City is collaborating with any other private organizations in this effort. Ms. Portner said the City has worked with Alpine Bank's Green Team, also with School District 51, Mesa County, Fruita, and Palisade.



Councilmember Todd asked if Ms. Portner is aware of an effort in Santa Fe; it was an effort to replace toilets with low flow fixtures including builders being required to replace old flush toilets. Ms. Portner was not aware of this particular effort.

Councilmember Thomason asked about the liquid pool cover, if it has been around long enough to have long term testing. Mr. Franklin mentioned a few cities that have been using the chemical and that it is considered safe.

Councilmember Hill asked for clarification on the payback. Mr. Valentine listed the various pieces: the total amount of the project is just over \$2 million, there is \$225,000 available in grants, \$99,000 in rebate incentives which goes against project costs, there is also a buy down component (capital avoidance cost), for example, a lot of the light fixtures need to be replaced and this cost as well as some other projects were already in the City budget for 2009 regardless of whether the City moves forward with the Energy Project. The amount actually being financed is \$1.3 million and after the first year the cash flows increase. Years 13 and 14 is when the 3% gain is realized.

Councilmember Doody recalled the kick off of the group being the Alpine Bank's Green Team presentation. He lauded the group and the leadership. He supported the efforts and the contract.

Councilmember Coons moved to authorize the City Purchasing Division to enter into a Contract with Johnson Controls, Inc. (JCI) in the amount of \$2,046,342 for the completion of the City Facilities Energy Performance Contract. Councilmember Hill seconded the motion. Motion carried by roll call vote.

### **Public Hearing - Regarding the Regulation and Licensing of Massage Parlors**

In an ongoing effort to monitor and police community nuisance and criminal activities, the Grand Junction Police Department and the City Attorney have become aware of some growth in criminal activities related to massage parlor establishments. City Staff believes that it would be in the best interests of the community if City Council would consider a new City ordinance to regulate and license massage parlors. Those establishments can be a front for criminal activity. With licensing as proposed, law enforcement will have greater opportunity to monitor businesses before problems arise.

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

John Shaver, City Attorney, presented this item. He explained the reasoning for the proposal and the increase in the number of massage parlors in the community. The ordinance will provide a process similar to the liquor licensing process. He is not suggesting all massage parlors are engaging in criminal activity but the ordinance will require proper identification and management thus reducing the opportunity for abuse.

Lydia Helms, 327 N. 7<sup>th</sup> Street, is a certified massage therapist and she agrees that there are other activities occurring under the guise of massage but she noted the State is currently developing a process of licensing massage therapists. She felt that this ordinance creates another level of regulation.

Councilmember Todd asked if the State regulation has the same detail that is included in the ordinance. Ms. Helms said she was not aware. She felt that her profession was being penalized.

City Attorney Shaver said the ordinance exempts massage therapists as defined in State law.

There were no other public comments.

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

Councilmember Hill asked City Attorney Shaver to clarify the distinction between massage therapists and massage parlors under Colorado law. Massage parlors do not employ those that have been trained as therapists. The ordinance fills the gap for those that do not have the formal education for massage therapists. That is when the distance to schools, churches, etc. come into play. City Attorney Shaver concurred.

Councilmember Coons referred to Section 10-320 as to places and the distance restrictions. She was unclear about the distance from residential use; is that zoned residential or just residential use? City Attorney Shaver said it is with 1,000 feet of the residential use. Then in Section 10-360 there are references to "good moral character" and asked about the definition of that term. City Attorney Shaver said that term comes from the Colorado Liquor Code and one that is not of good moral character is usually a person who has been convicted of a serious felony offense, something that is a moral offense as well as a criminal offense; it is a term of law. An aggregate of misdemeanors could also be considered. It is not the only consideration. Other factors would include rehabilitation and how long ago the offense took place, or if it was a juvenile offense.

Council President Palmer asked if there is a sunset or a periodic review of the ordinance. City Attorney Shaver stated that as drafted, it is not included. Staff can certainly bring back a review to the City Council in the future.

Councilmember Hill said his concerns ended once he read the State definition and that created a lot of clarity as to the State's role so he now sees how this ordinance intertwines with the State law. It aids the legal and police departments to monitor activities and ensure the activities are legal and to a standard. No additional burden is added to the profession of massage therapists.

Councilmember Coons agreed and she liked that the ordinance is modeled after the liquor licensing procedure. She was at first concerned there would be unintended consequences but her concerns have been alleviated.

Ordinance No. 4324—An Ordinance Regulating and Licensing Massage Parlors

Councilmember Thomason moved to adopt Ordinance No. 4324 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Council President Palmer asked when the ordinance would be in effect. City Attorney Shaver answered, depending on publication dates, it will be in effect in about 32 days.

**Public Hearing - DeRush Mini Storage Rezone, Located at 2179 H Road** [File #RZ-2008-319]

Request to rezone 4.60 acres located at 2179 H Road, from C-2 (General Commercial) to I-1 (Light Industrial) zone district.

The public hearing was opened at 7:57 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site, the location, and the request. She asked that the Staff Report and attachments be entered in to the record. The zoning criteria have been met. The Planning Commission and Staff recommend approval. The applicant is present but does not wish to make a presentation.

Council President Palmer asked about the difference between the two different zone districts. Ms. Costello explained that the main differences are the allowed uses and the amount of landscaping required. The landscaping requirement was the primary reason for the rezone request. The C-2 zone would have required almost an acre of landscaping. In this case the landscaping would have been adjacent to the detention pond area at the back of the property and there were issues with the availability of water.

There were no public comments.

The public hearing was closed at 8:00 p.m.

Ordinance No. 4325—An Ordinance Rezoning DeRush Mini Storage Unit Property from C-2 (General Commercial) to I-1 (Light Industrial), Located at 2179 H Road

Councilmember Todd moved to adopt Ordinance No. 4325 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:02 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**

Election Notice for Regular Election April 7, 2009

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Election Notice for Regular Election April 7, 2009		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 2, 2009		
<b>Author Name &amp; Title</b>	Stephanie Tuin, City Clerk		
<b>Presenter Name &amp; Title</b>	Stephanie Tuin, City Clerk		

**Summary:** Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

**Budget:** The estimated cost for these six publications is \$2,200.

**Action Requested/Recommendation:** Adopt resolution

**Attachments:** Proposed Resolution

**Background Information:** The Charter, Section 17, requires that a notice of election be published three times within the ten days prior to the election. The Mail Ballot Election Act requires that such notice be published at least twenty days prior to the election and that the contents include the voter qualifications. The notice therefore must be published by March 18, 2009 and again March 27, 28 and 29. As a matter of practice, the notice is again published the Sunday before the election (April 5 this year). It is also proposed to publish the notice on February 25, 2009 in order to give the public advance notice of the mail ballot. This is not required nor prohibited. The proposed notice contained within the resolution includes the pertinent information specific to this election.

**RESOLUTION NO. -09**

**A RESOLUTION SETTING FORTH THE NOTICE OF ELECTION  
FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD  
ON APRIL 7, 2009 IN THE CITY OF GRAND JUNCTION**

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

The Election Notice hereinafter be the Notice of the Regular Municipal Election to be held in the City on April 7, 2009 and further that the same be published in accordance with election procedures:

**“ELECTION NOTICE**

**CITY OF GRAND JUNCTION, COLORADO  
NOTICE OF REGULAR MUNICIPAL ELECTION  
TO BE HELD ON TUESDAY, THE 7TH DAY OF APRIL, 2009**

PUBLIC NOTICE IS HEREBY GIVEN THAT A REGULAR MUNICIPAL ELECTION WILL BE HELD BY MAIL-IN BALLOT ON TUESDAY, THE 7TH DAY OF APRIL, 2009, IN THE CITY OF GRAND JUNCTION, COLORADO.

That said Regular Municipal Election will be held by mail-in ballot with ballots mailed to all active registered voters in said City of Grand Junction. Ballot packages will be mailed no later than March 23, 2009 and must be returned to the Mesa County Clerk no later than 7:00 p.m. on Election Day, Tuesday, April 7, 2009. Voted ballots may be mailed with proper postage affixed and received by Mesa County Clerk no later than 7:00 p.m. Election Day, or returned to the following locations, also no later than 7:00 p.m. Election Day:

City Clerk's Office  
City Hall  
250 N. 5<sup>th</sup> Street  
Grand Junction, Co. 81501

Mesa County Elections Office  
Old Mesa County Courthouse  
544 Rood Avenue, Suite 301A  
Grand Junction, Co. 81501

Mesa County Clerk's Office (Mesa Mall DMV)  
Mesa Mall, JC Penney Wing  
2424 Hwy 6 & 50, #414  
Grand Junction, Co. 81505

Orchard Mesa County Clerk's Branch  
Mesa County Fairgrounds (DMV)  
2775 Hwy 50  
Grand Junction, Co. 81503

On April 7, 2009, the places designated will be open until the hour of 7:00 p.m. NO voting devices will be provided at any location. The election will be held and conducted as prescribed by law.

The Mesa County Elections Division at the Old Courthouse will be open for issue of ballots to “inactive voters”, or the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot, for the period 25 days prior to the election, Monday through Friday, from 8:00 a.m. to 5:00 p.m. and on Tuesday, April 7, 2009 from 7:00 a.m. to 7:00 p.m. (Election Day).

Registered voters within the city limits of Grand Junction are qualified to vote. Registration of voters for the said election has taken place in the time and manner provided by law.

Candidates are:

**DISTRICT A**

Four-Year Term  
(Vote for One)

Thomas Kenyon

Ken Sublett

**DISTRICT D**

Four-Year Term  
(Vote for One)

Bonnie Beckstein

Reford C. Theobald

**DISTRICT E**

Four-Year Term  
(Vote for One)

Teresa Coons

**AT-LARGE**

Four-Year Term  
(Vote for One)

Roland E. Cole

Bill Pitts

Sam Susuras

BY ORDER OF THE CITY COUNCIL

\_\_\_\_\_  
Stephanie Tuin, City Clerk “

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

The City Clerk is hereby given the authority and the responsibility for appointing election judges for municipal elections.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



**Attach 3**

Setting a Hearing Vacating a Portion of the 50 Road Petition (St. Mary's Rose Hill Hospitality House), Located at 609 26 ½ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Vacation of a portion of the 50' Road Petition (St. Mary's Rose Hill Hospitality House) – Located at 609 26 ½ Road		
<b>File #</b>	RZ-2008-227		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 4, 2009		
<b>Author Name &amp; Title</b>	Scott D. Peterson, Senior Planner		
<b>Presenter Name &amp; Title</b>	Scott D. Peterson, Senior Planner		

**Summary:** A request to vacate a portion of the 50' Road Petition that was filed in Book 4336, Page 854 for the benefit of the proposed St. Mary's Rose Hill Hospitality House building expansion. The proposed right-of-way vacation request is located at 609 26 ½ Road.

**Budget:** N/A.

**Action Requested/Recommendation:** Introduce the proposed Ordinance and set a hearing for March 4, 2009.

**Attachments:**

1. Site Location Map / Aerial Photo Map
2. Future Land Use Map / City Zoning Map
3. Right-of-Way Vacation Ordinance

BACKGROUND INFORMATION					
<b>Location:</b>		605 & 609 26 ½ Road			
<b>Applicant:</b>		Sisters of Charity of Leavenworth Health Services Corp. (St. Mary's Hospital), Owner			
<b>Existing Land Use:</b>		St. Mary's Rose Hill Hospitality House			
<b>Proposed Land Use:</b>		St. Mary's Rose Hill Hospitality House building expansion			
<b>Surrounding Land Use:</b>	<b>North</b>	Single-family residential			
	<b>South</b>	Commercial retail/office development			
	<b>East</b>	Single-family residential			
	<b>West</b>	Commercial retail/office development and Single-family residential			
<b>Existing Zoning:</b>		PD, Planned Development			
<b>Proposed Zoning:</b>		N/A			
<b>Surrounding Zoning:</b>	<b>North</b>	R-5, (Residential – 5 du/ac.)			
	<b>South</b>	B-1, (Neighborhood Business)			
	<b>East</b>	R-4, (Residential – 4 du/ac.)			
	<b>West</b>	B-1, (Neighborhood Business) and R-5, (Residential – 5 du/ac.)			
<b>Growth Plan Designation:</b>		Commercial			
<b>Zoning within density range?</b>		X	Yes		No

**STAFF ANALYSIS:**

The applicant, St. Mary's Hospital, wishes to vacate an existing Ingress, Egress and Utility Easement ("Easement") and 15 feet of right-of-way on the east edge of the property at 609 26 ½ Road in anticipation of a proposed building expansion for the Rose Hill Hospitality House that is currently in the Site Plan Review process. The existing Easement does not contain any utilities and was dedicated as part of the P.D.C. Subdivision Filing No. Two plat in 1983. Presently, there are portions of the existing Rose Hill Hospitality House building that encroach into the Easement. The request to officially vacate this easement is necessary so that the existing building is not encumbered by this easement and to allow for further building expansion.

The right-of-way being vacated is from a road petition that has some question as to its validity against the present applicant. The road petition was done years ago in the County, but had not been recorded in the grantor-grantee index in the Mesa County Clerk and Recorder's office until January 2007. Mesa County recorded numerous road petitions at that time. The recorded road petitions included right-of-way in the City and particularly that area requested to be vacated. As the recording occurred approximately six years after the applicant purchased the property, the applicant may dispute that the road petition applies to its property as the applicant may claim it purchased the property without notice of the road petition.

The City Engineers have determined that the City does not need the western 12 feet of the right-of-way at this time. It is excess right-of-way. The applicant understands that the remaining three feet is needed by the City and the applicant will dedicate that three feet with its subdivision plat for the project presently under review for expansion of the Rose Hill Hospitality House. The 12 feet of right-of-way must be vacated for the expansion to be approved as the area is needed to meet landscaping requirements.

The Planning Commission recommended approval of the proposed right-of-way vacation at their January 27, 2009 meeting.

#### **Consistency with the Growth Plan:**

The properties are currently zoned PD, (Planned Development) with a default zoning district of B-1, (Neighborhood Business) with the Growth Plan Future Land Use Map indicating these properties as Commercial. The City Council recently approved the Growth Plan Amendment request and Rezone for the property located at 609 26 ½ Road to Commercial and PD, Planned Development respectfully so that the entire Rose Hill Hospitality House properties are under one Zoning District and Growth Plan Future Land Use map designation. The easement and right-of-way vacation requests are also consistent with the following Goals and Policies of the Growth Plan:

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities. Policy 5.2 states that the City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 8: To support the long-term vitality of existing centers of community activity as shown in the Hospital Environs. Policy 8.10 states that the City should encourage the growth and development of retail, office and service uses related to hospital operations.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Goal 28: The City of Grand Junction is committed to taking an active role in

the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

**Section 2.11 C. of the Zoning and Development Code:**

The vacation of the right-of-way shall conform to the following:

- a. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Granting the request to vacate the west 15.00 feet of that certain 50.00 foot Road Petition, recorded in Book 4336, Page 854, Public Records of Mesa County, Colorado, and lying in the property located at 609 26 ½ Road does not conflict with the Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

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

No parcel will be landlocked as a result of this public right-of-way vacation.

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

Access will not be restricted to any parcel.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

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

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

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

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

Maintenance requirements to the City will not change as a result of the proposed public right-of-way vacation.

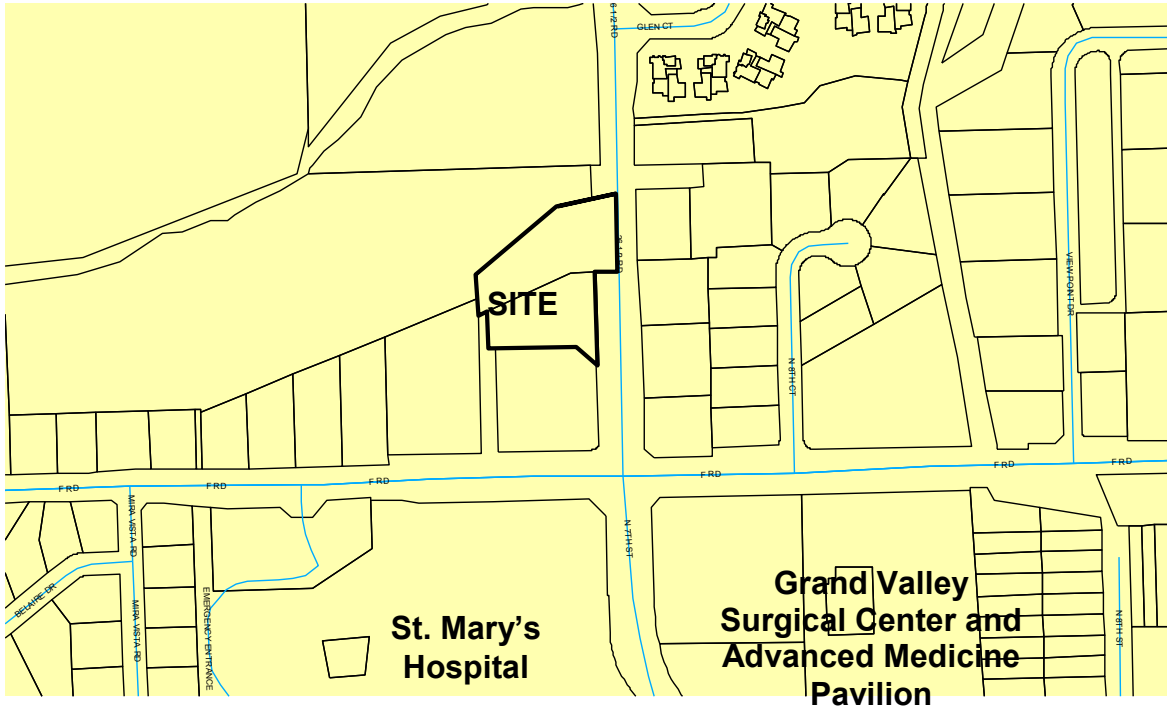
**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the St. Mary's Rose Hill Hospitality House application, RZ-2008-227 for the Vacation of Right-of-Way, the Planning Commission makes the following findings of fact and conclusions:

1. The requested right-of-way vacation request is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met for the proposed right-of-way vacation.

# Site Location Map

Figure 1



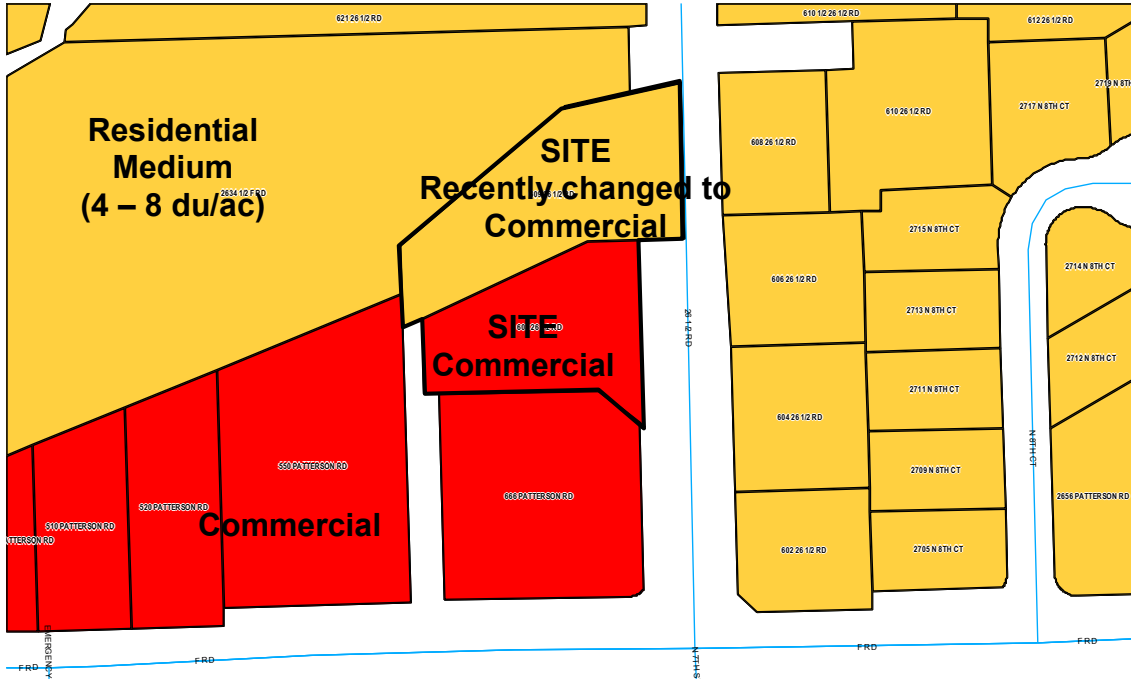
# Aerial Photo Map

Figure 2



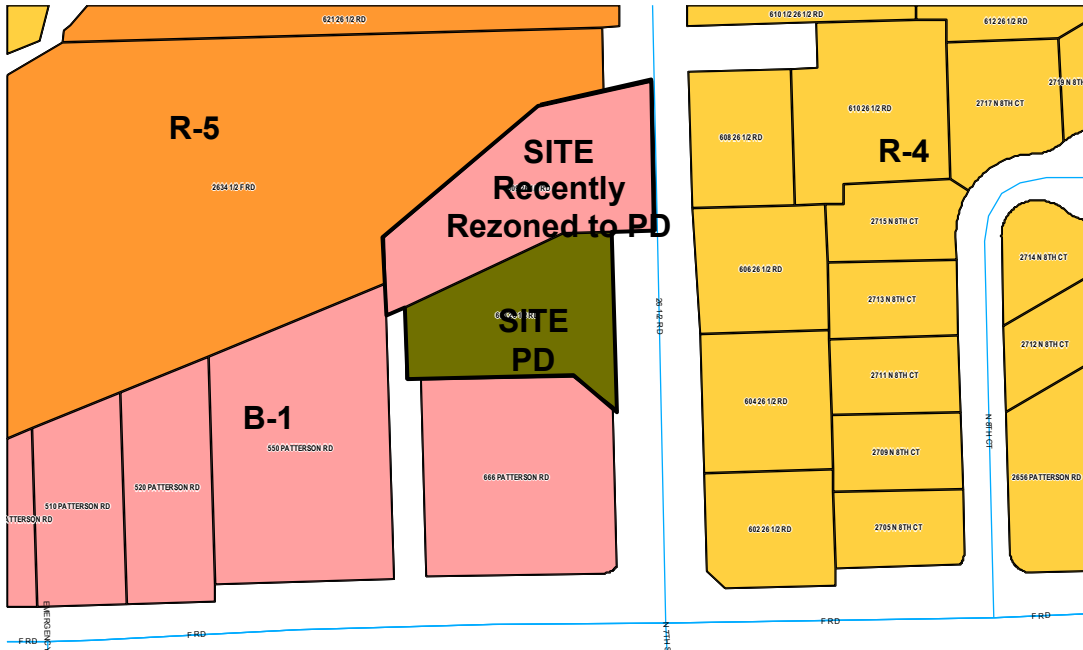
# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4



**CITY OF GRAND JUNCTION, CO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A PORTION OF THE 50' WIDE ROAD PETITION  
RUNNING ALONG THE CENTERLINE OF 7<sup>TH</sup> STREET AND RECORDED IN  
BOOK 4336, PAGE 854**

**LOCATED AT 609 26 ½ ROAD  
(ST. MARY'S ROSE HILL HOSPITALITY HOUSE)**

Recitals:

A vacation of the west 15.00 feet of the 50.00 foot road right-of-way included in the Road Petition recorded in Book 4336, Page 854 of the Public Records of Mesa County, Colorado, has been requested by the adjoining property owners.

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

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

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

Right-of-way to be vacated:

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) of Section 2, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

The West 15.00 feet of that certain 50.00 foot Road Petition, as recorded in Book 4336, Page 854, Public Records of Mesa County, Colorado, that lies within the lands



described in Book 2853, Page 41, Public Records of Mesa County, Colorado. It is intended that no part of this description shall be within the existing 35.00 foot right of way for North 7<sup>th</sup> Street.

Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2009

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

# EXHIBIT "A"

NE CORNER  
SE 1/4 SW 1/4  
SECTION 2  
TWP. 1S, R6E 1W U.M.

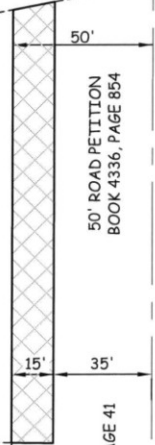
2945-023-00-029

SISTERS OF CHARITY  
OF LEAVENWORTH  
HEALTH SYSTEM, INC  
609 26 1/2 ROAD

2945-023-00-028  
BOOK 2853, PAGE 41

SISTERS OF CHARITY  
OF LEAVENWORTH  
609 26 1/2 ROAD  
2945-023-15-977

P.D.C. SUBDIVISION  
FILING NO. 2  
PLAT BOOK 13, PAGE 123



R.O.W. BOOK 2853, PAGE 41

NORTH 7TH STREET

EAST LINE SE 1/4 SW 1/4 SECTION 2

**ABBREVIATIONS**

R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.M.	UTE MERIDIAN

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



LINEAL UNITS = US SURVEY FOOT



C:\Land Projects 2009\Sketch\Patterson\_N 7TH.dwg, 1/13/2009 3:49:15 PM

DRAWN BY: JKT  
DATE: 1-13-09  
SCALE: 1" = 50'  
APPR. BY: PTK

THE CITY OF GRAND JUNCTION

2945-023-00-028



**Attach 4**

Setting a Hearing Vacating a Public ROW along F ¼ Road ROW, North of 3032 N. 15th Street

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Vacation of Public Right-of-Way along F ¼ Road right-of-way, north of 3032 N 15 <sup>th</sup> Street		
<b>File #</b>	VR-2008-202		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 4, 2009		
<b>Author Name &amp; Title</b>	Judith Rice – Associate Planner		
<b>Presenter Name &amp; Title</b>	Judith Rice – Associate Planner		

**Summary:** Request by the City of Grand Junction to vacate the 14.5 feet-wide and 627 feet long right-of-way along F ¼ Road undeveloped right-of-way, north of 3032 N 15<sup>th</sup> Street which is unnecessary for future roadway circulation and will allow the adjacent property owner to maintain landscaping.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed vacation ordinance and set a public hearing for Wednesday, March 4, 2009.

**Attachments:**

Figure 1: Site Location Map  
 Figure 2: Aerial Photo  
 Figure 3: Aerial Photo Close Up  
 Figure 4: Future Land Use  
 Figure 5: City Zoning  
 Figure 6: Pedestrian Use  
 Figure 7: Existing Trail Easements  
 Exhibit A: Neighbor's Letter  
 Ordinance

**Background Information:** See attached report

BACKGROUND INFORMATION			
<b>Location:</b>		The 14.5 foot wide 627 foot long F ¼ Road right-of-way north of 3032 N 15 <sup>th</sup> Street	
<b>Applicants:</b>		Applicant: City of Grand Junction Representative: Mike Grizenko	
<b>Existing Land Use:</b>		Undeveloped right-of-way	
<b>Proposed Land Use:</b>		Open space for the benefit of residential property to the south	
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential and Church	
	<b>South</b>	Multi-Family Residential	
	<b>East</b>	Hilltop Health Services	
	<b>West</b>	Single Family Residential	
<b>Existing Zoning:</b>		n.a.	
<b>Proposed Zoning:</b>		R-8 (Residential 8 du/ac)	
<b>Surrounding Zoning:</b>	<b>North</b>	R-8 (Residential 8 du/ac)	
	<b>South</b>	R-8 (Residential 8 du/ac)	
	<b>East</b>	PD (Planned Development)	
	<b>West</b>	R-8 (Residential 8 du/ac)	
<b>Growth Plan Designation:</b>		n.a.	
<b>Zoning within density range?</b>	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No

## ANALYSIS

### 1. Background

This section of unimproved F ¼ Road right-of-way is 14.5 foot wide and 627 feet long lying directly north and adjacent to the Nellie Bechtel Gardens apartment complex. The right-of-way was annexed in 1972 as part of the 250 acre North Peach Annexation which included the Nellie Bechtel Gardens parcel. Nellie Bechtel Gardens apartments will be the beneficiary of the vacation.

Nellie Bechtel Gardens would like to incorporate this 14 foot wide strip of land into its open space area allowing landscaping and accessibility for maintenance.

There have been no previous applications for vacation of this right-of-way.

A Grand Valley Water User's Association (GVWUA) open concrete irrigation ditch, approximately 3 feet wide and 2 feet deep, lies just north and adjacent to the right-of-way. A 20 foot wide foot bridge has been built across the ditch approximately 232 feet east from North 15<sup>th</sup> Street. Pedestrians occasionally use the 232 foot portion of the 627 foot right-of-way to access private property to the north and northeast (Figure 6).

A nearby citizen has raised the question of establishing a pedestrian easement in the vacated right-of-way area with this vacation process (Exhibit A). While a pedestrian trail connection between 27 ½ Road and North 15<sup>th</sup> Street should be pursued, it is recommended that it not be included in this vacation process because:

- (1) If a pedestrian easement is warranted, it should be pursued separate from this vacation process as an easement across the whole of the presumed trail, from North 15<sup>th</sup> Street to 27 ½ Road, so that trespass on private land is not encouraged (Figure 6).
- (2) Only a small portion of the right-of-way is occasionally used to access the informal trail located on private properties to the north, where most of the foot traffic occurs (Figure 6).
- (3) As the area develops, other locations may prove to be more appropriate (Figure 7).
- (4) Hermosa Avenue currently provides a nearby connection between North 15<sup>th</sup> Street and 27 ½ Road.

## 2. Section 2.11.C of the Zoning and Development Code

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

- a. *The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.*

Vacation the F ¼ Road unimproved right-or-way does not impact the Grand Valley Circulation Plan or policies adopted by the City of Grand Junction. Current traffic and street patterns in this area provide adequate circulation and connectivity. Vacating the ROW will facilitate improvement of the land with landscaping provided by the beneficiary and will eliminate access to private land.

This undeveloped portion of F ¼ Road is not currently shown on the Urban Trails Map. The Urban Trail Plan will not be affected by this vacation.

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

No parcel will be landlocked as a result of the vacation. All parcels abutting this right-of-way have other access to public streets.

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

Access will not be restricted to any parcel as a result of the vacation.

- d. *There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

The vacation will not cause any adverse impacts on the health, safety or welfare of the general community and the quality of public facilities. Services provided to any parcel of land will not be reduced if this part of the right-of-way is vacated.

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

Adequate public facilities and services will not be inhibited to any property. Appropriate utility easements will be reserved and retained.

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

Vacation eliminates all existing and future maintenance of the area by the City.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the Nellie Bechtel Right-of-Way Vacation application, VR-2008-202 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

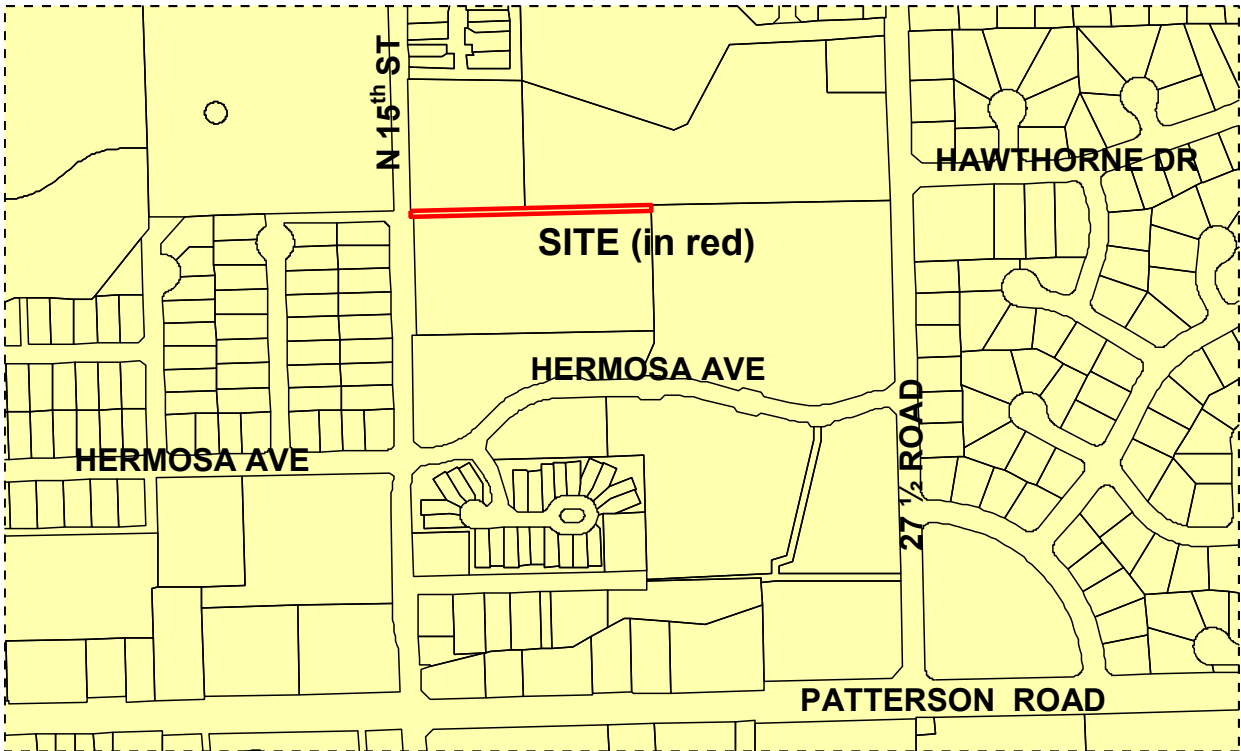
3. The requested right-of-way vacation is consistent with the Growth Plan.
4. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

## PLANNING COMMISSION RECOMMENDATION:

On January 27, 2009, Planning Commission forwarded a recommendation of approval of the requested right-of-way vacation, VR-2008-202, to the City Council with the findings and conclusions listed above.

# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2





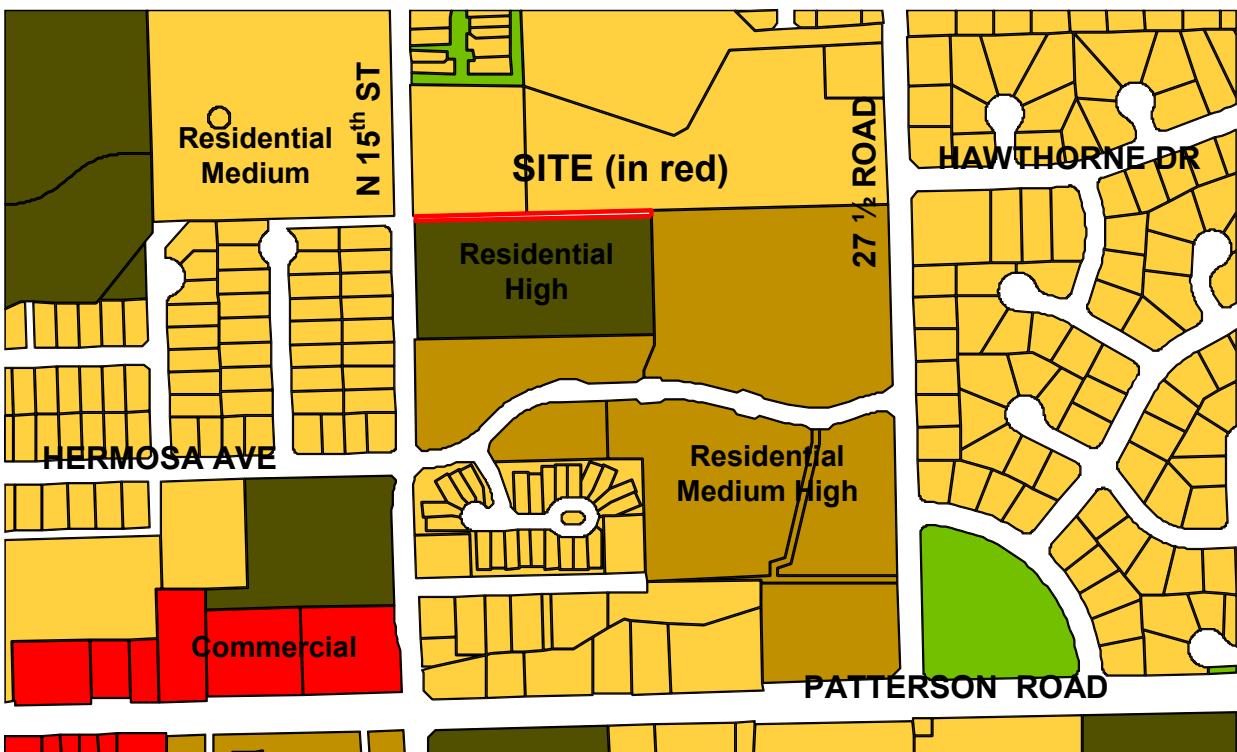
# Aerial Photo Close Up

Figure 3



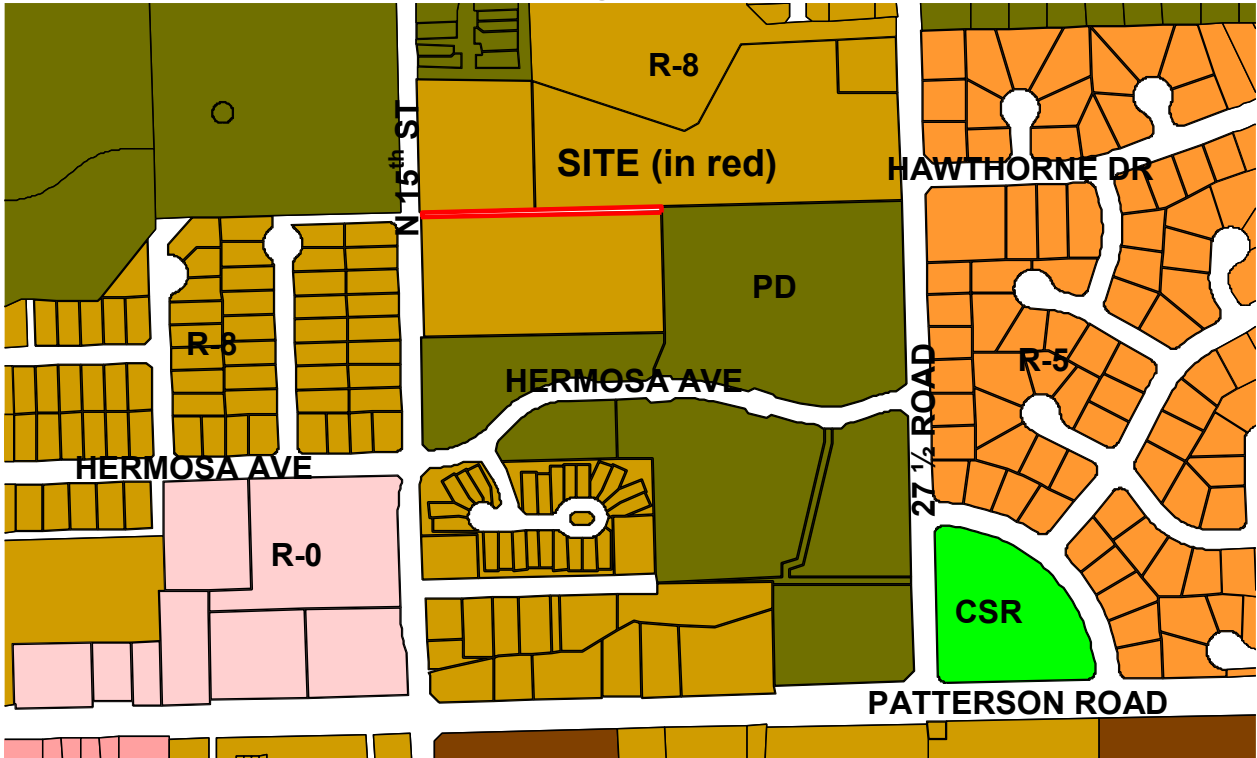
# Future Land Use

Figure 4



# City Zoning

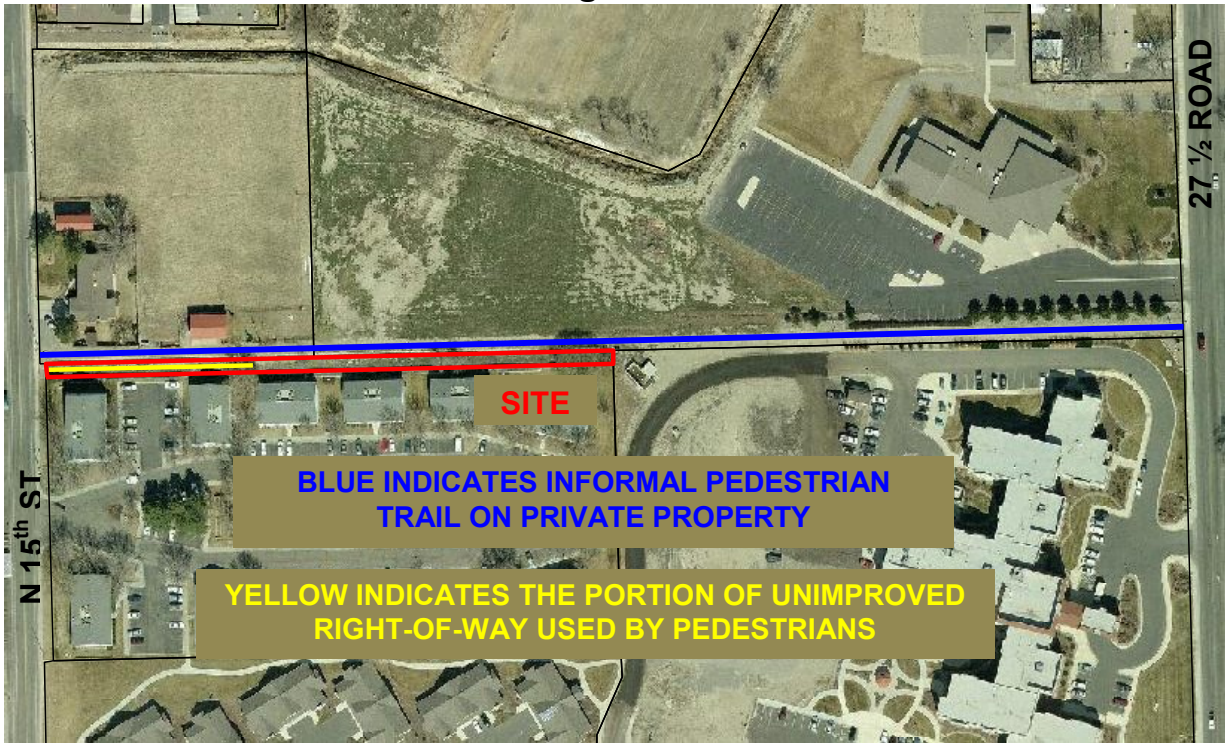
Figure 5





# Pedestrian Use

Figure 6



# Existing Trail Easements

Figure 7



## Exhibit A

Steven Acquafresca  
637 27 ½ Road  
Grand Junction, CO 81506

August 6, 2008

Judith Rice  
Public Works & Planning Department  
Planning Division  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: VR-2008-202 – Neilie Bechtel Right Of Way Vacation – 3032 North 15<sup>th</sup> Street

Thank you for notifying me regarding the above referenced Right of Way vacation proposal. With this letter, I wish to enter the following comments into any public hearing process on this item.

The .209 acre Right of Way north of 3032 North 15<sup>th</sup> Street that is proposed to be vacated appears to be the exact same corridor that is a long established urban pedestrian trail. I recommend, under the strongest of terms, that the City of Grand Junction legally retain an urban trail pedestrian Right of Way along this constantly used corridor.

My residence is two properties removed to the north of the subject Right of Way and I routinely observe a constant flow of pedestrian traffic on the long established and well designated footpath that occupies this corridor. This trail corridor is the major pedestrian linkage between 15<sup>th</sup> Street on the west and 27 ½ Road on the east. It is utilized daily by scores, if not hundreds, of walkers and joggers from sunup to sundown on a year around basis. The trail's existence is a major asset to Grand Junction's urban trail vision today and will be even more so in the future.

Please take the necessary legal action to protect this important and well used urban trail corridor for citizens to continue to enjoy in perpetuity. If compensation to the underlying landowner is needed to complete the trail protection – it would be defensible and I would be in support of it. Such compensation would be a good public investment into our city's urban trail system.

Thank you for the opportunity to comment on the 3032 North 15<sup>th</sup> Street Right of Way vacation proposal. Please advise if I may provide any additional observations or be of assistance in any other way.

Sincerely,

  
Steven Acquafresca

**CITY OF GRAND JUNCTION**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING A PORTION OF F ¼ ROAD RIGHT-OF-WAY  
ADJACENT TO 3032 N 15<sup>TH</sup> STREET**

**RECITALS:**

A vacation of the dedicated right of way has been requested by the City of Grand Junction on behalf of an adjoining property owner. The City shall reserve and retain a perpetual utility easement on, along, over, under, through and across the entire area of the right-of-way to be vacated.

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

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The F ¼ Road right-of-way is reserved and retained in full as a utility easement.

The following F ¼ Road right-of-way is shown on Exhibit A as part of this Vacation description:

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4SW1/4) of Section 1, Township One South, Range One West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, and being more particularly described as follows:

ALL of that certain 14.50 foot right of way for F 1/4 Road as described in Book 1502, Page 291 and depicted on that certain plat of Nellie Bechtel Gardens, as same is recorded in Plat Book 14, Pages 35 and 36, Public records of Mesa County, Colorado, lying East of the East right of way for 27 1/4 Road as laid out and now in use.

Containing 9,097 square feet, more or less, as described.

Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2009

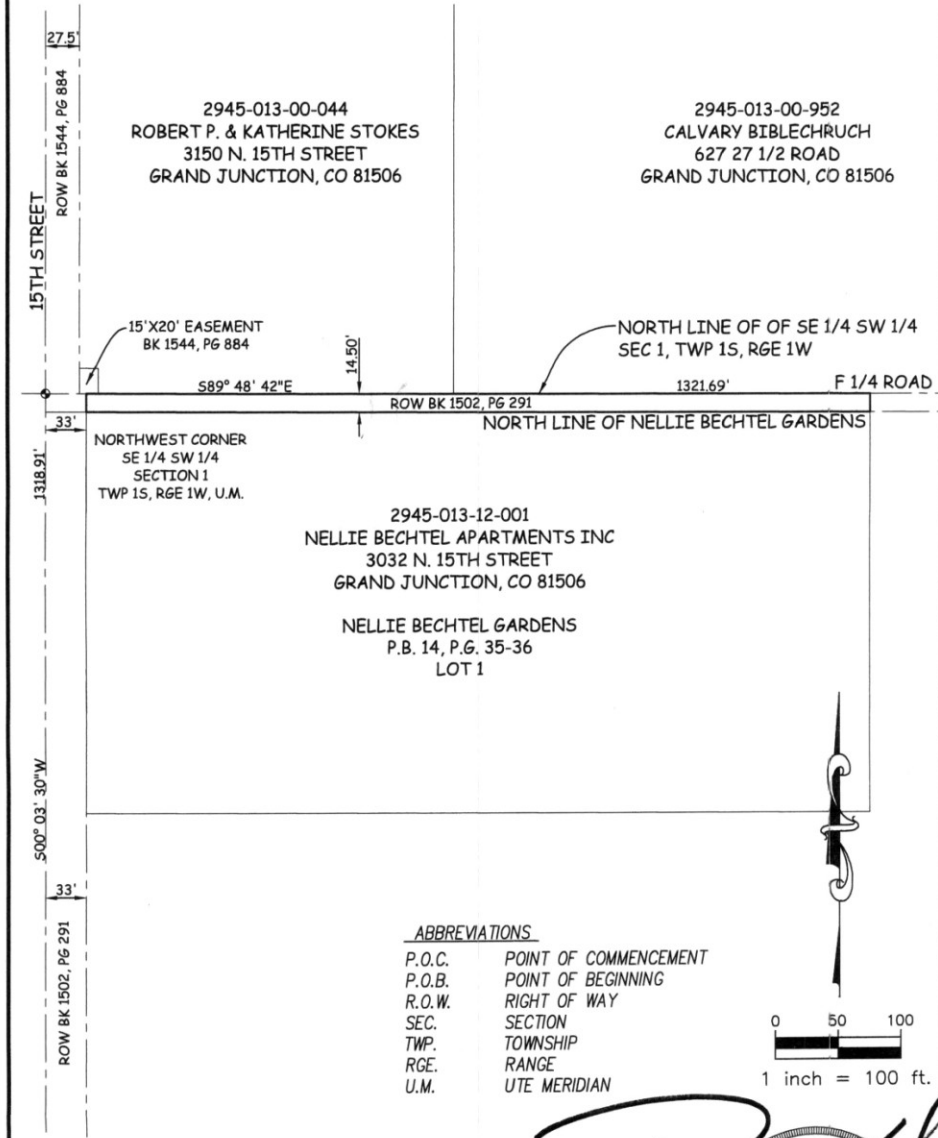
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

# EXHIBIT "A"



2945-013-00-044  
 ROBERT P. & KATHERINE STOKES  
 3150 N. 15TH STREET  
 GRAND JUNCTION, CO 81506

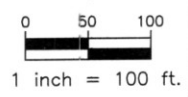
2945-013-00-952  
 CALVARY BIBLECHRUCH  
 627 27 1/2 ROAD  
 GRAND JUNCTION, CO 81506

NORTHWEST CORNER  
 SE 1/4 SW 1/4  
 SECTION 1  
 TWP 1S, R6E 1W, U.M.

2945-013-12-001  
 NELLIE BECHTEL APARTMENTS INC  
 3032 N. 15TH STREET  
 GRAND JUNCTION, CO 81506  
 NELLIE BECHTEL GARDENS  
 P.B. 14, P.G. 35-36  
 LOT 1

ABBREVIATIONS

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- U.M. UTE MERIDIAN



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



DRAWN BY: JKT  
 DATE: 05-27-2008  
 SCALE: 1" = 100'  
 APPR. BY: PTK

**NELLIE BECHTEL GARDENS**  
 2945-013-12-001





**Attach 5**

Setting a Hearing on Vacating the Hoesch Street ROW, Located Adjacent to 742 W. White Avenue

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Hoesch Street Right-of-Way Vacation		
<b>File #</b>	VR-2008-312		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	X	<b>Individual</b>
<b>Date Prepared</b>	February 2, 2009		
<b>Author Name &amp; Title</b>	Ronnie Edwards, Associate Planner		
<b>Presenter Name &amp; Title</b>	Ronnie Edwards, Associate Planner		

**Summary:** A request to vacate a portion of the excess public right-of-way known as Hoesch Street, adjacent to 742 W. White Avenue, for expansion of the existing business and employee parking area.

**Budget:** N/A

**Action Requested/Recommendation:** Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009.

**Attachments:** Site Location Map  
Aerial Photo Map  
Future Land Use Map  
Existing City Zoning Map  
Ordinance

**Background Information:** See Attached.



BACKGROUND INFORMATION				
Location:		Adjacent to 742 W. White Avenue		
Applicants:		Paradis Roscoe, LLC – Tom and Jean Paradis		
Existing Land Use:		Office/Manufacturing Facility		
Proposed Land Use:		Office/Manufacturing Facility Addition		
Surrounding Land Use:	North	Auto Repair Facility		
	South	Electrical Contractor Shop		
	East	Vacant/Riverside Parkway		
	West	City of Grand Junction Shop Facilities		
Existing Zoning:		N/A		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	I-1 (Light Industrial)		
	East	I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		N/A	Yes	No

ANALYSIS:

1. Background

The right-of-way known as Hoesch Street was originally created with the Grand River Subdivision in 1894. Zoning for the original downtown area was implemented May 2, 1928 with the passing of Ordinance number 432. The subject property was zoned Industry B District (Heavy and Obnoxious Industry). It became I-1 (Light Industrial) in 1961 when our current designations were adopted.

The applicant is requesting that the City vacate the west 8.5 feet of Hoesch Street for expansion of the existing business. The City will retain the east 20 feet of the right-of-way for access purposes for 633 W. White Avenue to the north, which is Dan’s Auto Repair. This area also has to be reserved due to the major Xcel gas line that is located 10 feet west from the easterly right-of-way line.

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

The vacation of the right-of-way shall conform to the following:

- g. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Vacation of this portion of the Hoesch Street right-of-way does not create a conflict with the Growth Plan, major street plan or any other adopted plan or policy of the City.

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

No parcel shall be landlocked by the vacation request as the City is retaining 20' of the right-of-way for access to the subject property and the adjacent property to the north. It has been determined by City Staff that the 20 feet retained is sufficient for traffic circulation to these lots and to accommodate all needed and retained utilities in or near the right-of-way.

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

Vacating this right-of-way will not restrict or render unusable any access or devalue any property.

- j. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced. Public utilities will continue to exist and to be adequately maintained in the 20 feet of right-of-way that is being retained.

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

Provision of adequate public facilities and services will not be inhibited to any property. Public facilities and services are already in place for any affected properties and no changes or relocations are proposed or needed.

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

This proposal provides a benefit to the City as the vacated area will become the responsibility of the property owners, while the area being retained can remain for public use. The area being vacated will allow an existing business to expand and provide more parking for employees, relieving parking challenges in this area.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the application, Hoesch Street Right-of-Way Vacation, VR-2008-312, for the vacation of a portion of a public right-of-way, I make the following findings of fact and conclusions:

5. The requested right-of-way vacation is consistent with the goals and policies of the Growth Plan.
6. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

#### PLANNING COMMISSION RECOMMENDATION:

At their February 10, 2009 hearing, the Planning Commission forwarded a recommendation of approval on the requested right-of-way vacation, with the findings and conclusions listed in the staff report.

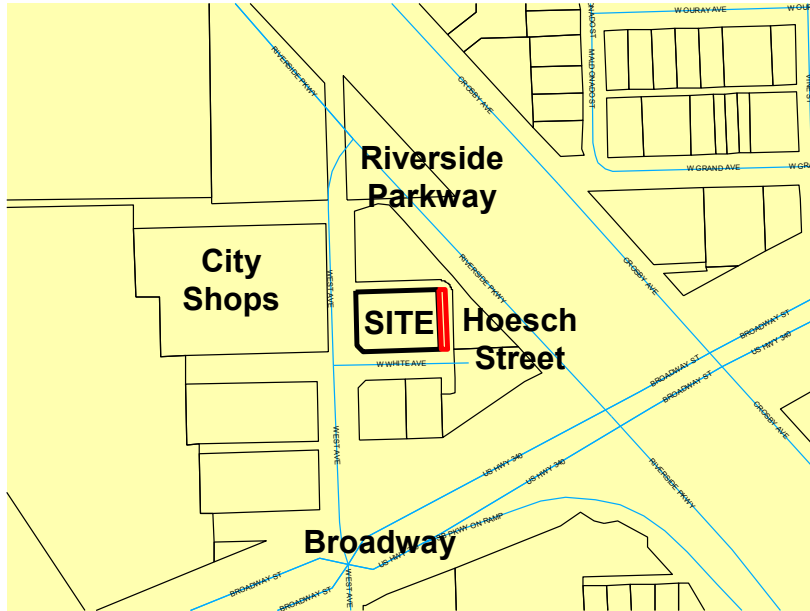
#### Attachments:

Site Location Map  
Aerial Photo Map  
Future Land Use Map  
Existing City Zoning Map

Ordinance

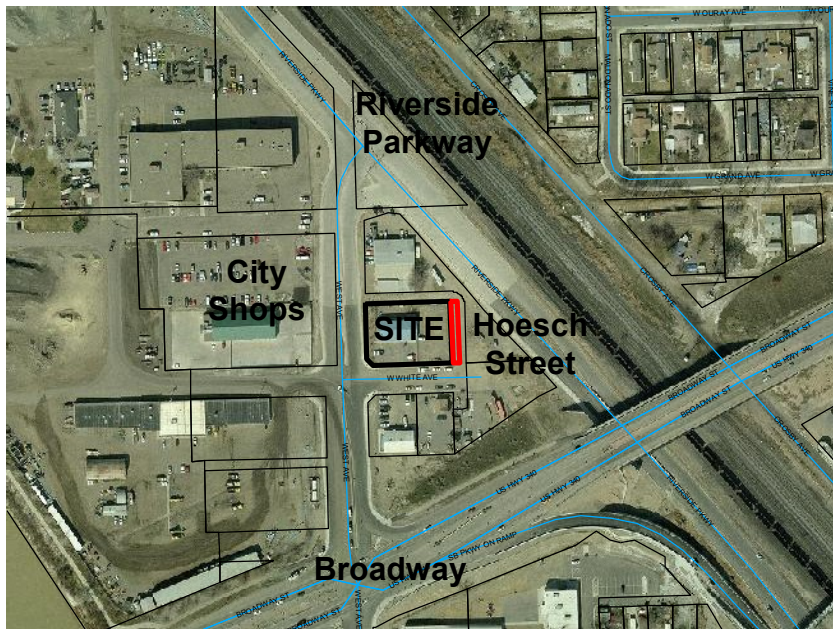
# Site Location Map

Figure 1



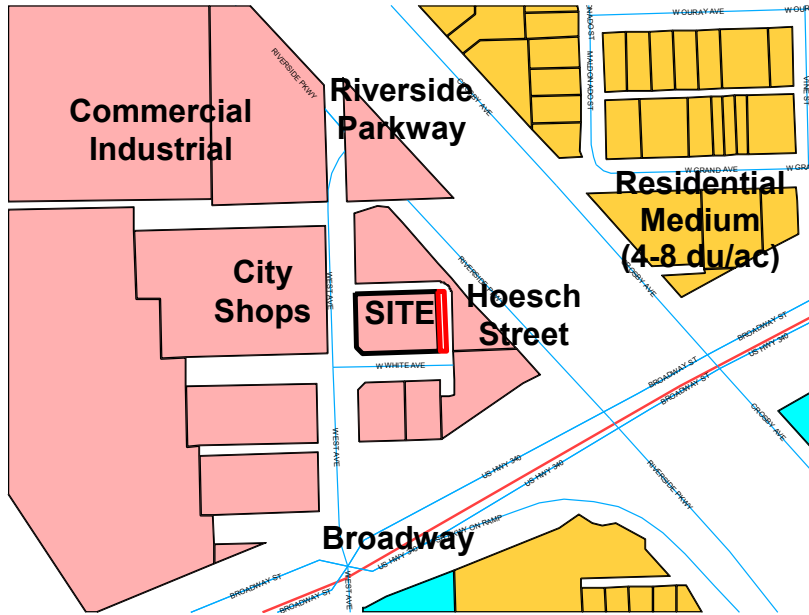
# Aerial Photo Map

Figure 2



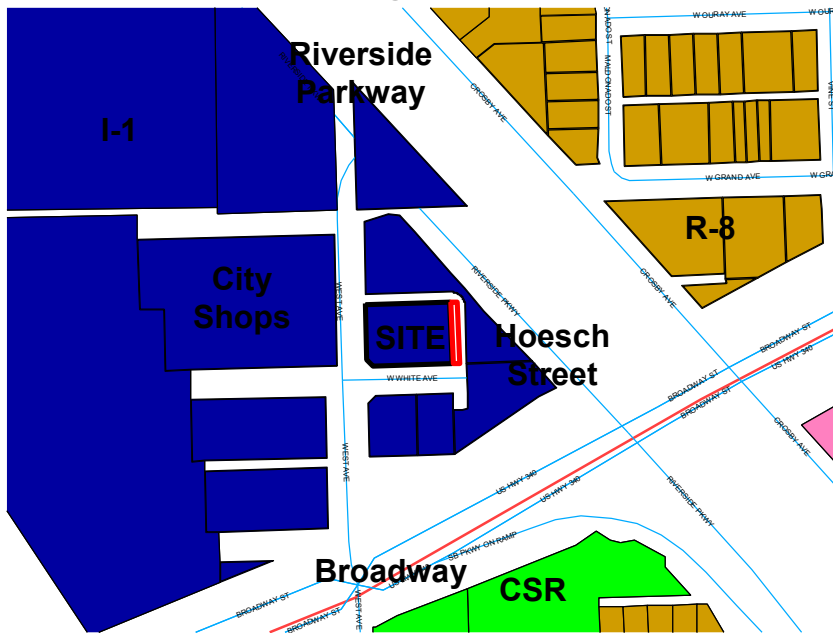
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



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

**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING RIGHT-OF-WAY  
FOR A PORTION OF HOESCH STREET  
LOCATED ADJACENT TO 742 W. WHITE AVENUE**

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the property owner of 742 W. White Avenue. The applicant is proposing to vacate the west 8.5 feet of Hoesch Street for expansion of their existing business. The east 20 feet of right-of-way will be retained for access purposes for adjacent property owner to the north and for utilities.

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

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

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

Dedicated right-of-way to be vacated:

Being a parcel of land located in Grand River Subdivision, as shown on plat recorded in Plat Book 1, Page 29, Mesa County records and being more particularly described as follows:

The West eight and one-half feet (8.50') of Hoesch Street right-of-way lying East of and parallel to the East line of Lot 2, Block 6, Grand River Subdivision, as shown on plat recorded in Plat Book 1, Page 29, Mesa County records.

Introduced for first reading on this \_\_\_\_ day of \_\_\_\_\_, 2009

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ , 2009.

ATTEST:

\_\_\_\_\_  
President of City Council

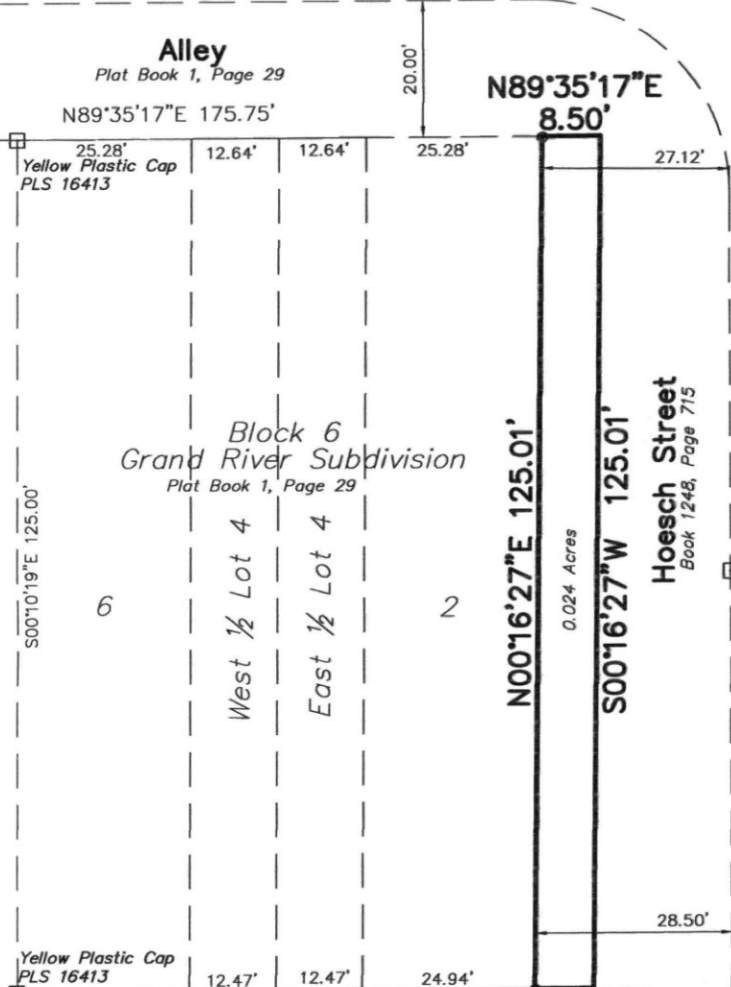
\_\_\_\_\_  
City Clerk

Lot 1, Block 1  
WDD Subdivision  
Book 4212, Pages 239 & 240

**EXHIBIT A**

Yellow Plastic Cap  
PLS 24942

Riverside Parkway  
Book 4212, Pages 239 & 240



Yellow Plastic Cap  
PLS 24942

Lot 1, Block 1  
WDD Subdivision  
Book 4212, Pages 239 & 240

Lot 2, Block 1  
WDD Subdivision  
Book 4212, Pages 239 & 240

Yellow Plastic Cap  
PLS 24942

**West White Avenue**  
60' Wide Right-of-Way  
Plat Book 1, Page 29

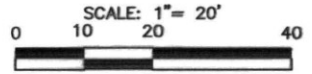
A 8.50 Foot Wide Right-of-Way Vacation

Being a parcel of land located in Grand River Subdivision, as shown on plat recorded in Plat Book 1, Page 29, Mesa County records and being more particularly described as follows:

The West eight and one-half feet (8.50') of Hoesch Street right-of-way lying East of and parallel to the East line of Lot 2, Block 6, Grand River Subdivision, as shown on plat recorded in Plat Book 1, Page 29, Mesa County records.



**High Desert Surveying, LLC**  
1673 Highway 50 Unit C  
Grand Junction, Colorado 81503  
Tele: 970-254-8649 Fax: 970-240-0451



PROJ. NO. 08-110	Drawn	Chk'd	SHEET	OF
DATE: December, 2008	rsk	skw	1	1



**Attach 6**

Setting a Hearing for the Vacation of Rights-of-Way for GCK, LLC Relative to Development at 104 W. Colorado Avenue

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Vacation of Rights-of-Way for GCK, LLC, Relative to Development at 104 W. Colorado Avenue		
File #	VR-2008-375		
Meeting Day, Date	Wednesday, February 18, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	February 6, 2009		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

**Summary:** Request to vacate the portion of West Colorado Avenue between North 1<sup>st</sup> Street and the railroad tracks; the north/south alley between West Main Street and West Colorado Avenue, west of North 1<sup>st</sup> Street; and a diagonal piece of unimproved right-of-way on the western end of the site. These rights-of-way are either undeveloped or unnecessary for area circulation and will be used for future redevelopment of the property as a whole.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed ordinance and set a public hearing for March 4, 2009.

**Background Information:** See attached Analysis/Background Information

**Attachments:**

1. Staff report
2. Site Location Map/Aerial Photo Map
3. Future Land Use Map/Existing City Zoning Map
4. Ordinance

BACKGROUND INFORMATION				
Location:		105 West Colorado Avenue		
Applicants:		GCK, LLC – Cary Eidsness		
Existing Land Use:		West Colorado Avenue		
Proposed Land Use:		Future commercial development		
Surrounding Land Use:	North	Office building, parking lots		
	South	Catholic Outreach Soup Kitchen, railroad		
	East	Two Rivers Convention Center, parking		
	West	Parking lot, railroad		
Existing Zoning:		N/A		
Proposed Zoning:		B-2 (Downtown Business)		
Surrounding Zoning:	North	B-2 (Downtown Business)		
	South	B-2 (Downtown Business)		
	East	B-2 (Downtown Business)		
	West	B-2 (Downtown Business)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

## ANALYSIS

### 1. Background

The property was part of the Mobley's Addition Annexation which became effective in 1890 and is a part of the Richard D Mobley's First Addition Subdivision platted in 1891.

