

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, MARCH 4, 2009, 7:00 P.M.**

Call to Order

Pledge of Allegiance

Proclamations

Proclaiming March 1 – 7, 2009 as “Women in Construction Week” in the City of Grand Junction

Certificate of Appointment

Visitor and Convention Bureau Board of Directors

***Commission on Arts and Culture

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Construction Contract for the 2009 Concrete Repair for Street Overlays**

[Attach 1](#)

The 2009 Concrete Repair for Street Overlay project consists of replacing sections of hazardous or deteriorating curb and gutter, sidewalks and drainage pans on streets scheduled to be overlaid later this year.

Action: Authorize the City Manager to Sign a Construction Contract with Vista Paving Corporation, for the 2009 Concrete Repair for Street Overlay Project, in the Amount of \$209,985.66

Staff presentation: Tim Moore, Public Works and Planning Director

*** Indicates New Item

® Requires Roll Call Vote

2. **Construction Contract for the 2009 Water Line Replacements** [Attach 2](#)

This project includes replacement of sixty year old cast iron lines that have an active break history and are located within streets planned for asphalt overlay in 2009.

Action: Authorize the City Manager to Sign a Construction Contract for the 2009 Water Line Replacement Project to Mendez, Inc., in the Amount of \$322,562.60 and Sign Change Order #1 in the Amount of \$25,000

Staff presentation: Tim Moore, Public Works and Planning Director

3. **Construction Contract for the 2009 Interceptor Rehabilitations (Cured-In-Place Pipe)** [Attach 3](#)

The project consists of lining the 3,475 lineal feet of the existing 15” concrete and vitrified clay tile sanitary sewer pipe with Cured-In-Place-Pipe. Approximately 3,100 feet is located along Patterson Road between 7th Street and 15th Street. The remaining 375 lineal feet is located south of 4th Avenue east of Highway 50 under a rail spur on VanGundy’s property.

Action: Authorize the City Manager to Sign a Construction Contract for the 2009 Interceptor Rehabilitation (Cured-In-Place Pipe) to Insituform Technologies Inc., in the Amount of \$178,880.00

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

4. **Public Hearing - Create Alley Improvement District ST-09, Phase B** [Attach 4](#)

A successful petition has been submitted requesting a Local Improvement District be created to reconstruct the following alley:

- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue

Resolution No. 26-09—A Resolution Creating and Establishing Alley

Improvement District No. ST-09, Phase B within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

®Action: *Adopt Resolution No. 26-09*

Staff presentation: Tim Moore, Public Works and Planning Director

5. **Public Hearing – Kapushion/Northwest GJ Growth Plan Amendments, Located at 860 21 Road** [File # ANX-2008-305] [Attach 5](#)

Request approval of a Growth Plan Amendment to change the Future Land Use Designation from Rural (5 to 35 acres/du) to CI (Commercial Industrial) on 80 acres; and Residential Medium (Residential 4 to 8 du/ac) on 20 acres; totaling 100.73 acres.

Resolution No. 27-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 35.12 Acres, Located at 860 21 Road , Known as the Kapushion Growth Plan Amendment, from Residential Rural (5 to 35 Ac/DU) to Commercial Industrial on 35.12 Acres

Resolution No. 28-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 64.97 Acres, Located East of 860 21 Road, Along 21 1/2 Road Known as the Northwest GJ Growth Plan Amendment, from Residential Rural (5 to 35 Ac/DU) to Commercial Industrial on 44.88 Acres; and to Residential Medium on 20.09 Acres

®Action: *Adopt Resolution Nos. 27-09 and 28-09*

Staff presentation: Lori V. Bowers, Senior Planner

6. **Public Hearing - Kapushion Annexation and Zoning, Located at 860 21 Road** [File #ANX-2008-305] [Attach 6](#)

Request to annex and zone 35.12 acres, located at 860 21 Road, to I-1 (Light Industrial). The Kapushion Annexation consists of one (1) parcel.

a. **Accepting Petition**

Resolution No. 29-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that the Property Known as the Kapushion Annexation No. 1, 2, and 3, Located at 860 21 Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4328—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kapushion Annexation No. 1, Approximately 0.89 Acres, Located at 860 21 Road

Ordinance No. 4329—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kapushion Annexation No. 2, Approximately 16.67 Acres, Located at 860 21 Road

Ordinance No. 4330— An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kapushion Annexation No. 3, Approximately 17.56 Acres, Located at 860 21 Road

c. Zoning Ordinance

Ordinance No. 4331—An Ordinance Zoning the Kapushion Annexations No. 1, 2, and 3 to I-1 (Light Industrial), Located at 860 21 Road

®Action: Adopt Resolution No. 29-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4328, 4329, 4330, and 4331

Staff presentation: Lori V. Bowers, Senior Planner

7. **Public Hearing - Northwest GJ Annexation and Zoning, Located East of 860 21 Road** [File # ANX-2008-305] [Attach 7](#)

Request to annex and zone 65.61 acres, located east of 860 21 Road, along 21 ½ Road, to R-4 on the northern 20 acres and I-1 on the remaining 45 acres. The Northwest GJ Annexation consists of two parcels including 6,200.87 square feet of 21 ½ Road Right-of-Way.

a. Accepting Petition

Resolution No. 30-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Northwest GJ Annexations No. 1 and 2, Located East 860 21 Road, along 21 ½ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4332—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Northwest GJ Annexation No. 1, Approximately 45.52 Acres, Located East of 860 21 Road, Along 21 ½ Road

Ordinance No. 4333—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Northwest GJ Annexation No. 2, Approximately 20.09 Acres, Located East of 860 21 Road, Along 21 ½ Road

c. Zoning Ordinances

Ordinance No. 4334—An Ordinance Zoning the Northwest GJ Annexation No. 1 to I-1 (Light Industrial), Located East of 860 21 Road along 21 ½ Road

Ordinance No. 4335—An 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: Adopt Resolution No.30-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4332, 4333, 4334, and 4335

Staff presentation: Lori V. Bowers, Senior Planner

8. **Public Hearing - Vacating a Portion of the 50' Road Petition (St. Mary's Rose Hill Hospitality House), and an Ingress/Egress/Utility Easement, Located at 605 and 609 26 ½ Road** [File #RZ-2008-227] [Attach 8](#)

A request to vacate a portion of the 50' Road Petition that was filed in Book 4336, Page 854 and also the request to vacate an existing Ingress, Egress and Utility Easement for the benefit of the proposed St. Mary's Rose Hill Hospitality House building expansion. The proposed right-of-way and easement vacation requests are located at 605 and 609 26 ½ Road.

Ordinance No. 4336—An Ordinance Vacating a Portion of the 50' Wide Road Petition Running Along the Centerline of 7th Street and Recorded in Book 4336, Page 854, Located at 609 26 ½ Road (St. Mary's Rose Hill Hospitality House)

Resolution No. 31-09—A Resolution Vacating and Ingress, Egress and Utility Easement, Located at 605 26 ½ Road (St. Mary's Rose Hill Hospitality House)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4336 and Adopt Resolution No. 31-09

Staff presentation: Scott D. Peterson, Senior Planner

9. **Public Hearing - Vacating a Public Right-of-Way, along F ¼ Road Right-of-Way, North of 3032 N. 15th Street** [File #VR-2008-202] [Attach 9](#)

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. 15th Street which is unnecessary for future roadway circulation and will allow the adjacent property owner to maintain landscaping.

Ordinance No. 4337—An Ordinance Vacating a Portion of F ¼ Right Right-of-Way Adjacent to 3032 N. 15th Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4337

Staff presentation: Judith Rice, Associate Planner

10. **Public Hearing - Vacating the Hoesch Street Right-of-Way, Located Adjacent to 742 W. White Avenue** [File #VR-2008-312] [Attach 10](#)

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.

Ordinance No. 4338—An Ordinance Vacating Right-of-Way for a Portion of Hoesch Street, Located Adjacent to 742 W. White Avenue

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4338

Staff presentation: Ronnie Edwards, Associate Planner

11. **Public Hearing – Vacating Rights-of-Way for GCK, LLC, Relative to Development at 104 W. Colorado Avenue** [File #VR-2008-375] [Attach 11](#)

Request to vacate the portion of West Colorado Avenue between North 1st Street and the railroad tracks; the north/south alley between West Main Street and West Colorado Avenue, west of North 1st 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.

Ordinance No. 4339—An Ordinance Vacating Rights-of-Way for Portions of West Colorado/North-South Right-of-Way for Alley Located between North 1st 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 1st Street and West Main Street

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4339

Staff presentation: Senta L. Costello, Senior Planner

12. **Public 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 12](#)

A request to vacate three feet of right-of-way and an existing slope easement along the west side of 25½ Road. The requested vacations will help facilitate the development of Rimrock Business Park subdivision.

Ordinance No. 4340—An Ordinance Vacating Right-of-Way for Rimrock Business Park; a Portion of the West Side of 25 ½ Road

Resolution No. 32-09—A Resolution Vacating a Slope Easement on Lot 1, Rimrock Business Park Subdivision, Located along 25 ½ Road, South of Walmart

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4340 and Adopt Resolution No. 32-09

Staff presentation: Lori V. Bowers, Senior Planner

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

14. **Other Business**

15. **Adjournment**

Attach 1

Construction Contract for the 2009 Concrete Repair for Street Overlays

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2009 Concrete Repair for Street Overlays Construction Contract Award		
File #			
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 24, 2009		
Author Name & Title	Justin Vensel, Project Manager		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The 2009 Concrete Repair for Street Overlay project consists of replacing sections of hazardous or deteriorating curb and gutter, sidewalks and drainage pans on streets scheduled to be overlaid later this year.

Budget: Project No. 201-F0001

Project Costs:

Construction Contract (low bid)	\$ 209,985.66
Design	\$ 7,580.00
Construction Administration and Inspection (est.)	\$ 20,000.00
	\$ 237,565.66

Project Funding :

<u>Capital Fund</u>	<u>2009 Current Balance</u>	<u>Allocation for this Project</u>	<u>Remaining Budget</u>
Fund 201-F000101 Contract Street Maintenance	\$ 1,780,535.00	\$ 211,565.66	\$ 1,568,969.34
Fund 201-000103 Curb Gutter & Sidewalk Replacement	\$ 308,800.00	\$ 26,000.00	\$ 282,800.00

Action Requested/Recommendation:

Authorize the City Manager to sign a Construction Contract with **Vista Paving Corporation**, for the **2009 Concrete Repair for Street Overlay Project** in the amount of **\$ 209,985.66**.

Attachments: None

Background Information:

This project will replace sections of concrete curb & gutter, sidewalks and drainage pans which have tripping hazards, broken/damaged concrete or do not properly drain. The work will take place on the following streets which are scheduled to be overlaid with hot mix asphalt.

- 1) Orchard Ave – 12th Street to 15th Street
- 2) Orchard Ave – Cannel to 12th Street
- 3) 12th Street – North Ave to Bookcliff Ave
- 4) 28 ½ Road – Elm Ave to Orchard Ave
- 5) 8th Street – Belford Ave to Teller Ave
- 6) W Mesa Ct – 25 Road to End
- 7) E Foresight Cir. – Foresight Cir to Hollingsworth Street
- 8) Blichman Ave – N Foresight Cir to Hollingsworth Street
- 9) N Foresight Cir – Foresight Cir. To Blichman Ave
- 10) Hollingsworth Street – Blichman Ave for E Foresight Cir

The work is scheduled to begin on March 23, 2009 and be completed by June 15, 2009. The street overlay contract is scheduled to begin in late June.

The Following bids were received on February 24,2009:

Bidder	From	Bid Amount
Vista Paving Corp	Grand Junction	\$209,985.66
Reyes Construction Inc	Fruita	\$214,842.55
BPS Concrete Inc	Grand Junction	\$231,740.30
Mays Concrete Inc	Grand Junction	\$266,613.00
G & G Paving Inc	Grand Junction	\$321,068.69
Noraa Concrete Construction Inc	Keensburg, Co	\$399,298.00
Engineers Estimate		\$296,317.35

Attach 2

2009 Water Line Replacement Project Construction Contract Award

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2009 Water Line Replacement Project Construction Contract Award		
File #			
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 18, 2009		
Author Name & Title	Bret Guillory, Utility Engineer		
Presenter Name & Title	Tim Moore, Public Works & Planning Director		

Summary: This project includes replacement of sixty year old cast iron lines that have an active break history and are located within streets planned for asphalt overlay in 2009.

Budget: Project No.: Fund 3011 - F000507

\$600,000 is budgeted for water line replacements in the 2009. We received very good bids on this project due to the competitive bidding climate we have seen the first quarter of 2009.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2009 Water Line Replacement Project** to Mendez Inc. in the amount of **\$322,562.60**, and sign **Changer Order #1** in the amount of **\$25,000**.

Attachments: none

Background Information:

The following bids were opened on February 17, 2009:

Bidder	From	Bid Amount
Spallone Construction	Gunnison, CO	\$572,505.00
Sorter Construction	Grand Junction, CO	\$411,971.00
Skyline Construction	Grand Junction, CO	\$405,263.00
MA Concrete	Grand Junction, CO	\$371,384.46
Downey Excavation	Grand Junction, CO	\$366,934.30
Mendez Inc.	Grand Junction, CO	\$322,562.60
Engineer's Estimate		\$627,585.00

This year's water line replacement project includes approximately 3,400 lineal feet of aging cast iron water lines. The lines are located in Orchard Ave. from 12th Street west to Cannel Ave. and in 12th Street from Orchard Ave. south to Elm Ave.

Additive change order:

During the bidding of this project the City of Grand Junction and Mesa State College have agreed to replace an additional 400 feet of aging cast iron water line located within the college campus to the west of 12th Street along the vacated Mesa Avenue alignment. This line within the Mesa State College property is currently maintained by the City of Grand Junction. Once replaced, the City will assign ownership of this line to the college. The City will have Mendez Inc. replace the water line at an estimated cost of \$25,000. This Change Order # 1 will increase the total contract price to \$347,562.60.

Attach 3

2009 Interceptor Rehabilitation (Cured-In-Place-Pipe)

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2009 Interceptor Rehabilitation (Cured-In-Place-Pipe)		
File #			
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 23, 2009		
Author Name & Title	Justin Vensel, Project Manager		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The project consists of lining the 3,475 lineal feet of the existing 15" concrete and vitrified clay tile sanitary sewer pipe with Cured-In-Place-Pipe. Approximately 3,100 feet is located along Patterson Road between 7th Street and 15th Street. The remaining 375 lineal feet is located south of 4th Avenue east of Highway 50 under a rail spur on VanGundy's property.

Budget: Project No. 902-F001502

\$546,000 is budgeted in 2009 for interceptor rehabilitation projects.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2009 Interceptor Rehabilitation (Cured-In-Place-Pipe)** to **Insituform Technologies Inc.** in the amount of **\$ 178,880.00**.

Background Information: Bids were received on February 17 from the following:

Insituform Technologies Inc.	Littleton, CO	\$ 178,880.00
Wildcat Construction Co	Colorado Springs, CO	\$ 193,816.00
Western Slope Utilities	Breckenridge, CO	\$ 196,436.00
Engineers Estimate		\$ 319,870.00

This project allows for rehabilitation of existing concrete and vitrified clay interceptor sewer lines. The concrete sewer line has been damaged by hydrogen sulfide gases that are naturally occurring in raw sewage. The vitrified clay line was damaged previously by exploratory drilling to locate contaminated ground water in the lower

downtown area. This method of pipe rehabilitation has been used by the City in the past and has proven to be a very economic way to extend the life of our sanitary sewer infrastructure.

Attach 4

Public Hearing – Create Alley Improvement District ST-09, Phase B

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Public Hearing of a Resolution to Create Alley Improvement District ST-09, Phase B		
File #			
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual x
Date Prepared	February 18, 2009		
Author Name & Title	Michael Grizenko, Real Estate Technician		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: A successful petition has been submitted requesting a Local Improvement District be created to reconstruct the following alley:

- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue

Budget:

Alley	Footage	Cost	Assessments	Net to City	% paid by property owner
Alley ID 2009, Phase A	2923.8	\$ 281,325	\$ 86,885	\$ 203,379	31%
E/W 11th-12th, Hill to Teller	907.2	\$ 79,200	\$ 34,690	\$ 44,510	44%
Totals	3831	\$ 360,525	\$ 121,575	\$ 247,889	34%
2009 Alley Budget		\$ 400,000			
Estimated cost to construct 2009 Phase A		\$ 360,525			
Estimated Balance		\$ 39,475			

Action Requested/Recommendation: Conduct public hearing and review and adopt proposed resolution.

Attachments: 1) Resolution 2) Summary Sheets 3) Maps

Background Information: People’s Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested

by a majority of the property owners to be assessed. Council may also establish assessment rates by resolution. Assessment rates for alleys are based on percentages of total assessable costs the City will contribute for three property uses: 85% per abutting foot for residential single-family uses, 75% per abutting foot for residential multi-family uses, and 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. The public hearing is for questions regarding validity of the submitted petitions.
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 a first reading of a proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance. The public hearing is for questions about the assessments.
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.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 11th STREET TO 12TH STREET HILL AVENUE TO TELLER AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
***Lutheran Church of Messiah of GJ	62.5	20.63	1,289.38
Michael D. & Margaret A. Harvey	50	12.38	619.00
The Brophy Family Trust	53.6	41.25	2,211.00
***Lutheran Church of Messiah of GJ	50	41.25	2,062.50
***Lutheran Church of Messiah of GJ	87.5	41.25	3,609.38
***Lutheran Church of Messiah of GJ	100	41.25	4,125.00
***Lutheran Church of Messiah of GJ	50	41.25	2,062.50
***Lutheran Church of Messiah of GJ	<u>453.6</u>	41.25	<u>18,711.00</u>
ASSESSABLE FOOTAGE TOTAL	907.2		34,689.76

Estimated Cost to Construct	\$ 79,200.00
Absolute Cost to Owners	\$ <u>34,689.76</u>
Estimated Cost to City	\$ 44,510.24

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 of improvements are 6/8 or 75% and 89% of the assessable footage.

PROPOSED ALLEY IMPROVEMENT DISTRICT 11TH STREET TO 12TH STREET HILL AVENUE TO TELLER AVENUE



Resolution No. ____

**A RESOLUTION CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-09, PHASE B
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

WHEREAS, a majority of the owners of the property to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the following described alleys:

- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said District; and

WHEREAS, on the 21st day of January, 2009, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-09, Phase B, authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

WHEREAS, Notice of Intention to create said District was duly published.

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

1. That the real property (also known as the "District Lands") to be assessed with a portion of the costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Lots 1 through 34, inclusive, Block 23, City of Grand Junction;

All in the City of Grand Junction, and Mesa County, Colorado.

2. That the proposed services, labor, materials and improvements necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer ("District Improvements"), all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997, and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, and as established by City Ordinance No. 4280, passed and adopted on the 20th day of August, 2008, as follows:

(a) The Residential Single-Family assessment rate shall be fifteen (15) percent of the total contracted construction costs for their abutting footage. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be twenty-five (25) percent of the total contracted construction costs for their abutting footage. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be fifty (50) percent of the total contracted construction costs for their abutting footage. Except as provided in Section 3(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted (“home occupation”) which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. The failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner’s assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner’s assessment. Assessments to be paid in installments shall accrue simple interest at the rate of eight percent (8%) per annum on the unpaid balance and 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 until paid in full.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the District depicting the District Lands to be assessed from which the amount of the assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

PASSED and **ADOPTED** this ____ day of March, 2009.

President of the Council

Attest:

City Clerk

Attach 5

Public Hearing - Kupushion/Northwest GJ Growth Plan Amendment, Located at 860 21 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Kapushion/Northwest GJ Growth Plan Amendment, Located at 860 21 Road		
File #	GPA-2008-305		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 18, 2009		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: Request approval of a Growth Plan Amendment to change the Future Land Use Designation from Rural (5 to 35 acres/du) to CI (Commercial Industrial) on 80 acres; and Residential Medium (Residential 4 to 8 du/ac) on 20 acres; totaling 100.73 acres.

Budget: N/A

Action Requested/Recommendation: Approval and adoption of Resolutions

Attachments:

1. Site Location Map / Aerial Photo Map
2. Future Land Use Map / Existing City and County Zoning Map
3. March 2008 Plan (fig. 1)
4. September 2008 Plan (fig. 2)
5. October 2008 Plan (fig. 3)
6. December 2008 Plan (fig.4)
7. Industrial Properties (fig. 5)
8. Letter to City Council
9. Minutes from Planning Commission
10. Resolutions

Background Information: Please see attached Staff Report

STAFF ANALYSIS

1. Background

The subject property is located in the Northwest area which was recently included in the expanded Persigo 201 Boundary. The Future Land Use Map shows this area to develop as Rural, 5 to 35 acres per dwelling unit. The properties to the west are in the Cooperative Planning Area (CPA). The properties to the South have been annexed and are now zoned I-1 (Light Industrial). The Future Land Use Map designates the property to the south as Commercial/Industrial. North of the site is the County's new designation of URR-5 (Urban Residential Reserve- 5 ac/du). East of the site are single family residences on large lots, some zoned County RSF-E, and others zoned County RSF-R, with the Future Land Use Map designating them as Rural.

The applicants and City Staff held a pre-application conference on this property in June, 2008. At that time the applicants were informed of the Comprehensive Plan effort that was underway, but not yet adopted. The Comprehensive Plan's *Sub-Area Report For the Northwest Area* (March 2008) showed the entire area from 21 Road on the west, to 22 Road on the east; from I Road on the north to Highway 6 and 50 to the south, to develop as Industrial (fig.1). In September, 2008, the Plan was further refined to show some residential (Residential medium Low) on the west along 21 Road; Residential Medium Low on the south side of I Road and along the west side of 22 Road. Feathering in from the residential designation, on the north and east sides, was a buffer area with the designation of Commercial/Industrial; then moving into the Industrial designation (fig. 2).

In October, the plan was further refined to show only Commercial/Industrial from 21 Road, east to 22 Road, below where the H 1/2 Road alignment might be. North of H 1/2 Road was designated as Residential Medium Low (fig. 3).

The applicant based their application on the proposal that was shown to the public in September 2008 (fig.2). Their one modification was to move the residential component from the west to the north side of the 100 acres in question. On December 6, 2008 (fig.4), the proposed Comprehensive Plan was again revised and now shows the residential on the north end with a designation of Residential Medium Density which is 4-8 dwelling units per acre; the remainder is shown as CI (Commercial Industrial). Some of the neighborhood residents are concerned with some of the proposed changes for this area, and question the rational of industrial uses across the street from residential uses. A copy of a letter, addressed to the City Council and City Planning Commission, stating their concerns, is attached to this report.

Land Use jurisdiction for this property was recently obtained on January 7th. The annexation petition stipulates that the requested zonings of I-1(Light Industrial) and R-4 (Residential – 4 du/ac) needs to be completed and approved by the owners or anytime

after March 1, 2009 the applicants may withdraw their annexation petitions and the property will be de-annexed from the City.

Development in this area is very new and consequently street and utility layouts have not been developed. The H Road / Northwest Area Plan does not extend as far as the subject property. The Northwest Area Plan stopped on the south boundary of the subject parcel.

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.

The roads in the area are substandard and are currently under study (Comprehensive Plan) and since we don't yet know what the density or street requirements will be it is premature to know how and what types of traffic will impact this area. It is foreseeable that 100-feet of right of way (50' half street) will need to be dedicated on both 21 and 21 ½ Roads. The developer will be responsible for at least minimum access improvements on what is proposed as H ½ Road. The Northwest Study identified a potential signal at 21 ½ Road and Highway 6 and 50.

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

Applicant's Response: The population growth in Mesa County has exceeded levels anticipated during the previous comprehensive planning effort. The growth from the oil and gas industries has created more jobs than anticipated in the previous planning effort. As such, the Persigo Board recently included additional lands into their service areas in an effort to accommodate the additional growth.

We do not share the same opinion as the applicant on criterion "a", as the Growth Plan was amended in 2000 and very recently the 201 Boundary change was made to reflect changing conditions in land use and development. The Comprehensive Plan is nearing completion and may or

may not provide changes favorable to the applicant. The fact remains that it is not yet adopted.

- b. Subsequent events have invalidated the original premises and findings;

Applicant's Response: As discussed above, the previous comprehensive planning effort did not anticipate the level of oil and gas development Mesa County is currently experiencing. Mesa County continues to be a strong growth area bringing in more people and businesses to the area.

Criterion "b", very recently a boundary change to the 201 was made to reflect changing conditions of the northwest area of the county, adjacent to the City limits. The mix of future land uses is still appropriate in this area.

We urge the applicant to revisit this project after the Comprehensive Plan is adopted.

- 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;

Applicant's Response: The property has been included into the 201 service boundary and abuts existing industrial zoned property in Grand Junction. Industrial zoned property is needed to accommodate future growth in the community and it makes sense to expand the industrial areas where they already exist.

The Public Works and Planning Department, along with review by Mesa County staff, agree with the applicant's justification of criterion "c", because of the recent changes to the Persigo 201 Boundary.

- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;

Applicant's Response: The City is currently in the process of revising their comprehensive plan to address large areas recently included into the 201 boundary. The changes requested by this application are consistent with the current plans being examined by the City.

In regards to criterion "d", until the draft of the Comprehensive Plan is adopted, it has no standing and the current adopted Future Land Use Map is applicable and appropriate.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed;

Applicant's Response: All utilities are currently available to service the land. The eastern two thirds of the property can easily access existing gravity sanitary sewer mains. The western portion of the property, along with other areas along 21 Road which have been included into the 201 Boundary, will require a sewer lift station. The City of Grand Junction is currently examining options for providing sanitary sewer service to the areas along 21 Road and the current thinking is the best option would be to install a sewer lift station in the vicinity of 21 Road and Highway 6 & 50.

The applicant will continue to work with the City to determine the best options to sewer the western portion of the site.

Criterion "e" can be met because the services are available, but as mentioned earlier, considerable upgrades to all utilities will be required.

- 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

Applicant's Response: The City of Grand Junction currently has a high demand for industrial zoned parcels. This property provides a great fit for this need because it abuts existing industrial zoned property and is located close to major interstate highway interchanges.

Criterion "f", a location description does not on its own justify nor satisfy the criteria asking if there is an inadequate supply of land. The Comprehensive Plan should help in understanding the need for additional land to accommodate the proposed land uses.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Applicant's Response: The City of Grand Junction is in the process of revising the land use for the areas recently included into the 201 boundary. The land uses proposed by this amendment are consistent with the direction City staff has received from several neighborhood meetings.

Criterion "g", the adopted Growth Plan suggests low density residential for this area. As depicted, low density residential will provide benefits to the community consistent with the wishes and approval of the body that

adopted the Growth Plan.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Kapushion / Northwest GJ application, GPA-2008-305, for a Growth Plan Amendment, the Planning Commission makes the following findings of fact and conclusions:

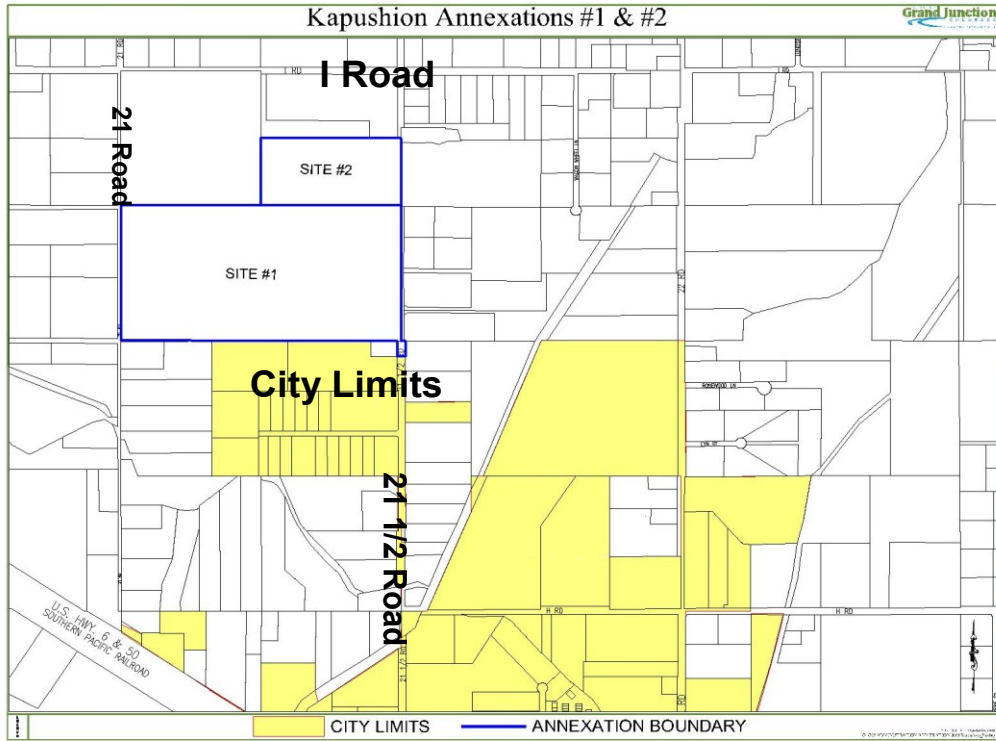
1. The proposed amendment is consistent with the purpose and intent of the Growth Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have not all been met.
3. The proposed amendment is consistent with the Comprehensive Plan's Preferred Land Use Plan dated 12/06/08.

PLANNING COMMISSION RECOMMENDATIONS:

The Planning Commission recommends to the City Council approval of the Growth Plan amendment for the 100 acre Kapushion / Northwest GJ Annexation area, as depicted on the Site Location Map. Site #1, consisting of approximately 80 acres to Commercial Industrial, and Site #2, consisting of approximately 20 acres to Residential Medium, finding both consistent with the current goals and policies of the Growth Plan, and Section 2.5 of the Zoning and Development Code, and consistent with the Comprehensive Plan's Preferred Land Use Plan dated December 6, 2008.