The property contains offices which were built on the eastern portion of the property in 1953 as a part of the City Market operations. A warehouse was added in 1977.

This request is for the vacation of three separate rights-of-way that adjoin and/or bisect the applicant's property. The West Colorado Avenue portion is a short segment of right-of-way that runs from N 1<sup>st</sup> Street to Spruce Avenue. The applicant owns all properties adjacent this section of West Colorado. The alley portion runs north and south to the north of the requested West Colorado Avenue vacation request. The applicant is only requesting to vacate portions of the alley which abut their property.

The unimproved diagonal right-of-way runs northwest to southeast within a portion of the West Colorado Avenue right-of-way and continues to the southeast under the office/warehouse building owned by the applicant. The West Colorado Avenue and alley rights-of-way will be maintained as public ingress/egress and utility easements, due to no physically changes being made at this time. The applicant will be proposing a site plan for redevelopment that will potentially reconfigure the circulation in the area, at which point the ingress/egress and utility easements may no longer be needed or will be relocated.

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

The vacation of the right-of-way shall conform to the following:

- m. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

**Response:** Vacating the rights-of-way does not conflict with applicable Sections of the Growth Plan, major street plan and/or any other adopted plans and policies of the City

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

**Response:** No properties will be landlocked with this vacation. Access will be maintained for all properties with a public ingress/egress easement to be maintained within the West Colorado Avenue and alley rights-of-way.

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

**Response:** Access will be maintained for all properties. The West Colorado Avenue and alley rights-of-way will be maintained as a public ingress/egress easement; the alley functions as a drive aisle within an existing parking lot and will continue use in this manner; the diagonal piece of right-of-way has never been improved and does not currently provide access to any properties. All properties not owned by the applicant have access to Spruce Avenue, W Main Street, and/or N 1<sup>st</sup> Street.

- p. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

**Response:** The vacation will not have adverse impact on the health, safety, and/or welfare of the community. The West Colorado Avenue and alley rights-of-way will be maintained as a public ingress/egress and utility easement in order to maintain adequate circulation and protect existing utilities within the corridor.

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

**Response:** The West Colorado Avenue and alley rights-of-way will be maintained as a public ingress/egress and utility easement in order to maintain adequate circulation and protect existing utilities within the corridor. All properties not owned by the applicant have access to Spruce Avenue, W Main Street, and/or N 1<sup>st</sup> Street.

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

**Response:** The request provides benefits to the City with the responsibility of maintenance and improvements to the vacated area becoming that of the property owner.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the GCK, LLC application, VR-2008-375 for the vacation of public rights-of-way, I make the following findings of fact and conclusions:

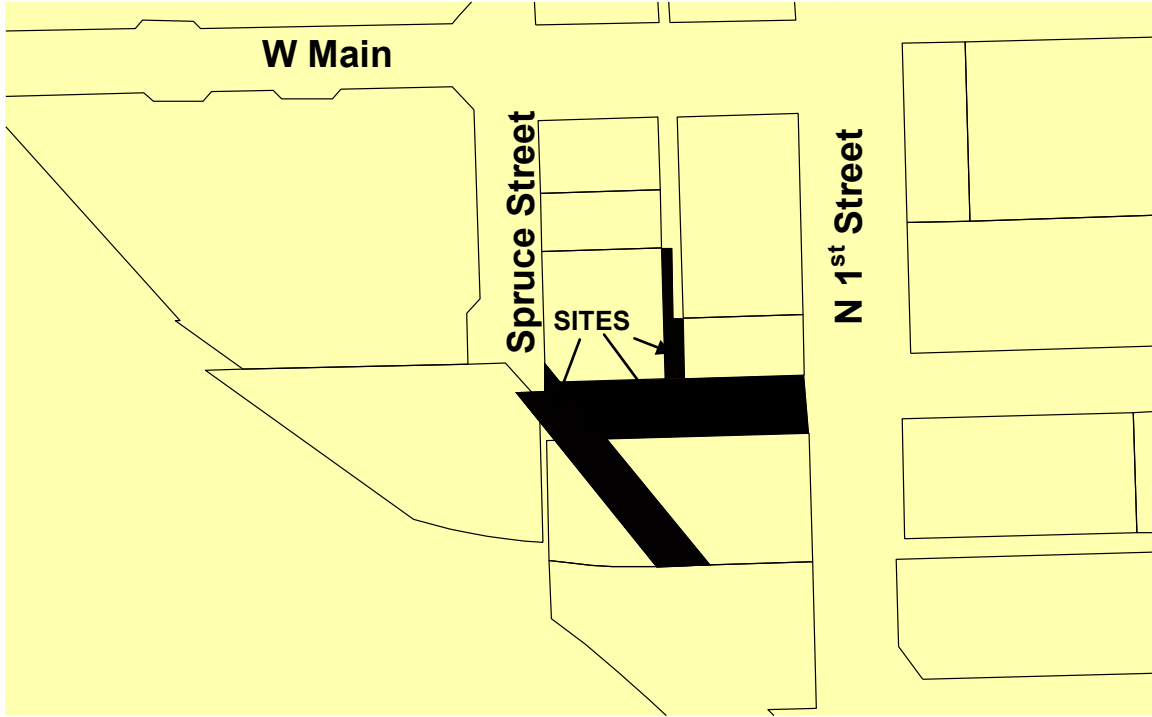
7. The requested right-of-way vacation is consistent with the Growth Plan.
8. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

## PLANNING COMMISSION RECOMMENDATION:

Planning Commission forwarded a recommendation of approval of the requested rights-of-way vacations, VR-2008-375 to the City Council with the findings and conclusions listed above.

# Site Location Map

Figure 1



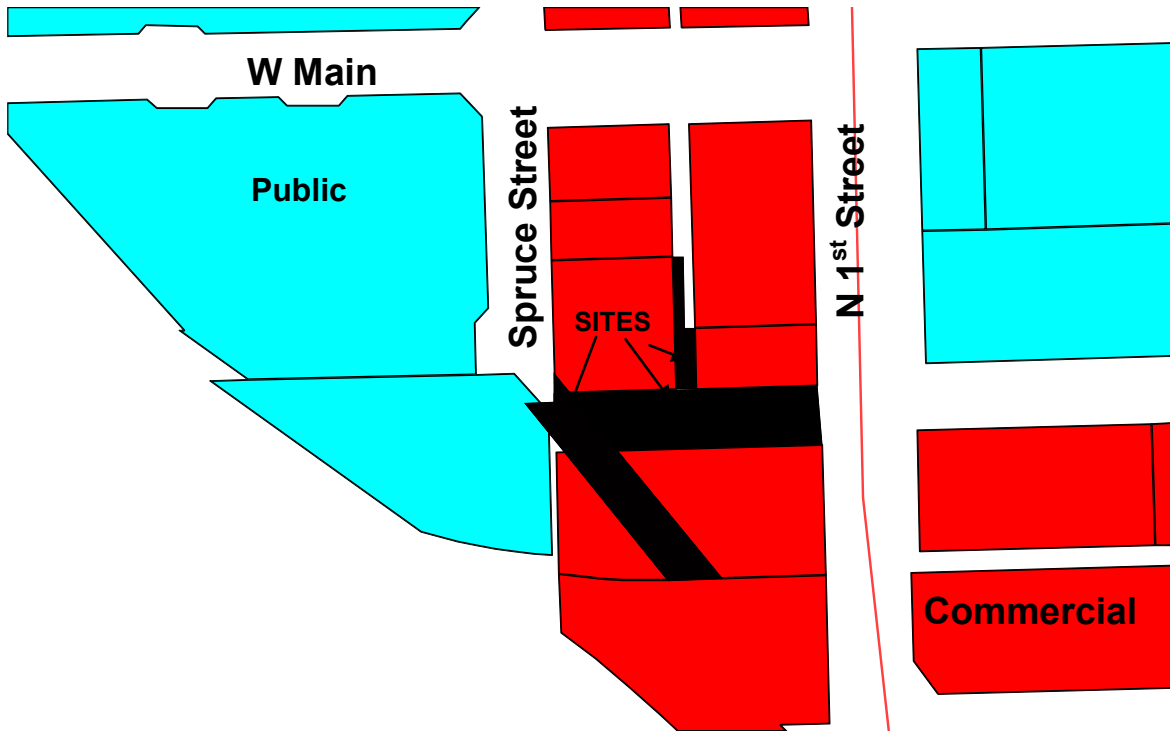
# Aerial Photo Map

Figure 2



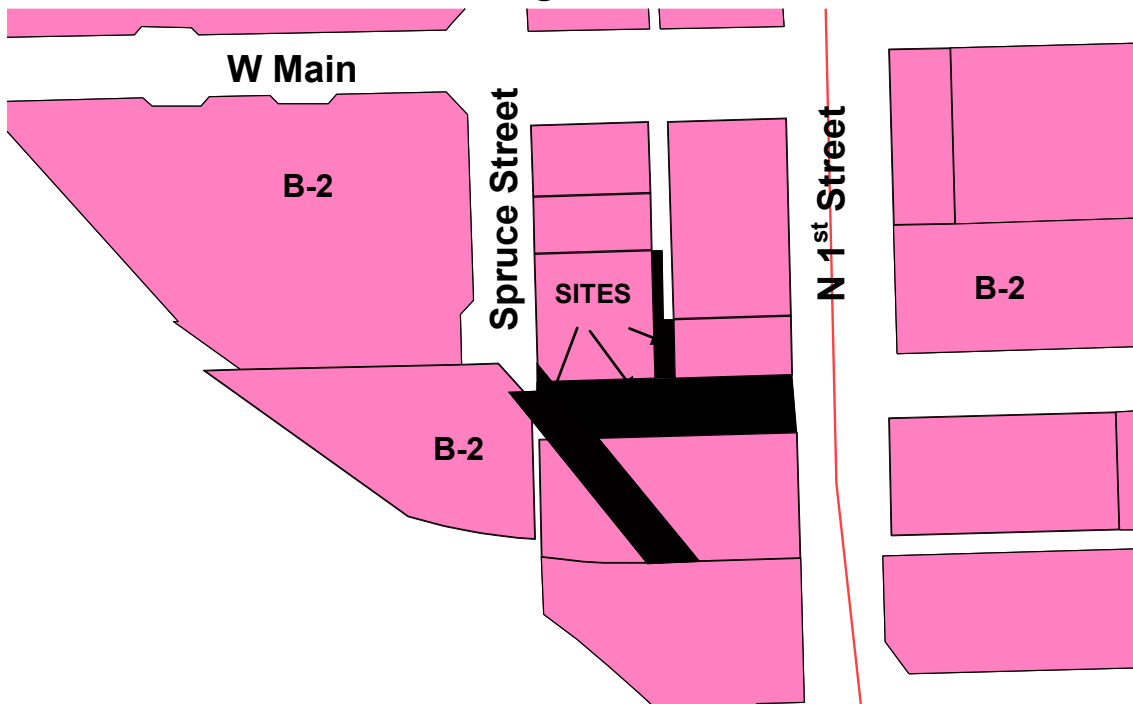
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING RIGHTS-OF-WAY FOR PORTIONS OF WEST  
COLORADO/NORTH-SOUTH RIGHT-OF-WAY FOR ALLEY  
LOCATED BETWEEN NORTH 1<sup>ST</sup> STREET AND SPRUCE STREET, SOUTH OF  
MAIN STREET/A PORTION OF A DIAGONAL UNIMPROVED UN-NAMED ROAD  
RIGHT-OF-WAY  
LOCATED SOUTH AND WEST OF NORTH 1<sup>ST</sup> STREET AND WEST MAIN STREET**

RECITALS:

A vacation of the dedicated rights-of-way for has been requested by the adjoining property owners.

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

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

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

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

2. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
3. The West Colorado Avenue and alley rights-of-way are to be retained in full as a public ingress/egress and utility easement.

Dedicated right-of-way to be vacated:

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

That part of Colorado Avenue located in the SE¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying within Richard D. Mobley's First Subdivision, being more particularly described as follows:

Commencing at a City Monument for the 20-foot offset line at the intersection of Spruce Street and Colorado Avenue, whence a City Monument for the 20-foot offset line at the intersection of Spruce Street and Main Street bears N 00°18'46" W, 370.52 feet; thence N 62°05'07" E, 21.56 feet to the Point of Beginning;

1. Thence N 89°43'24" E, 40.90 feet;
2. Thence N 00°18'46" W, 10.00 feet;
3. Thence N 89°43'24" E, 269.24 feet;
4. Thence S 00°17'39" E, 80.00 feet;
5. Thence N 89°43'24" E, 250.96 feet;
6. Thence N 40°29'40" W, 91.67 feet to the Point of Beginning.

A drawing depicting the above is attached hereto as Exhibit "A".

Tract of land as described above contains 0.513 acres more or less.

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

That part of a 20-foot alley located in the SE¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying within Block 7 of Richard D. Moble's First Subdivision, being more particularly described as follows:

Commencing at a City Monument for the 20-foot offset line at the intersection of Spruce Street and Colorado Avenue, whence a City Monument for the 20-foot offset line at the intersection of Spruce Street and Main Street bears N 00°18'46" W, 370.52 feet; thence N 89°43'24" E, 184.62 feet and N 00°18'13" W, 20.00 feet to the Point of Beginning;

1. Thence N 00°18'46" W, 135.18 feet;
2. Thence N 89°44'48" E, 10.00 feet;
3. Thence S 00°18'13" W, 72.68 feet;
4. Thence N 89°43'24" E, 10.00 feet;
5. Thence S 00°18'13" E, 62.50 feet;
6. Thence S 89°43'24" W, 20.00 feet to the Point of Beginning.



A drawing depicting the above is attached hereto as Exhibit "B".

Tract of land as described above contains 0.045 acres more or less.

The following unimproved and unnamed right-of-way is shown on "Exhibit C" as part of this vacation of description.

A tract of land located in the SE $\frac{1}{4}$  of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado lying within Richard D. Mobley's First Subdivision, being more particularly described as follows:

Commencing at a City Monument for the 20-foot offset line at the intersection of Spruce Street and Colorado Avenue, whence a City Monument for the 20-foot offset line at the intersection of Spruce Street and Main Street bears N 00°18'46" W, 370.52 feet; thence N 62°05'07" E, 21.56 feet to the Point of Beginning;

1. Thence N 89°43'24" E, 40.90 feet;
2. Thence N 00°18'46" W, 44.59 feet;
3. Thence S 40°29'40" E, 325.00 feet;
4. Thence S 89°33'28" W, 78.38 feet;
5. Thence N40°29'40" W, 266.90 feet to the Point of Beginning.

A drawing depicting the above is attached hereto as Exhibit "C".

Tract of land as described above contains 0.387 acres more or less.

Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2009

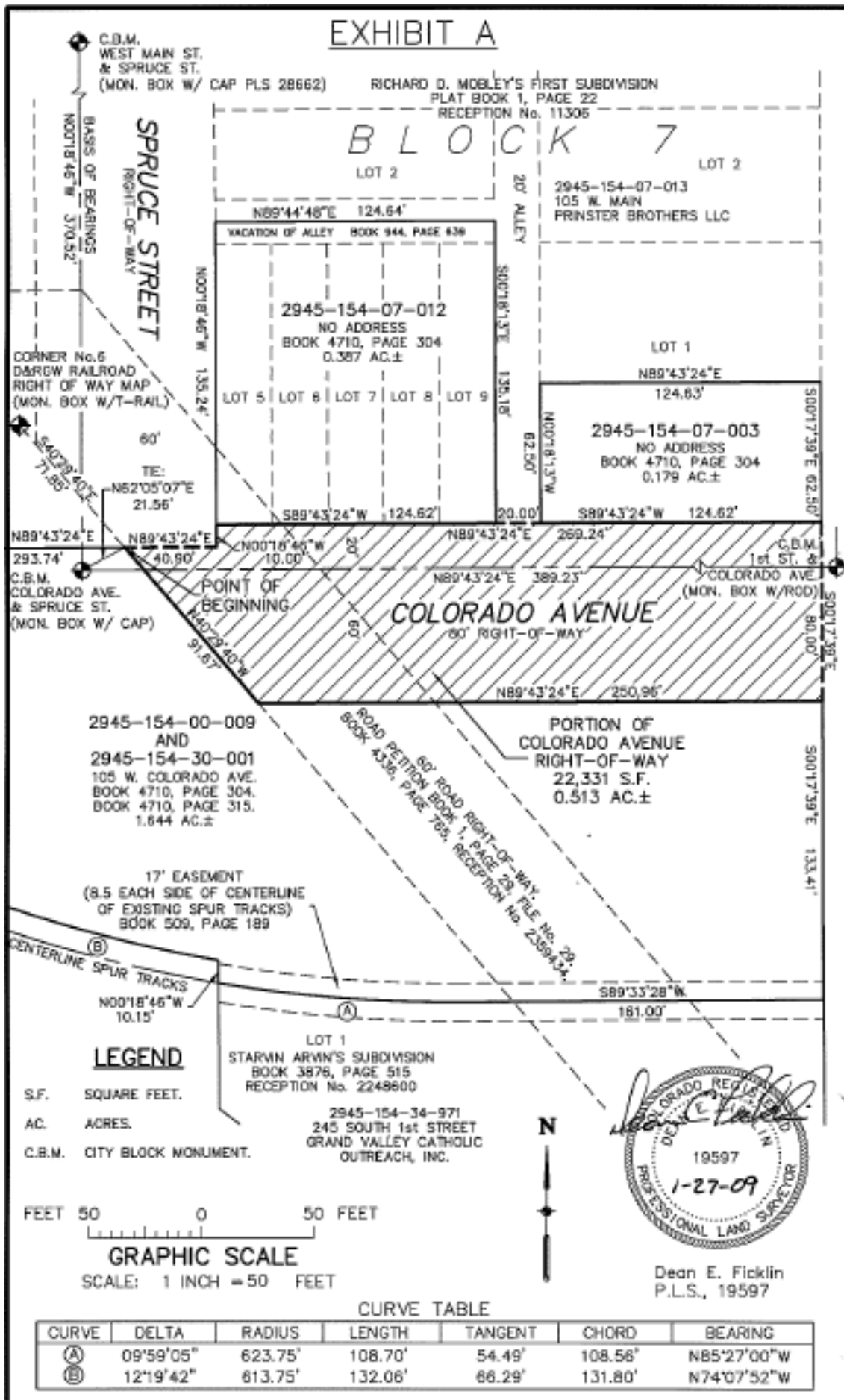
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

# EXHIBIT A



C.B.M.  
WEST MAIN ST.  
& SPRUCE ST.  
(MON. BOX W/ CAP PLS 28662)

RICHARD D. MOBLEY'S FIRST SUBDIVISION  
PLAT BOOK 1, PAGE 22  
RECEPTION No. 11306

**BLOCK 7**

LOT 2

LOT 2

2945-154-07-013  
105 W. MAIN  
FRINSTER BROTHERS LLC

N89°44'48"E 124.64'

VACATION OF ALLEY BOOK 944, PAGE 639

2945-154-07-012  
NO ADDRESS  
BOOK 4710, PAGE 304  
0.387 AC.±

LOT 5 | LOT 6 | LOT 7 | LOT 8 | LOT 9

LOT 1

N89°43'24"E  
124.63'

2945-154-07-003  
NO ADDRESS  
BOOK 4710, PAGE 304  
0.179 AC.±

S89°43'24"W 124.62'

N89°43'24"E 269.24'

CORNER No. 6  
D&RW RAILROAD  
RIGHT OF WAY MAP  
(MON. BOX W/T-RAIL)

TE:  
N62°05'07"E  
21.56'

N89°43'24"E

293.74'

C.B.M.  
COLORADO AVE.  
& SPRUCE ST.  
(MON. BOX W/ CAP)

POINT OF BEGINNING

**COLORADO AVENUE**

60' RIGHT-OF-WAY

C.B.M.  
1st ST. & COLORADO AVE  
(MON. BOX W/ROD)

N89°43'24"E 250.96'

2945-154-00-009  
AND  
2945-154-30-001  
105 W. COLORADO AVE.  
BOOK 4710, PAGE 304.  
BOOK 4710, PAGE 315.  
1.644 AC.±

PORTION OF  
COLORADO AVENUE  
RIGHT-OF-WAY  
22,331 S.F.  
0.513 AC.±

17' EASEMENT  
(8.5 EACH SIDE OF CENTERLINE  
OF EXISTING SPUR TRACKS)  
BOOK 509, PAGE 189

CENTERLINE SPUR TRACKS

N00°18'45"W  
10.15'

**LEGEND**

S.F. SQUARE FEET.  
AC. ACRES.  
C.B.M. CITY BLOCK MONUMENT.

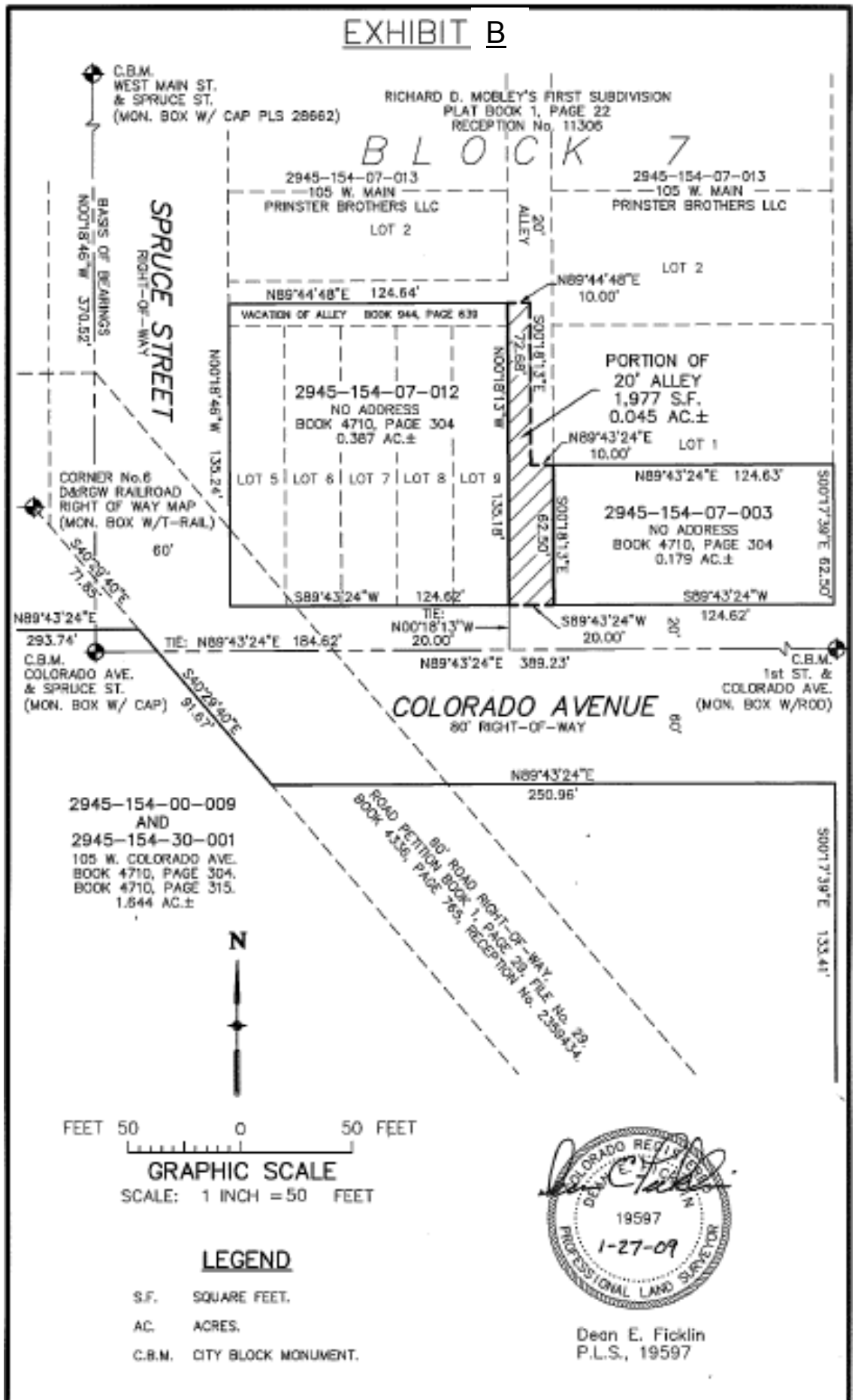
LOT 1  
STARVIN ARVIN'S SUBDIVISION  
BOOK 3876, PAGE 515  
RECEPTION No. 2248600

2945-154-34-971  
245 SOUTH 1st STREET  
GRAND VALLEY CATHOLIC  
OUTREACH, INC.

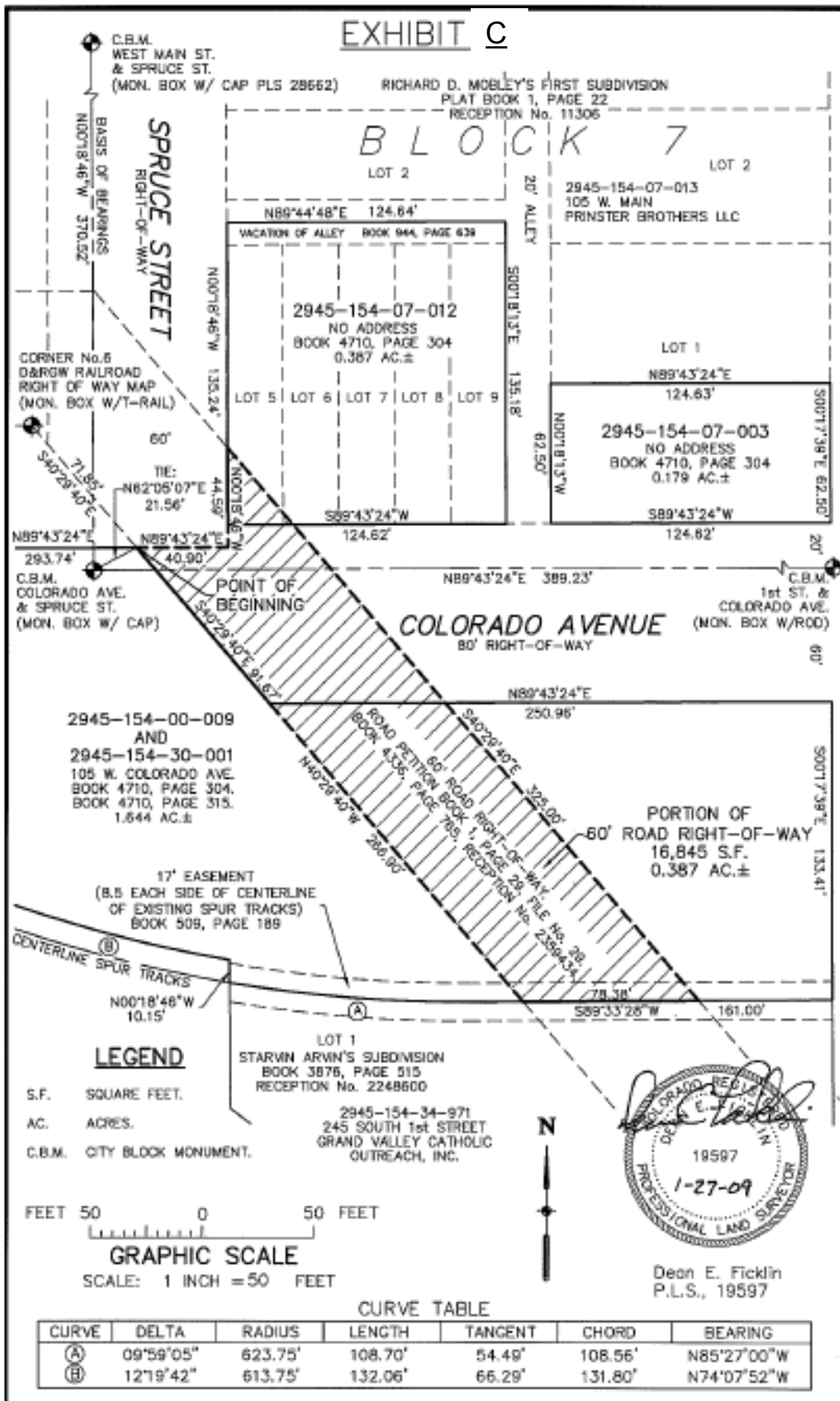


Dean E. Ficklin  
P.L.S., 19597

# EXHIBIT B



# EXHIBIT C



**Attach 7**

Setting a Hearing Vacating the Public ROW for Rimrock Business Park, Located along the West Side of 25 ½ Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Vacation of Public Right-of-Way for Rimrock Business Park, along the West Side of 25 ½ Road		
<b>File #</b>	FP-2008-356		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	X	<b>Individual</b>
<b>Date Prepared</b>	February 6, 2009		
<b>Author Name &amp; Title</b>	Lori V. Bowers, Senior Planner		
<b>Presenter Name &amp; Title</b>	Lori V. Bowers, Senior Planner		

**Summary:** A request to vacate three feet of right-of-way and an existing slope easement along the west side of 25½ Road, for Rimrock Business Park for the development of the subdivision and slope easement is no longer required.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed Ordinance to vacate excess right-of-way.

**Attachments:**

Site Location Map / Aerial Photo Mp  
 Growth Plan Map / Existing City and County Zoning Map  
 Transportation Map  
 Ordinance

**Background Information:** See attached staff report.

BACKGROUND INFORMATION			
Location:	25 ½ Road behind Walmart		
Applicants:	Harbert Investment Company (Kent Harbert) Rep: Roland Engineering: Kent Shaffer		
Existing Land Use:	Vacant land		
Proposed Land Use:	Commercial subdivision		
Surrounding Land Use:	North	Commercial (Rimrock Marketplace)	
	South	Residence with large lot	
	East	Vacant and commercial	
	West	Railroad tracks	
Existing Zoning:	N/A		
Proposed Zoning:	C-1 (Light Commercial)		
Surrounding Zoning:	North	C-1 (Light Commercial)	
	South	C-1 (Light Commercial)	
	East	C-1 (Light Commercial)	
	West	I-1(Light Industrial)	
Growth Plan Designation:	Commercial		
Zoning within density range?	X	Yes	No

1. Background: The Planning Commission approved the Preliminary Plan for Rimrock Business Park on September 9, 2008. The approved plan consists of 10 commercial lots on 9.5 acres in a C-1 (Light Commercial) zone district. The proposed right-of-way vacation request is for the unused three feet of right-of-way along the west side of 25 1/2 Road (which is a minor collector) and an existing slope easement. Currently there is 33 feet of half right-of-way for 25 1/2 Road. The required half right-of-way for a Minor Collector is 26 feet. With the vacation, the remaining half right-of-way width will be 30 feet, placing the new right-of-way line one foot behind the sidewalk, consistent with City Standards.

The request to vacate the adjacent slope easement, which was deeded in 2002, was meant to be a temporary construction easement to accommodate the construction of 25 1/2 Road. Once 25 1/2 Road was accepted by the City, the grantee had no further obligation to maintain, repair or replace the slope and therefore it may be vacated. A Resolution will be forthcoming for this request.

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

To be granted the vacation of the excess 25 1/2 Road right-of-way and the slope easement must conform to the following:

- s. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

The Growth Plan - Goal 5: To ensure the urban growth and development make efficient use of investments in streets, utilities and other public facilities.

The Grand Valley Circulation Plan classifies 25 1/2 Road as a Minor Collector. A Minor Collector requires 30-feet of half right-of-way; therefore there is an additional 3 feet of right-of-way along the west side of the existing street.

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

No parcel will be landlocked as a result of the vacation; the Right-of-way will continue to provide the same access as it has in the past and no lot will be adversely affected.

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

No accesses will be restricted by the proposed vacation. The vacation of the Right-of-Way and the existing slope easement, will increase the value of the adjacent property and provide for more efficient site design.

- v. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the health, safety, and /or welfare of the general community. Once the new subdivision is approved the impacts to the health, safety and welfare of the community and the quality of the public facilities should be improved. The subject area will provide a 14-foot multi-purpose easement for utilities in this area. Construction of 25 1/5 Road is complete and the slope easement is no longer required.

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

Adequate public facilities and services are not inhibited since a 14-foot multi-purpose easement is provided in the area to be vacated.

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

The proposed right-of-way vacation will benefit the City by relieving it of the burden of enforcing the maintenance of the additional right-of-way area. That portion of the right-of-way will be absorbed into the adjacent lots for commercial use.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Rimrock Business Park application, file number FP-2008-356, for the vacation of public right-of-way and a slope easement, staff makes the following findings of fact and conclusions:

- 9. The requested right-of-way and slope easement vacation are consistent with the Growth Plan.
- 10. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
- 3. The vacation of the right-of-way and slope easement will become effective upon the recording of the Final Plat.