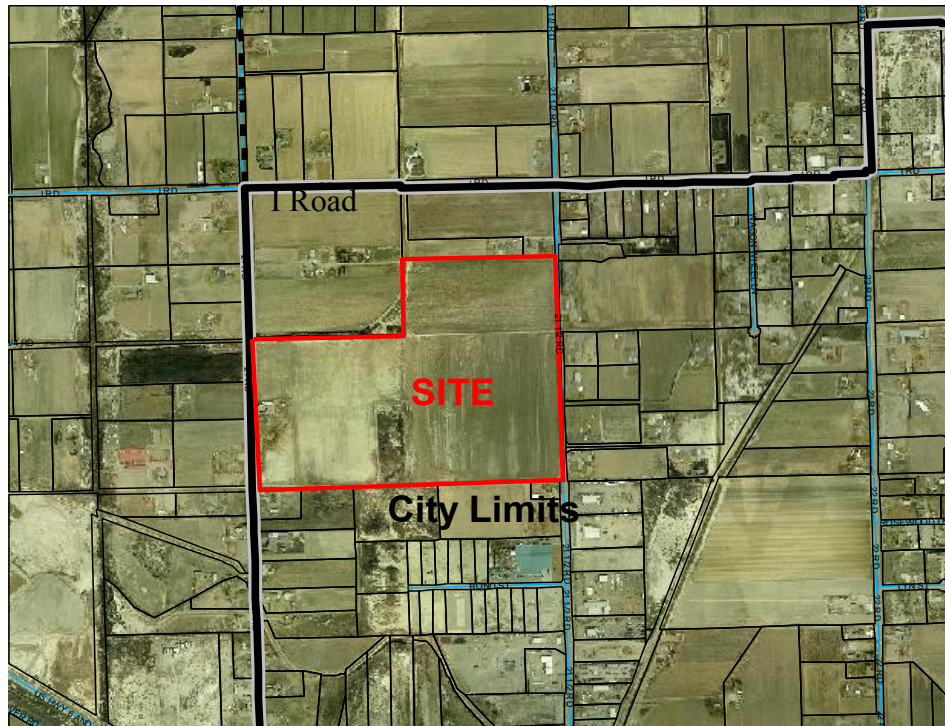
Site Location Map

860 21 Road



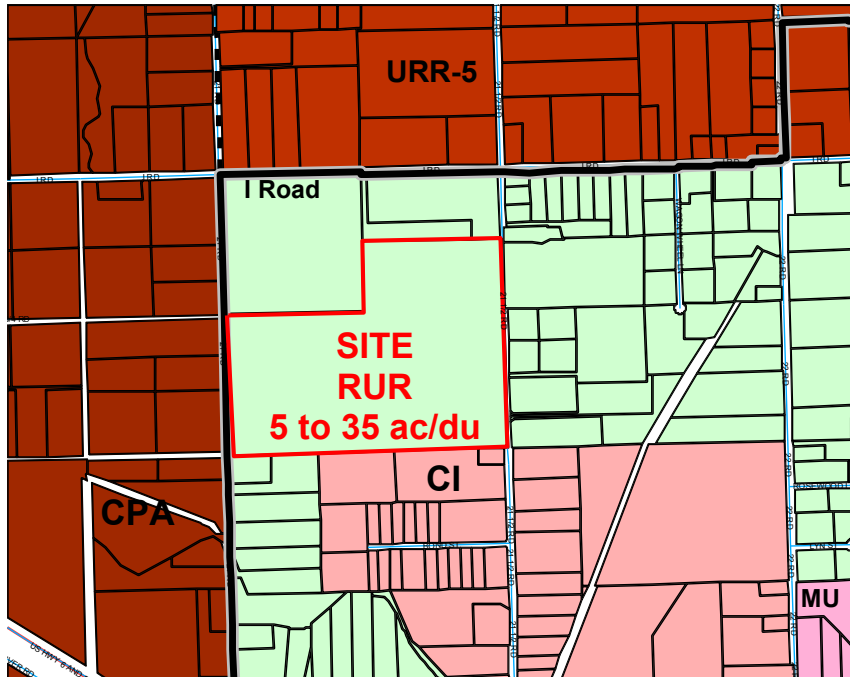
Aerial Photo Map

860 21 Road



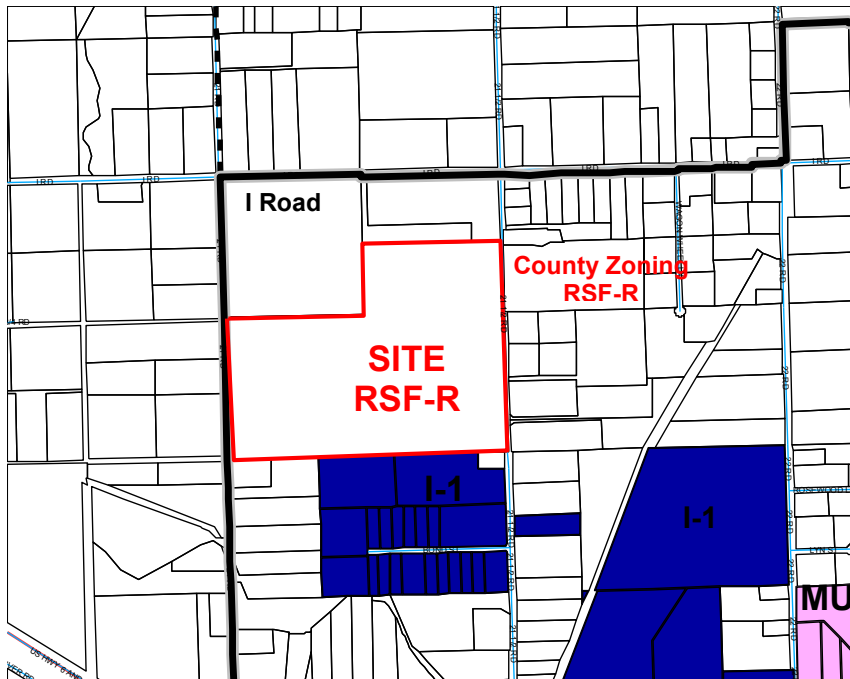
Future Land Use Map

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."

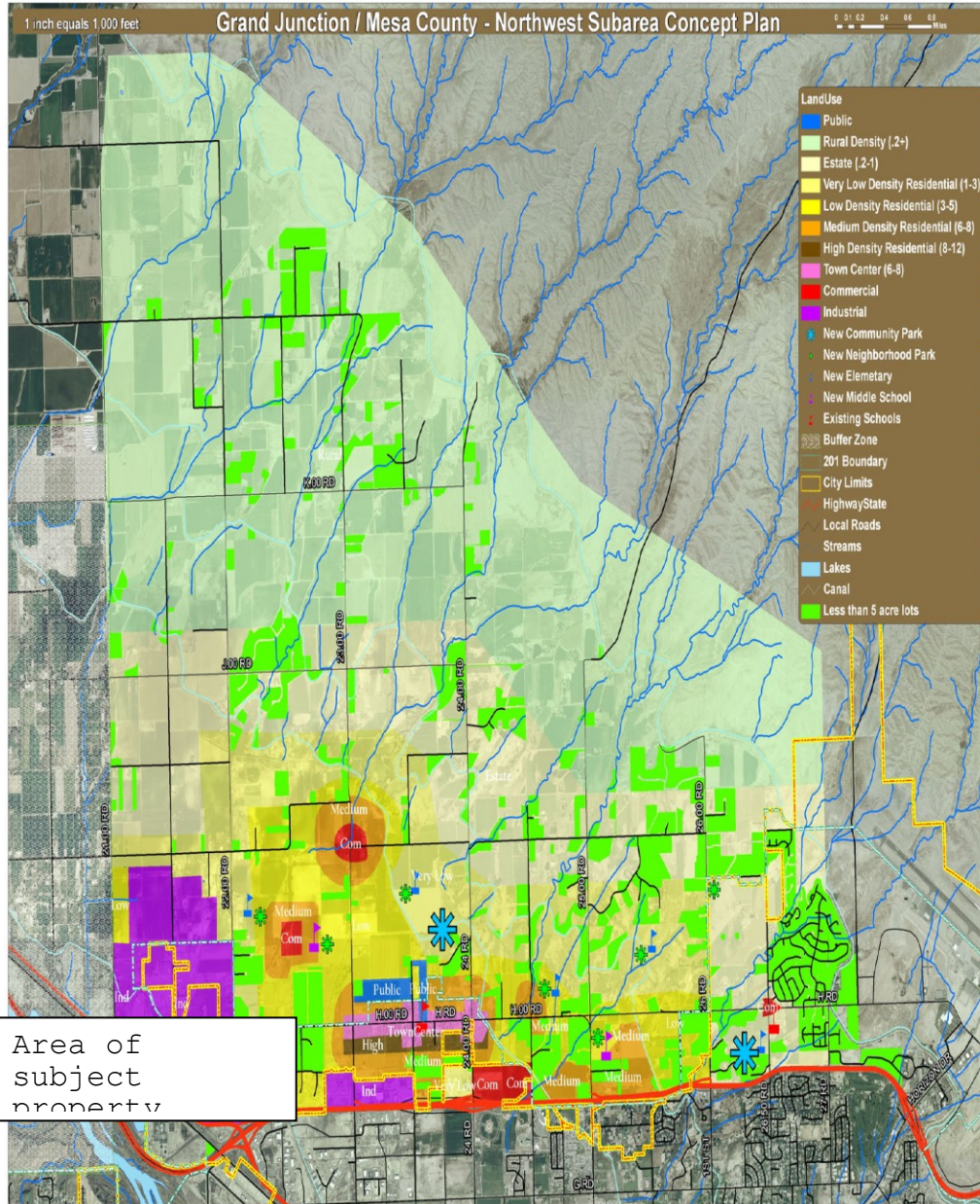


Fig. 1

Kapushion Annexation
09-26-08 Comprehensive Plan

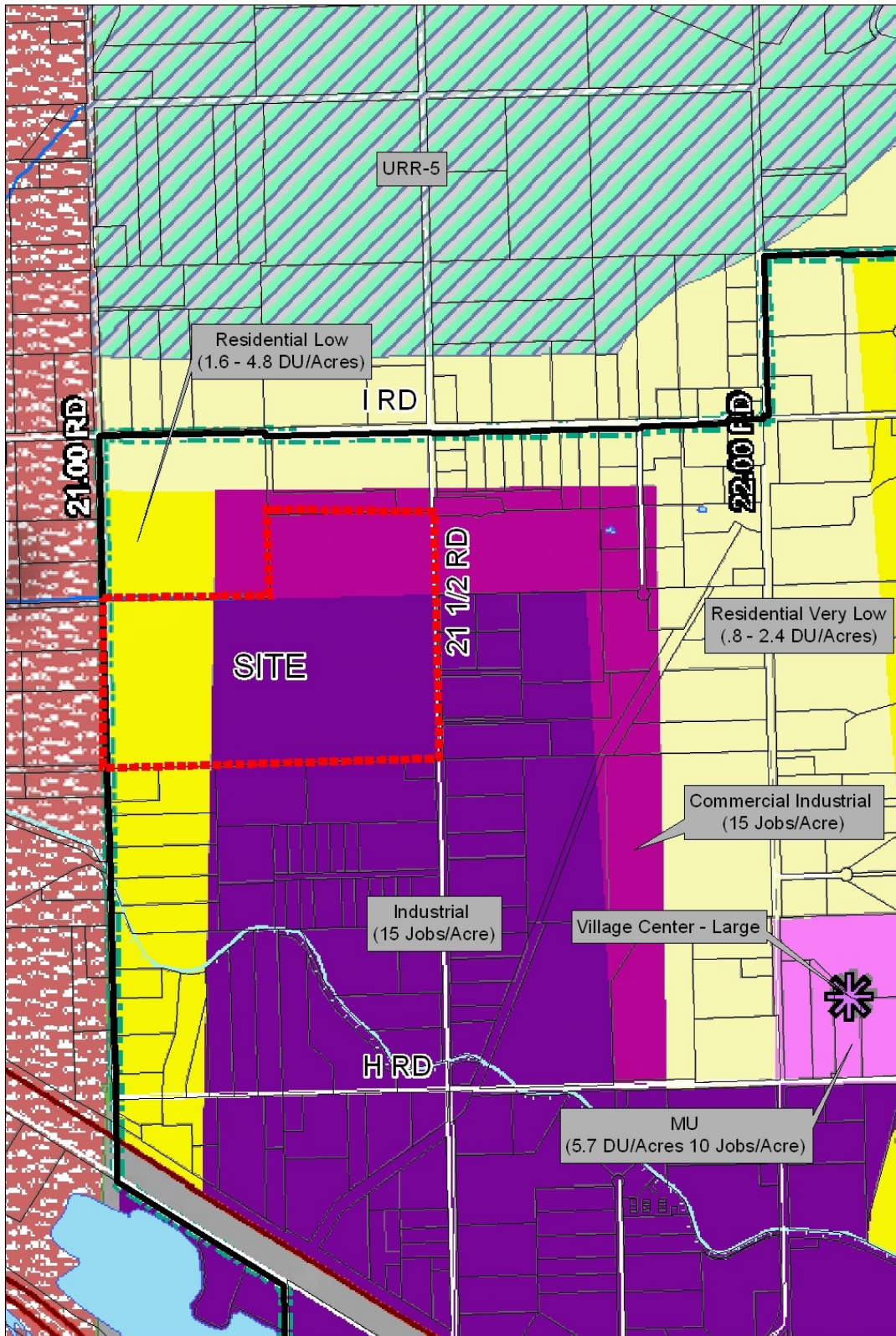


Fig. 2

Kapushion Annexation
10-17-08 Comprehensive Plan

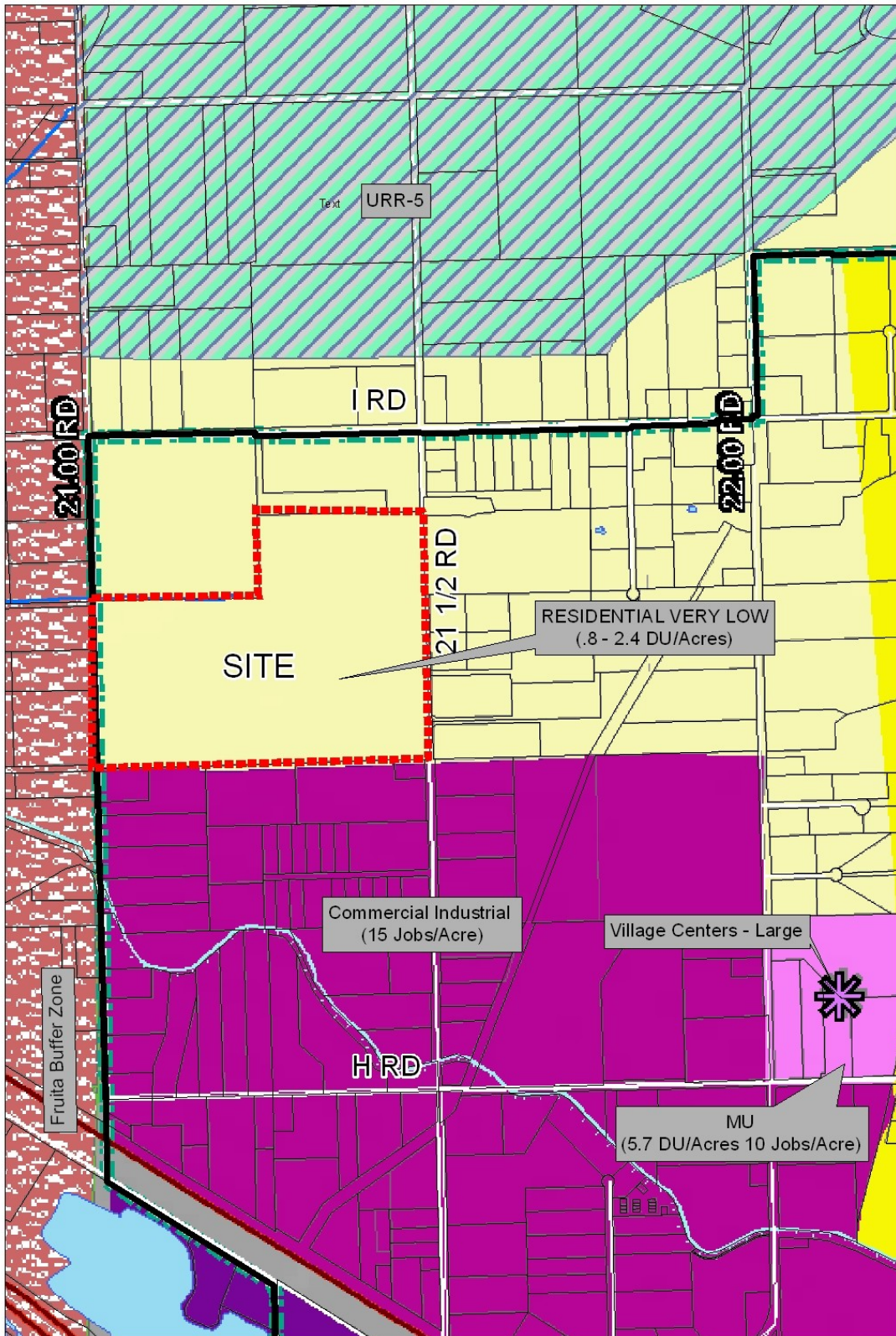


Fig. 3

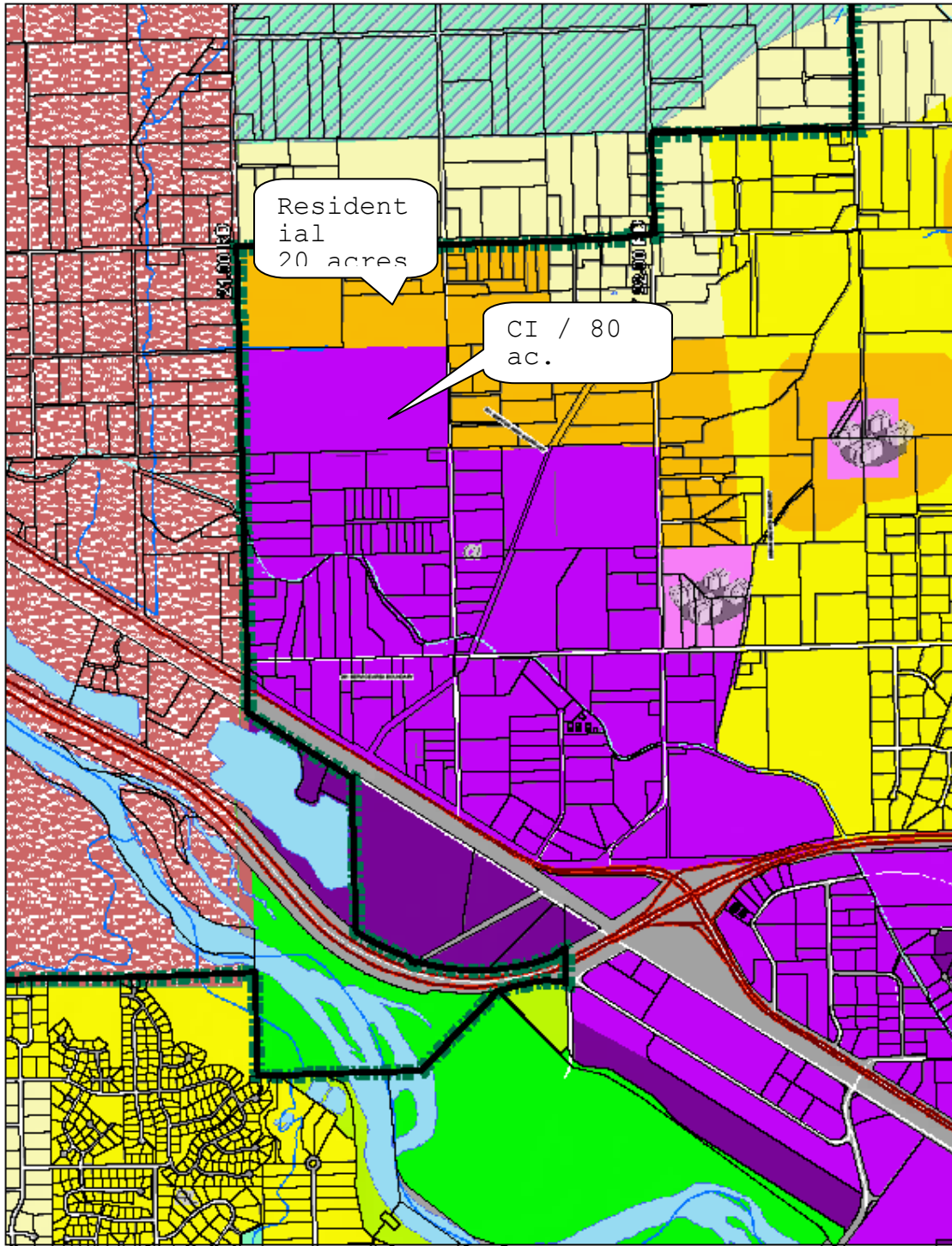


Fig. 4

INDUSTRIAL PROPERTY

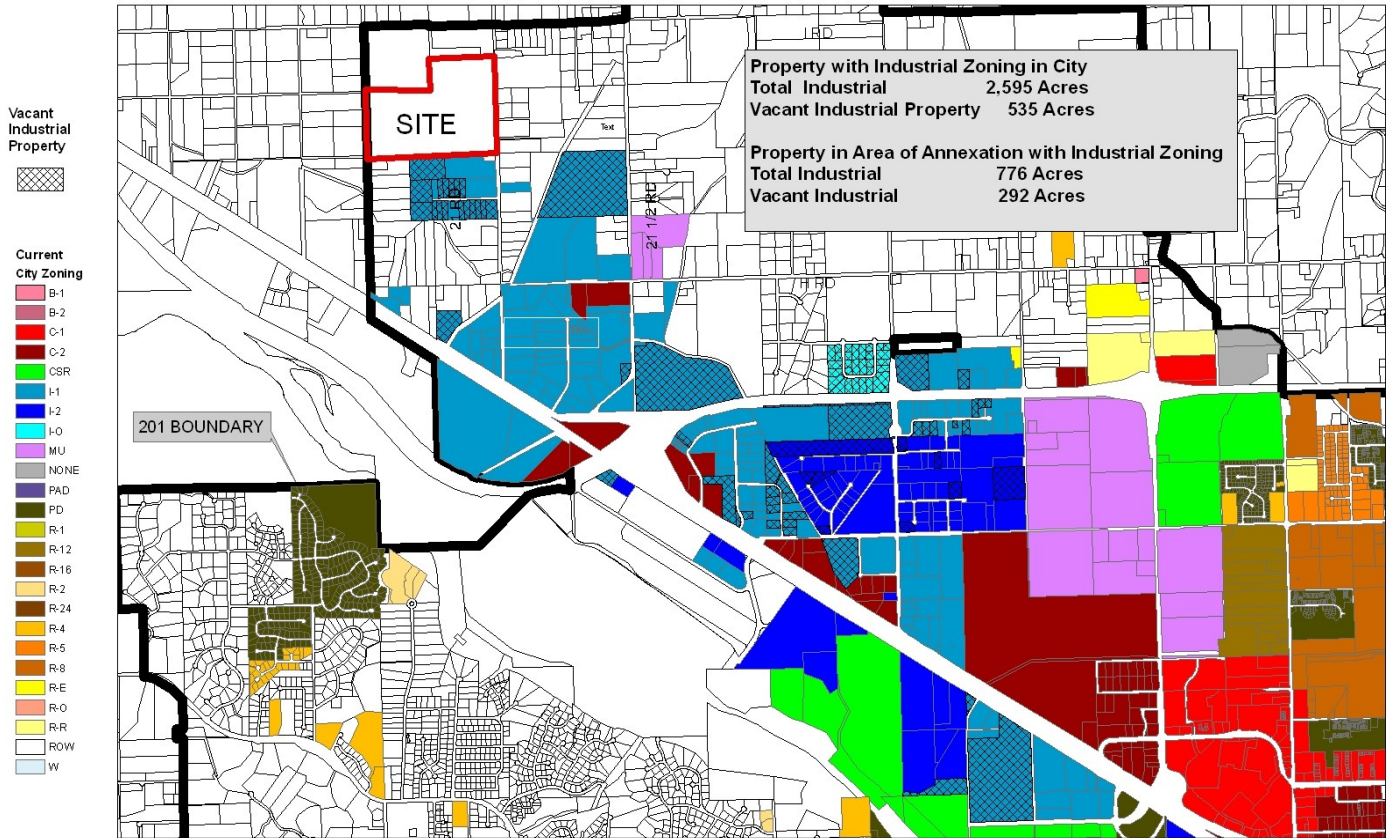


Figure 5

September 8, 2008

Grand Junction City Council
Grand Junction City Planning
Mesa County Commissioners
Mesa County Planning Commission

Re: NW Area Development

Dear City Council, County Commissioner and Planning Members:

On August 2, 2007 many of you were stewards for our neighborhood; demonstrating for us that you indeed can uphold the values and goals in the Comprehensive Plan and that you do not support inappropriate and untimely decision making. We again ask for your consideration and mindful analysis of any proposed development in our area and that you assure our rights as residents and land owners are protected, as well as our quality of life.

Prior to and since this meeting, there has been discussion in City/Council meetings, and an understanding with those of us that live here that the proposed H ½ Road is the line in the sand; that industrial development will remain south of H ½ Road. Additionally, there was also discussion on the need for buffering and more protection standards to soften the impact of the already existing industrial areas and that waiting until the Comprehensive Plan revision is complete, before making any further sweeping changes in the NW Area, was the prudent thing to do.

I want you all to hear that my husband and I are not against growth and development; I believe this to be true for my neighbors on 21 ½ and other folks in the NW area that I have spoken with. We all realize this is a reality for our Valley. We did not oppose the expansion of the 201 Boundary this year; we feel this appropriate at this time, and should allow for good development opportunities for the future. We do not believe that including areas in the sewer boundary equals violating existing land use plans.

For those of you whom have not seen it, you will soon have before you a development plan by Northwest GJ, LLC, presented by Austin Civil Group, Inc, for the approximately 100 acres of rural/agriculturally zoned land north of the proposed H ½ road, between 21 ½ and 21 Roads. This will be a request to annex and rezone irrigated, agricultural land primarily to industrial. Many of us now have their initial and revised plan in hand; the proposed project has 32, 1.4 to 2.84 acre industrial lots and 20 acres of R-4.

Mr. Mark Austin of ACG and Mr. Lawrence, one of the property owners, conducted a "neighborhood meeting" on 8-20, they did not notify everyone in the area that will be impacted by this massive development plan. In their "Growth Plan Amendment/Annexation Application for 860 21 Road" document, ACG was remiss in stating that there are no existing residential homes along the 21 Road Frontage, and failed address the fact that there are nice homes and acreage on and set back of 21 ½ Road. Their opinion of a buffer is 80 homes on 20 acres, mind you, as it "...provides a better buffer to the existing homes south of I Road".

ACG, as well as well as Planning Commission's Dave Thorton, have stated that this plan is consistent with the Growth Plan and the direction the City of Grand Junction has received during the various neighborhood meetings. We put forth that the City/County Subarea Concept Plan Map *is not in line with Northwest/Appleton resident's key desires, and we argue neither with the information documented in the Comprehensive Plan Sub Area reports and Executive Summary*. As is noted in the Executive Summary, the plans "...have not been through a public approval process nor have they been adopted by either the City or County" and additionally, the plans are "...intended to provide one possible response (among many) to the question "If we move the Persigo/201 Sewer Boundary, what kinds of land uses might make sense and how would the area develop?".

Section 2.14 of the Zoning and Development Codes states that the zoning of an annexation area shall be consistent with the Growth Plan or the existing County zoning. The requested changes by Northwest GJ, LLC do not conform with the zoning and development code and do not conform to the goals and policies the Growth Plan and Future Land Use designation. We adamantly oppose their growth plan amendment request to rezone any rural/agriculturally zoned acreage to industrial designation. Their proposed residential density is also compatible with surrounding properties. Again, this plan does not conform to the following goals and policies as stated in the Comprehensive Plan:

1. Goal 1: Land Use-policies 1.1, 1.2, 1.3, 1.7, 1.9, all related to conforming to the current Future Land Use categories, ensuring compatibility with adjacent properties and buffering from heaving industrial and commercial uses.
2. Goal 11: To promote stable neighborhoods and land use compatibility, policy 11.1, policy 11.2-the City and County will limit commercial encroachment into stable residential neighborhoods...

As you all know, with the approval of the H Road and Northwest Area Study Plan in 2006 and April 18, 2007 by Grand Junction City Council, approximately 250 acres were annexed and rezoned to industrial/commercial. Many of these properties are still unsold, as is much of the Job Site's lots, the Kelley and Reigan properties, etc...We move there is no need for further industrial development encroaching above H ½ Road, when the NW Area, and the Valley as a whole has industrial locations for sale and appropriate land for industrial use can be available with proactive, coordinated planning. Please continue to ask for the data that warrants any person saying there isn't enough industrial land available, and continue to make sure you are looking at the Valley as a whole, not just what Grand Junction City can enfold.

I respectfully ask for current, accurate traffic and noise studies be conducted by the City and County now. This area cannot afford to wait until development is already here so it can be paid for, regardless of the type. Developers technically have no obligation to our neighborhood, you all do. At this point, we do not believe the use of "theoretical models" is sound planning or a true picture of reality in light of the huge traffic and noise problems that have been previously documented and continue escalate on 21 ½ and the area as a whole.

I also ask you to consider this; if we can be awakened by the industrial equipment beeping at 3 a.m. in the morning, *from H and 22 Road*, how can one say Codes are being enforced and that further industrial development right across the street is appropriate and in line with the goals and policies of the Growth Plan?