#### PLANNING COMMISSION RECOMMENDATIONS:

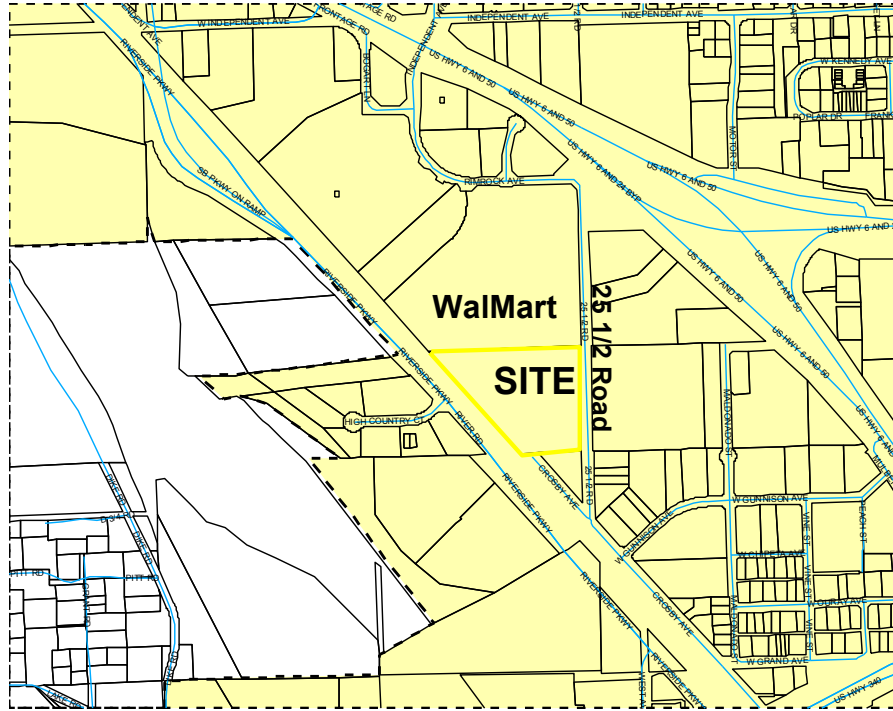
The Planning Commission forwards two recommendations of approval: One, for the requested right-of-way vacation; and two, for the requested slope easement vacation; file number FP-2008-356, to the City Council with the findings and conclusions listed above.



# Site Location Map

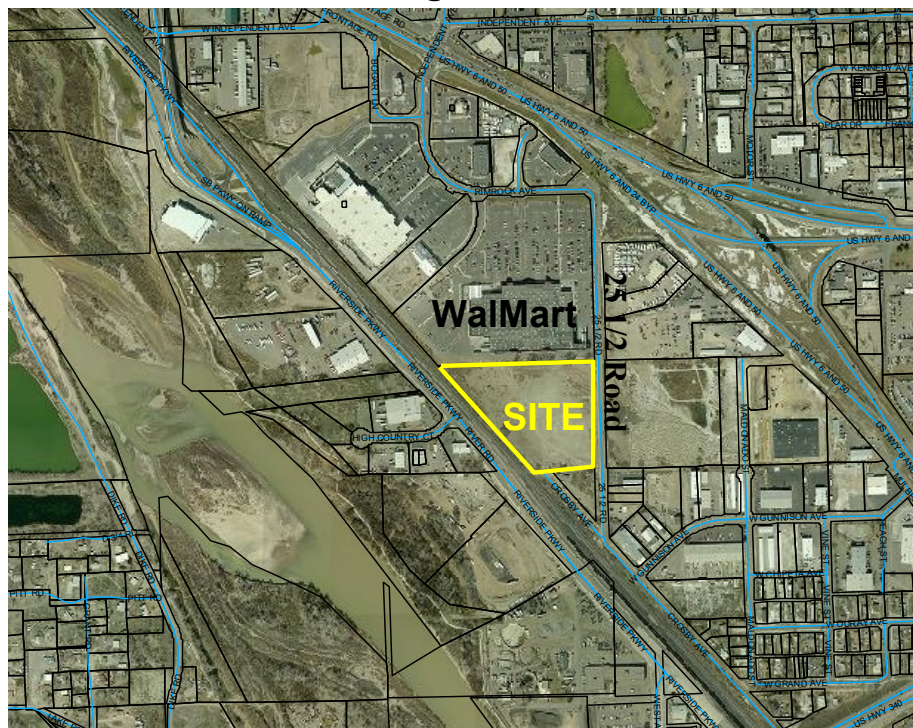
City Limits

Figure 1



# Aerial Photo Map

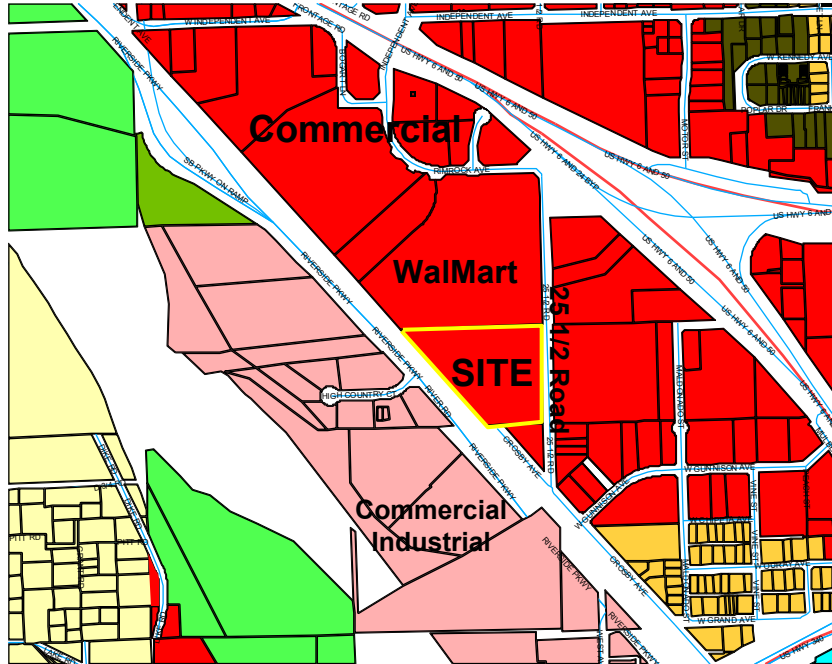
Figure 2



# Future Land Use Map

City Limits

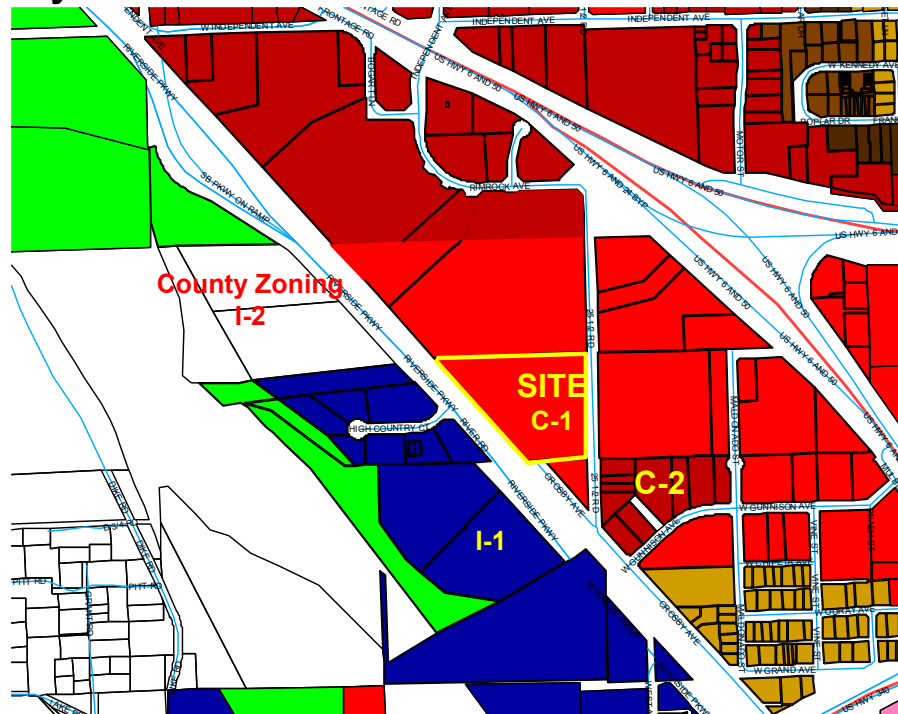
Figure 3



# Existing City and County Zoning

City Limits

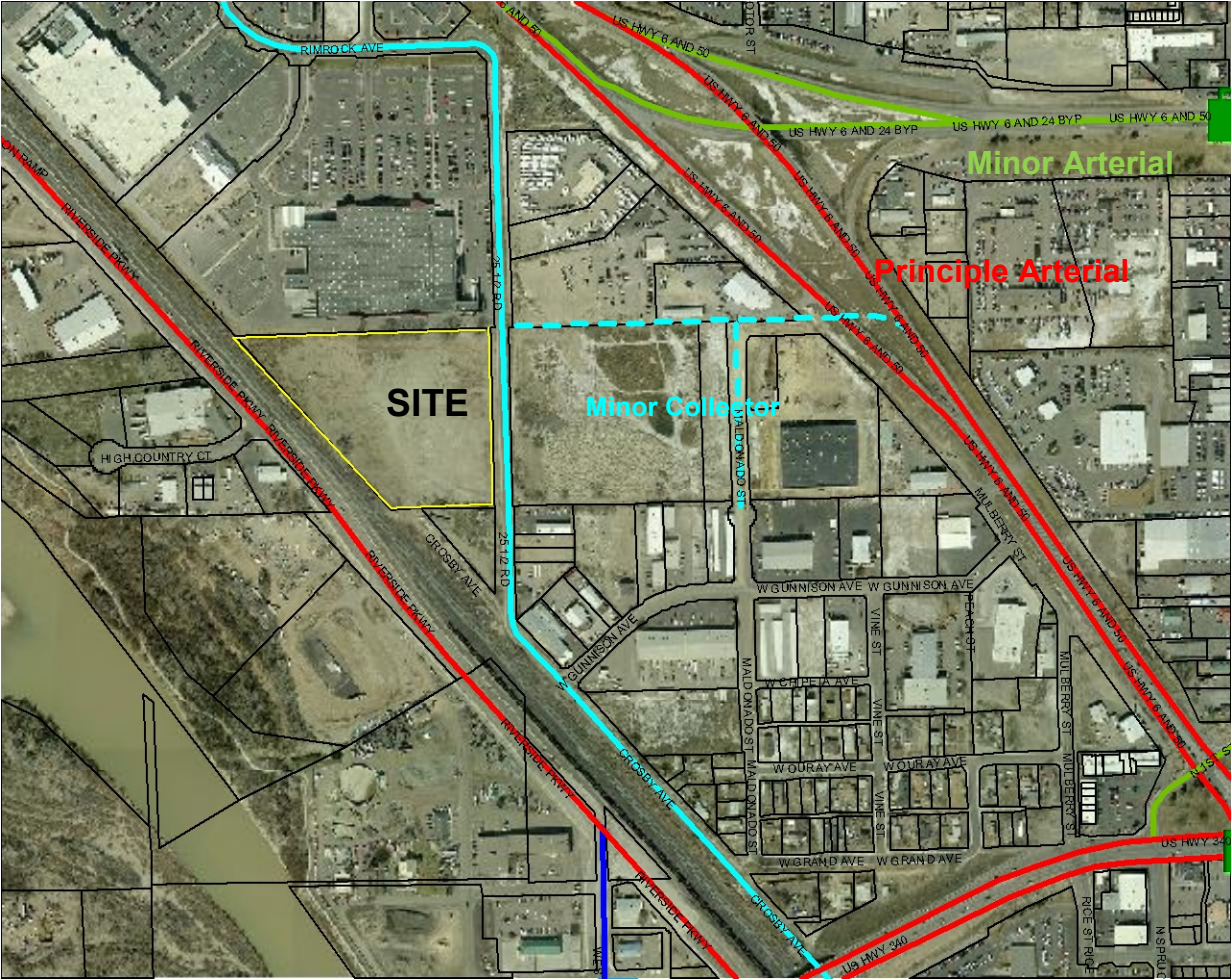
Figure 4



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



# Transportation Map



## CITY OF GRAND JUNCTION

### Ordinance No.

#### **VACATING RIGHT-OF-WAY FOR RIMROCK BUSINESS PARK; A PORTION OF THE WEST SIDE OF 25 1/2 ROAD**

#### RECITALS:

A vacation of the dedicated right-of-way for Rimrock Business Park has been requested by the adjoining property owners.

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

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

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

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

4. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

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

Dedicated right-of-way to be vacated:

Commencing at a BLM marker for the C-N 1/16 corner of Section 15, Township One South, Range One West of the Ute Meridian, whence the N ¼ corner of said Section 15 bears N 00°06'33" W 1325.13 feet;

Thence N 89°56'24" W 30.00 feet along the South line of the S ½, NE ¼, NW ¼ of said Section 15 to the true Point of Beginning;

Thence continuing along said South line N 89° 56'24" W 3.00 feet to the S.W. corner of a right-of-way deed recorded in Book 1405 at Page 975;

Thence N 00°06'33" W 633.90 feet along the West line of said right-of-way deed to a 5/8 " rebar and cap marked LS-17485;

Thence N 89°53'27" E 3.00 feet along the North line of said right-of-way deed;

Thence S 00°06'33" E 633.91 feet to the true point of beginning, containing 1901.72 square feet more or less.

Introduced for first reading on this \_\_\_\_ day of \_\_\_\_\_, 2009

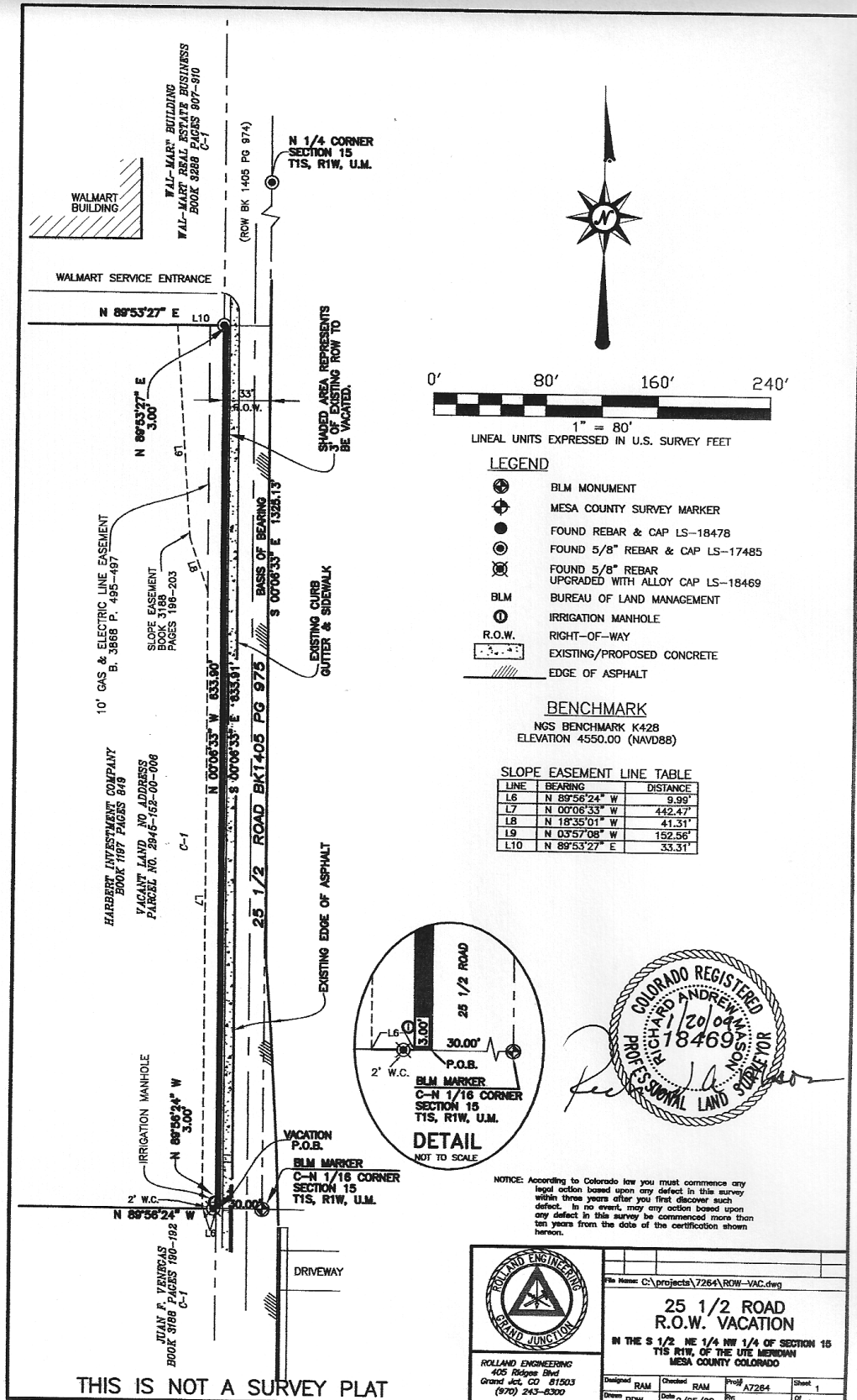
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

\\Casper\projects\07264\ROW-Vacation\ROW-Vacation-Final.dwg, 1/20/2009 4:56:11 PM



THIS IS NOT A SURVEY PLAT

**Attach 8**

Setting a Hearing Zoning the Kapushion Annexations No. 1, 2, and 3, Located at 860 21 Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Zoning the Kapushion Annexations, No. 1, No. 2, and No.3 - Located at 860 21 Road		
<b>File #</b>	ANX-2008-305		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 6, 2009		
<b>Author Name &amp; Title</b>	Lori V. Bowers, Senior Planner		
<b>Presenter Name &amp; Title</b>	Lori V. Bowers, Senior Planner		

**Summary:** Request to zone the 35.12 acre Kapushion Annexation, located at 860 21 Road, to I-1(Light Industrial) zoning designation.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed Ordinance and set a public hearing for March 4, 2009.

**Attachments:**

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

**Background Information:** See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		860 21 Road		
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		Northwest GJ, LLC and Irma J. Kapushion Revocable Trust, owners; Austin Civil Group, c/o Mark Austin, representative.		
<b>Existing Land Use:</b>		Single family residence with agricultural land		
<b>Proposed Land Use:</b>		Industrial and residential subdivisions		
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural and Single Family		
	<b>South</b>	Industrial and Agricultural		
	<b>East</b>	Single Family and Agricultural		
	<b>West</b>	Single Family and Agricultural		
<b>Existing Zoning:</b>		RSF-R (Residential Single Family – Rural) County		
<b>Proposed Zoning:</b>		I-1 (Light Industrial) and R-4 (Residential – 4 du/ac)		
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-R (Residential Single Family – Rural) County		
	<b>South</b>	I-1(Light Industrial) and County RSF-R		
	<b>East</b>	RSF-R (Residential Single Family – Rural) County		
	<b>West</b>	CPA (Cooperative Planning Area) County, AFT		
<b>Growth Plan Designation:</b>		Rural (5 to 35 acres per dwelling unit)		
<b>Zoning within density range?</b>	<b>X</b>	<b>Yes, if GPA is approved</b>		<b>No</b>

**STAFF ANALYSIS:**

Zone of Annexation: The requested zone of annexation to the I-1zone district is not consistent with the Growth Plan designation of Rural (5 to 35 acres per dwelling unit); but the Planning Commission recommends the requested zoning designation. The existing County zoning is RSF-R (Residential Single Family – Rural). 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. A request for a Growth Plan Amendment will be forthcoming.

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



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

Response: The proposed zoning of I-1 is only compatible with the properties to the south that have already been annexed into the City and zoned accordingly to I-1.

- 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: Public facilities are available but not adequate. This area has recently began to grow and while services are available they will need to be expanded and upgraded to meet the required demands of added density and intensity allowed with the proposed zoning designation.

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.

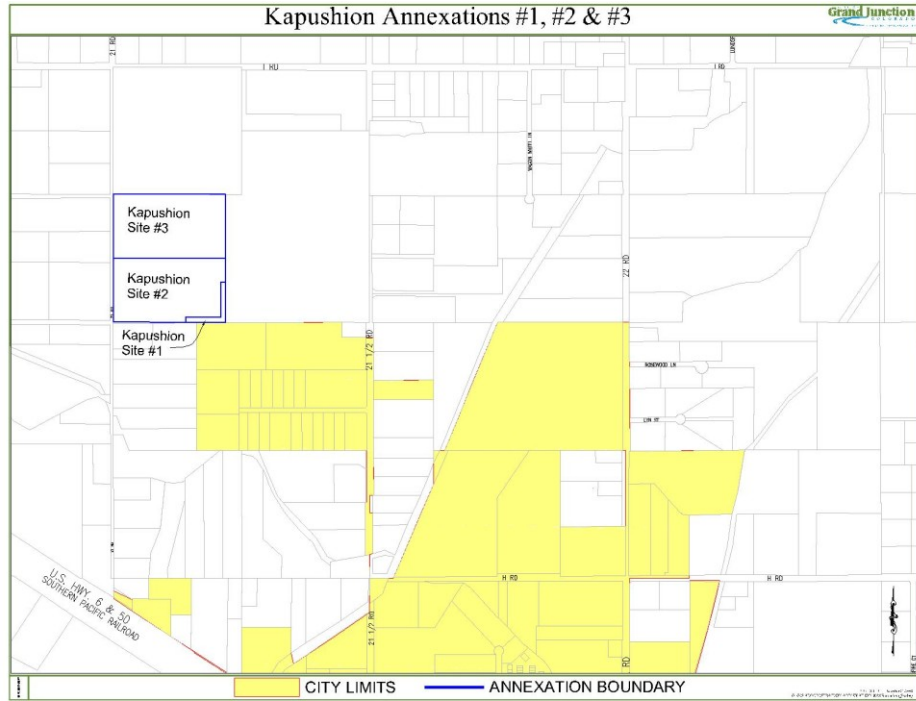
- a. C-2 (General Commercial)
- b. I-O (Industrial /Office Park; also implement the Commercial / Industrial Future Land Use classifications of the Growth Plan.

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

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1(Light Industrial) district to be consistent with the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code.

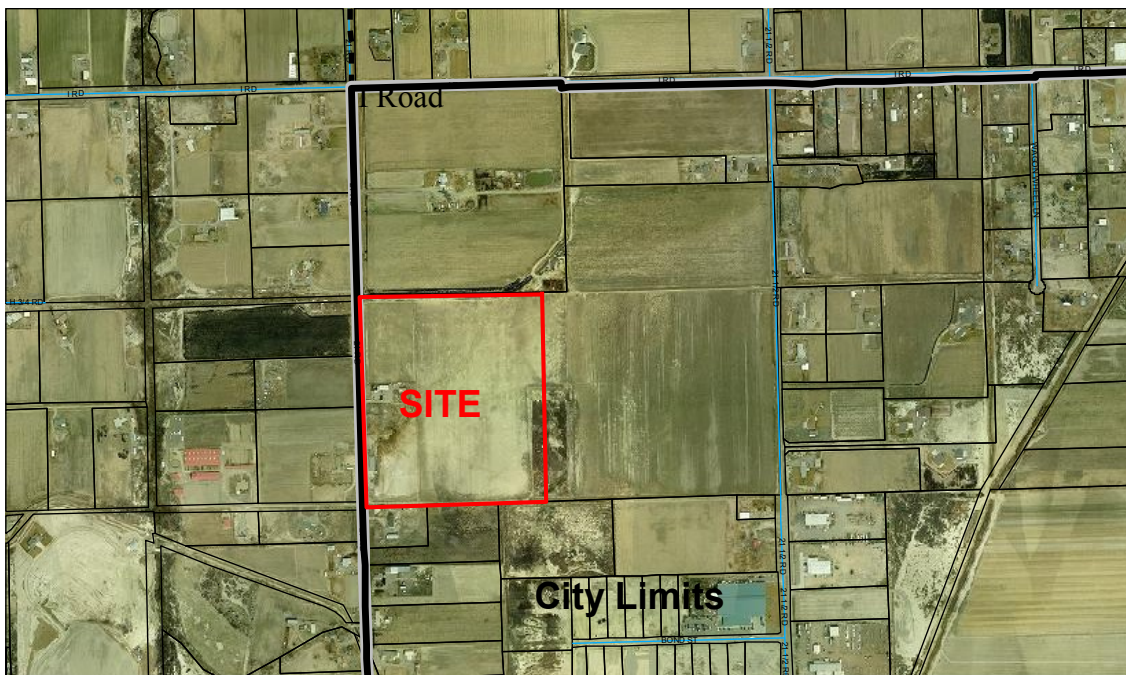
# Site Map

860 21 Road



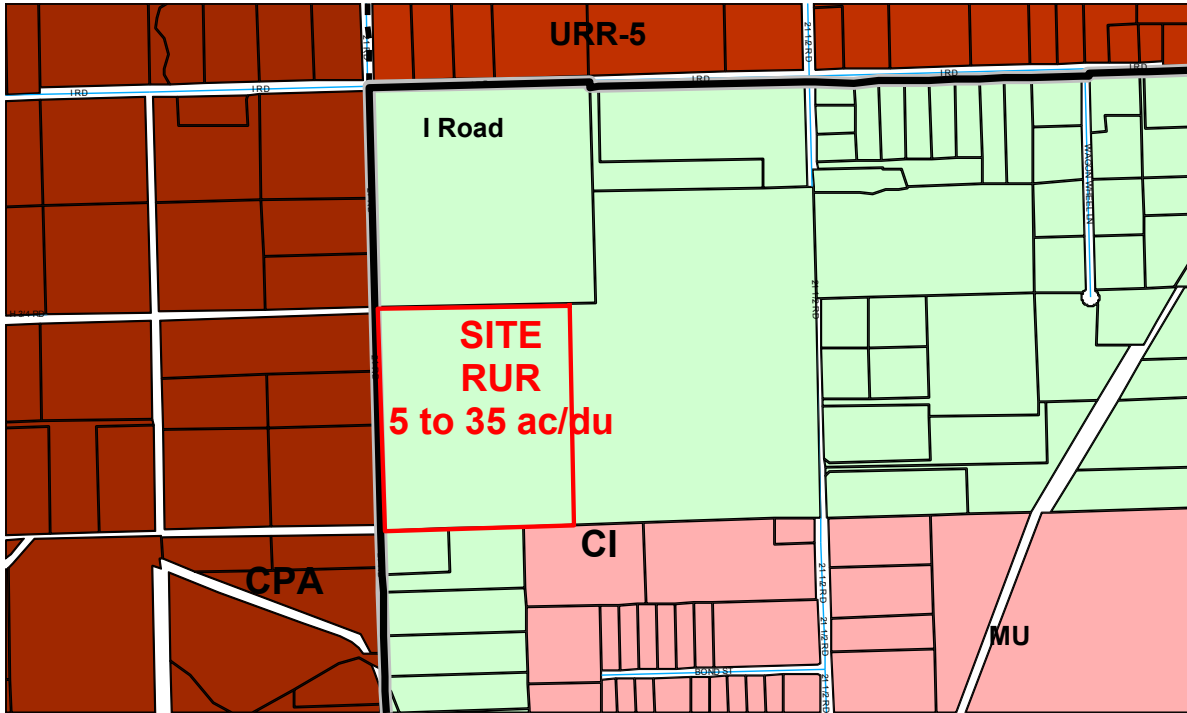
# Aerial Photo Map

860 21 Road



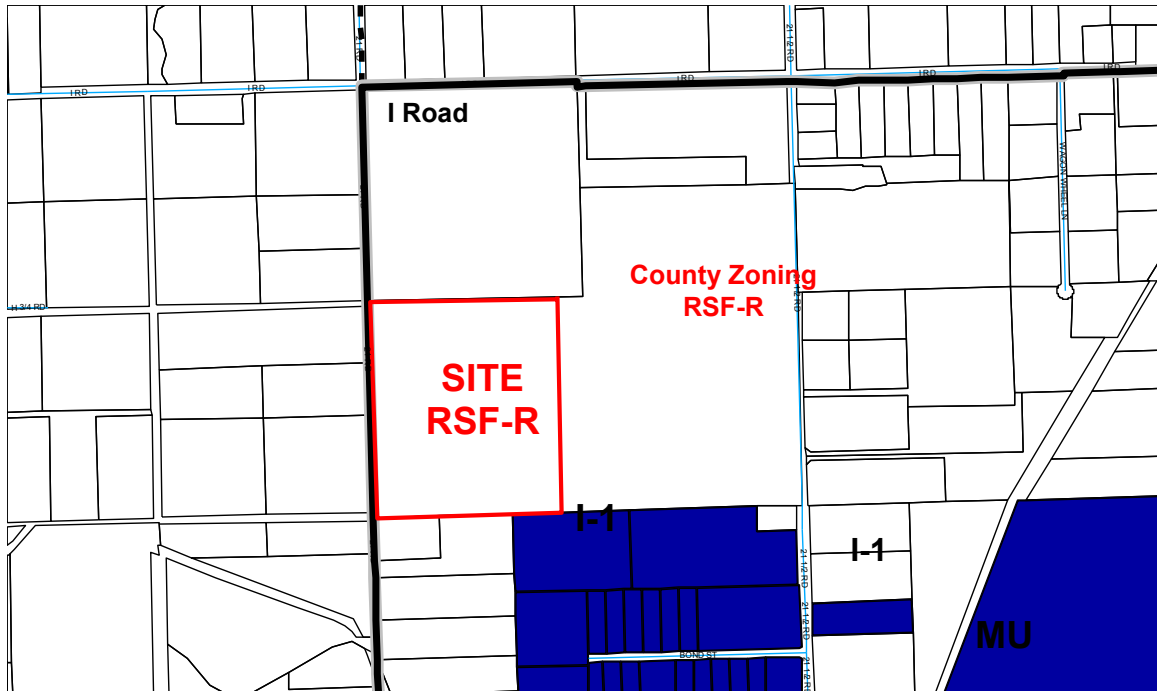
# Future Land Use Map

860 21 Road



# Existing City and County Zoning

860 21 Road



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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE KAPUSHION ANNEXATIONS NO. 1, NO. 2 AND NO.3,  
TO  
I-1 (LIGHT INDUSTRIAL)  
LOCATED AT 860 21 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 Kapushion Annexation to the I-1 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 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).

PERIMETER BOUNDARY LEGAL DESCRIPTION  
A Serial Annexation Comprising  
Kapushion Annexation No. 1 and Kapushion Annexation No.2 and Kapushion  
Annexation No.3

Kapushion Annexation No.1

A certain parcel of land located in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southeast corner of the SW 1/4 NW 1/4 of said Section 25 and assuming the South line of the SW 1/4 NW 1/4 of said Section 25 to bear

N89°52'43"W with all bearings contained herein relative thereto; thence N89°52'43"W a distance of 167.07 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of HDP Investment Group Annexation, Ordinance No. 4113, City of Grand Junction to the Point of Beginning; thence N89°52'43"W a distance of 411.90 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of said HDP Investment Group Annexation; thence N00°00'36"E a distance of 50.00 feet; thence S89°52'43"E a distance of 361.90 feet along a line being 50.00 feet North of and parallel with the South line of the SW 1/4 NW 1/4 of said Section 25; thence N00°00'36"E a distance of 361.90 feet along a line being 50.00 feet West of and parallel with the East line of the Westerly 35.1 acres, as same is recorded in Book 4706, Page 591, public records of Mesa County, Colorado; thence S89°52'43"E a distance of 50.00 feet to a point on the East line of said Westerly 35.1 acres; thence S00°00'36"W a distance of 411.90 feet along the East line of said Westerly 35.1 acres to the Point of Beginning.

Said parcel contains 0.89 acres (38,690.28 sq. ft.), more or less, as described.

#### Kapushion Annexation No. 2

A certain parcel of land located in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southeast corner of the SW 1/4 NW 1/4 of said Section 25 and assuming the South line of the SW 1/4 NW 1/4 of said Section 25 to bear N89°52'43"W with all bearings contained herein relative thereto; thence N89°52'43"W a distance of 578.97 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of HDP Investment Group Annexation, Ordinance No. 4113, City of Grand Junction to the Southwesterly corner of Kapushion Annexation No. 1, City of Grand Junction, said point also being the Point of Beginning; thence N89°52'43"W a distance of 745.70 feet along the South line of the SW 1/4 NW 1/4 of said Section 25 to the Southwest corner of the SW 1/4 NW 1/4 of said Section 25; thence N00°00'37"E a distance of 660.67 feet along the West line of the SW 1/4 NW 1/4 of said Section 25; thence S89°52'33"E a distance of 1157.60 feet to a point on the East line of the Westerly 35.1 acres, as same is recorded in Book 4706, Page 591, public records of Mesa County, Colorado; thence S00°00'36"W a distance of 248.70 feet along the East line of said Westerly 35.1 acres to the Northeasterly corner of said Kapushion Annexation No. 1; thence along the Northwesterly line of said Kapushion Annexation No. 1 the following four (4) courses: (1) N89°52'43"W a distance of 50.00 feet; (2) S00°00'36"W a distance of 361.90 feet; (3) N89°52'43"W a distance of 361.90 feet; (4) S00°00'36"W a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 16.67 acres (726,059.29 sq. ft.), more or less, as described.

Kapushion Annexation No. 3

A certain parcel of land located in the North Half of the Southwest Quarter of the Northwest Quarter (N 1/2 SW 1/4 NW 1/4) of Section 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northeast corner of the SW 1/4 NW 1/4 of said Section 25 and assuming the East line of the SW 1/4 NW 1/4 of said Section 25 to bear S00°00'05"W with all bearings contained herein relative thereto; thence N89°52'22"W a distance of 166.87 feet along the North line of the SW 1/4 NW 1/4 of said Section 25 to the Point of Beginning; thence S00°00'36"W a distance of 660.61 feet along the East line of the Westerly 35.1 acres, as same is recorded in Book 4706, Page 591, public records of Mesa County, Colorado to the Northeast corner of Kapushion Annexation No. 2, City of Grand Junction; thence N89°52'33"W a distance of 1157.60 feet along the South line of the N 1/2 SW 1/4 NW 1/4 of said Section 25, said line also being the North line of said Kapushion Annexation No. 2 to a point on the West line of the SW 1/4 NW 1/4 of said Section 25; thence N00°00'35"E a distance of 660.67 feet along the West line of the SW 1/4 NW 1/4 of said Section 25 to the Northwest corner of the SW 1/4 NW 1/4 of said Section 25; thence S89°52'22"E a distance of 1157.60 feet along the North line of the SW 1/4 NW 1/4 of said Section 25 to the Point of Beginning.

Said parcel contains 17.56 acres (764,753.85 sq. ft.), more or less, as described.

CONTAINING 35.12 Acres, (1,529,503.42 sq. ft.) more or less, as described.

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 9**

Setting a Hearing Zoning the Northwest GJ Annexations No. 1 and No. 2, Located East of 860 21 Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Zoning the Northwest GJ Annexations, No. 1 and No. 2 - Located east of 860 21 Road		
<b>File #</b>	ANX-2008-305		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 6, 2009		
<b>Author Name &amp; Title</b>	Lori V. Bowers, Senior Planner		
<b>Presenter Name &amp; Title</b>	Lori V. Bowers, Senior Planner		

**Summary:** Request to zone the 45.52 acre Northwest GJ Annexation No. 1, located east of 860 21 Road, along 21 1/2 Road, to I-1 (Light Commercial) zone district; and Request to zone the 20.09 acre Northwest GJ Annexation, No. 2 located east of 860 21 Road, along 21 1/2 Road, to R-4 (Residential – 4 du/ac) zone district.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce the proposed Ordinances and set a public hearing for March 4, 2009.

**Attachments:**

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

**Background Information:** See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		Located east of 860 21 Road, along 21 1/2 Road	
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		Northwest GJ, LLC owner; Austin Civil Group, c/o Mark Austin; Dan Wilson, representatives.	
<b>Existing Land Use:</b>		Vacant agricultural land	
<b>Proposed Land Use:</b>		Industrial and residential subdivisions	
<b>Surrounding Land Use:</b>	<b>North</b>	Agricultural	
	<b>South</b>	Industrial and Agricultural	
	<b>East</b>	Single Family and Agricultural	
	<b>West</b>	Single Family and Agricultural	
<b>Existing Zoning:</b>		RSF-R (Residential Single Family – Rural) County	
<b>Proposed Zoning:</b>		I-1 (Light Industrial) and R-4 (Residential – 4 units)	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-R (Residential Single Family – Rural) County	
	<b>South</b>	I-1(Light Industrial) and County RSF-R	
	<b>East</b>	RSF-R (Residential Single Family – Rural) County	
	<b>West</b>	RSF-R (Residential Single Family – Rural) County	
<b>Growth Plan Designation:</b>		Rural (5 to 35 acres per dwelling unit)	
<b>Zoning within density range?</b>	<b>X</b>	<b>Yes, if GPA is approved</b>	<b>No</b>

**STAFF ANALYSIS:**

Zone of Annexation: The area consists of two parcels located east of 860 21 Road, along 21 1/2 Road. Two zoning designations are requested: 1. I-1 (Light Industrial) for the southern most parcel consisting of 45.52 acres; and 2. R-4 (Residential – 4 units per acre) zone district, for the south 1/2 of the northeast 1/4 of the northwest 1/4 of Section 25, Township 1 North, Range 2 West of the Ute Meridian, Mesa County Colorado. The requested zone of annexation to the I-1zone district, and the R-4 zone district is consistent with the Growth Plan designations of CI (Commercial Industrial); and Residential Medium (Residential 4 to 8 du/ac). The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 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: It is questionable that the proposed zone is compatible with the existing neighborhood. Compatibility may be mitigated with landscaping buffers as required in the existing Zoning and Development Code and by extending the coverage area of the H Road / Northwest Area Plan. The Northwest Area Plan stopped on the south boundary of the subject parcel.

- 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: Currently there is no sanitary sewer in 21 ½ Road. In concert with the Comprehensive Plan, a consultant is preparing a sewer basin study. Once these plans are completed the City will better understand sewer infrastructure needs in the area as well as the land use issues. We will also be able to identify City participation options, but to date these plans have not been completed.

There is only a 3-inch water line in 21 Road. There is a 2-inch water line in 21 ½ Road. About 600 feet north of the south boundary line of the subject property is a 6" water line. Obviously, current water facilities cannot meet fire flow and significant offsite improvements will be required. This does not mean that these utilities cannot be improved or extended to the subject properties; at this point in time it will be the cost of the developer to provide these improvements.

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.

For the property zoned R-4, other appropriate designations may be:

- c. R-5 (Residential – 5 units per acre)
- d. R-8 (Residential – 8 units per acre)

For the property zoned I-1, other appropriate designations may be:

- a. C-2 (Heavy Commercial)
- b. I-O (Industrial/Office Park)

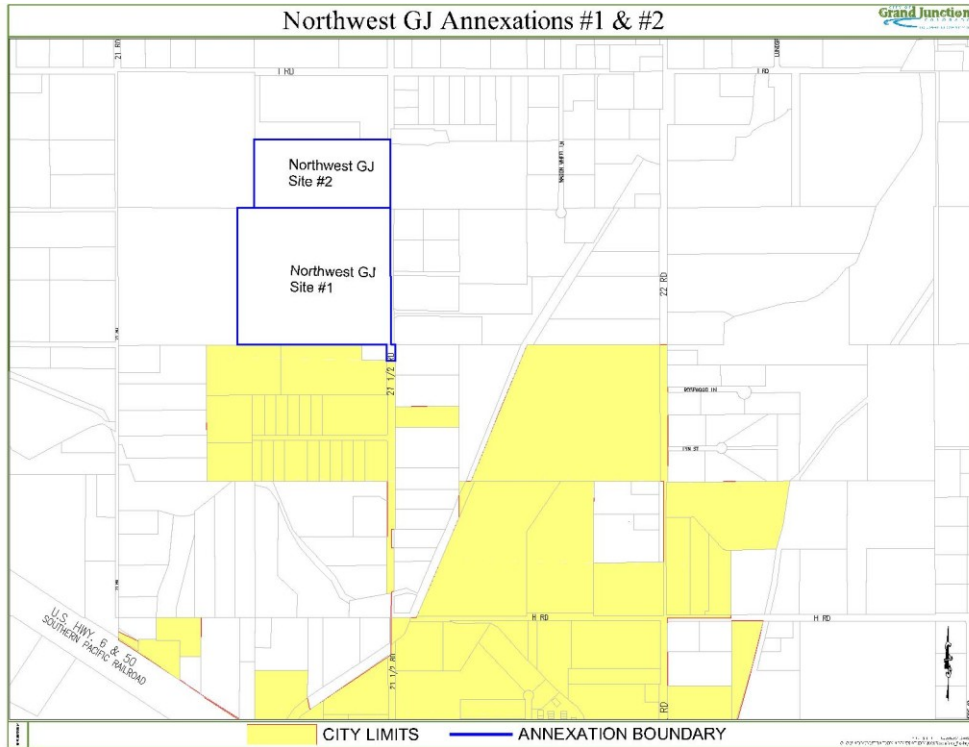
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

**PLANNING COMMISSION RECOMMENDATIONS:** The Planning Commission recommended approval of the requested zone of annexation for Northwest GJ Annexation No. 1, to the City Council, finding the zoning to the I-1 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

The Planning Commission recommended approval of the requested zone of annexation for Northwest GJ Annexation No. 2, to the City Council, finding the zoning to the R-4 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

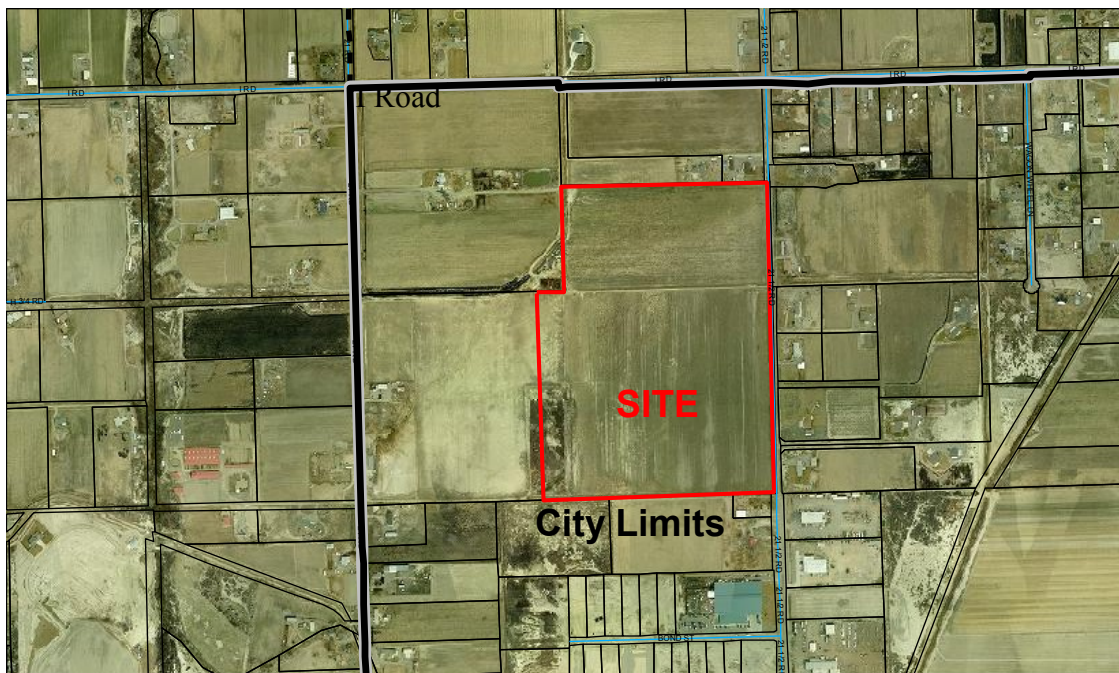
# Site Map

Adjacent to the east of 860 21 Road



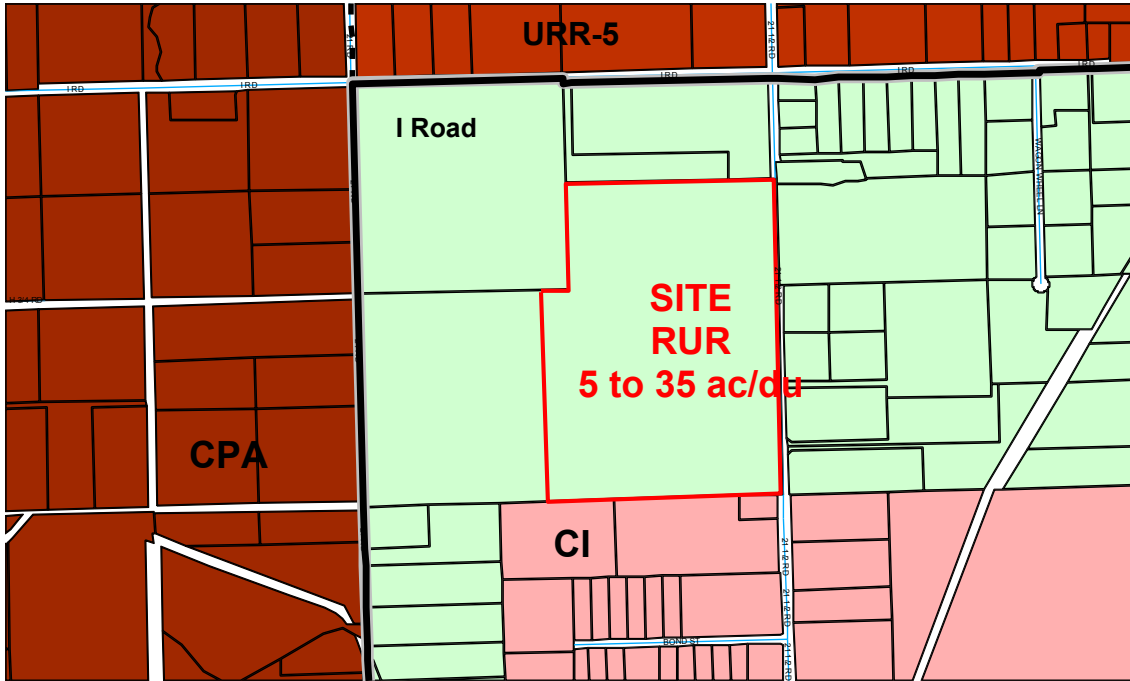
# Aerial Photo Map

860 21 Road



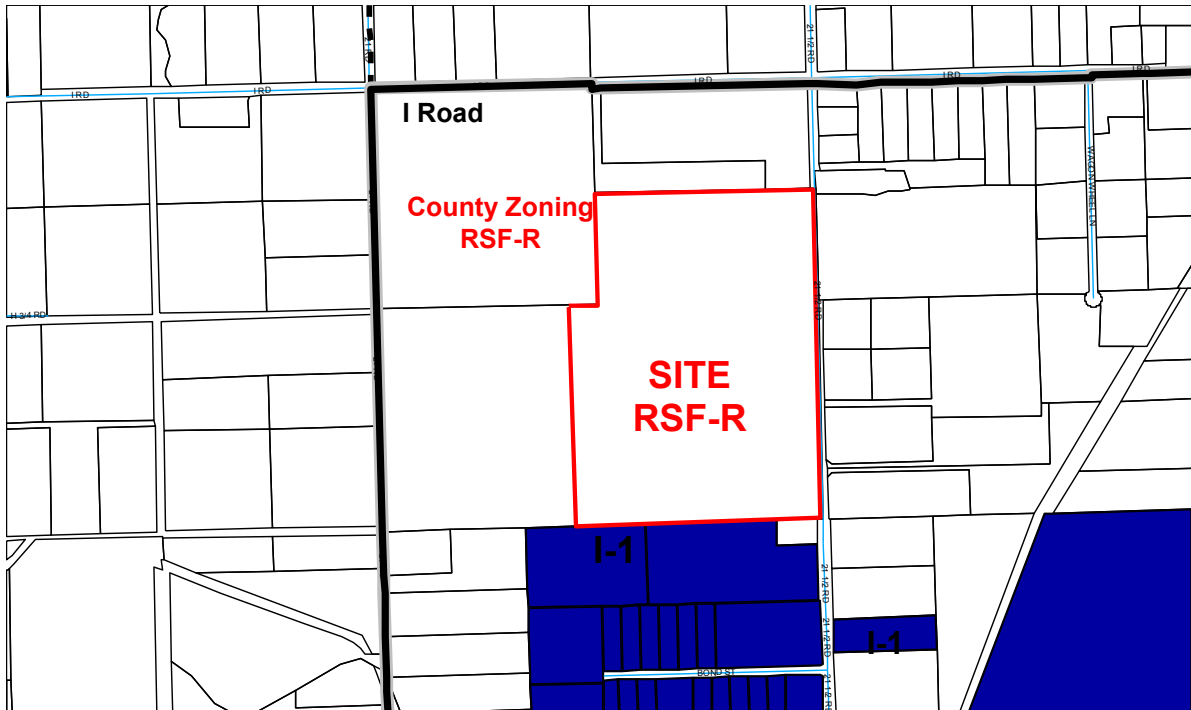
# Future Land Use Map

860 21 Road



# Existing City and County Zoning

860 21 Road



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE NORTHWEST GJ ANNEXATION NO. 1  
TO  
I-1 (LIGHT INDUSTRIAL)**

**LOCATED EAST OF 860 21 ROAD, ALONG 21 1/2 Road**

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Northwest GJ Annexation No. 1, to the I-1 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 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).

Northwest GJ Annexation No. 1

A certain parcel of land located in the Northwest Quarter (NW 1/4), Southwest Quarter (SW 1/4), and the Southeast Quarter (SE 1/4) of Section 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southeast corner of the SE 1/4 NW 1/4 of said Section 25 and assuming the South line of the SE 1/4 NW 1/4 of said Section 25 to bear N89°52'45"W with all bearings contained herein relative thereto; thence S89°54'23"E a distance of 40.00 feet along the South line of the SW 1/4 NE 1/4 of said Section 25; thence S00°00'45"W a distance of 155.02 feet along a line being 40.00 feet East of and parallel with the East line of the NE 1/4 SW 1/4 of said Section 25 to the Northeast corner of Kelly Annexation No. 3, Ordinance No. 3991, City of Grand Junction; thence

N89°52'43"W a distance of 80.00 feet along the Northerly line of said Kelly Annexation No. 3; thence N00°00'45"E a distance of 155.00 feet along a line being 40.00 feet West of and parallel with the East line of the NE 1/4 SW 1/4 of said Section 25 to a point on the South line of the SE 1/4 NW 1/4 of said Section 25; thence N89°52'45"W a distance of 1284.66 feet along the South line of the SE 1/4 NW 1/4 of said Section 25 said line also being the North line of said Kelley Annexation No. 3 to the Southwest corner of the SE 1/4 NW 1/4 of said Section 25; thence N89°52'42"W a distance of 167.07 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of HDP Investment Group Annexation, Ordinance No. 4113, City of Grand Junction; thence N00°00'36"E a distance of 1321.21 feet to a point on the North line of the SW 1/4 NW 1/4 of said Section 25; thence S89°52'22"E a distance of 166.87 feet along the North line of the SW 1/4 NW 1/4 of said Section 25 to the Northwest corner of the SE 1/4 NW 1/4 of said Section 25; thence S89°52'22"E a distance of 1324.47 feet along the North line of the SE 1/4 NW 1/4 of said Section 25 to the Northeast corner of the SE 1/4 NW 1/4 of said Section 25; thence S00°00'27"E a distance of 1321.06 feet along the East line of the SE 1/4 NW 1/4 of said Section 25 to the Southeast corner of the SE 1/4 NW 1/4 of said Section 25, said point also being the Point of Beginning.

Said parcel contains 45.52 acres (1,982,924.35 sq. ft.), more or less, as described, minus 6,200.87 square feet within 21 1/2 Road Right-of-Way.

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE NORTHWEST GJ ANNEXATION NO. 2  
TO  
R-4 (RESIDENTIAL – 4 du/ac)**

**LOCATED EAST OF 860 21 ROAD, ALONG 21 1/2 Road**

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Northwest GJ Annexation No. 2, to the R-4 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

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

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

**Northwest Annexation No. 2**

A certain parcel of land located in the Northwest Quarter (NW 1/4) of Section 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northeast corner of the SE 1/4 NW 1/4 of said Section 25 and assuming the North line of the SE 1/4 NW 1/4 of said Section 25 to bear N89°52'22"W with all bearings contained herein relative thereto; thence N89°52'22"W a distance of 1324.47 feet along the North line of the SE 1/4 NW 1/4 of said Section 25, said line

also being the North line of Kapushion Annexation No. 1, City of Grand Junction to the Northwest corner of the SE 1/4 NW 1/4 of said Section 25; thence N00°00'08"E a distance of 660.61 feet along the West line of the NE 1/4 NW 1/4 of said Section 25; thence S89°52'25"E a distance of 1324.50 feet to a point on the East line of the NE 1/4 NW 1/4 of said Section 25; thence S00°00'18"W a distance of 660.64 feet along the East line of the NE 1/4 NW 1/4 of said Section 25 to the Northeast corner of the SE 1/4 NW 1/4 of said Section 25, said point also being the Point of Beginning.

Said parcel contains 20.09 acres (874,986.29 sq. ft.), more or less, as described.

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



**Attach 10**

Setting a Hearing for the Reimer Annexation, Located at 2751 Riverside Parkway

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Reimer Annexation - Located at 2751 Riverside Parkway		
<b>File #</b>	ANX-2009-006		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 4, 2009		
<b>Author Name &amp; Title</b>	Michelle Hoshide, Associate Planner		
<b>Presenter Name &amp; Title</b>	Michelle Hoshide, Associate Planner		

**Summary:** Request to annex .64 acres, located at 2751 Riverside Parkway. The Reimer Annexation consists of one (1) parcel and includes a portion of 27 ½ Road right-of-way.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt a Resolution referring the petition for the Reimer Annexation and introduce the proposed Ordinance and set a hearing for April 1, 2009

**Attachments:**

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

**Background Information:** See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2751 Riverside Parkway		
<b>Applicants: &lt; Prop owner, developer, representative&gt;</b>		Owners: Ryan and Chelsi Reimer		
<b>Existing Land Use:</b>		Residential Single Family		
<b>Proposed Land Use:</b>		Industrial Trade Shop		
<b>Surrounding Land Use:</b>	<b>North</b>	Union Pacific Railroad Company		
	<b>South</b>	Residential Single Family		
	<b>East</b>	Residential Single Family		
	<b>West</b>	Residential Single Family		
<b>Existing Zoning:</b>		RSF-R (Residential Single Family Rural)		
<b>Proposed Zoning:</b>		I-1 (Light Industrial)		
<b>Surrounding Zoning:</b>	<b>North</b>	I-1(Light Industrial)		
	<b>South</b>	RSF-R (Residential Single Family Rural)		
	<b>East</b>	RSF-R (Residential Single Family Rural)		
	<b>West</b>	RSF-R (Residential Single Family Rural)		
<b>Growth Plan Designation:</b>		Industrial		
<b>Zoning within density range?</b>	<b>X</b>	<b>Yes</b>		<b>No</b>

**STAFF ANALYSIS:**

**ANNEXATION:**

This annexation area consists of .64 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of a Contractor and Trade Shop. 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 Reimer 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.

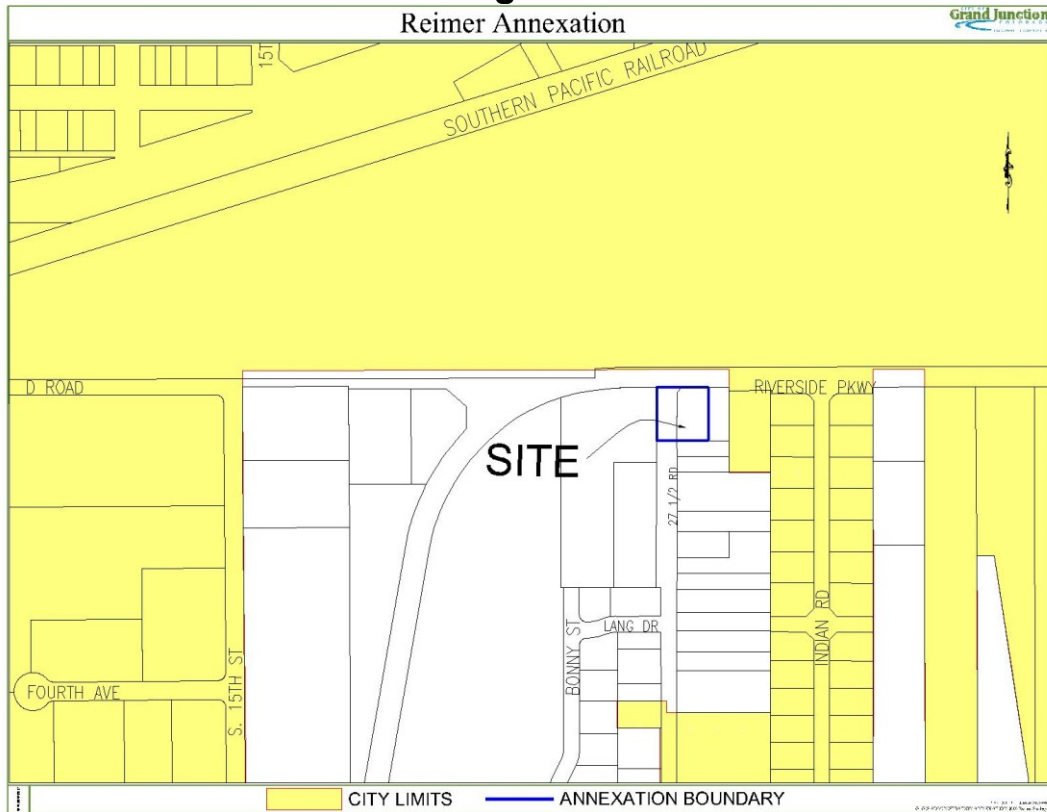
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>February 18, 2009</b>	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
<b>February 24, 2009</b>	Planning Commission considers Zone of Annexation
<b>March 18, 2009</b>	Introduction of a proposed Ordinance on Zoning by City Council
<b>April 1, 2009</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>May 3, 2009</b>	Effective date of Annexation and Zoning

**REIMER ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2009-006	
<b>Location:</b>	2751 Riverside Parkway	
<b>Tax ID Number:</b>	2945-241-00-024	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	.64 acres	
<b>Developable Acres Remaining:</b>	.38 acres	
<b>Right-of-way in Annexation:</b>	11,170.20 square feet	
<b>Previous County Zoning:</b>	RSF-R (Residential Single Family Residential	
<b>Proposed City Zoning:</b>	I-1 (Light Industrial	
<b>Current Land Use:</b>	Residential Single Family	
<b>Future Land Use:</b>	Industrial Trade Shop	
<b>Values:</b>	<b>Assessed:</b>	=\$8,750
	<b>Actual:</b>	=\$110,010
<b>Address Ranges:</b>	2751 Riverside Parkway	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	Grand Junction Fire Rural
	<b>Irrigation:</b>	Grand Valley Irrigation/ Grand Valley Drainage
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand Valley Pest Control District and Grand Valley Mosquito District

# Annexation/Site Location Map

Figure 1



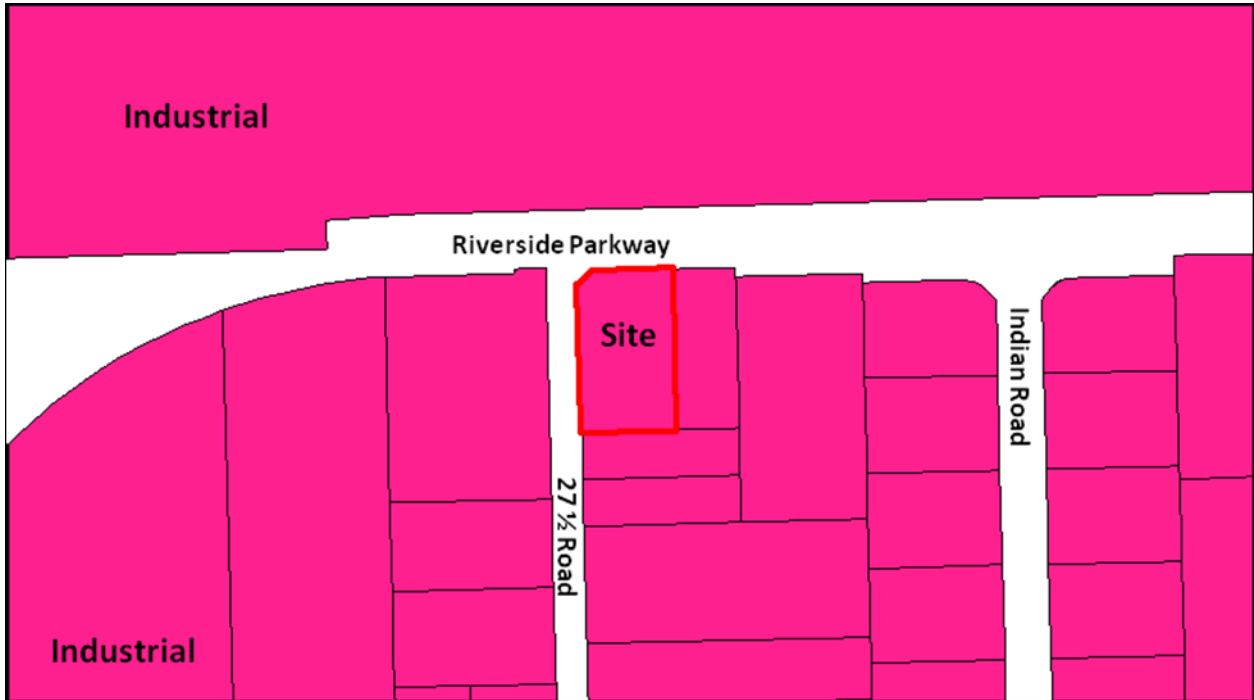
# Aerial Photo Map

Figure 2



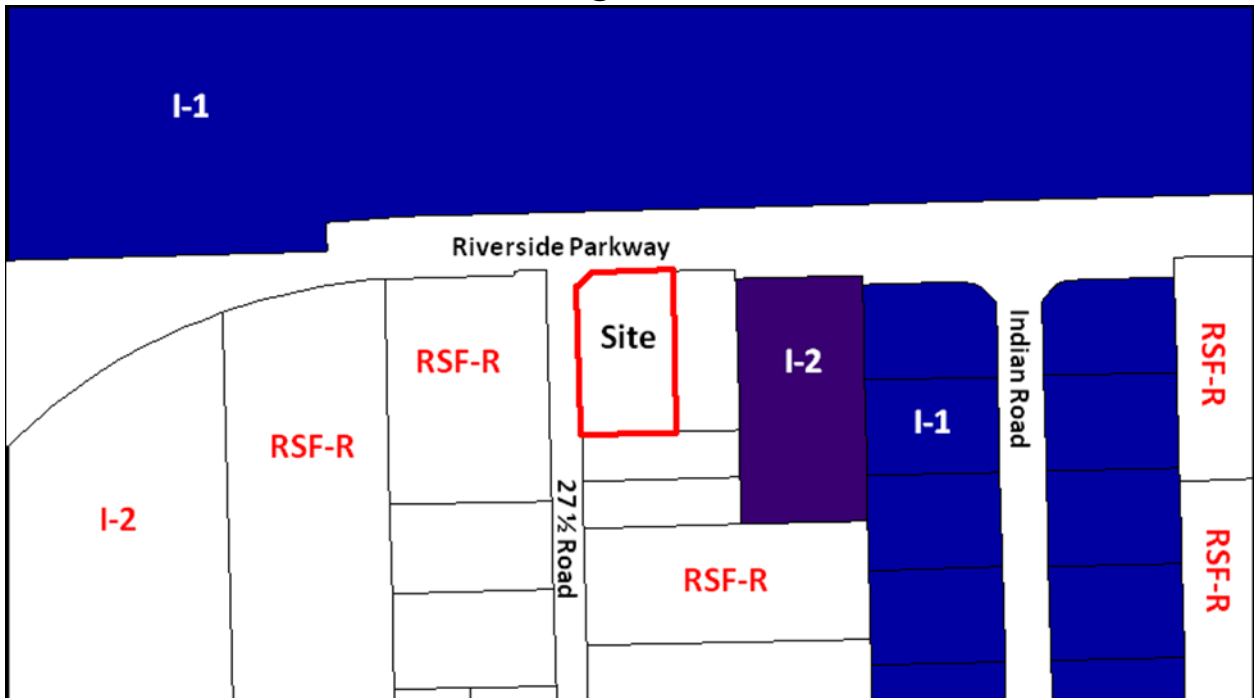
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 18<sup>th</sup> day of February, 2009, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_**

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

**REIMER ANNEXATION**

**LOCATED AT 2751 RIVERSIDE PARKWAY AND INCLUDES A PORTION OF 27 ½  
ROAD RIGHT-OF-WAY**

WHEREAS, on the 18<sup>th</sup> day of February, 2009, 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:

**REIMER ANNEXATION**

A certain parcel of land located in the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 24, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 24 and assuming the West line of the NW 1/4 NE 1/4 of said Section 24 to bear S00°08'44"W with all bearings contained herein relative thereto; thence S00°08'44"W a distance of 30.00 feet along the West line of the NW 1/4 NE 1/4 of said Section 24 to the Point of Beginning; thence S89°59'19"E a distance of 131.99 feet along a line being 30.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 24, said line also being the Southerly line of Riverside Parkway Annexation No. 1, Ordinance No. 4319, City of Grand Junction; thence S00°00'41"W a distance of 168.00 feet; thence N89°58'41"W a distance of 165.39 feet; thence N00°08'44"E a distance of 167.97 feet along a line being 33.00 feet West of and parallel with the West line of the NW 1/4 NE 1/4 of said Section 24 to a point on the Southerly line of said Riverside Parkway Annexation No. 1; thence S89°59'19"E a distance of 33.00 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said



Section 24, said line also being the Southerly line of said Riverside Parkway Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.64 acres (27,749.34 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 1<sup>st</sup> day of April, 2009, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2009

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

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

---

City Clerk

<i><b>DATES PUBLISHED</b></i>
<b>February 20, 2009</b>
<b>February 27, 2009</b>
<b>March 6, 2009</b>
<b>March 13, 2009</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**REIMER ANNEXATION**

**APPROXIMATELY .64 ACRES**

**LOCATED AT 2751 RIVERSIDE PARKWAY AND INCLUDING A PORTION OF  
27 ½ ROAD RIGHT-OF-WAY**

**WHEREAS**, on the 18<sup>th</sup> day of February, 2009, 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 1<sup>st</sup> day of April, 2009; 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:

A certain parcel of land located in the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 24, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 24 and assuming the West line of the NW 1/4 NE 1/4 of said Section 24 to bear S00°08'44"W with all bearings contained herein relative thereto; thence S00°08'44"W a distance of 30.00 feet along the West line of the NW 1/4 NE 1/4 of said Section 24 to the Point of Beginning; thence S89°59'19"E a distance of 131.99 feet along a line being 30.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 24, said line also being the Southerly line of Riverside Parkway Annexation No. 1, Ordinance

No. 4319, City of Grand Junction; thence S00°00'41"W a distance of 168.00 feet; thence N89°58'41"W a distance of 165.39 feet; thence N00°08'44"E a distance of 167.97 feet along a line being 33.00 feet West of and parallel with the West line of the NW 1/4 NE 1/4 of said Section 24 to a point on the Southerly line of said Riverside Parkway Annexation No. 1; thence S89°59'19"E a distance of 33.00 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 24, said line also being the Southerly line of said Riverside Parkway Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.64 acres (27,749.34 sq. ft.), more or less, as described.