We sincerely thank you for your attention in these matters,

Kelly M. Bowen
876 21 ½ Road
Grand Junction, Co 81505
Email: stumpkel@aim.com
Phone: 858-8315

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 13, 2009 MINUTES
6:00 p.m. to 8:24 p.m.**

Public Hearing Items

Commissioner Eslami asked to be excused from the first two items on the Public Hearing items because of a possible conflict of interest. Chairman Cole allowed Commissioner Eslami to be excused from hearing those items.

8. Kapushion/Northwest GJ – Growth Plan Amendment

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Rural (5 to 35 ac/du) to CI (Commercial Industrial) and RM (Residential Medium 4-8 du/ac) on 100.631 acres.

FILE #: GPA-2008-305

PETITIONER: Art Pastel and Dale Beede

LOCATION: 860 21 Road

STAFF: Lori Bowers

STAFF'S PRESENTATION

Lori Bowers, Public Works and Planning Department, made a PowerPoint presentation regarding the requested Growth Plan Amendment. She said that the site was bounded on the west by 21 Road; on the east by 21½ Road; I Road to the north; and Highway 6 & 50 to the south. The Future Land Use Map showed this area to develop as Rural, 5 to 35 acres per dwelling unit. According to Ms. Bowers, the properties to the west were within a cooperative planning area and the properties to the south were annexed into the City and were now zoned Light Industrial. The Future Land Use Map designated the properties to the south as Commercial Industrial; north of the site was the County's new designation of Urban Residential Reserve, 5 acres per dwelling unit; and east of the site were single-family residences. She added that development in the area was very new and consequently street and utility layouts had not yet been developed. Ms. Bowers stated that the H Road Northwest Area Plan did not extend as far as the subject property. She said that the existing City zoning in this area was I-1. A pre-application conference was held between City staff and applicants in June 2008 and at that time applicants were informed that the comprehensive plan effort was underway but not yet adopted. Pursuant to the comprehensive plan, the entire area from 20 Road to 21 Road on the west, to 22 Road on the east; from I Road on the north to Highway 6 & 50 to the south was to develop as Industrial. Ms. Bowers said that several public hearings were held. In September 2008 the plan was further refined to show some Residential Medium Low on the west side along 21 Road as well as on the south side of I Road and along the west side of 22 Road. She added that feathering in from the residential designation from the east and south sides was a buffer area with a Commercial Industrial designation and then moving into the Industrial designation. The applicants based their application on the proposal shown to the public at the September 2008 meeting with one modification of moving the residential component from the west to the north side of the subject property. Furthermore, based on comments

from the public at an open house on October 17, 2008, the preferred plan was again revised to show the entire area as Residential Low.

On December 6, 2008, the proposed comprehensive plan was again revised to show the residential on the north end with a designation of Residential Medium density and the remainder as Commercial Industrial. Ms. Bowers added that this was in agreement with applicants' request for the Growth Plan Amendment. She next reviewed the criteria necessary for any Growth Plan Amendment pursuant to the Zoning and Development Code. In response, applicants stated that the population growth in Mesa County had exceeded levels anticipated during the previous comprehensive planning effort and the growth from the oil and gas industries had created more jobs than anticipated. As such, the Persigo Board recently included additional lands into their service area in an effort to accommodate the additional growth. Ms. Bowers stated that they did not share the same opinion as applicants as the Growth Plan was amended in 2000 and in 2001 the 201 boundary change was made to reflect recent changes in land use and development. She further stated that the mix of further land uses was still appropriate in this area and urged the applicants to revisit this project after adoption of the comprehensive plan. Ms. Bowers said that according to applicants, the property was included in the 201 service boundary and abutted existing Industrial zoned property which property was needed to accommodate future growth in the community and made sense to expand the Industrial areas where it already existed. Ms. Bowers stated that applicants responded that the City was currently in the process of revising the comprehensive plan to address large areas recently included into the 201 boundary and the changes requested by this application were consistent with the current plans being examined by the City. Ms. Bowers stated that this is only the draft of the plan and is not yet adopted, therefore it had no standing. And the current adopted Future Land Use Map was applicable and appropriate.

According to applicants, all utilities were currently available to service the land and the eastern two-thirds of the property could easily access existing gravity sanitary sewer mains and the western portion of the property would require a sewer lift station. Ms. Bowers said that several upgrades to all utilities would be required in this area. She further stated that more than one-half of the existing vacant Industrial land was located in this area. According to applicants, the land uses proposed by this amendment were consistent with the direction City staff had received from several neighborhood meetings. Ms. Bowers said that the adopted Growth Plan suggested low density residential for this area which would provide benefits to the community consistent with the wishes and approval of the body that adopted the Growth Plan.

QUESTIONS

Commissioner Wall asked if the total existing industrial property was within the City limits or a combination of City and County. Ms. Bowers confirmed that it was within City limits.

PETITIONER'S PRESENTATION

Dale Beede, 2059 Baseline Road, addressed the Commission and stated that they understood that staff could not recommend for or against this development as they had not completed their Growth Plan. He said that they felt that this plan met the spirit of the proposed Growth Plan and was needed in the community.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Tom Bowen, 876 21½ Road, directly east of the subject property, said that he was completely against any change being requested as it was a rural area. He asked the Commission to consider feathering and compatibility. He stated that he believed there was more Commercial property available other than as listed by Mr. Beede. He said that this would be devastating for his property and thought the noise and pollution was incompatible with the land as it was now. He reiterated that he was completely against this request.

Kelly Bowen, 876 21½ Road, said that she agreed with statements made by her husband and also pointed out that not only was the Commercial Industrial proposal incompatible but she thought applicants' Residential proposal was also incompatible with the surrounding land uses. She asked the Commission to consider the values, goals and policies.

Marcia Clausson, 856 21½ Road, said that she had been involved in the development process since 2004 and was concerned that it appeared that a lot of people had not been listened to. She further stated that she felt that if Commercial Industrial properties were located next to residential properties, that it may impact their land values. Ms. Clausson asked for reconsideration to be given to Grace Homes and property owners for their property as private landowners and asked that their property be protected.

PETITIONER'S REBUTTAL

Dale Beede commented that the available land previously mentioned was undeveloped land rather than available developed land. He stated that he felt that the plan met the spirit of the growth needed to accommodate people over the next 25 years.

QUESTIONS

Commissioner Wall asked for an explanation of the difference between land that was developed and ready to go and land that was not developed and ready to go. Dale Beede stated that undeveloped land has no curb and gutter, no sewer, no road accesses other than the standard roads that were already there. Typically sewer lines and utilities were not stubbed there and interior roads would not be done.

Commissioner Wall asked for clarification if this property was developed. Mr. Beede stated that it was not developed and this was for a Planned Development.

Commissioner Abbott asked what the timeframe was that this project would be ready to go. Dale Beede answered that it was 12 months.

PETITIONER'S REBUTTAL

Dan Wilson, Coleman, Williams and Wilson, 2454 Patterson Road, said that he believed that it was not the Commission's job to measure from tonight's impact but rather to look into the future. He hoped that the comprehensive plan would follow in a few months. According to Mr. Wilson, what was needed now was primarily access closer to I-70. He said that there would be some outdoor storage and that this was a modern development that could deal with buffering, outdoor lighting and noise. He next discussed the goals that were in the

current growth plan and believed that they had met several of them, including, but not limited to, land use, implementation of the plan through the cooperative efforts of the city and the county and other service providers, coordination of timing, location and intensity of growth with the provision of adequate public services, and to ensure the urban growth and development make efficient use of the infrastructure. Mr. Wilson said that buffering along the eastside of the development was necessary to mitigate the impacts on the neighbors. He next discussed what he believed to be the most compelling components to be changed now – the City and County would coordinate with appropriate entities to monitor the supply of land zoned for Commercial and Industrial development and retain an adequate supply of land to support projected Commercial and Industrial employment; and City and County would protect Industrial land from Residential development which limited the community's industrial development potential.

Dale Beede summarized data of sales that went through the local Multiple List Service since 2003 and, in particular, average cost per square foot for finished industrial parcels. He opined that industrial land should not sell for more than \$4 per square foot and believed that it was higher than that because there was so much demand and so little supply. He added that this development would create some reasonably priced parcels which in turn would create jobs that were needed for Mesa County. Terry Lawrence, president of Grace Homes, one of the partners in this development, briefly said that they were committed in the development and design of this project to meet the needs to the best of their ability of the community and the surrounding landowners.

QUESTIONS

Commissioner Wall asked how much zoned land was needed within the next 5 years versus what was available now. Mr. Beede said that if historic use was looked at, it would be an average of about 100 acres per year of I-1 land.

Commissioner Carlow asked legal counsel if this application was approved, would it be grandfathered into the comprehensive plan as a revision. Jamie Beard, Assistant City Attorney, said that the decision made tonight was a recommendation to City Council so tonight's action would not actually grandfather it in. If, however, it went to City Council and City Council approved it, it could change when future changes were considered for the actual comprehensive plan and actual adoption of the comprehensive plan.

Commissioner Carlow asked how it would affect this project if the comprehensive plan was changed prior to final adoption. Ms. Beard said that if it was already approved and were moving forward, then it wouldn't affect them for going forward. It could just affect what the future land use map would say and what the actual comprehensive plan would say.

DISCUSSION

Commissioner Putnam said that he thought this was a problem and the whole concept of the northwest area was included. The Commission needed to consider the best interests of the City as a whole and was concerned with the 20 acres of intensive residential area because of its location and how it would affect the intent expressed in the comprehensive plan to feather population density away from centers. He said that he was not able to either advocate or oppose this project.

Commissioner Wall asked Jamie Beard about the requirements to recommend a zoning that the plan must meet specific criteria and how the Commission could recommend

something if both sides conceded that all standards had not been met. Jamie Beard said that as the decision makers, evidence that had been presented must be considered and then determine whether that criteria had been met. Ms. Beard clarified that only the growth plan amendment was under consideration at this time.

Chairman Cole agreed with Commissioner Putnam that this was a difficult decision. He said that he could vote to approve the Growth Plan Amendment for this property.

MOTION: (Commissioner Wall): “Mr. Chairman, on item GPA-2008-305, I move that we recommend to the City Council approval of the Growth Plan Amendment for the southern 80-acre portion of the Kapushion/Northwest Grand Junction Annexation to C-1 (Commercial) or CI (Commercial Industrial), finding it consistent with the current goals and policies of the Growth Plan, and Section 2.5 of the Zoning and Development Code, and consistent with the Comprehensive Plan’s Preferred Land Use Plan dated December 6, 2008.”

Commissioner Abbott seconded the motion. A vote was called and the motion passed by a vote of 3 – 2, with Commissioners Carlow and Wall opposed.

MOTION: (Commissioner Wall): “Mr. Chairman, on Item GPA-2008-305, I move that we recommend to City Council approval of the Growth Plan Amendment for the northern 20-acre portion of the Kapushion/Northwest Grand Junction Annexation to Residential Medium (4 – 8 du/ac), finding it consistent with the current goals and policies of the Growth Plan and Section 2.5 of the Zoning and Development Code, and consistent with the Comprehensive Plan’s Preferred Land Use Plan dated December 6, 2008.”

Commissioner Abbott seconded the motion. Commissioner Putnam said that he did not think he could give his approval on this. A vote was called and the motion passed by a vote of 3 – 2, with Commissioners Carlow and Putnam opposed.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE 35.12 ACRES, LOCATED AT 860 21 ROAD, KNOWN AS THE KAPUSHION GROWTH PLAN AMENDMENT, FROM RESIDENTIAL RURAL (5 TO 35 AC/ DU) TO COMMERCIAL INDUSTRIAL ON 35.12 ACRES

RECITALS:

A request for the Growth Plan amendment has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that the property located at 860 21 Road be changed from Residential Rural (5 to 35 ac/du) to CI (Commercial Industrial) on approximately 35.12 acres, 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 AREAS DESCRIBED BELOW ARE REDESIGNATED FROM RESIDENTIAL RURAL TO COMMERCIAL INDUSTRIAL ON THE FUTURE LAND USE MAP:

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.

PASSED on this ____ day of March, 2009.

ATTEST:

President of Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE 64.97 ACRES, LOCATED EAST OF 860 21 ROAD, ALONG 21 1/2 ROAD KNOWN AS THE NORTHWEST GJ GROWTH PLAN AMENDMENT, FROM RESIDENTIAL RURAL (5 TO 35 AC/ DU) TO COMMERCIAL INDUSTRIAL ON 44.88 ACRES; AND TO RESIDENTIAL MEDIUM ON 20.09 ACRES.

RECITALS:

A request for a Growth Plan amendment has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that two properties located East of 860 21 Road, along 21 1/2 Road, be changed from Residential Rural (5 to 35 ac/du) to CI (Commercial Industrial) on approximately 44.88 acres and to Residential Medium (4 to 8 dwelling units per acre) on approximately 20.09 acres, on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan amendments and determined that they satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendments are 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 RESIDENTIAL RURAL TO COMMERCIAL INDUSTRIAL ON THE FUTURE LAND USE MAP:

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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RESIDENTIAL RURAL TO RESIDENTIAL MEDIUM ON THE FUTURE LAND USE MAP:

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 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:

The S 1/2 NE 1/4 NW 1/4 of said Section 25.

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

PASSED on this ____ day of March, 2009.

ATTEST:

President of Council

City Clerk

Attach 6

Public Hearing - Kapushion Annexations No. 1, No. 2, No. 3, and Zoning, Located at 860 21 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Kapushion Annexations No. 1, No. 2, and No.3; and Zoning - Located at 860 21 Road		
File #	ANX-2008-305		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 18, 2009		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: Request to annex and zone 35.12 acres, located at 860 21 Road, to I-1(Light Industrial). The Kapushion Annexation consists of one parcel.

Budget: N/A

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

Attachments:

1. Staff report/Background information
2. Annexation – Site Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Letter from neighbor
5. Annexation Petition
6. Acceptance Resolution
7. Annexation Ordinances (3)
8. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		860 21 Road			
Applicants:		Irma J. Kapushion Revocable Trust, owner; Austin Civil Group, c/o Mark Austin; Dan Wilson, representatives.			
Existing Land Use:		Single family residence with agricultural land			
Proposed Land Use:		Industrial and residential subdivisions			
Surrounding Land Use:	North	Agricultural			
	South	Industrial and Agricultural			
	East	Single Family and Agricultural			
	West	Single Family and Agricultural			
Existing Zoning:		RSF-R (Residential Single Family – Rural) County			
Proposed Zoning:		I-1 (Light Industrial) and R-4 (Residential – 4 units)			
Surrounding Zoning:	North	RSF-R (Residential Single Family – Rural) County			
	South	I-1(Light Industrial) and County RSF-R			
	East	RSF-R (Residential Single Family – Rural) County			
	West	CPA (Cooperative Planning Area) County			
Growth Plan Designation:		Rural (5 to 35 acres per dwelling unit)			
Zoning within density range?			Yes	X	No

STAFF ANALYSIS:

The Kapushion Annexation and Northwest GJ Annexation Petitions were prepared by the applicant’s attorney and are not the standard annexation petitions that the City is accustomed to receiving. The petitions are conditioned upon approval of their requested zoning. A Growth Plan Amendment will be required to zone the property to meet their request. The requested zoning designations must be applied to the property or (to paraphrase the language) upon written demand of any owner of the property after March 1, 2009, the City agrees that all signatures on the Petition shall be deemed withdrawn and the City Council, by acceptance of this Petition irrevocably agrees that it shall forthwith disconnect and de-annex the Property from the City.

The subject properties were recently included in the Persigo 201 boundary expansion in the North area. This area is also being scrutinized for possible changes in the new Comprehensive Plan, which is not yet adopted. Many residents in this area are concerned with the possible changes in this area. I have attached one of their letters for your review.

ANNEXATION:

The Kapushion annexation area consists of 35.12 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for light industrial subdivision development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Kapushion Annexation 1, 2 and 3, is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
Jan. 7, 2009	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
Jan. 13, 2009	Planning Commission considers Zone of Annexation
Feb. 18, 2009	Introduction of a proposed Ordinance on Zoning by City Council
Mar. 4, 2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 5, 2009	Effective date of Annexation and Zoning

KAPUSHION ANNEXATION No. 1, No. 2 and No. 3 SUMMARY

File Number:		ANX-2008-305
Location:		860 21 Road
Tax ID Number:		2697-252-00-003 (Assessor has not yet provided an additional tax ID number)
# of Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		35.12
Developable Acres Remaining:		35.12
Right-of-way in Annexation:		none
Previous County Zoning:		RSF-R (County, Residential Single Family - Rural)
Proposed City Zoning:		I-1 (Light Industrial
Current Land Use:		Single family residence and agricultural
Future Land Use:		RUR (Rural – 5 to 35 ac/du)
Values:	Assessed:	\$21,160
	Actual:	\$162,270
Address Ranges:		21 Road and 21 1/2 Road
Special Districts:	Water:	Ute Water
	Sewer:	201
	Fire:	Lower Valley Fire
	Irrigation/ Drainage:	Grand Valley Irrigation / Grand Valley Drainage
	School:	Appleton Elementary; Fruita Middle School; Fruita Monument High School
	Pest:	none

STAFF ANALYSIS:

Zone of Annexation: The requested zone of annexation to the I-1 zone 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.

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.

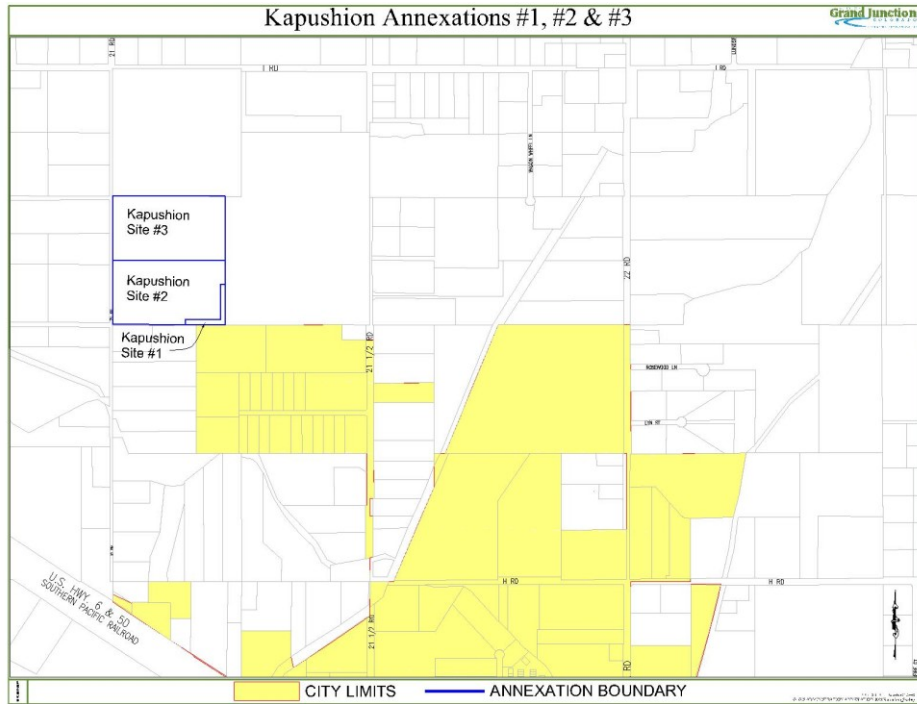
- a. C-2 (General Commercial)
- b. I-O (Industrial /Office Park; also implement the Commercial / Industrial Future Land Use classifications of the Growth Plan.

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.

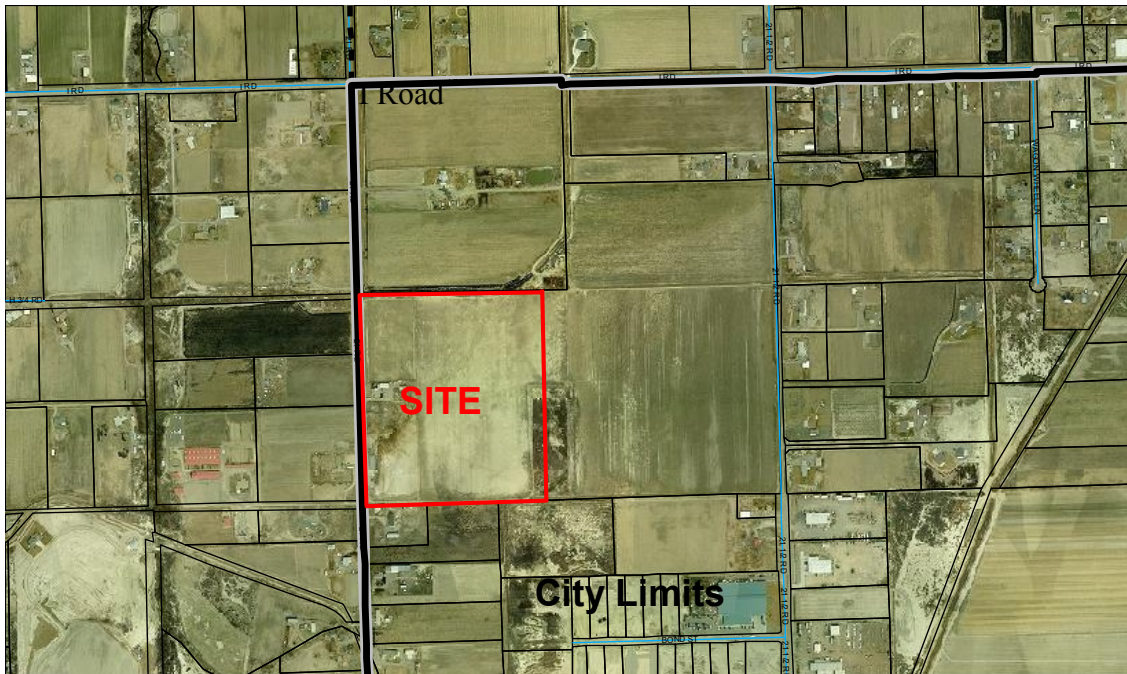
Annexation - Site Map

860 21 Road



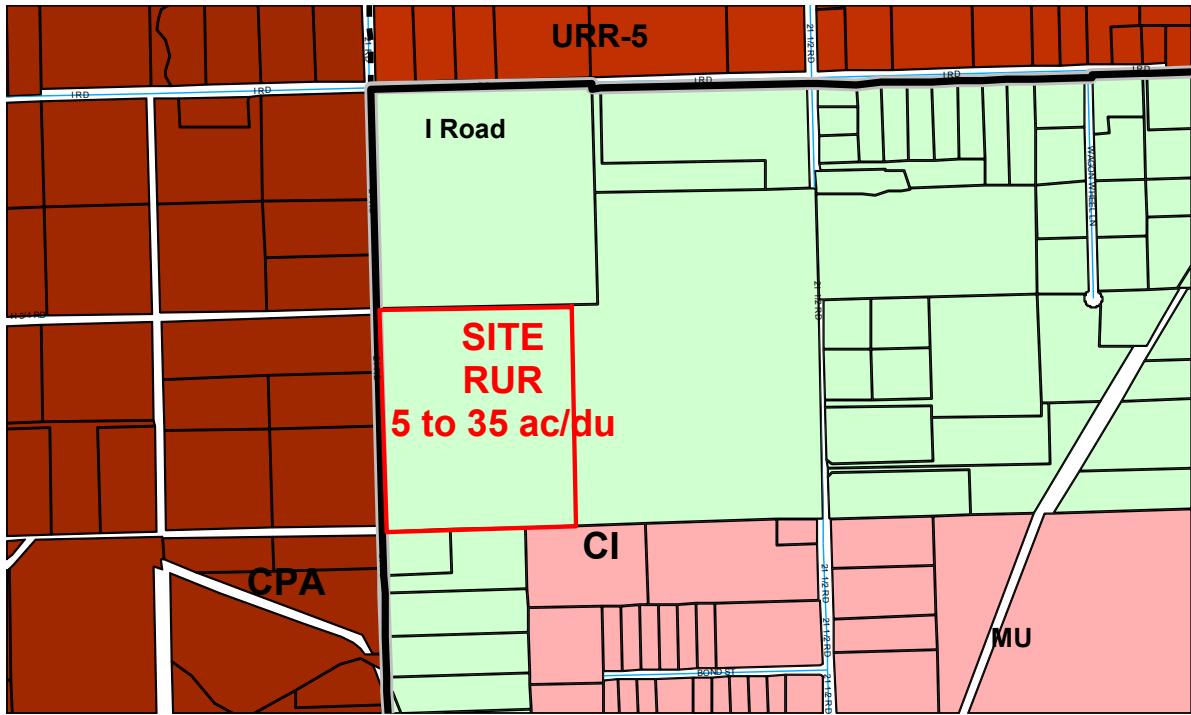
Aerial Photo Map

860 21 Road



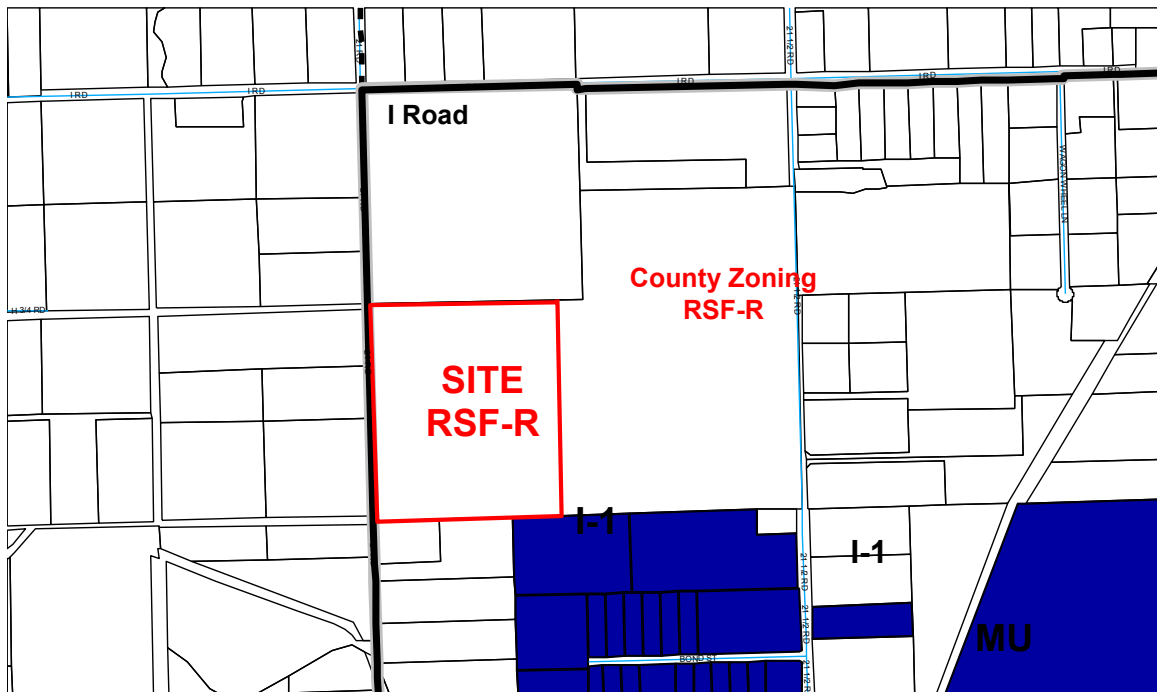
Future Land Use Map

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."

September 8, 2008

Grand Junction City Council
Grand Junction City Planning
Mesa County Commissioners
Mesa County Planning Commission

Re: NW Area Development

Dear City Council, County Commissioner and Planning Members:

On August 2, 2007 many of you were stewards for our neighborhood; demonstrating for us that you indeed can uphold the values and goals in the Comprehensive Plan and that you do not support inappropriate and untimely decision making. We again ask for your consideration and mindful analysis of any proposed development in our area and that you assure our rights as residents and land owners are protected, as well as our quality of life.

Prior to and since this meeting, there has been discussion in City/Council meetings, and an understanding with those of us that live here that the proposed H ½ Road is the line in the sand; that industrial development will remain south of H ½ Road. Additionally, there was also discussion on the need for buffering and more protection standards to soften the impact of the already existing industrial areas and that waiting until the Comprehensive Plan revision is complete, before making any further sweeping changes in the NW Area, was the prudent thing to do.

I want you all to hear that my husband and I are not against growth and development; I believe this to be true for my neighbors on 21 ½ and other folks in the NW area that I have spoken with. We all realize this is a reality for our Valley. We did not oppose the expansion of the 201 Boundary this year; we feel this appropriate at this time, and should allow for good development opportunities for the future. We do not believe that including areas in the sewer boundary equals violating existing land use plans.

For those of you whom have not seen it, you will soon have before you a development plan by Northwest GJ, LLC, presented by Austin Civil Group, Inc, for the approximately 100 acres of rural/agriculturally zoned land north of the proposed H ½ road, between 21 ½ and 21 Roads. This will be a request to annex and rezone irrigated, agricultural land primarily to industrial. Many of us now have their initial and revised plan in hand; the proposed project has 32, 1.4 to 2.84 acre industrial lots and 20 acres of R-4.

Mr. Mark Austin of ACG and Mr. Lawrence, one of the property owners, conducted a "neighborhood meeting" on 8-20, they did not notify everyone in the area that will be impacted by this massive development plan. In their "Growth Plan Amendment/Annexation Application for 860 21 Road" document, ACG was remiss in stating that there are no existing residential homes along the 21 Road Frontage, and failed address the fact that there are nice homes and acreage on and set back of 21 ½ Road. Their opinion of a buffer is 80 homes on 20 acres, mind you, as it "...provides a better buffer to the existing homes south of I Road".

ACG, as well as well as Planning Commission's Dave Thorton, have stated that this plan is consistent with the Growth Plan and the direction the City of Grand Junction has received during the various neighborhood meetings. We put forth that the City/County Subarea Concept Plan Map *is not in line with Northwest/Appleton resident's key desires, and we argue neither with the information documented in the Comprehensive Plan Sub Area reports and Executive Summary*. As is noted in the Executive Summary, the plans "...have not been through a public approval process nor have they been adopted by either the City or County" and additionally, the plans are "...intended to provide one possible response (among many) to the question "If we move the Persigo/201 Sewer Boundary, what kinds of land uses might make sense and how would the area develop?".

Section 2.14 of the Zoning and Development Codes states that the zoning of an annexation area shall be consistent with the Growth Plan or the existing County zoning. The requested changes by Northwest GJ, LLC do not conform with the zoning and development code and do not conform to the goals and policies the Growth Plan and Future Land Use designation. We adamantly oppose their growth plan amendment request to rezone any rural/agriculturally zoned acreage to industrial designation. Their proposed residential density is also compatible with surrounding properties. Again, this plan does not conform to the following goals and policies as stated in the Comprehensive Plan:

1. Goal 1: Land Use-policies 1.1, 1.2, 1.3, 1.7, 1.9, all related to conforming to the current Future Land Use categories, ensuring compatibility with adjacent properties and buffering from heaving industrial and commercial uses.
2. Goal 11: To promote stable neighborhoods and land use compatibility, policy 11.1, policy 11.2-the City and County will limit commercial encroachment into stable residential neighborhoods...

As you all know, with the approval of the H Road and Northwest Area Study Plan in 2006 and April 18, 2007 by Grand Junction City Council, approximately 250 acres were annexed and rezoned to industrial/commercial. Many of these properties are still unsold, as is much of the Job Site's lots, the Kelley and Reigan properties, etc...We move there is no need for further industrial development encroaching above H ½ Road, when the NW Area, and the Valley as a whole has industrial locations for sale and appropriate land for industrial use can be available with proactive, coordinated planning. Please continue to ask for the data that warrants any person saying there isn't enough industrial land available, and continue to make sure you are looking at the Valley as a whole, not just what Grand Junction City can unfold.

I respectfully ask for current, accurate traffic and noise studies be conducted by the City and County now. This area cannot afford to wait until development is already here so it can be paid for, regardless of the type. Developers technically have no obligation to our neighborhood, you all do. At this point, we do not believe the use of "theoretical models" is sound planning or a true picture of reality in light of the huge traffic and noise problems that have been previously documented and continue escalate on 21 ½ and the area as a whole.

I also ask you to consider this; if we can be awakened by the industrial equipment beeping at 3 a.m. in the morning, *from H and 22 Road*, how can one say Codes are being enforced and that further industrial development right across the street is appropriate and in line with the goals and policies of the Growth Plan?

We sincerely thank you for your attention in these matters,

Kelly M. Bowen
876 21 ½ Road
Grand Junction, Co 81505
Email: stumpkel@aim.com
Phone: 858-8315

KAPUSHION ANNEXATION
PETITION FOR ANNEXATION

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described parcels (the "Property") to the said City:

GENERAL LOCATION: 860 21 Road

Legal Description, in Mesa County, Colorado: See attached Exhibit "A," a copy of which is attached hereto and was recorded in Book 4706 at Page 589 in the public records of Mesa County, Colorado (Reception No. 2451114).

The foregoing legal description describes the parcel and is the perimeter boundary descriptions for purposes of the Annexation Act, is shown on the attached Exhibit "A," "Kapushion Perimeter Boundary Legal Description."

As grounds therefore, the petitioner respectfully state that, if the below described condition is fulfilled, annexation to the City of Grand Junction, Colorado is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105, C.R.S. have been met.

This petition is accompanied by four copies of a map or plat of the said territory showing its boundary and its relation to established City limit lines, and said map is prepared upon a material suitable for filing.

Petitioners further state that they are the owners of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of the signer and the date of signature are set forth below, and that the legal description of the property owned by the signer of said petition is attached hereto as Exhibit "A."

WHEREFORE, subject to the condition that on or before March 1, 2009 the City zoning for the Property is "I-1: Light Industrial", in accordance with section 3.4 G of the City's Zoning and Development Code as it exists as of the date hereof, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance. These petitioners by his/her/their signature(s) acknowledge, understand and agree if any development application (other than any related to the zoning as described above) concerning the Property is denied, discontinued or disapproved, in whole or in part, that the annexation of the property to the City of Grand Junction shall remain effective; if the "I-1" zoning is not finally adopted for the Property as stated above, upon the written demand of any owner of the Property after March 1, 2009, the City agrees that all signatures on this Petition shall be deemed withdrawn and the City Council, by acceptance of this Petition irrevocably agrees that it shall forthwith disconnect and de-annex the Property from the City.

Property Owner: Irma L. Kapushion Revocable Trust
Owner's Address: 860 21 Road, Grand Junction, CO 81505

Owner's Signature: Irma L. Kapushion DATE: 12-9-08

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

AFFIDAVIT

IRMA KAPUSHION, of lawful age, being first duly sworn, upon oath, deposes and says that he/she is the circulator of the foregoing petition and that each signature on the said petition is the signature of the person whose name it purports to be.

IRMA S. KAPUSHION

Subscribed and sworn to before me this 9th day of Dec, 2008.

Witness my hand and official seal.
My commission expires: 1/24/10

Paul A. Norman
Notary Public
585 25 1/2 rd G.S. Co
Address

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

KAPUSHION ANNEXATIONS NO. 1, NO. 2 AND NO. 3

**LOCATED AT 860 21 ROAD.
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 7th day of January, 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:

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.

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 4th day of March, 2009, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2009.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

KAPUSHION ANNEXATION NO. 1

APPROXIMATELY 0.89 ACRES

LOCATED AT 860 21 ROAD

WHEREAS, on the 7th day of January, 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 4th day of March, 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 situated in Mesa County, Colorado, and described to wit:

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.

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

INTRODUCED on first reading on the 7th day of January, 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 ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

KAPUSHION ANNEXATION NO. 2

APPROXIMATELY 16.67 ACRES

LOCATED AT 860 21 ROAD

WHEREAS, on the 7th day of January, 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 4th day of March, 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 situated in Mesa County, Colorado, and described to wit:

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.

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

INTRODUCED on first reading on the 7th day of January, 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 ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

KAPUSHION ANNEXATION NO. 3

APPROXIMATELY 17.56 ACRES

LOCATED AT 860 21 ROAD

WHEREAS, on the 7th day of January, 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 4th day of March, 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 situated in Mesa County, Colorado, and described to wit:

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.

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

INTRODUCED on first reading on the 7th day of January, 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 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 18th day of February, 2009 and ordered published.

ADOPTED on second reading the _____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk

Attach 7

Public Hearing - NW GJ Annexation No. 1 and No. 2 Annexation and Zoning, Located East of 860 21 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Northwest GJ Annexation, No. 1 and No. 2 Annexation and Zoning - Located east of 860 21 Road		
File #	ANX-2008-305		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	February 18, 2009		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: Request to annex and zone 65.61 acres, located east of 860 21 Road, along 21 1/2 Road, to R-4 on the northern 20 acres and I-1 on the remaining 45 acres. The Northwest GJ Annexation consists of two parcels including 6,200.87 square feet of 21 1/2 Road Right-of-Way.

Budget: N/A

Action Requested/Recommendation: Adopt the Resolution accepting the petition for the Northwest GJ Annexation, No. 1 and No. 2 and hold a public hearing and consider final passage of the annexation and zoning ordinances.

Attachments:

1. Staff report/Background information
2. Annexation / Site Map; Aerial Photo Map
3. Future Land Use Map; Existing City and County Zoning Map
4. Letter from neighbor
5. Annexation Petition
6. Resolution Referring Petition
7. Annexation Ordinances (2)
8. Zoning Ordinances (2)

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION

Location:		East of 860 21 Road, along 21 1/2 Road			
Applicants:		Northwest GJ, LLC owner; Austin Civil Group, c/o Mark Austin; Dan Wilson, representatives.			
Existing Land Use:		Vacant agricultural land			
Proposed Land Use:		Industrial and residential subdivisions			
Surrounding Land Use:	North	Agricultural			
	South	Industrial and Agricultural			
	East	Single Family and Agricultural			
	West	Single Family and Agricultural			
Existing Zoning:		RSF-R (Residential Single Family – Rural) County			
Proposed Zoning:		I-1 (Light Industrial) and R-4 (Residential – 4 units)			
Surrounding Zoning:	North	RSF-R (Residential Single Family – Rural) County			
	South	I-1(Light Industrial) and County RSF-R			
	East	RSF-R (Residential Single Family – Rural) County			
	West	CPA (Cooperative Planning Area) County			
Growth Plan Designation:		Rural (5 to 35 acres per dwelling unit)			
Zoning within density range?			Yes	X	No

STAFF ANALYSIS:

The Northwest GJ Petition and the Kapushion Annexations were prepared by the applicant’s attorney and are not the standard annexation petitions that the City is accustomed to receiving. The petitions are conditioned upon approval of their requested zoning. A Growth Plan Amendment will be required to zone the property to meet their request. The requested zoning designations must be applied to the property or (to paraphrase the language) upon written demand of any owner of the property after March 1, 2009, the City agrees that all signatures on the Petition shall be deemed withdrawn and the City Council, by acceptance of this Petition irrevocably agrees that it shall forthwith disconnect and de-annex the Property from the City. The Growth Plan Amendment and Zoning Ordinance requests shall be forthcoming.

The subject properties were recently included in the Persigo 201 boundary expansion in the North area. This area is also being scrutinized for possible changes in the new Comprehensive Plan, which is not yet adopted. Many residents in this area are concerned with the possible changes in this area. I have attached one of their letters for your review.

ANNEXATION:

The Northwest GJ annexation area consists of 65.61 acres of land and is comprised of two parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Northwest GJ Annexation 1 and 2, is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
Jan. 7, 2009	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
Jan. 13, 2009	Planning Commission considers Zone of Annexation
Feb.18, 2009	Introduction of a proposed Ordinance on Zoning by City Council
Mar. 4, 2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 5, 2009	Effective date of Annexation and Zoning

NORTHWEST GJ ANNEXATION 1 & 2 SUMMARY

File Number:	ANX-2008-305	
Location:	East of 860 21 Road, along 21 1/2 Road	
Tax ID Number:	2697-252-00-003 (Assessor has not yet provided an additional tax ID number)	
# of Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	60.55	
Developable Acres Remaining:	60.55	
Right-of-way in Annexation:	6200.87 square feet	
Previous County Zoning:	RSF-R (County, Residential Single Family - Rural)	
Proposed City Zoning:	I-1 (Light Industrial) and R-4 (Residential – 4 units per acre)	
Current Land Use:	Single family residence and agricultural	
Future Land Use:	RUR (Rural – 5 to 35 ac/du)	
Values:	Assessed:	\$21,160
	Actual:	\$162,270
Address Ranges:	21 Road and 21 1/2 Road	
Special Districts:	Water:	Ute Water
	Sewer:	201
	Fire:	Lower Valley Fire
	Irrigation/ Drainage:	Grand Valley Irrigation / Grand Valley Drainage
	School:	Appleton Elementary; Fruita Middle School; Fruita Monument High School
	Pest:	none

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-1 zone 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 1/2 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 1/2 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)

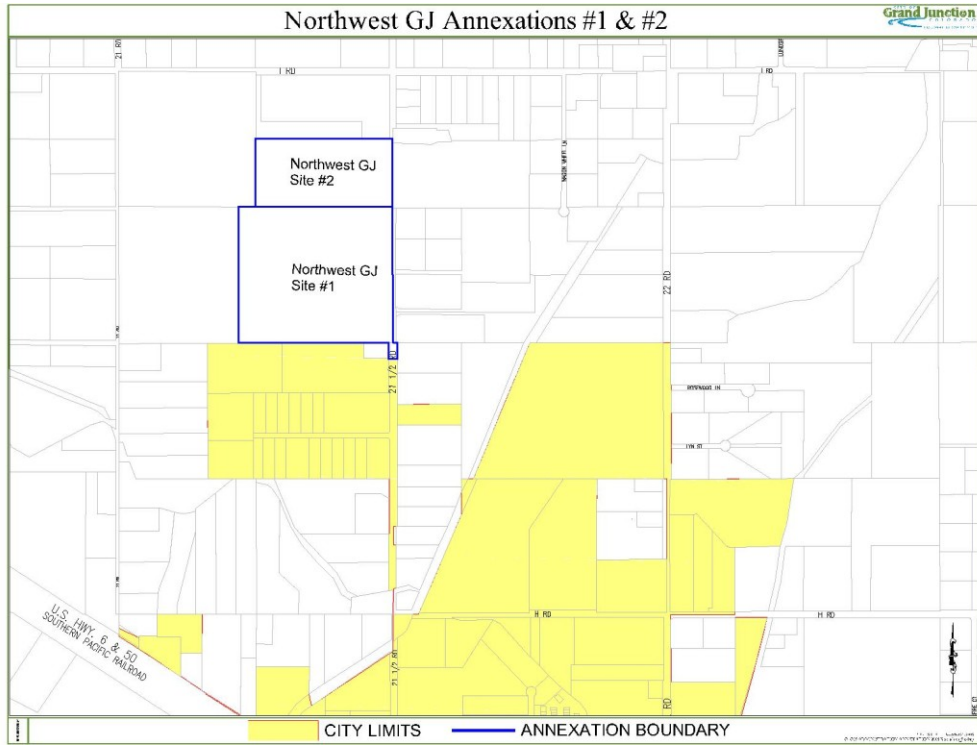
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATIONS: 1) 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.

2) 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.