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

**INTRODUCED** on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2009 and ordered published.

**ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 11**

Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-08

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Accepting the Improvements connected with Alley Improvement District No. ST-08, giving Notice of a Hearing, and the First Reading of the Assessment Resolution		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input checked="" type="checkbox"/>	<b>Individual</b>
<b>Date Prepared</b>	February 6, 2009		
<b>Author Name &amp; Title</b>	Michael Grizenko, Real Estate Technician		
<b>Presenter Name &amp; Title</b>	Tim Moore, Public Works and Planning Director		

**Summary:** Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 3rd to 4th, between Gunnison Avenue and Hill Avenue
- East/West Alley from 9th to 10th, between Teller Avenue and Belford Avenue
- North/South Alley from 14th to 15th, between Hall Avenue and Orchard Avenue

**Budget:**

E/W 3rd-4th, Gunnison to Hill	800	\$	89,627	\$	10,037	\$	55,963	11%
E/W 9th-10th, Teller to Belford	800	\$	89,620	\$	7,800	\$	58,200	9%
N/S 14th-15th, Hall to Orchard	406	\$	46,858	\$	3,280	\$	43,578	7%
<b>Totals</b>	<b>2006</b>	<b>\$</b>	<b>226,105</b>	<b>\$</b>	<b>21,117</b>	<b>\$</b>	<b>157,741</b>	<b>9%</b>
2008 Alley Budget (Adjusted)		\$	228,111					
Estimated cost to construct 2008 Alleys		\$	226,106					
Estimated Balance		\$	2,005					

**Action Requested/Recommendation:** Review and adopt proposed Resolution. Review and adopt proposed Ordinance on First Reading for Alley Improvement District ST-08 and hold a public hearing on April 1, 2009.

**Attachments:**

1. Summary Sheets
2. Maps
3. Resolution and Notice of Hearing
4. Assessing Ordinance

**Background Information:** People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. These alleys were petitioned for reconstruction by more than 50% of the property owners. The proposed assessments are based on the rates stated in the petition, as follows: \$8 per abutting foot for residential single-family properties, \$15 per abutting foot for residential multi-family properties, and \$31.50 per abutting foot for non-residential uses.

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, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts the first reading of the proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance.
8. The adopted Ordinance is published for three consecutive days.

9. 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.

The second reading and public hearing is scheduled for the April 1, 2009 Council meeting. The published assessable costs 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 May 4, 2009. 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 balance.

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 3RD STREET TO 4TH STREET GUNNISON AVENUE TO HILL AVENUE

<b>OWNER</b>	<b>FOOTAGE</b>	<b>COST/FOOT</b>	<b>ASSESSMENT</b>
Kevin L. & Kori A. McConnell	41.67	8.00	333.33
• Gordon E. & Penny E. McKelvie	41.67	8.00	333.33
• Garry L. Tullio	41.67	8.00	333.33
• Mary P. Higginbotham	50	8.00	400.00
• Christopher R. Nelson	50	8.00	400.00
• John C. & June C. Colosimo	50	15.00	750.00
Laura S. Mourning	50	15.00	750.00
• James. R. Eicher	50	8.00	400.00
• Eric & Jenifer Myers	50	8.00	400.00
• Jane M. Parkman	50	8.00	400.00
Tracey L. Rachlin	50	8.00	400.00
• P. Douglas & Frances Dominguez	50	8.00	400.00
• Steve & Amy L. Lentz	50	8.00	400.00
First Church of God	50	8.00	400.00
First Church of God	75	31.50	2,362.50
First Church of God	<u>50</u>	31.50	<u>1,575.00</u>
ASSESSABLE FOOTAGE TOTAL	800.01		10,037.49

Estimated Cost to Construct \$ 66,000.00

Absolute Cost to Owners \$ 10,037.49

Estimated Cost to City \$ 55,962.51

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor are 10/16 or 63 % and 60% of the assessable footage.



# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 9TH STREET TO 10TH STREET TELLER AVENUE TO BELFORD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Neva I Else	125	8.00	1,000.00
• Jose F Lucero, Jr.	50	8.00	400.00
James M. Thomson	37.5	8.00	300.00
Sarah E Oliver	62.5	8.00	500.00
• Robert G Lucas	50	15.00	750.00
• Robert G. Lucas	50	8.00	400.00
Patrick James Bennett	50	8.00	400.00
• Baughman Family Trust	50	8.00	400.00
• Daniel A Wilkenson	50	8.00	400.00
• Robin S. Gerald	50	8.00	400.00
Stancyn Enterprises LLC	50	15.00	750.00
• Robert & Jacqueline V Johnson	100	15.00	1,500.00
Desire N & Laura B Hamilton	<u>50</u>	8.00	<u>400.00</u>
ASSESSABLE FOOTAGE TOTAL	800		7,800.00

Estimated Cost to Construct	\$ 66,000.00
Absolute Cost to Owners	\$ <u>7,800.00</u>
Estimated Cost to City	\$ 58,200.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners in favor of improvements are 7/13 or 54% and 50% of assessable footage

# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 14TH STREET TO 15TH STREET HALL AVENUE TO ORCHARD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Lester A. & Dorothy A. Beard	81.5	8.00	652.00
• Ophelia M. Church Trust	101.5	8.00	812.00
• Kathleen M. & Joseph Viso	101.5	8.00	812.00
• Danny & Bonnie Kirkpatrick	60.75	8.00	486.00
Nora E. Harms, etal	<u>60.75</u>	8.00	<u>486.00</u>
<b>ASSESSABLE FOOTAGE TOTAL</b>	<b>406</b>		<b>3,248.00</b>

Estimated Cost to Construct	\$ 34,500.00
Absolute Cost to Owners	<u>\$ 3,248.00</u>
Estimated Cost to City	\$ 31,252.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners in favor of improvements are 4/5 or 80% and 85% of the assessable footage.

# ALLEY IMPROVEMENT DISTRICT 3RD STREET TO 4TH STREET GUNNISON AVENUE TO HILL AVENUE



**ALLEY IMPROVEMENT DISTRICT  
9TH STREET TO 10TH STREET  
TELLER AVENUE TO BELFORD AVENUE**





**ALLEY IMPROVEMENT DISTRICT  
14TH STREET TO 15TH STREET  
HALL AVENUE TO ORCHARD AVENUE**



**CITY OF GRAND JUNCTION, CO**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS  
CONNECTED WITH ALLEY IMPROVEMENT DISTRICT  
NO. ST-08**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement District No. ST-08; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement District No. ST-08, and apportioning the same upon each lot or tract of land to be assessed for the same;

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

1. That the improvements connected therewith in said District be, and the same are hereby approved and accepted; that said statement be, and the same is hereby approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement District No. ST-08;
2. That the same be apportioned on each lot or tract of land to be assessed for the same;
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

PASSED and ADOPTED this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

## NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for April 1, 2009, at 7:00 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the Districts of lands known as Alley Improvement District No. ST-08, and all persons interested therein as follows:

Lots 1 through 32, inclusive, Block 36, City of Grand Junction; and also, The South 41.72 feet of Lots 1 through 5, inclusive, and all of Lots 6 through 32, inclusive, Block 20, City of Grand Junction; and also, Lots 8 through 13, inclusive, Block 1, Eastholme-in-Grandview. All in the City of Grand Junction, and Mesa County, Colorado.

That the improvements in and for said District ST-08, which are authorized by and in accordance with the terms and provisions of Resolution No. 156-07, passed and adopted on the 7th day of November, 2007, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley improvement District to be known as Alley Improvement District No. ST-08, with the terms and provisions of Resolution No. 193-07, passed and adopted on the 19th day of December, 2008, creating and establishing said District, , all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

The City has inspected and accepted the condition of the improvements installed. The amount to be assessed from those properties benefiting from the improvements is \$22,138.62. Said amount including six percent (6%) for cost of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements, and that the owner(s) so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals;

That any complaints or objections that may be made in writing by the said owner or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at a public hearing on Wednesday, April 1, 2009 at 7:00 p.m. in the City Auditorium, 250 N. 5th Street, Grand Junction, Colorado, before the passage of any ordinance assessing the cost of said



improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$22,138.62 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

<b>ALLEY 3RD STREET TO 4TH STREET, GUNNISON AVENUE TO HILL AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-142-22-001	Lot 1 & the West 2/3 of Lot 2, Block 36, City of Grand Junction	\$ 353.33
2945-142-22-002	The East 1/3 Lot 2, all of Lot 3 & the West 1/3 of Lot 4, Block 36, City of Grand Junction	\$ 353.33
2945-142-22-003	Lot 5 & the East 2/3 of Lot 4, Block 36, City of Grand Junction	\$ 353.33
2945-142-22-004	Lots 6 & 7, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-005	Lots 8 & 9, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-008	Lots 17 & 18, Block 36, City of Grand Junction	\$ 795.00
2945-142-22-009	Lots 19 & 20, Block 36, City of Grand Junction	\$ 795.00
2945-142-22-010	Lots 21 & 22, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-011	Lots 23 & 24, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-012	Lots 25 & 26, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-013	Lots 27 & 28, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-014	Lots 29 & 30, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-015	Lots 31 & 32, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-019	Lots 12 & 13, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-951	Lots 14 through 16, inclusive, Block 36, City of Grand Junction	\$2,504.25
2945-142-22-958	Lots 10 & 11, Block 36, City of Grand Junction	\$1,669.50

**ALLEY 10TH STREET TO 11TH STREET, TELLER AVENUE TO BELFORD AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-141-09-002	South 41.72 feet of Lots 1 through 5, inclusive, Block 20, City of Grand Junction	\$1,060.00
2945-141-09-004	Lots 6 & 7, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-005	Lot 8 & the West ½ of Lot 9, Block 20, City of Grand Junction	\$ 318.00
2945-141-09-006	East 1/2 of Lot 9 and all of Lots 10 & 11, Block 20, City of Grand Junction	\$ 530.00
2945-141-09-007	Lots 12 & 13, Block 20, City of Grand Junction	\$ 795.00
2945-141-09-008	Lots 14, 15 & 16, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-009	Lots 31 & 32, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-010	Lots 27 & 28, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-011	Lots 25 & 26, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-012	Lots 23 & 24, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-013	Lots 21 & 22, Block 20, City of Grand Junction	\$ 795.00
2945-141-09-014	Lots 17 through 20 inclusive, Block 20, City of Grand Junction	\$1,590.00
2945-141-09-015	Lots 29 & 30, Block 20, City of Grand Junction	\$ 424.00

**ALLEY 14TH STREET TO 15TH STREET, HALL AVENUE TO ORCHARD AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-123-02-001	Lot 9 & the North 30.75 feet of Lot 10, Block 1, Eastholme-in-Grandview	\$ 691.12
2945-123-02-002	Lot 8, Block 1, Eastholme-in-Grandview	\$ 860.72
2945-123-02-012	Lot 13, Block 1, Eastholme-in-Grandview	\$ 860.72
2945-123-02-013	South 20 feet of Lot 10 & all of Lot 11, except the South 10 feet thereof, Block 1, Eastholme-in-Grandview	\$ 515.16
2945-123-02-014	South 10 feet Lot 11 & all of Lot 12, Block 1, Eastholme-in-Grandview	\$ 515.16

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

By: \_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-08 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.**

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 Alley Improvement District No. ST-08 in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-08 and the apportionment of the 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 Alley Improvement District No. ST-08 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 February 20, 2009, and the last publication thereof appearing on February 22, 2009); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said Districts assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the 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 Alley Improvement District No. ST-08 duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-08 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 \$22,138.62; 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:

<b>ALLEY 3RD STREET TO 4TH STREET, GUNNISON AVENUE TO HILL AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-142-22-001	Lot 1 & the West 2/3 of Lot 2, Block 36, City of Grand Junction	\$ 353.33
2945-142-22-002	The East 1/3 Lot 2, all of Lot 3 & the West 1/3 of Lot 4, Block 36, City of Grand Junction	\$ 353.33
2945-142-22-003	Lot 5 & the East 2/3 of Lot 4, Block 36, City of Grand Junction	\$ 353.33
2945-142-22-004	Lots 6 & 7, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-005	Lots 8 & 9, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-008	Lots 17 & 18, Block 36, City of Grand Junction	\$ 795.00
2945-142-22-009	Lots 19 & 20, Block 36, City of Grand Junction	\$ 795.00
2945-142-22-010	Lots 21 & 22, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-011	Lots 23 & 24, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-012	Lots 25 & 26, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-013	Lots 27 & 28, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-014	Lots 29 & 30, Block 36, City of Grand Junction	\$ 424.00

2945-142-22-015	Lots 31 & 32, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-019	Lots 12 & 13, Block 36, City of Grand Junction	\$ 424.00
2945-142-22-951	Lots 14 through 16, inclusive, Block 36, City of Grand Junction	\$2,504.25
2945-142-22-958	Lots 10 & 11, Block 36, City of Grand Junction	\$1,669.50

**ALLEY 10TH STREET TO 11TH STREET, TELLER AVENUE TO BELFORD AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-141-09-002	South 41.72 feet of Lots 1 through 5, inclusive, Block 20, City of Grand Junction	\$1,060.00
2945-141-09-004	Lots 6 & 7, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-005	Lot 8 & the West ½ of Lot 9, Block 20, City of Grand Junction	\$ 318.00
2945-141-09-006	East 1/2 of Lot 9 and all of Lots 10 & 11, Block 20, City of Grand Junction	\$ 530.00
2945-141-09-007	Lots 12 & 13, Block 20, City of Grand Junction	\$ 795.00
2945-141-09-008	Lots 14, 15 & 16, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-009	Lots 31 & 32, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-010	Lots 27 & 28, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-011	Lots 25 & 26, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-012	Lots 23 & 24, Block 20, City of Grand Junction	\$ 424.00
2945-141-09-013	Lots 21 & 22, Block 20, City of Grand Junction	\$ 795.00
2945-141-09-014	Lots 17 through 20 inclusive, Block 20, City of Grand Junction	\$1,590.00
2945-141-09-015	Lots 29 & 30, Block 20, City of Grand Junction	\$ 424.00

**ALLEY 14TH STREET TO 15TH STREET, HALL AVENUE TO ORCHARD AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-123-02-001	Lot 9 & the North 30.75 feet of Lot 10, Block 1, Eastholme-in-Grandview	\$ 691.12

2945-123-02-002	Lot 8, Block 1, Eastholme-in-Grandview	\$ 860.72
2945-123-02-012	Lot 13, Block 1, Eastholme-in-Grandview	\$ 860.72
2945-123-02-013	South 20 feet of Lot 10 & all of Lot 11, except the South 10 feet thereof, Block 1, Eastholme-in-Grandview	\$ 515.16
2945-123-02-014	South 10 feet Lot 11 & all of Lot 12, Block 1, Eastholme-in-Grandview	\$ 515.16

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 same, as hereinabove set forth, is hereby assessed against all the 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 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, 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 as 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 8 percent 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 8 percent 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 8 percent 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 days after the final publication of this Ordinance, and an allowance of the six percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-08 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 Alley Improvement District No. ST-08, 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 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 \_\_\_\_\_, 2009.

Passed and Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

Attest:



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City Clerk

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President of the Council

**Attach 12**

Construction Contract Award for Persigo Sludge and Grease Line Rehabilitation

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Persigo Sludge and Grease Line Rehabilitation Contract Award		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 10, 2009		
<b>Author Name &amp; Title</b>	Justin Vensel, Project Manager		
<b>Presenter Name &amp; Title</b>	Tim Moore, Public Works and Planning Director		

**Summary:** The project consists of replacing approximately 940 lineal feet of deteriorating 6" ductile iron line with new pressure rated PVC line and installing Cast In Place Pipe in areas where conventional trenching is not a viable option.

MA Concrete Construction	Grand Junction, CO	\$ 252,789.96
Western Slope Utilities	Breckenridge, CO	\$ 305,656.09
Engineers Estimate		\$ 309,615.50

**Budget:** Project No. 904-F001002

2009 Supplemental Budget - \$300,000.00

**Project Funding:** This project was originally budgeted in 2008, but was delayed to 2009 to allow further evaluation of rehabilitation alternatives. Adequate funds are available in Fund 904 to accomplish the project. These funds will be budgeted in 2009 during supplemental appropriations this fall.

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **Persigo Sludge and Grease Line Rehabilitation** to **MA Concrete Construction Inc** in the amount of **\$ 252,789.96**.

**Background Information:** This project mitigates deteriorating ductile iron lines at the waste water treatment plant. These lines carry sludge solids from the primary clarifiers to the anaerobic digester, and grease from skimmers in the primary clarifiers to the grease loading station.

**Attach 13**

29 Road and I-70B Interchange 1% Funds for Underground Conversion of Overhead Power

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	29 Road and I-70B Interchange – Approval of Resolution authorizing use of 1% Funds for the Underground Conversion of Overhead Power.		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 10, 2009		
<b>Author Name &amp; Title</b>	D. Paul Jagim, Project Engineer		
<b>Presenter Name &amp; Title</b>	Tim Moore, Public Works and Planning Director		

**Summary:** The construction of the 29 Road & I-70B Interchange project will require the relocation of many overhead power lines. Some of the overhead power lines will be converted to underground. The City’s franchise agreement with Xcel Energy includes an “Overhead to Underground 1% Fund” to cover the costs of conversion. This resolution will authorize Xcel Energy to use the City of Grand Junction Overhead to Underground One Percent Fund to underground approximately 2,700 feet of power lines along 29 Road between D and D ½ Road and along 29 Road between I-70B and North Avenue.

**Budget:** The current balance in the City of Grand Junction’s 1% UG Conversion Fund is as follows:

<b>City of Grand Junction 1% Underground Fund Balance as of January 1, 2009</b>	\$ 1,046,124
Less Monies Reserved	\$ 0
Less Xcel’s 29 Rd Phase I Underground Project (D to D ½ Rd)	\$ 213,100
Less Xcel’s 29 Rd Phase II Underground Proj.(I-70B to North Ave)	\$ 139,450
<b>Remaining 1% Underground Fund Balance</b>	<b>\$ 693,574</b>

**Action Requested/Recommendation:** Adopt a Resolution authorizing Public Service Company of Colorado d/b/a Xcel Energy to use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the 29 Road and I-70B Interchange Project.

## **Attachments:**

1. Proposed Resolution

**Background Information:** The 29 Rd and I-70B Interchange Project is a key component of the transportation network which will complete a critical link for 29 Road over the Union Pacific Railroad tracks. The project is currently estimated at \$28 million of which the City and the County are splitting the cost evenly.

The widening of 29 Road between D Road and North Avenue will require the relocation of existing overhead lines. Per the franchise agreement, Xcel is only required to relocate their facilities in kind and would leave the utilities overhead. Along the east side of the 29 Road mainline, the overhead power lines will be relocated to an underground joint utility trench, which will also be utilized by gas, phone, cable, and FO utilities. This joint utility trench on the east side of the road will be a continuation of the joint trench installed by Phase One of the Riverside Parkway project. The 1% UG conversion fund can be used to cover the cost of this work.

In addition, new street lights are being installed along 29 Road between D Road and North Avenue. Per the franchise agreement with Xcel Energy, the lights are installed by Xcel Energy, and paid for by the City of Grand Junction. The purchase order authorizing Xcel Energy to proceed with the street lighting work was previously approved at the December 17, 2008 City Council Meeting.

**CITY OF GRAND JUNCTION, CO**

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING PUBLIC SERVICE COMPANY OF COLORADO  
D/B/A XCEL ENERGY TO USE THE CITY OF GRAND JUNCTION OVERHEAD TO  
UNDERGROUND ONE PERCENT (1%) FUNDS FOR THE 29 ROAD AND I-70B  
INTERCHANGE PROJECT AS ESTABLISHED IN THE ORDINANCE GRANTING A  
FRANCHISE SIGNED NOVEMBER 4, 1992**

WHEREAS, the City of Grand Junction is planning to widen and improve 29 Road between D Road and North Avenue in 2009/2010. There are overhead power facilities along the 29 Road corridor; and

WHEREAS, the City Council believes the relocation of these existing power lines from overhead to underground is necessary for the overall upgrade of the 29 Road corridor; and

WHEREAS, the existing overhead power facilities are located in the City limits,  
and

WHEREAS, under the Public Service Company of Colorado franchise, funds are allotted for such purposes.

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

That the use of overhead to underground one percent (1%) funds for the 29 Road and I-70B Interchange Project is hereby approved for such amounts as the City Manager may designate.

ADOPTED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

**Attach 14**

Great Outdoors Colorado (GOCO) Grant Application for Melrose Park

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Great Outdoors Colorado (GOCO) Grant Application for Melrose Park		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 9, 2008		
<b>Author Name &amp; Title</b>	Traci Wieland, Recreation Superintendent		
<b>Presenter Name &amp; Title</b>	Rob Schoeber, Parks and Recreation Director		

**Summary:**

Parks and Recreation is seeking approval to apply for a Great Outdoors Colorado (GOCO) grant to assist with funding future improvements at Melrose "Rocket" Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 2 with award decisions being made in June.

In previous grant cycles, GOCO has required a letter of support from the governing body in addition to the resolution. The letter of support is no longer required.

**Budget:**

Melrose Park, located off of Orchard Avenue and 26<sup>th</sup> Street, is in desperate need of park improvements. Several community meetings have been held to discuss neighborhood concerns and determine highest priorities for improvement. Those priorities are:

- Replacement of the shelter and restroom
- Relocation of the shelter and restroom to a more central location in the park allowing access from the other shelter and park users as well as much needed relief from the afternoon sun
- Replacement of the playground with a pour-in-place playground surfacing
- Completion of a concrete sidewalk creating a complete loop around the park
- Addition of a concrete path around the playground
- Relocation of the rocket structure to another location and conversion into art as opposed to a play structure

The restroom and shelter replacement are funded by Community Development Block Grant and CIP funds. The remainder of the project will be funded by CIP funds and anticipated GOCO grant funds. GOCO grants are a 70% match with a required 30% cash match from the applicant. Based on estimated total project costs, \$150,000 (70% match) will be requested from GOCO.

**Action Requested/Recommendation:**

Adopt Resolution supporting the application for GOCO grant funds

**Attachments:**

Proposed Resolution

**Background Information:**

The Great Outdoors Colorado Amendment dedicates a portion of state lottery proceeds to projects that preserve, protect, and enhance Colorado's wildlife, parks, rivers, trails, and open spaces. Since it began awarding grants in 1994, GOCO has awarded almost \$549.8 million for more than 2,700 projects throughout the state. GOCO receives 50% of the proceeds from the Colorado Lottery, its only source of funding. The remainder of lottery proceeds is divided between the Conservation Trust Fund and Colorado State Parks.

In order to apply for Great Outdoors Colorado grants, the required resolution must address the following:

- Support for the proposed project and application
- A statement verifying the proposed project will be properly maintained after completion
- A statement verifying the property being used for the proposed project will be under control of the applicant for at least 25 years
- A statement verifying necessary expertise and financial resources that will be used to complete the project



## Resolution No. \_\_\_\_

### **A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO FOR THE MELROSE "ROCKET" PARK PROJECT**

Be it resolved by the City Council of the City of Grand Junction, Colorado that:

The City of Grand Junction supports the Great Outdoors Colorado grant application for the Melrose "Rocket" Park improvement project and that the City of Grand Junction has requested \$150,000 from Great Outdoors Colorado to improve the playground and surrounding amenities at Melrose Park.

Section 1: The City Council of the City of Grand Junction strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.

Section 2: The City Council of the City of Grand Junction authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded.

Section 3: The project site is owned by City of Grand Junction and will be owned by City of Grand Junction for the next 25 years.

Section 4: City Council of the City of Grand Junction will continue to maintain Melrose Park in a high quality condition and will appropriate funds for maintenance in its annual budget.

Section 5: City of Grand Junction has the ability to complete this project and has demonstrated this ability in several park improvement projects, such as the Canyon View Park project funded through GOCO in 2002.

Section 6: This resolution to be in full force and effect from and after its passage and approval.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009

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President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach 15**

FAA Grant at the Grand Junction Regional Airport to Relocate Utilities

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Federal Aviation Administration Airport Improvement Program Grant (AIP-37) at the Grand Junction Regional Airport. Supplemental Co-sponsorship Agreement.		
<b>File #</b>			
<b>Meeting Day, Date</b>			
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	February 4, 2009		
<b>Author Name &amp; Title</b>	Eddie F. Storer, Operations Manager		
<b>Presenter Name &amp; Title</b>	Rex A. Tippetts, Airport Manager		

**Summary:** AIP-37 is for relocating utilities in the Cargo Ramp Area to make way for the final dirt embankment and fence relocation. The grant amount is \$204,867.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

**Budget:** No funds are being requested of the City of Grand Junction.

**Action Requested/Recommendation:** Authorize the Mayor to sign the original FAA AIP-37 Grant Documents for Cargo Ramp Utility Relocation (Phase I) at the Grand Junction Regional Airport. Also, authorize the City Manager to sign the Supplemental Co-sponsorship Agreement for AIP-37.

**Attachments:** 1. Draft Grant Agreement for AIP-37  
2. Supplemental Co-sponsorship Agreement.

**Background Information:** The benefit of AIP-37 will prepare the cargo ramp area for the placement of embankment and the relocation of the security fence. **This grant must be accepted by February 24, 2009 or the grant is forfeit.**

U.S. Department  
of Transportation

# GRANT AGREEMENT

Federal Aviation  
Administration

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## Part I - Offer

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**Date of Offer:**        **DRAFT**

**Airport:**            **Grand        Junction**  
                                         **Regional**

**Project Number:**    **3-08-0027-37**

**Contract Number:** **DOT-FA09NM-10XX**

**DUNS Number:**     **156135394**

**To:**            City of Grand Junction, the County of Mesa and the Grand Junction Regional Airport Authority, Colorado  
(herein called the "Sponsor")

**From:**        The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

**Whereas**, the Sponsor has submitted to the FAA a Project Application dated January 12, 2009 for a grant of Federal funds for a project at or associated with the Grand Junction Regional Airport, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

**Whereas**, the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

**Cargo Ramp Utility Relocation (phase I).**

all as more particularly described in the Project Application.

**NOW THEREFORE**, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act", and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 95.00 per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

### **Conditions**

1. The maximum obligation of the United States payable under this offer shall be \$204,867.00. For the purpose of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:  

\$-0- for planning  
\$204,867.00 for airport development and noise program implementation
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The sponsor shall carry out and complete the Project without undue delay and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the sponsor on or before February 20, 2009, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall

obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order or judgment, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.

8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

### **Special Conditions**

9. The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars for AIP Projects," dated March 21, 2007, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
10. The Sponsor agrees to request cash drawdowns on the letter of credit only when actually needed for its disbursements and to timely reporting of such disbursements as required. It is understood that failure to adhere to this provision may cause the letter of credit to be revoked.
11. It is understood and agreed by and between the parties hereto that the United States shall not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs. FAA participation will be limited to those utilities located on private right-of-way or utilities that exclusively serve the Airport.
12. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
13. Unless otherwise approved by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are

provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.

14. In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
  - a. may not be increased for a planning project;
  - b. may be increased by not more than 15 percent for development projects;
  - c. may be increased by not more than 15 percent for land projects.
15. The Sponsor agrees to monitor progress on the work to be accomplished by this grant. For consultant services, the Sponsor agrees to make payment only for work that has been satisfactorily completed. It is understood by and between the parties hereto that the approximate value of the final project documentation is ten percent (10%) of the total value of the engineering services contract, and that amount will not be paid to the Engineer until acceptable final project documentation is provided.
16. **TRAFFICKING IN PERSONS:**
  - a. Provisions applicable to a recipient that is a private entity.**
    1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
      - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
      - ii. Procure a commercial sex act during the period of time that the award is in effect; or
      - iii. Use forced labor in the performance of the award or subawards under the award.
    2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
      - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
      - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
        - A. Associated with performance under this award; or
        - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 49 CFR Part 29.
  - b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity--**
    1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
    2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either--
      - i. Associated with performance under this award; or

ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 49 CFR Part 29.

**c. Provisions applicable to any recipient.**

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

**d. Definitions. For purposes of this award term:**

1. “Employee” means either:
  - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. “Private entity”:
  - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
  - ii. Includes:
    - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
    - B. A for-profit organization.
4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF  
AMERICA  
FEDERAL AVIATION ADMINISTRATION**



---

Manager, Denver Airports District Office

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## Part II - Acceptance

---

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY OF GRAND JUNCTION, COLORADO**

(SEAL)

\_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

### Certificate of Sponsor's Attorney

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Signature of Sponsor's Attorney

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF  
AMERICA  
FEDERAL AVIATION ADMINISTRATION**

---

## Part II - Acceptance

---

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**COUNTY OF MESA, COLORADO**

(SEAL)

\_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

### Certificate of Sponsor's Attorney

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Signature of Sponsor's Attorney

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**GRAND JUNCTION REGIONAL AIRPORT  
AUTHORITY, COLORADO**

(SEAL)

\_\_\_\_\_  
Sponsor's Designated Official Representative

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

**Certificate of Sponsor's Attorney**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Signature of Sponsor's Attorney

## **SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT**

This Supplemental Co-Sponsorship Agreement is entered into and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the Grand Junction Regional Airport Authority ("Airport Authority"), and the City of Grand Junction (City).

### **RECITALS**

A. The Airport Authority is a political subdivision of the State of Colorado, organized pursuant to Section 41-3-101 et seq., C.R.S. The Airport Authority is a separate and distinct entity from the City.

B. The Airport Authority is the owner and operator of the Grand Junction Regional Airport, located in Grand Junction, Colorado ("Airport").

C. Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration ("FAA"), for the construction of certain improvements upon the Airport, pursuant to the terms, plans and specifications set forth in AIP Grant Application No. 3-08-0027-37 ("Project").

D. The FAA is willing to provide approximately \$204,867.00 toward the estimated costs of the Project, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreement, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that the proposed improvements are consistent with their respective plans for the development of the area surrounding the Airport, and that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

E. The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Therefore, in consideration of the above Recitals and the mutual promises and representations set forth below, the City and Airport Authority hereby agree as follows:

### **AGREEMENT**

1. By its execution of this Agreement, the City hereby agrees to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request.
2. In consideration of the City's execution of the Grant Agreement, as co-sponsor, the Airport Authority hereby agrees to hold the City, its officers, employees, and agents, harmless from, and to indemnify the City, its officers, employees, and agents for:
  - (a) Any and all claims, lawsuits, damages, or liabilities, including reasonable attorney's fees and court costs, which at any time may be or are stated, asserted, or made against the City, its officers, employees, or agents, by the FAA or any other third party whomsoever, in any way arising out of, or related under the Grant Agreement, or the prosecution of the Project contemplated by the Grant Agreement, regardless of whether said claims are frivolous or groundless, other than claims related to the City's covenant to take appropriate action, including the adoption of zoning laws, to restrict the use of land surrounding the Airport, over which the City has regulatory jurisdiction, to activities and purposes compatible with normal Airport operations, set forth in paragraph 21 of the Assurances incorporated by reference into the Grant Agreement ("Assurances"); and
  - (b) The failure of the Airport Authority, or any of the Airport Authority's officers, agents, employees, or contractors, to comply in any respect with any of the requirements, obligations or duties imposed on the Sponsor by the Grant Agreement, or reasonably related to or inferred there from, other than the Sponsor's zoning and land use obligations under Paragraph 21 of the Assurances, which are the City's responsibility for lands surrounding the Airport over which it has regulatory jurisdiction.
3. By its execution of this Agreement, the Airport Authority hereby agrees to comply with each and every requirement of the Sponsor, set forth in the Grant Agreement, or reasonably required in connection therewith, other than the zoning and land use requirements set forth in paragraph 21 of the Assurances, in recognition of the fact that the Airport Authority does not have the power to effect the zoning and land use regulations required by said paragraph.
4. By its execution of this Agreement and the Grant Agreement, the City agrees to comply with the zoning and land use requirements of paragraph 21 of the Assurances, with respect to all lands surrounding the Airport that are subject

to the City's regulatory jurisdiction. The City also hereby warrants and represents that, in accordance with paragraph 6 of the Special Assurances; the Project contemplated by the Grant Agreement is consistent with present plans of the City for the development of the area surrounding the Airport.

5. The parties hereby warrant and represent that, by the City's execution of the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, the City is not a co-owner, agent, partner, joint venturer, or representative of the Airport Authority in the ownership, management or administration of the Airport, and the Airport Authority is, and remains, the sole owner of the Airport, and solely responsible for the operation and management of the Airport.

Done and entered into on the date first set forth above.

GRAND JUNCTION REGIONAL AIRPORT AUTHORITY

By \_\_\_\_\_  
John R. Stevens, Chairman

CITY OF GRAND JUNCTION

By \_\_\_\_\_  
City Manager

**Attach 16**

Change B-laws for the Commission on Arts and Culture

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	<b>A Resolution Amending Resolution 44-89 to expand the number of members on the Grand Junction Arts Commission</b>		
<b>File #</b>			
<b>Meeting Day, Date</b>	<b>Wednesday, February 18, 2009</b>		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	<b>February 12, 2009</b>		
<b>Author Name &amp; Title</b>	<b>Mary Lynn Kirsch, Paralegal</b>		
<b>Presenter Name &amp; Title</b>	<b>John Shaver, City Attorney</b>		

**Summary:**

Since its inception in 1989, the Grand Junction Arts Commission has grown and become an important part of the Grand Junction community. Because of the growth and increasing interest in arts culture, the Grand Junction City Council determines that it is important to the continuing success of the arts in Grand Junction to expand the membership of the Commission. With an expanded board the Commission may continue its important work in our community.

**Budget:** There is no direct fiscal impact.

**Action Requested/Recommendation:** Adopt a resolution amending Resolution No. 44-89 and expanding the membership on the Arts Commission board.

**Attachments**

- Proposed Resolution

**Background Information:** The citizens of Grand Junction have a great interest in participating in and supporting the arts culture in our community. The growth in interest and programs has necessitated the need for an expanded Commission to better serve and support the many arts and cultural activities in Grand Junction.



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING RESOLUTION NO. 44-89  
PERTAINING TO THE GRAND JUNCTION ARTS COMMISSION AND  
EXPANDING THE NUMBER OF ARTS COMMISSION MEMBERS**

Recitals:

Since its creation in September, 1989, the Grand Junction Arts Commission has grown and become an integral part of the Grand Junction arts community. The interest and expansion of arts culture in our community indicates a need to expand the membership on the Commission.

The Grand Junction City Council recognizes the importance the arts has in our community's quality of life and the value to local business and commerce. To support this, the Council wishes to expand the number of Commission members to allow a minimum of nine members and a maximum of thirteen members. The increase in membership will better serve the growing needs of the arts community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT RESOLUTION NO. 44-89, PARAGRAPH 5, BE AMENDED TO READ AS FOLLOWS:

5. The Commission will consist of no fewer than nine members and not more than thirteen members, appointed by and serving at the pleasure of the Grand Junction City Council. Initial terms of Commission members shall either be a two-year, three-year or four-year term, as determined by the City Council ~~will be as follows: three members to be appointed to two year terms; three members to be appointed to three year terms; and three members to be appointed to four year terms.~~ Upon expiration of the initial terms, all subsequent tenures will be three years. Vacancies will be filled by the City Council for the duration of the unexpired term. No member of the Commission shall be a member or a spouse of a member of the governing boards or employees of any local arts organization.

PASSED on this \_\_\_\_ day of February, 2009.

ATTEST:

\_\_\_\_\_  
Stephanie Tuin, City Clerk

\_\_\_\_\_  
Gregg Palmer, President of Council

**Attach 17**

Public Hearing – Growth Plan Amendment, Located at the West End of West Colorado Avenue, West of North 1st Street (also known as the GCK, LLC project)

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	GCK, LLC Growth Plan Amendment - Located at the west end of West Colorado Avenue, west of North 1 <sup>st</sup> Street		
<b>File #</b>	VR-2008-375		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual</b> <input checked="" type="checkbox"/>
<b>Date Prepared</b>	February 6, 2009		
<b>Author Name &amp; Title</b>	Senta L. Costello, Senior Planner		
<b>Presenter Name &amp; Title</b>	Senta L. Costello, Senior Planner		

**Summary:** Request for a change to the Future Land Use designation from Public to Commercial for 0.821 acres located at the west end of West Colorado Avenue, west of North 1<sup>st</sup> Street (also known as the GCK, LLC project).

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider adopting a Resolution amending the Growth Plan Future Land Use Map from Public to Commercial.

**Background Information:** See attached Analysis/Background Information

**Attachments:**

5. Staff report
6. Site Location Map/Aerial Photo Map
7. Future Land Use Map/Existing City Zoning Map
8. Resolution

BACKGROUND INFORMATION				
Location:		West of 105 West Colorado Avenue		
Applicants:		GCK, LLC – Cary Eidsness		
Existing Land Use:		West Colorado Avenue		
Proposed Land Use:		Future commercial development		
Surrounding Land Use:	North	Parking lot		
	South	Catholic Outreach Soup Kitchen, railroad		
	East	Vacant office & Warehouse		
	West	Railroad		
Existing Zoning:		B-2 (Downtown Business)		
Proposed Zoning:		B-2 (Downtown Business)		
Surrounding Zoning:	North	B-2 (Downtown Business)		
	South	B-2 (Downtown Business)		
	East	B-2 (Downtown Business)		
	West	B-2 (Downtown Business)		
Growth Plan Designation:		Public, requesting Commercial		
Zoning within density range?		X	Yes	No

**STAFF ANALYSIS:**

1. Background

The property was part of the Mobley’s Addition Annexation which became effective in 1890 and is a part of the Richard D Mobley’s First Addition Subdivision platted in 1891.

A warehouse was built in 1977 as a part of the City Market operations located on the parcel to the east.

The applicant would like to redevelop the property and continue the historical commercial use of the property. This application for a Growth Plan Amendment is the first step toward commercial redevelopment and would, if approved, bring the historical and present uses in line with the Future Land Use designation.

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or

**Response:** There was an apparent error in identifying this property as Public on the Future Land Use Map. The Public designation is applied to properties which are under public ownership, i.e. City of Grand Junction, Mesa County, State of Colorado properties. Research into the historical ownership of this property shows the property under private use and ownership since 1977 when the warehouse was built.

- b. Subsequent events have invalidated the original premises and findings;

**Response:** Historical use of the property has been commercial operations with no evidence of public ownership or operation. If at some point public uses were envisioned for the area, this vision has been abandoned in favor of commercial uses which dominate the area.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;

**Response:** Historical use of the property has been commercial operations with no evidence of public ownership or operation.

- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;

**Response:** The Westside Downtown Redevelopment Plan shows this area with "Retail/Office" land use. Applying the Commercial Future Land Use designation to this property is in conformance with the long term goals of the Plan.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

**Response:** Historical use of the property has been commercial operations and the Commercial designation will continue the same type and scope of uses.

- f. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and

**Response:** Presently, the existing Future Land Use Map designation of Public does not match the existing zoning designation for the property of B-1, Neighborhood Business. With the approval of the Growth Plan Amendment request, it would bring the Future Land Use Map into compliance with the existing B-1 zoning and eliminate the discrepancy between the Future Land Use and Zoning Maps.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

**Response:** The Applicant is requesting the Growth Plan Amendment to Commercial in order to achieve a uniform Future Land Use Map designation prior to combining the existing two properties into one through the simple subdivision process. Also, the community will benefit in two ways with the approval of the Growth Plan Amendment request by first bringing the Future Land Use Map into compliance with the existing B-1, zoning district and eliminating the discrepancy between the Future Land Use and Zoning Maps and secondly by allowing the redevelopment of property in the Downtown area.

## FINDINGS OF FACT/CONCLUSIONS

After reviewing the GCK, LLC application, VR-2008-375 for a Growth Plan Amendment, I make the following findings of fact and conclusions:

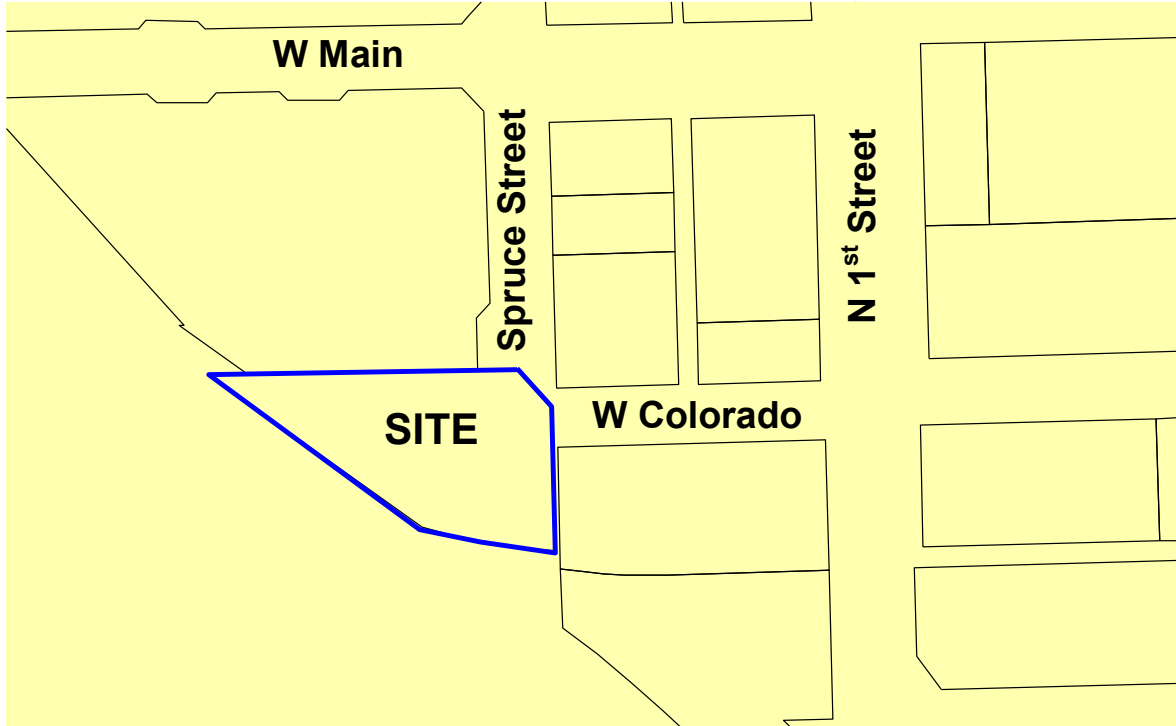
- 11. The proposed amendment is consistent with the purpose and intent of the Plan.
- 12. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

## PLANNING COMMISSION RECOMMENDATION:

Planning Commission forwarded a recommendation of approval of the requested Growth Plan Amendment, VR-2008-375 to the City Council with the findings and conclusions listed above.

# Site Location Map

Figure 1



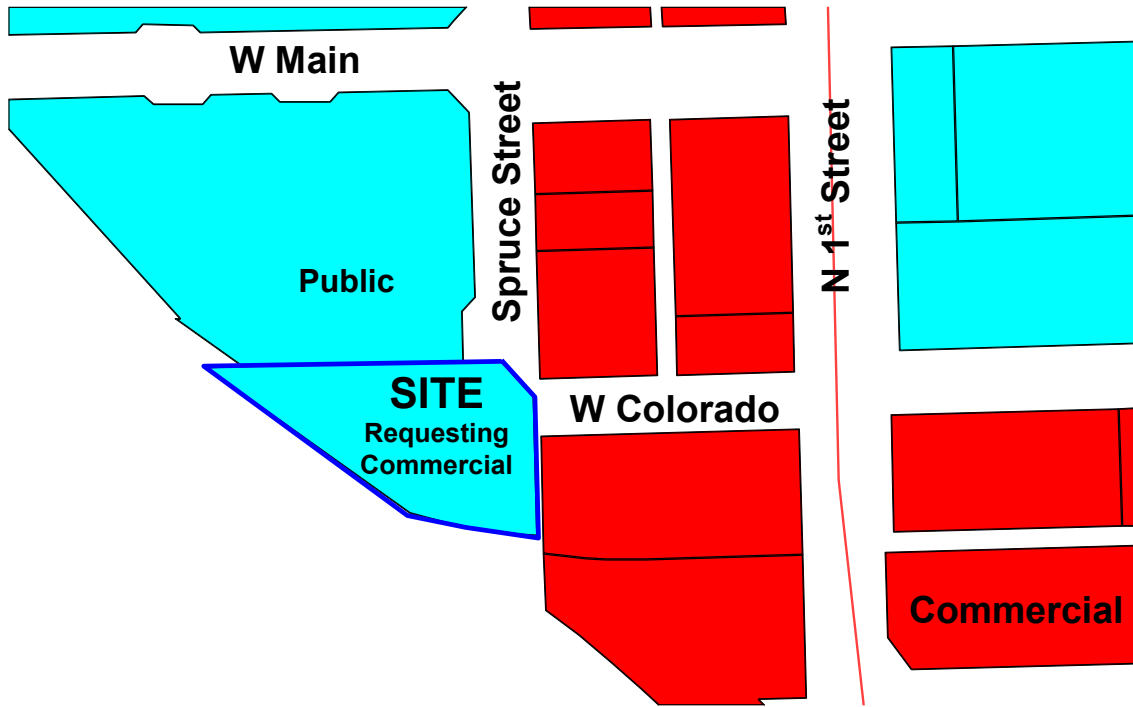
# Aerial Photo Map

Figure 2



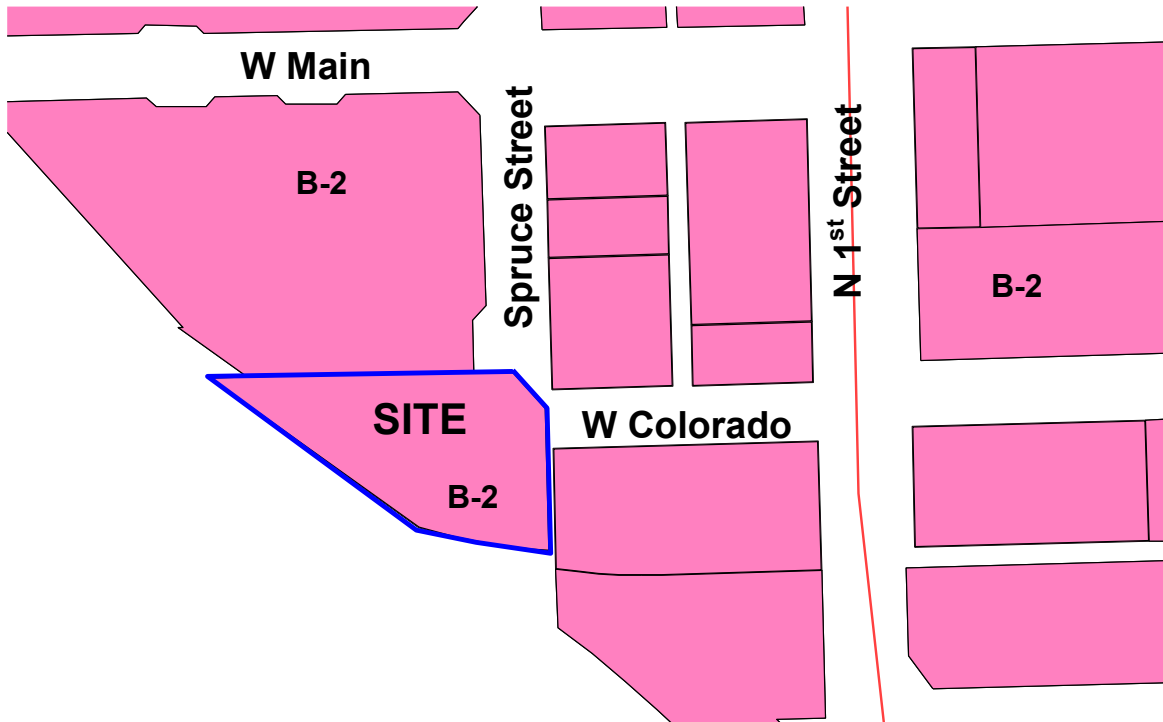
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE APPROXIMATELY 0.821 ACRES LOCATED AT THE WEST END OF WEST COLORADO AVENUE WEST OF NORTH 1<sup>ST</sup> STREET GCK, LLC GROWTH PLAN AMENDMENT FROM PUBLIC TO COMMERCIAL**

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 0.821 acres, located at west end of West Colorado Avenue west of North 1<sup>st</sup> Street be redesignated from Public to Commercial on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM PUBLIC TO COMMERCIAL ON THE FUTURE LAND USE MAP.

**GCK, LLC GROWTH PLAN AMENDMENT**

A tract of land located in the SE $\frac{1}{4}$  of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows:

Commencing at a City Monument for the 20-foot offset line at the intersection of Spruce Street and Colorado Avenue, whence a City Monument for the 20-foot offset line at the intersection of Spruce Street and Main Street bears N 00°18'46" W, 370.52 feet; thence N 62°05'07" E, 21.56 feet to the Point of Beginning;

1. Thence S 40°29'40" E, 63.38 feet;
2. Thence S 00°18'46" W, 136.19 feet;
3. Thence northwesterly 132.06 feet along the arc of a non-tangent circular curve to the right with a radius of 613.75 feet, a delta of 12°19'42" and a chord bearing N 74°07'52" W, 131.80 feet;



4. Thence N 54°52'28" W, 255.36 feet;
5. Thence N 89°43'24" E, 293.74 feet to the Point of Beginning.

A drawing depicting the above is attached hereto as Exhibit "A".

Tract of land as described above contains 0.821 acres more or less.

Said parcel contains 0.821 acres (35,762.76 square feet), more or less, as described.

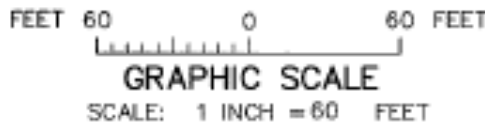
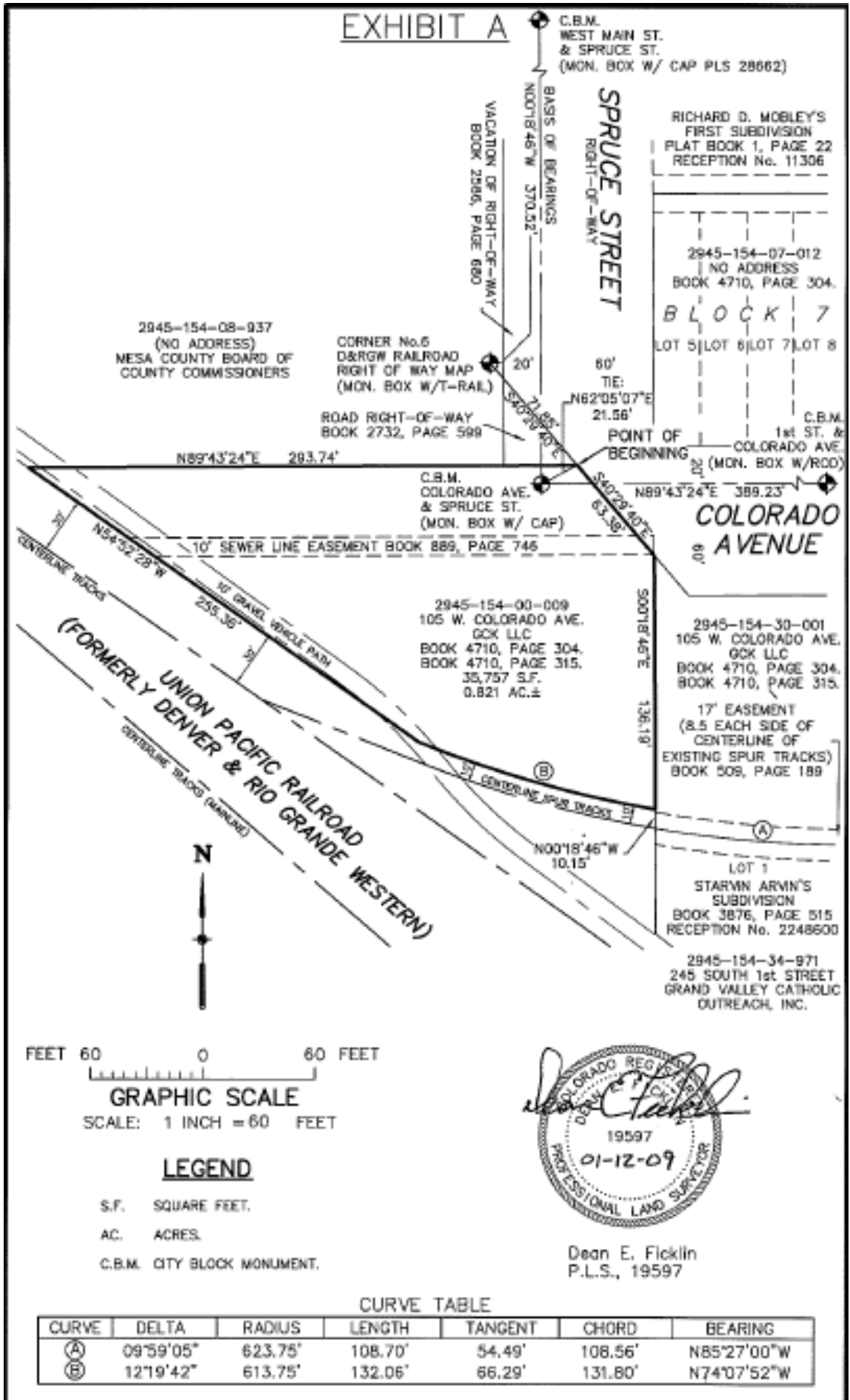
PASSED on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of Council

# EXHIBIT A



- LEGEND**
- S.F. SQUARE FEET.
  - AC. ACRES.
  - C.B.M. CITY BLOCK MONUMENT.



Dean E. Ficklin  
P.L.S., 19597

**CURVE TABLE**

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	BEARING
(A)	09°59'05"	623.75'	108.70'	54.49'	108.56'	N85°27'00"W
(B)	12°19'42"	613.75'	132.06'	66.29'	131.80'	N74°07'52"W

**Attach 18**

Public Hearing – Request from GCK, LLC, for Inclusion into the DDA Boundaries

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Request from GCK, LLC, for Inclusion into Downtown Development Authority Boundaries		
<b>File #</b>			
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> <b>X</b>
<b>Date Prepared</b>	February 10, 2009		
<b>Author Name &amp; Title</b>	Heidi Hoffman Ham, DDA Executive Director		
<b>Presenter Name &amp; Title</b>	Heidi Hoffman Ham, DDA Executive Director		

**Summary:**

GCK, LLC, has requested inclusion into the DDA for the entire property located at 105 W. Colorado Avenue. At the current time, the eastern portion of the property is included in the Authority; the westernmost portion is not. A land use application has been submitted to the City to “replat” four existing tax parcels into one lot, as well as to vacate a portion of public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. In order to consolidate parcels, it is required that all lots are either in or out of the DDA; the applicant has requested the addition of all parcels. The request has been considered and approved by the DDA Board of Directors.

**Budget:** N/A**Action Requested/Recommendation:**

Hold a Public Hearing and Consider Final Passage and Publication of Ordinance

**Attachments:**

Letter from David E. Chase, P.E., on behalf of GCK, LLC  
 Minutes of DDA meeting approving the request  
 Map of property  
 Ordinance to Amend DDA Boundaries

**Background Information:**

The GJDDA boundaries were set upon creation of the DDA and, in order to be added to the Authority, an entity must present a letter to the DDA Board requesting inclusion. If

approved, this request is forwarded on to the City Council for consideration. This property is owned by GCK, LLC, and is in the process of being "replatted." In order to consolidate the parcels into one property, Mesa County stipulates that all parcels be uniform in their taxing requirements. The DDA appreciates that GCK, LLC, has requested to include the entire property into the boundaries Authority and approved this request at its January 22, 2009, meeting.

**VISTA ENGINEERING CORP.**  
CONSULTING ENGINEERS & LAND SURVEYORS

January 12, 2009

Ms. Heidi Hoffman Ham  
DOWNTOWN DEVELOPMENT AUTHORITY  
248 S. 4<sup>th</sup> Street  
Grand Junction, CO 81501

RE: Growth Plan Amendment, 105 W. Colorado Avenue

Dear Heidi,

This letter is being written as a follow-up to our phone conversation earlier today. As we discussed, there is currently a land use application being reviewed by the City of Grand Junction for the above referenced property. This application is to 'replat' four existing tax parcels into just one lot, as well as to vacate a portion of the public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. From our discussion, and the review comments submitted by the DDA regarding this proposal, it is the Growth Plan Amendment portion of the application that needs to be addressed.

The request to amend the Growth Plan stems from the apparent error in identifying the western portion of the site as a PUBLIC use, whereas the rest of the site is identified as a COMMERCIAL use. As such, this western portion of the site is not currently included in the Downtown Development Authority's boundary. It is the desire of the property owner, GCK, LLC, to have this portion of the site included in the DDA boundary and it is our understanding that there is a petition process that needs to be completed in order to accomplish this. Therefore, please consider this letter as our formal request to place this matter on the next agenda for the DDA Board of Directors for their consideration for this site to be included in the DDA boundary.

If there is any additional information that you may need as part of this request or if there are any questions or comments that you may have, please feel free to contact me at your convenience.

Sincerely,

VISTA ENGINEERING CORP.



David E. Chase, P.E.  
Project Manager

DEC/dc

xc: Senta L. Costello, City Community Development Dept.  
Cary Eidsness, GCK, LLC

GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD MINUTES  
Thursday, January 22, 2009  
248 S. 4<sup>th</sup> Street, Grand Junction, CO  
7:30 a.m.

PRESENT: Bill Wagner, Peggy Page, Bonnie Beckstein, Scott Holzschuh, Bill Keith, Steve Thoms

ABSENT: Harry Griff, Scott Howard

STAFF: Heidi Hoffman Ham, Diane Keliher

GUESTS: John Shaver, Rich Englehart

CALL TO ORDER: Steve called the meeting to order at 7:52 a.m.

APPROVAL OF MINUTES: Scott Holzschuh made a motion to approve the January 8 minutes; Bill W. seconded; minutes were approved.

CHAIRMAN'S REPORT – The City attorney has given us guidelines to follow regarding calling executive session. All items are to be posted 24 hours in advance of the meeting. Bonnie has gotten comments from City Council that indicates that issues have been discussed outside of executive session.

EXECUTIVE DIRECTOR REPORT – Today is the deadline for the bids on the heating system at the Schiesswohl Building. Heidi is working with Big Horn Consulting to go over the bids. She will send an email to the Board with a final decision after 2:00 today. She mentioned that there was some roof damage under the swamp cooler and that the ceiling will need to be fixed.

There have been four recent incidences of vandalism of Art on the Corner. One incident was in the 300 block, and three were in the 600 block. The City Parks Department will try to fix the welds. Alison has spoken with the Police Department concerning this issue. Steve wondered if there is a pattern with these vandalisms. Alison will be looking for sturdier pieces to be placed in the 600 block. Scott suggested a webcam.

The DDA has been authorized to advertise the RFP for the catalyst project in cooperation with the Strategic Plan. Rich mentioned that the DDA Downtown Plan still needs to be presented to and approved by City Council.

There is a group of people interested in developing the Union Depot. The group has received money for a historical assessment. Heidi is asking if the DDA supports this project. The Board agreed that this is not high on the priority list.

Jovan Paprocki submitted a design for hand-made benches for 7<sup>th</sup> Street. His design would deter skateboarders and add a divider to the benches to keep people from sleeping on them. His estimate would put us over the current budget. It was agreed that it makes more sense to go with the manufacturer who can warrantee the product for a long period and can be added on to in the future.

Heidi is going to the National Main Street Conference in Chicago this spring. Relevant topics include; a child-friendly downtown, music on Main Street, façade programs, cameras on the street, etc.

Quilters' Corner is having major sewer issues. The line at the tap needs to be replaced. Fortunately, the City is already putting in a new sewer line and the DDA would like to partner with them. Heidi will bring back numbers for ratification at the next meeting.

ACTION ITEMS:

1. The DDA has received a request from Vista Engineering Corporation on behalf of their client, GCK, LLC, to be added to the DDA. Part of their property is in the DDA and part of it is out and they are requesting that all of the property be included. Scott Holzschuh made a motion to approve the request from GCK, LLC to add their property to the DDA; Peggy seconded; motion passed.
2. One response was received to the call for DTA board members. The applicant is Lenée Grisier who works at American National Bank. The DTA gave her their recommendation. Peggy made a motion to consider the DTA recommendation for appointment; Bill K. seconded; motion carried.
3. Heidi distributed copies of the completed Façade Improvement Program application form. Scott would like to use photos of our downtown, if possible. Chris Redden of the Business Incubator has offered to help merchants take advantage of the program. Bonnie made a motion to approve the application and direct staff to proceed with implementation of the program; Bill W. seconded; motion passed.
4. Heidi spoke with nine or ten individuals regarding the Air Space RFP and has received three submittals. The Blythe Group would like to plan and design the space; Wagner Galloway from Palisade submitted a design; and Obermeier Sheykhet from Denver submitted a design/build proposal in cooperation with Shaw Construction. Steve would like to see it stay open as a breezeway. It was decided to reopen the RFP for thirty days and revisit it next meeting. Heidi will meet with City engineers regarding the building structure and the adjacent buildings.

ADJOURN – Bill K. made a motion to move into executive session to discuss issues related to C.R.S. 24-6-402 (4)(f); Peggy seconded; the Board adjourned into executive session.

EXECUTIVE SESSION: C.R.S. 24-6-402(4)(f)

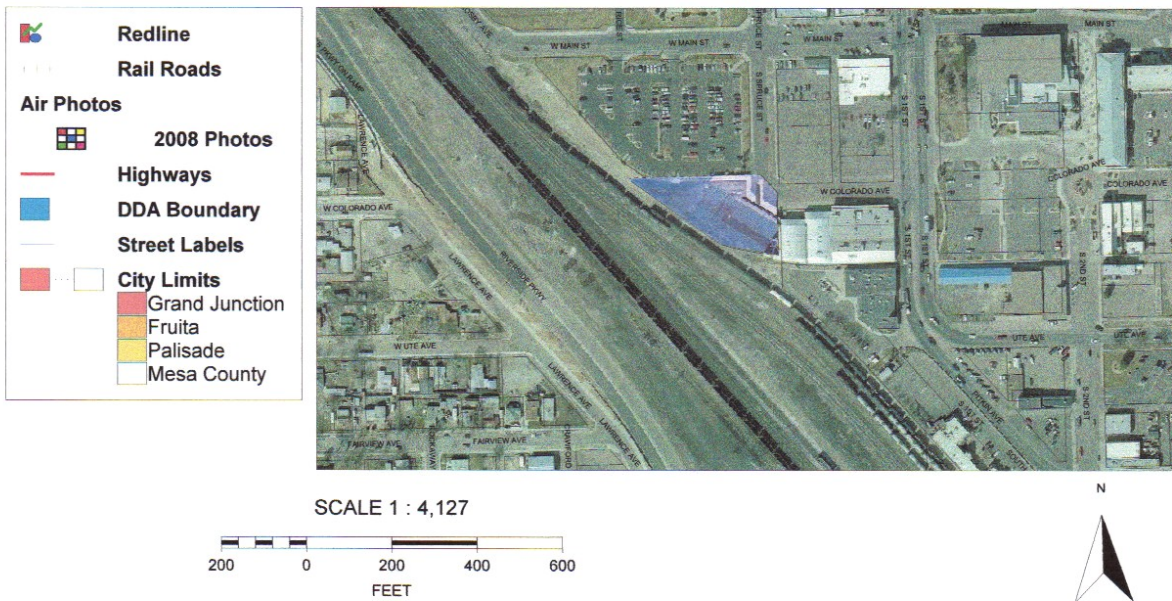
APPROVED \_\_\_\_\_

DATE \_\_\_\_\_

SENT TO CITY CLERK \_\_\_\_\_

DATE \_\_\_\_\_

# City of Grand Junction GIS City Map ©





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO  
APPROVING EXPANDING THE BOUNDARIES FOR THE GRAND JUNCTION,  
COLORADO  
DOWNTOWN DEVELOPMENT AUTHORITY

The Grand Junction, Colorado, Downtown Development Authority (the Authority) has adopted a Plan of Development for the boundaries of the Authority and the plan and boundaries were initially approved by the Grand Junction, Colorado, City Council (the Council) on December 16, 1981.

Since that time, several individuals, pursuant to Section 31-25-822, 12A C.R.S., as amended, and Article X of the Authority's Plan of Development have petitioned for inclusion within the boundaries of the Authority, and the boundaries of the Authority have been expanded by the Council by Ordinances No. 2045, 2116, 2382, 2400, 2425, 2470, 2820, 2830 and 4305;

The Board of Directors of the Authority has reviewed and approved a current petition from GCK, LLC, requesting inclusion into the Authority's boundaries for its newly-consolidated property at 105 W. Colorado Avenue and requests Council approval to expand the Authority's boundaries to include the entire property.

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

1. The Council finds the existence of blight within the Authority within the meaning of C.R.S. 1973, Section 31-25-802(1.5), as amended.
2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Downtown Development Authority Plan of Development as shown on file at the DDA office, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the city of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district, and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority.
3. The expansion of the Authority's boundaries, as shown on file at the DDA office, are hereby approved by the Council and incorporated into the Plan of Development as previously amended, and the Authority is authorized to undertake development projects as described in the Plan.

4. The City Council is requested to ask the County Assessor to certify the valuation for assessment of the new property included as of the date of the last certification, and the City Finance Director is requested to certify the sales tax receipts for the properties for the twelve (12) months prior to the inclusion of such property.

5. If any provision of this ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

Introduced on first reading this 4<sup>th</sup> day of February, 2009.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**Attach 19**

Public Hearing – Rezoning the Twelfth and Patterson Center (City Market)

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Rezone for the Twelfth and Patterson Center - (City Market)		
<b>File #</b>	RZ-2008-323		
<b>Meeting Day, Date</b>	Wednesday, February 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> X
<b>Date Prepared</b>	February 4, 2009		
<b>Author Name &amp; Title</b>	Scott D. Peterson, Senior Planner		
<b>Presenter Name &amp; Title</b>	Scott D. Peterson, Senior Planner		

**Summary:** Request to rezone 3.62 +/- acres located at 1212, 1228, 1238, 1308, 1310, 1314, 1320 and 1324 Wellington Avenue known as the Twelfth and Patterson Center (City Market) from R-8, (Residential – 8 du/ac.) to B-1, (Neighborhood Business) zone district.