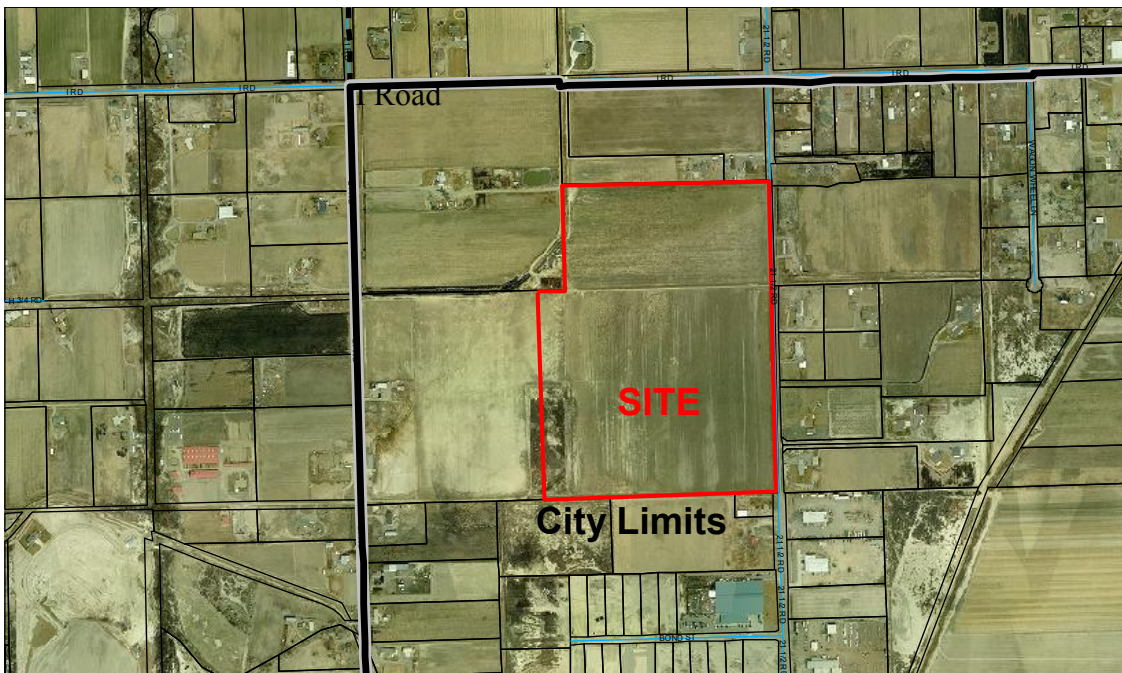
Annexation / Site Map

Adjacent to the east of 860 21 Road



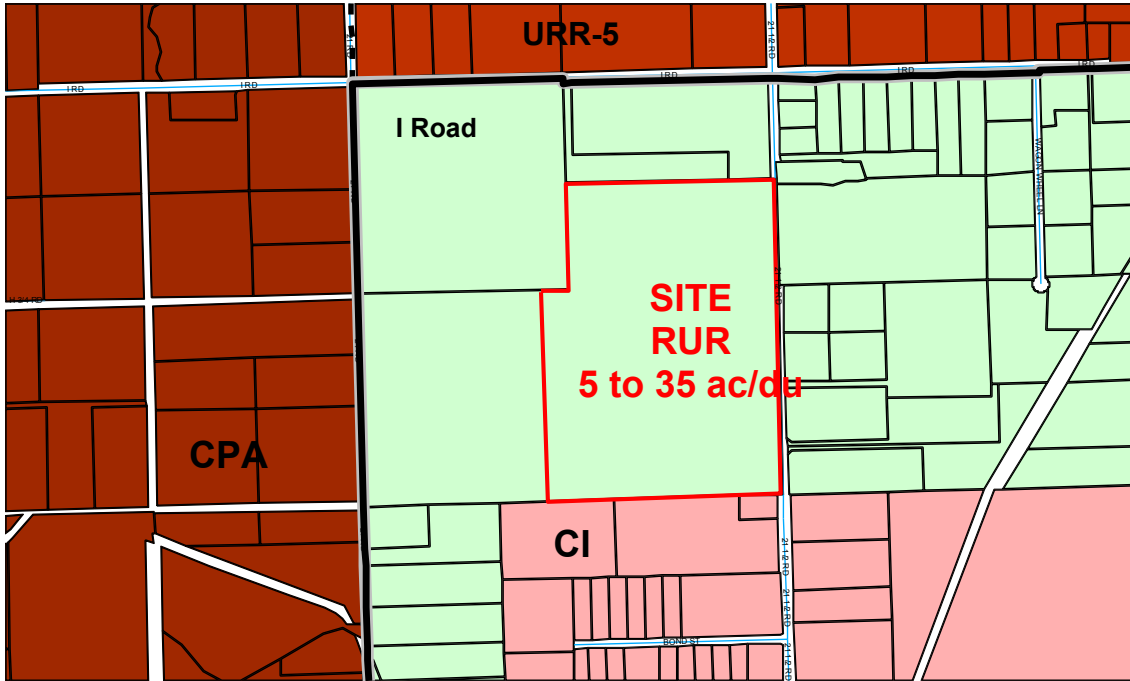
Aerial Photo Map

860 21 Road



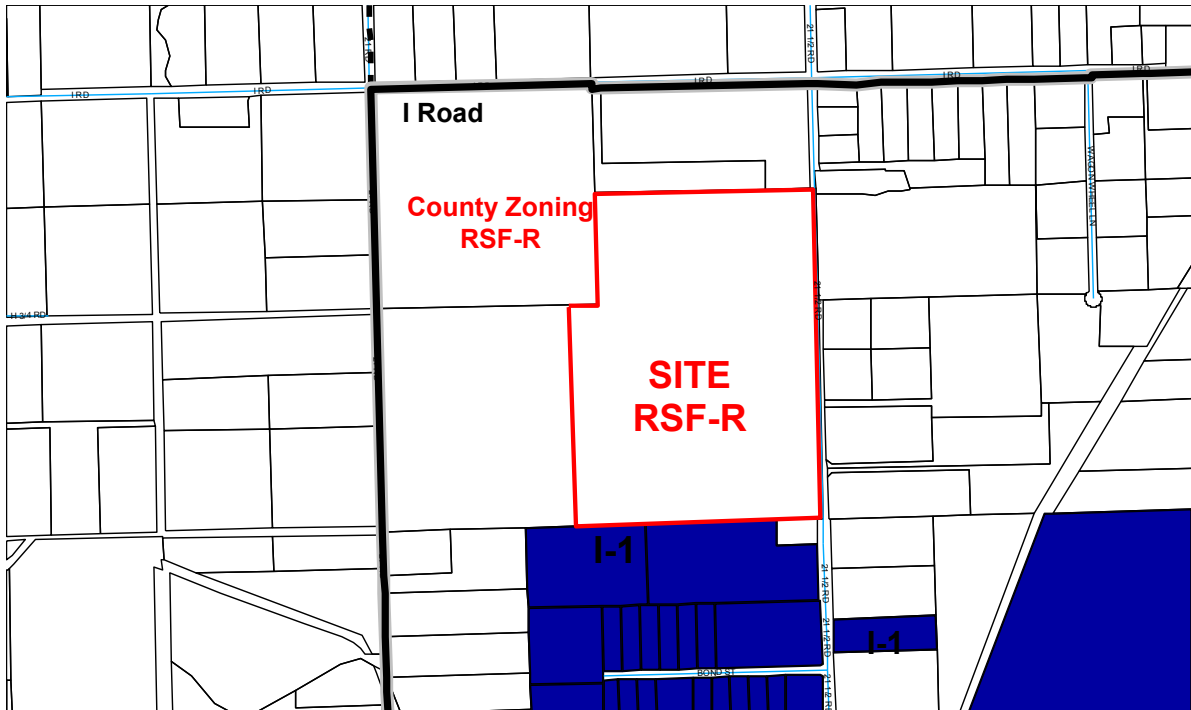
Future Land Use Map

860 21 Road



Existing City and County Zoning

860 21 Road



September 8, 2008

Grand Junction City Council
Grand Junction City Planning
Mesa County Commissioners
Mesa County Planning Commission

Re: NW Area Development

Dear City Council, County Commissioner and Planning Members:

On August 2, 2007 many of you were stewards for our neighborhood; demonstrating for us that you indeed can uphold the values and goals in the Comprehensive Plan and that you do not support inappropriate and untimely decision making. We again ask for your consideration and mindful analysis of any proposed development in our area and that you assure our rights as residents and land owners are protected, as well as our quality of life.

Prior to and since this meeting, there has been discussion in City/Council meetings, and an understanding with those of us that live here that the proposed H ½ Road is the line in the sand; that industrial development will remain south of H ½ Road. Additionally, there was also discussion on the need for buffering and more protection standards to soften the impact of the already existing industrial areas and that waiting until the Comprehensive Plan revision is complete, before making any further sweeping changes in the NW Area, was the prudent thing to do.

I want you all to hear that my husband and I are not against growth and development; I believe this to be true for my neighbors on 21 ½ and other folks in the NW area that I have spoken with. We all realize this is a reality for our Valley. We did not oppose the expansion of the 201 Boundary this year; we feel this appropriate at this time, and should allow for good development opportunities for the future. We do not believe that including areas in the sewer boundary equals violating existing land use plans.

For those of you whom have not seen it, you will soon have before you a development plan by Northwest GJ, LLC, presented by Austin Civil Group, Inc, for the approximately 100 acres of rural/agriculturally zoned land north of the proposed H ½ road, between 21 ½ and 21 Roads. This will be a request to annex and rezone irrigated, agricultural land primarily to industrial. Many of us now have their initial and revised plan in hand; the proposed project has 32, 1.4 to 2.84 acre industrial lots and 20 acres of R-4.

Mr. Mark Austin of ACG and Mr. Lawrence, one of the property owners, conducted a "neighborhood meeting" on 8-20, they did not notify everyone in the area that will be impacted by this massive development plan. In their "Growth Plan Amendment/Annexation Application for 860 21 Road" document, ACG was remiss in stating that there are no existing residential homes along the 21 Road Frontage, and failed address the fact that there are nice homes and acreage on and set back of 21 ½ Road. Their opinion of a buffer is 80 homes on 20 acres, mind you, as it "...provides a better buffer to the existing homes south of I Road".

ACG, as well as well as Planning Commission's Dave Thornton, have stated that this plan is consistent with the Growth Plan and the direction the City of Grand Junction has received during the various neighborhood meetings. We put forth that the City/County Subarea Concept Plan Map *is not in line with Northwest/Appleton resident's key desires, and we argue neither with the information documented in the Comprehensive Plan Sub Area reports and Executive Summary*. As is noted in the Executive Summary, the plans "...have not been through a public approval process nor have they been adopted by either the City or County" and additionally, the plans are "...intended to provide one possible response (among many) to the question "If we move the Persigo/201 Sewer Boundary, what kinds of land uses might make sense and how would the area develop?"

Section 2.14 of the Zoning and Development Codes states that the zoning of an annexation area shall be consistent with the Growth Plan or the existing County zoning. The requested changes by Northwest GJ, LLC do not conform with the zoning and development code and do not conform to the goals and policies the Growth Plan and Future Land Use designation. We adamantly oppose their growth plan amendment request to rezone any rural/agriculturally zoned acreage to industrial designation. Their proposed residential density is also compatible with surrounding properties. Again, this plan does not conform to the following goals and policies as stated in the Comprehensive Plan:

1. Goal 1: Land Use-policies 1.1, 1.2, 1.3, 1.7, 1.9, all related to conforming to the current Future Land Use categories, ensuring compatibility with adjacent properties and buffering from heaving industrial and commercial uses.
2. Goal 11: To promote stable neighborhoods and land use compatibility, policy 11.1, policy 11.2-the City and County will limit commercial encroachment into stable residential neighborhoods...

As you all know, with the approval of the H Road and Northwest Area Study Plan in 2006 and April 18, 2007 by Grand Junction City Council, approximately 250 acres were annexed and rezoned to industrial/commercial. Many of these properties are still unsold, as is much of the Job Site's lots, the Kelley and Reigan properties, etc...We move there is no need for further industrial development encroaching above H ½ Road, when the NW Area, and the Valley as a whole has industrial locations for sale and appropriate land for industrial use can be available with proactive, coordinated planning. Please continue to ask for the data that warrants any person saying there isn't enough industrial land available, and continue to make sure you are looking at the Valley as a whole, not just what Grand Junction City can unfold.

I respectfully ask for current, accurate traffic and noise studies be conducted by the City and County now. This area cannot afford to wait until development is already here so it can be paid for, regardless of the type. Developers technically have no obligation to our neighborhood, you all do. At this point, we do not believe the use of "theoretical models" is sound planning or a true picture of reality in light of the huge traffic and noise problems that have been previously documented and continue escalate on 21 ½ and the area as a whole.

I also ask you to consider this; if we can be awakened by the industrial equipment beeping at 3 a.m. in the morning, *from H and 22 Road*, how can one say Codes are being enforced and that further industrial development right across the street is appropriate and in line with the goals and policies of the Growth Plan?

We sincerely thank you for your attention in these matters,

Kelly M. Bowen
876 21 ½ Road
Grand Junction, Co 81505
Email: stumpkel@aim.com
Phone: 858-8315

Owner's Name: Northwest GJ, LLC, a Colorado Limited Liability Company
Owner's Address: 8061 Castle Pines Ave., Las Vegas, NV 89113

Owner's Signature: Nan Woods
By: 100 Acres, LLC
Nan Woods, Manager

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

AFFIDAVIT

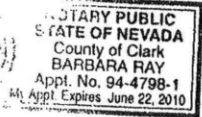
Nan Woods of lawful age, being first duly sworn, upon oath, deposes and says that he/she is the circulator of the foregoing petition and that each signature on the said petition is the signature of the person whose name it purports to be.

Barbara Ray

Subscribed and sworn to before me this 1st day of December, 2008.

Witness my hand and official seal.
My commission expires: 6-22-2010

Barbara Ray
Notary Public
5050 Spanish Trail Lane
Address Las Vegas NV 89113



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

NORTHWEST GJ ANNEXATIONS NO. 1 AND NO. 2

LOCATED EAST OF 860 21 ROAD ALONG 21 1/2 ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 7th day of January, 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:

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.

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.

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 4th day of March, 2009, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated

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

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

ADOPTED the _____ day of _____, 2009.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

NORTHWEST GJ ANNEXATION NO. 1

APPROXIMATELY 45.52 ACRES

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

WHEREAS, on the 7th day of January, 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 4th day of March, 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 situated in Mesa County, Colorado, and described to wit:

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.

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

INTRODUCED on first reading on the 7th day of January, 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 ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

NORTHWEST GJ ANNEXATION NO. 2

APPROXIMATELY 20.09 ACRES

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

WHEREAS, on the 7th day of January, 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 4th day of March, 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 situated in Mesa County, Colorado, and described to wit:

Northwest GJ Annexation No. 2

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 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:

The S 1/2 NE 1/4 NW 1/4 of said Section 25.

Said parcel contains 20.09 acres (874,986.29 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 7th day of January, 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. 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 7th day of January, 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).

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 7th day of January, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk

Attach 8

Public Hearing - Vacation of a portion of the 50' Road Petition and Vacation of Ingress Egress and Utility Easement (St. Mary's Rose Hill Hospitality House) Located at 605 and 609 26 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Vacation of a portion of the 50' Road Petition and Vacation of Ingress, Egress and Utility Easement (St. Mary's Rose Hill Hospitality House) – Located at 605 and 609 26 ½ Road		
File #	RZ-2008-227		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 18, 2009		
Author Name & Title	Scott D. Peterson, Senior Planner		
Presenter Name & Title	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 and also the request to vacate an existing Ingress, Egress and Utility Easement for the benefit of the proposed St. Mary's Rose Hill Hospitality House building expansion. The proposed right-of-way and easement vacation requests are located at 605 and 609 26 ½ Road.

Budget: N/A.

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of the Ordinance and adopt Resolution.

Attachments:

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

BACKGROUND INFORMATION				
Location:		605 & 609 26 ½ Road		
Applicant:		Sisters of Charity of Leavenworth Health Services Corp. (St. Mary's Hospital), Owner		
Existing Land Use:		St. Mary's Rose Hill Hospitality House		
Proposed Land Use:		St. Mary's Rose Hill Hospitality House building expansion		
Surrounding Land Use:	North	Single-family residential		
	South	Commercial retail/office development		
	East	Single-family residential		
	West	Commercial retail/office development and Single-family residential		
Existing Zoning:		PD, Planned Development		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	R-5, (Residential – 5 du/ac.)		
	South	B-1, (Neighborhood Business)		
	East	R-4, (Residential – 4 du/ac.)		
	West	B-1, (Neighborhood Business) and R-5, (Residential – 5 du/ac.)		
Growth Plan Designation:		Commercial		
Zoning within density range?		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 and easement