**Budget:** N/A.

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

**Attachments:**

1. Staff Report
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City Zoning
4. January 13, 2009 Planning Commission Minutes
5. Ordinance

**Background Information:** See attached report.

BACKGROUND INFORMATION				
<b>Location:</b>		1212, 1228, 1238, 1308, 1310, 1314, 1320 and 1324 Wellington Avenue		
<b>Applicants:</b>		Dillon Real Estate Company, Inc., Owners; 12 <sup>th</sup> & Patterson GJ Goldberg, LLC, Representative		
<b>Existing Land Use:</b>		Vacant land and former real estate office		
<b>Proposed Land Use:</b>		City Market grocery store and neighborhood business commercial development		
<b>Surrounding Land Use:</b>	<b>North</b>	Bookcliff Baptist Church, Counseling and Education Center and American Family Insurance		
	<b>South</b>	Single and Multi-Family Residential		
	<b>East</b>	Single and Multi-Family Residential (Patterson Gardens)		
	<b>West</b>	Village Fair Shopping Center		
<b>Existing Zoning:</b>		R-8, (Residential – 8 du/ac.)		
<b>Proposed Zoning:</b>		B-1, (Neighborhood Business)		
<b>Surrounding Zoning:</b>	<b>North</b>	R-O, (Residential Office) and R-8, (Residential – 8 du/ac.)		
	<b>South</b>	PD, (Planned Development) and R-8, (Residential – 8 du/ac.)		
	<b>East</b>	R-8, (Residential – du/ac.)		
	<b>West</b>	B-1, (Neighborhood Business)		
<b>Growth Plan Designation:</b>		Commercial		
<b>Zoning within density range?</b>		X	Yes	No

**STAFF ANALYSIS:**

1. **Background:**

The existing 21 properties of land located at the southeast corner of N. 12<sup>th</sup> Street and Patterson Road are currently undeveloped and contain split zoning designations of B-1, (Neighborhood Business) and R-8, (Residential – 8 du/ac.). All 21 parcels are owned by the applicant and contain a total of 8.45 +/- acres. Eight (8) of the 21 parcels (3.62 +/- acres) are designated as R-8 adjacent to Wellington Avenue. The applicant is requesting to change the zoning for these eight (8) parcels adjacent to Wellington Avenue so that all of their 21 parcels would be uniform, designated B-1. If this zoning request is approved by the City, the applicant plans to apply for a Conditional Use

Permit/Site Plan Review and Simple Subdivision application in order to develop the properties for a neighborhood business commercial development.

These 21 parcels of land have also been the subject of at least three (3) previous proposals to change the existing residential zoning to some type of commercial zone designation and associated development, most recently in 2002 (City file # RZ-2002-118). At that time this same applicant requested a rezone to PD, Planned Development, to develop the property as a mixed-use development of a grocery store and neighborhood commercial center and twelve (12) residential units. That request was denied by the City Council. In 1998/1999 (City file # RZ-1998-082), this same applicant requested a Growth Plan Amendment, Rezone and a Site Specific Development Plan for a 60,405 sq. ft. grocery store, which was also ultimately denied by the City Council. In 1984 (City file # RZO-1984-031) Smith's Food and Drug, which owned the property at that time, requested a zoning change to PB, Planned Business and submitted an Outline Development Plan which was denied by City voters via a special election.

In November, 2007 the City Council approved a Growth Plan Amendment to change the Future Land Use Map from Residential Medium (4 – 8 DU/Ac.) to Commercial for the properties adjacent to Wellington Avenue. The applicant is now requesting that the City approve the zoning application to bring these properties into compliance with the Future Land Use Map designation of Commercial.

## **2. Consistency with the Growth Plan:**

The Growth Plan Future Land Use Map designates these eight (8) properties as Commercial. The requested zone district of B-1, Neighborhood Business implements the Commercial land use classification of the Growth Plan. The rezone is also consistent with the following Goals and Policies of the Growth Plan:

Goal 1: Policy 1.1: The City and County will use the future land use categories to designate appropriate land uses within the Joint Planning Area. City and County actions on land use proposals within the Joint Planning Area will be consistent with the plan.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities. Policy 5.2 states that the City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Goal 12: Policy 12.1: The City and County will encourage the retention of small-scale neighborhood commercial centers that provide retail and service opportunities in a manner that is compatible with surrounding neighborhoods.

Goal 13: Policy 13.2: The City and County will enhance the quality of development along key arterial street corridors.

Goal 28: The City of Grand Junction is committed to taking an active role in the facilitation and promotion of infill and redevelopment within the urban growth area of the City.

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

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

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

Response: The current Future Land Use Map designation for these eight (8) parcels of land is Commercial. The current zoning designation of R-8 is in conflict with this current Future Land Use Map designation, however, I cannot say that at the time the R-8 zoning was adopted it was an error. The proposed rezoning request to B-1 would however, bring the existing eight (8) properties into compliance with the current Future Land Use Map designation of Commercial. In November 2007 the applicant received approval from the City for a Growth Plan Amendment request to change the Future Land Use Map designation for these eight (8) parcels of land from Residential Medium (4 – 8 DU/Ac.) to Commercial in anticipation of future neighborhood business commercial development. Prior to the year 2002, single-family homes once occupied these eight (8) lots, thus the Residential Medium (4 – 8 DU/Ac.) classification was appropriate at the time it was zoned.

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

Response: The character of the area is a mix of commercial, medical office and single/multi-family residential uses. The proposed rezoning is acceptable since the residential land supply in the community will not be adversely affected and also due to the fact that the proposed rezoning would bring the eight (8) parcels of land into compliance with the current Future Land Use Map designation of Commercial. Existing and anticipated development and higher traffic volumes in the area make new single-family residential development questionable for these eight (8) properties. Multi-family residential development could be a viable option; however, given the small amount of land, (3.62 +/- acres), the irregular

shape of the properties, the off-street parking, open space, landscaping and buffering requirements could render residential development difficult.

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

Response: The applicant's intent is to utilize these properties as a neighborhood commercial retail center for the benefit of the adjacent residential neighborhoods and the surrounding neighborhood. It is not intended to capture customers from the entire city as a whole, but to capture the existing traffic that already passes by daily on N. 12<sup>th</sup> Street and Patterson Road.

The proposed rezoning is consistent with the goals and policies of the Growth Plan as noted in the Analysis #2. The proposed rezone would be compatible with other commercial uses in the area (Village Fair Shopping Center and medical offices) and the existing Growth Plan designation of Commercial, while providing retail and service opportunities to nearby residential areas. Furthermore, the Zoning and Development Code requires screening and buffering requirements between all commercial and residentially zoned properties. Therefore, 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.

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

Response: Existing and proposed infrastructure facilities are adequate to serve the commercial development. However, significant additional upgrades to the 12<sup>th</sup> and Patterson Road intersection will be necessitated by a commercial development at this site including the acquisition of private property for right-of-way at this intersection. In addition, the City will be required to construct all the street improvements, including widening the intersection for double left turn lanes on all four sides, along with a bus pull out area on Patterson Road. The intersection at 12<sup>th</sup> and Patterson would need to be upgraded by the City at some point in the future due to population growth trends and increased traffic volumes within Grand Junction, this proposed development is necessitating the need to reconstruct this intersection sooner rather than later. Wellington Avenue will also need to be upgraded with half (1/2) street improvements that would include curb/gutter/sidewalk on the northside of Wellington adjacent to the site which will be the responsibility of the developer.

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

Response: The southeast corner of N. 12<sup>th</sup> Street and Patterson Road is one of the few existing, if not only, larger acreage, undeveloped, commercially designated by the Future Land Use Map pieces of land located along Patterson Road between Mesa Mall and Clifton. The requested rezone would allow the applicant to develop the entire 8.45 acres as a single commercial development project. Currently, 13 parcels are designated B-1 and eight parcels zoned R-8, which makes development of the site challenging, as the site does not encompass enough land area for a well-planned commercial or residential development as currently designated.

6. The community will benefit from the proposed zone.

Response: The community and area can benefit from the proposed rezone in the respect that it may provide additional neighborhood commercial development (such as grocery, restaurant and retail establishments) that can be accessed by both vehicular and pedestrian traffic from existing and nearby residential neighborhoods as well as passing-by traffic, the volume of which is significant. It may also provide additional job opportunities for neighborhood community residents.

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 properties.

- e. R-O, Residential Office
- f. C-1, Light Commercial
- g. C-2, General Commercial

If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Twelfth and Patterson Center application, RZ-2008-323 for a rezone, the following findings of fact and conclusions have been determined:

- 13. The requested zone is consistent with the Growth Plan Future Land Use Map.
- 14. The review criteria in Section 2.6 A. of the Zoning and Development Code have all been met.

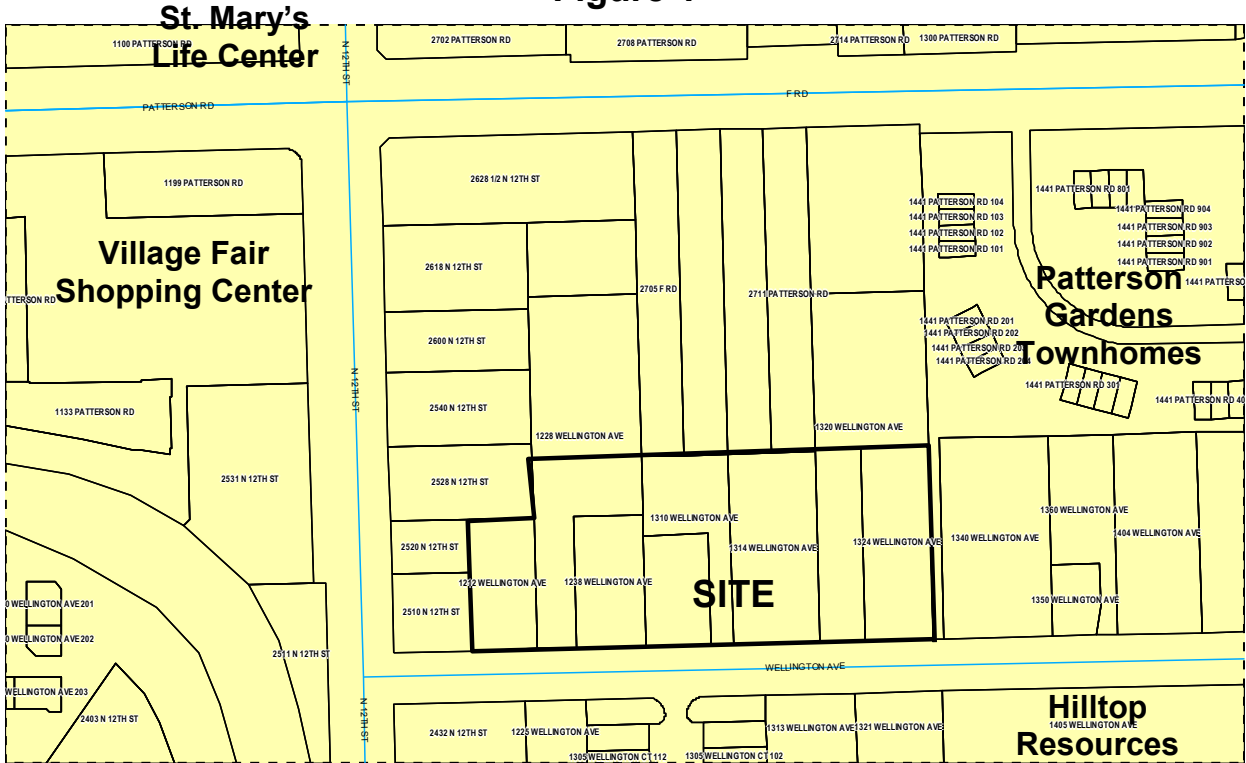
**PLANNING COMMISSION RECOMMENDATION:**



The Planning Commission recommended approval of the requested rezone to the City Council on January 13, 2009, finding the requested rezone from R-8, (Residential – 8 du/ac.) to B-1, (Neighborhood Business) zone district, to be consistent with the goals and policies of the Growth Plan and Section 2.6 A. of the Zoning and Development Code.

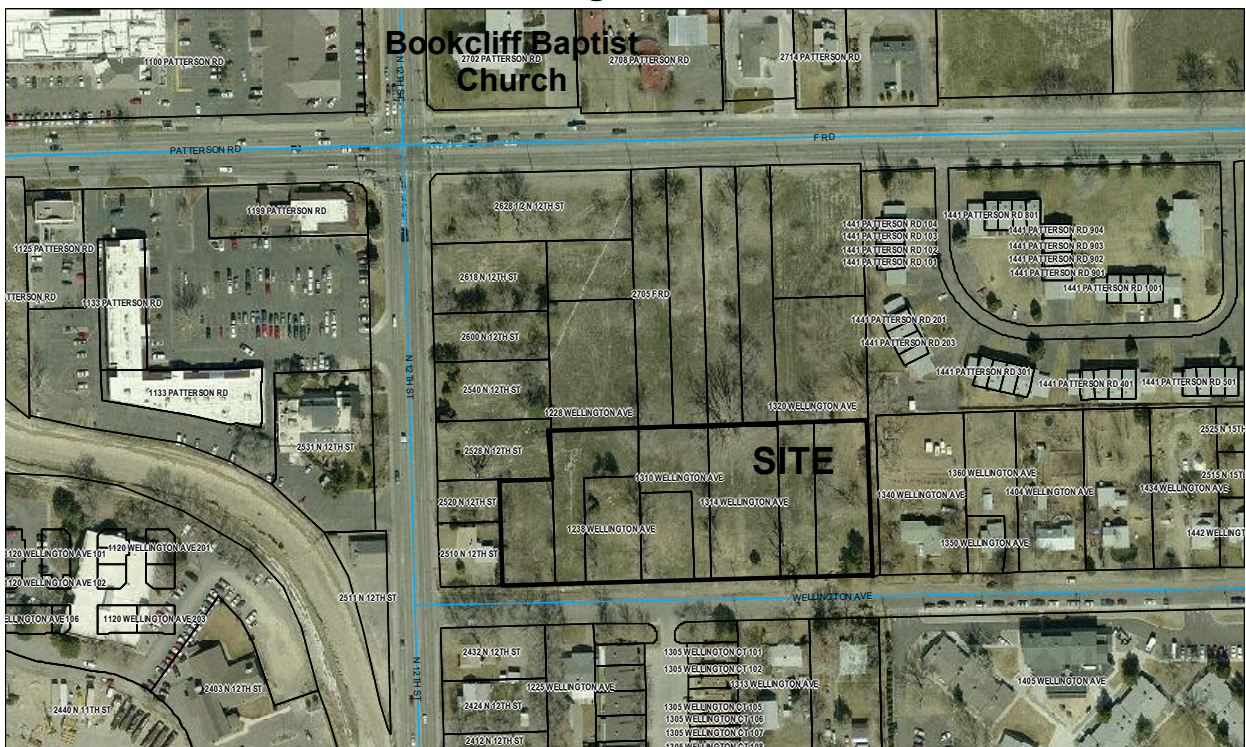
# Site Location Map

## Figure 1



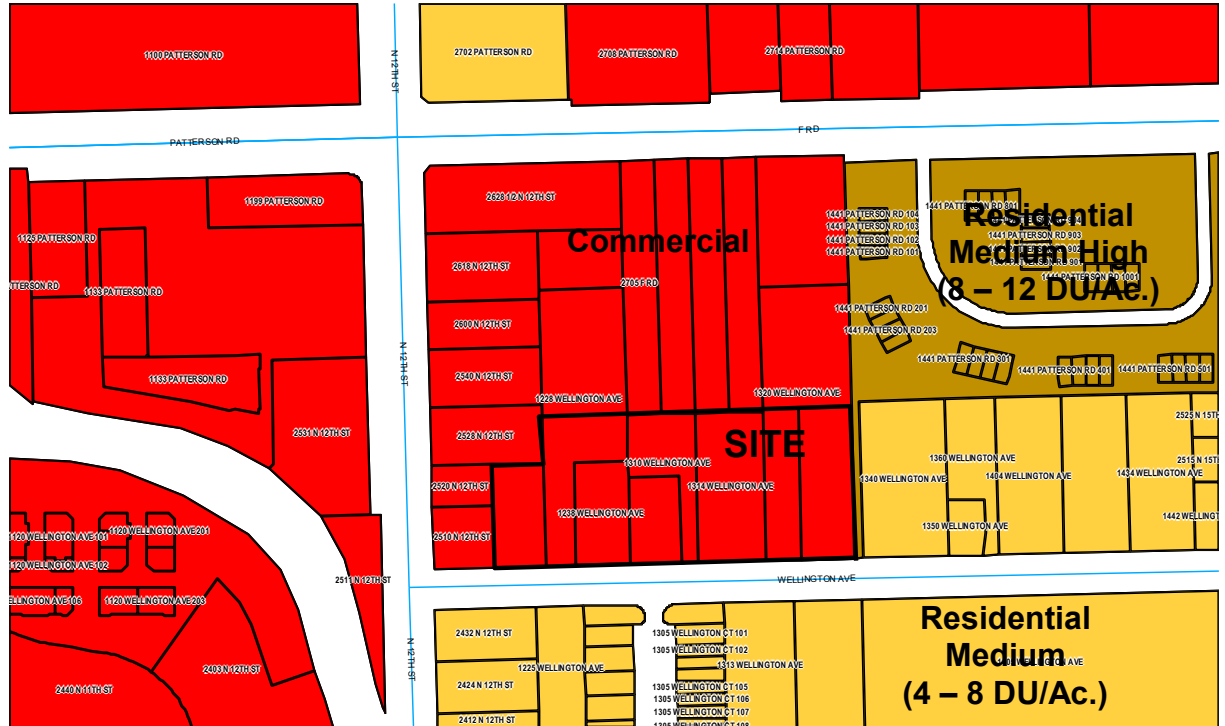
# Aerial Photo Map

## Figure 2



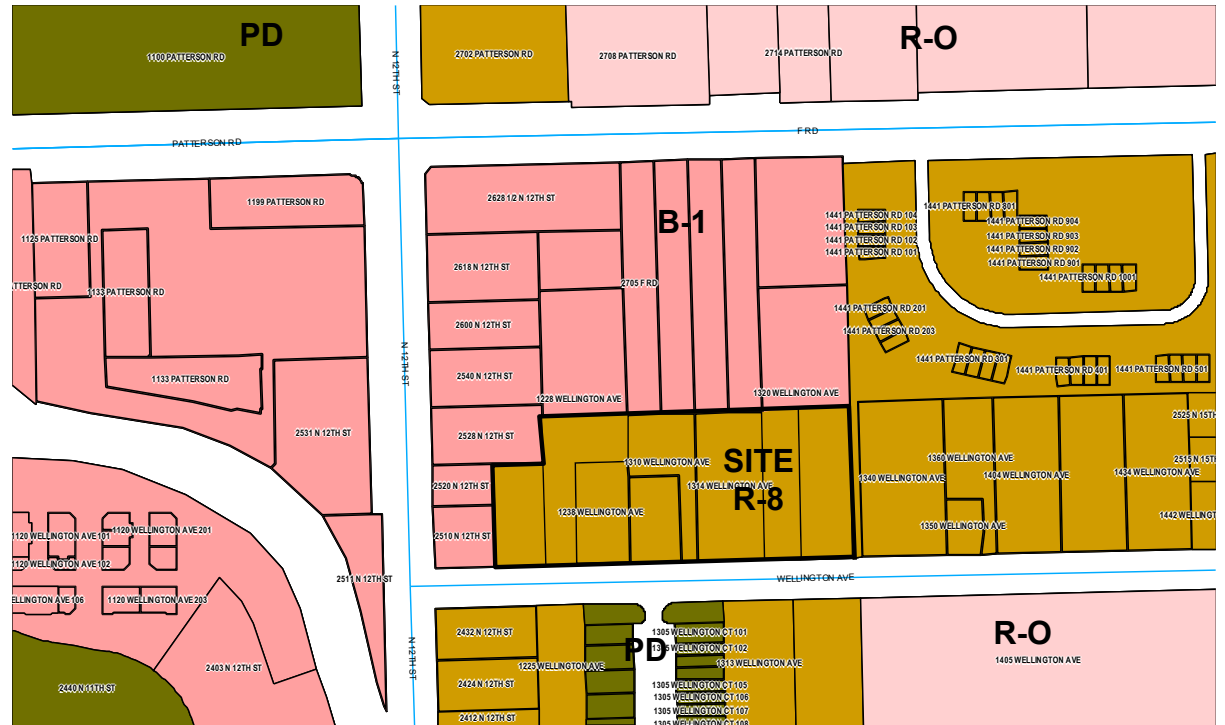
# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4



## **January 13, 2009 Planning Commission Minutes:**

### **12<sup>th</sup> & Patterson Center - Rezone**

Request a recommendation of approval to City Council to rezone 8 parcels (3.62 +/- acres) currently zoned R-8 (Residential 8 du/ac) to a B-1 (Neighborhood Business) for development of a neighborhood commercial center on a total of 8.4 +/- acres.

**FILE #:** RZ-2008-323  
**PETITIONER:** Dillon Real Estate  
**LOCATION:** SE Corner 12<sup>th</sup> Street & Patterson Road  
**STAFF:** Scott Peterson

A short recess was taken. The Commission reconvened at 7:45 p.m.

### **STAFF'S PRESENTATION**

Scott Peterson made a PowerPoint presentation regarding the requested rezone. He said that the applicant owned all 21 parcels of land and requested a rezoning change for these 8 parcels adjacent to Wellington Avenue. He said that the character of the area was a mix of Commercial, medical office and single and multi-family residential uses. He felt that the proposed rezoning was acceptable since the residential land supply in the community would not be adversely affected and also because the proposed rezoning would bring these 8 parcels of land into compliance with the current Future Land Use map. He further said that this was consistent with the goals and policies of the Growth Plan and would be compatible with other commercial uses in the area.

The Growth Plan Future Land Use Map indicated this area to be Commercial and in November 2007 a Growth Plan Amendment was approved to change the future land use map from Residential Medium, 4 to 8 dwelling units per acre, to a Commercial designation for the properties adjacent to Wellington Avenue. Applicant is requesting that the City approve the rezoning application to bring these properties into compliance with the future land use map Commercial designation. Mr. Peterson said that the existing 21 properties were currently undeveloped and contained split zoning designations of B-1 and R-8. He further said that the requested rezone would allow the applicant to develop the entire 8.5 acres as a single Commercial development. He concluded that he felt that the community and area would benefit from the proposed rezone in that it may provide additional neighborhood Commercial development that could be accessed by both vehicular and pedestrian traffic from existing and nearby residential neighborhoods as well as passing by traffic. Also, it may provide additional job opportunities for the neighborhood community residents and stated that the requested B-1 zone was consistent with the Growth Plan Future Land Use Map and the applicable review criteria of the Zoning and Development Code had been met.

Therefore, he recommended that the Planning Commission forward a recommendation of approval for the requested zone of B-1, Neighborhood Business, to the City Council.

### **PETITIONER'S PRESENTATION**

Grant Nelson, vice president of Goldberg Properties, 195 West 12<sup>th</sup> Avenue, Denver, said that also present were his business partner, Mark Goldberg, as well as Tawnya Snyder of Goldberg Properties, Ann Bowers of Drexel & Barrell, and Jeff Weider of Galloway Engineering, and said that they also represented City Market in this rezoning request. He felt that this rezone would meet a number of the goals and objectives of the Zoning and Development Code and of the Growth Plan and would allow them one contiguous zone to provide a high quality infill development that would be an asset for the neighbors, for the community and for the City of Grand Junction as a whole.

### **QUESTIONS**

Commissioner Carlow asked for clarification of the total acreage. Mr. Nelson confirmed that it was 3.62 acres, 8 lots, for the rezone request.

### **PUBLIC COMMENT**

#### **For:**

Mike Foster (639 Pine Needle) said that this property was an excellent opportunity for really high quality commercial development that would add to the overall value of the City. He said that he was familiar with some of the developer's projects in Denver.

Jim Garber, 485 Meadow Road, stated that he was completely in favor of this infill project and believed it was an infill project neglected for way too long.

Bob Emerick, 1441 Patterson Road, commented that the land there had been an eyesore for a number of years and said that the total acreage should be all zoned for business and was in favor of the project and the rezone.

#### **Against:**

Pat Verstraete, 1421 Wellington, directly across the street from this proposed change, said that she had appeared in front of a Commission or Council a number of times in order to protect her home and neighborhood. According to Ms. Verstraete, people were opposed to this change due mainly in part that this was a neighborhood and changing this site would not allow them to have that feathering buffering effect. An R-8 would allow the type of development that had been proposed previously and then into a Commercial area and hoped that the Commission would consider the integrity of their neighborhood.

Dick Fulton, 1556 Wellington Avenue, said that a large grocery store was more than a neighborhood business and opposed it. He said that a 50,000 square foot facility was too intense for this particular location. The B-1 zoning would allow intensity that was

not acceptable at this location. The ultimate use of the whole property as well as the current use needed to be considered. Mr. Fulton said that the R-8 zoning allowed a significant buffering from the various established and secure neighborhoods along Wellington Avenue and that would not be the case with a zoning of B-1. Additionally, traffic would increase significantly, an extra 4,300 trips per day, which would cause the intersection to fail and would cause the need for a redesign of the entire intersection. He said that leaving the site zoned as R-8 would preclude an intensity that was incompatible with this location and should remain as R-8.

Bill Pitts, 2626 H Road, reminded the Commission that when this was earlier approved, it was the intent that this location was to remain R-8 which would make a logical buffer between the Commercial and Wellington and encouraged a denial of the application. He said that to continue the R-8 would encourage the neighborhood for multiple family which would lend itself to a neighborhood development.

Bruce Verstraete, 1321 Wellington, said that he wanted to remind the Commission that when a community agreed to be rezoned there was a contract between the people and the government. He said that there were good reasons for leaving the zoning on Wellington as it was now and hoped the Commission considered that before coming into a well established neighborhood.

Mike Schaeffer of 2745 Patterson Road said that he felt that the change to the Growth Plan was done under some phony pretenses in that one of the reasons used was that the neighborhood was in decline. He argued that the only property in decline was the City Market property. He said that he bought his home knowing that there was a Growth Plan which would give him some assurance that he could live there with a quality of life that would not change for awhile. Furthermore, he said that he agreed with statements made by Mr. Fulton. He said that he did not think that adding 4,300 cars per day to the mix would make it a safer place. He asked that the Commission give this request some honest consideration, think about the neighborhood and the traffic on Patterson, the cost of the intersection.

Gary Crist addressed compromise and buffer zones and asked if there was a way to keep the buffer zone there as residential. He said that he would like to see a buffer zone and keep it residential.

### **PETITIONER'S REBUTTAL**

Grant Nelson said that they were grateful for the time given to this and asked for the rezone to B-1 in order to make for better development and a more coherent infill development to best utilize the property.

### **QUESTIONS**

Commissioner Carlow asked, based on current setbacks and minimum lot sizes, if this was left R-8 how many units could be put on it. Scott Peterson said that the property was zoned R-8 so it would be 24 units. However, because the property was smaller

and irregularly shaped to develop, taking into consideration off street parking and open space requirements, it would not make it economically feasible to develop as multi-family.

### **DISCUSSION**

Commissioner Wall said that the B-1 made more sense than the R-8. Regarding the setbacks and the hours of operation of a B-1 zone, he thought it made perfect sense and overall it would make that neighborhood a lot stronger rather than having a negative impact on the area and was in favor of the B-1.

Commissioner Putnam said that a few people who testified against this rezone stated that it was an absolute contract between the landowner and the City and some change had to happen. He said that he did not think that it had been established that changing the zoning on Wellington would affect the traffic patterns on Patterson Road. Furthermore, he said that it seemed quite unlikely that these sites would ever be developed as Residential and it would make good planning sense to zone this entire area the same, B-1.

Chairman Cole agreed that to rezone it B-1 to make it compatible with the Growth Plan Amendment approved a little over a year ago and bring it into compliance with the Growth Plan made sense. He said that he felt the developer would be continuing to attempt to work with the neighborhood to make something compatible with the rest of the City and was in favor of the B-1 zoning.

**MOTION: (Commissioner Wall): “Mr. Chairman, on Rezone, # RZ-2008-323, I move that the Planning Commission forward the rezone to City Council with the recommendation of the B-1 (Neighborhood Business) zoning district for the 12<sup>th</sup> and Patterson Center with the facts and conclusions listed in the staff report.”**

Commissioner Carlow seconded the motion. Commissioner Putnam said that by referring to it as the 12<sup>th</sup> and Patterson Center was not legally accurate as it was not on Patterson. Jamie Beard said that as far as approving a motion in regards to the 12<sup>th</sup> and Patterson Center, the idea was that the Commission needed to understand which parcels were being approved and the staff report and the information as advertised would be for the specific parcels that were before the Commission so mentioning that as long as the parcels were mentioned would be okay. A vote was called and the motion passed unanimously by a vote of 6 – 0.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING PROPERTY KNOWN AS  
TWELFTH AND PATTERSON CENTER  
(CITY MARKET)  
FROM R-8, (RESIDENTIAL – 8 DU/AC) TO  
B-1, (NEIGHBORHOOD BUSINESS)**

**LOCATED AT 1212, 1228, 1238, 1308, 1310, 1314, 1320  
AND 1324 WELLINGTON AVENUE**

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 rezoning property known as the Twelfth and Patterson Center to the B-1, (Neighborhood Business) 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 B-1, (Neighborhood Business) 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 properties be zoned B-1, (Neighborhood Business):

**Parcel # 1: Parcel #: 2945-122-00-033 Address: 1212 Wellington Avenue**

This legal description was obtained from a Deed recorded November 2, 1994 in Book 2108 on Page 778 in Mesa County.

Beginning at a point 165 feet East of the Southwest corner of Block 11, Fairmount Subdivision, thence North 150 feet, thence West 75 feet, thence South 150 feet, thence East 75 feet to the Point of Beginning.



**Parcel #2: Parcel #: 2945-122-00-021 Address: 1228 Wellington Avenue**

This legal description was obtained from a Deed recorded November 16, 1987 in Book 1670 on Page 481 in Mesa County.

Beginning 150 feet North of the Southeast corner of Lot 37 in Block 11 of Fairmount Subdivision, thence North 339 feet, thence West 125 feet, thence South 489 feet, thence East 45 feet, thence North 150 feet, thence East 80 feet to beginning; Mesa County, Colorado.

**Parcel #3: Parcel #: 2945-122-00-032 Address: 1238 Wellington Avenue**

This legal description was obtained from a Deed recorded March 11, 1998 in Book 2414 on Page 834 in Mesa County.

Beginning at the Southeast Corner of the West half of Block 11 Fairmount Subdivision, thence West 80 feet, thence North 150 feet, thence East 80 feet, thence South 150 feet, to the Place of Beginning, Mesa County, Colorado.

**Parcel #4: Parcel #: 2945-122-22-001 Address: 1308 Wellington Avenue**

This legal description was obtained from a Deed recorded May 11, 1998 in Book 2438 on Page 702 in Mesa County.

Lot 1, Yo Minor Subdivision, Mesa County, Colorado.

**Parcel #5: Parcel #: 2945-122-22-002 Address: 1310 Wellington Avenue**

This legal description was obtained from a Deed recorded January 9, 1996 in Book 2199 on Page 124 in Mesa County.

Lot 2 of Yo Minor Subdivision, Mesa County, Colorado.

**Parcel #6: Parcel #: 2945-122-00-025 Address: 1314 Wellington Avenue**

This legal description was obtained from a Deed recorded March 19, 1997 in Book 2309 on Page 781 in Mesa County.

Beginning at a point 100 feet East of the Southwest Corner of Lot 40 in Block 11 in Fairmount Subdivision, thence North 217.8 feet, thence East 100 feet, thence South 217.8 feet, thence West 100 feet to the Point of Beginning, Mesa County, Colorado.

**Parcel #7: Parcel #: 2945-122-00-135 Address: 1320 Wellington Avenue**

This legal description was obtained from a Deed recorded November 19, 1987 in Book 1670 on Page 974 in Mesa County.

Beginning at a point North 89<sup>0</sup>50' West 48.25 feet from the Southeast corner of Lot 40 in Block 11 of Fairmount Subdivision, thence North 223 feet, thence South 89<sup>0</sup>50' East 78.25 feet, thence North 176.5 feet, thence North 89<sup>0</sup>52' West 130.5 feet, thence South 399.4 feet, thence South 89<sup>0</sup>50' East 52.25 feet to the point of beginning.

**Parcel #8: Parcel #: 2945-122-00-133 Address: 1324 Wellington Avenue**

This legal description was obtained from a Deed recorded December 24, 1997 in Book 2389 on Page 73 in Mesa County.

Beginning at the Southeast corner of Lot 40 in Block 11 of Fairmount Subdivision, thence North 89 Deg 50' West 48.25 feet; thence North 223 feet; thence South 89 Deg 50' East 78.25 feet; thence South 223 feet; thence North 89 Deg 50' West 30 feet to the Point of Beginning, Mesa County, Colorado.

Said properties contain 3.62 +/- acres, more or less, as described.

Introduced on first reading this 4<sup>th</sup> day of February, 2009 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk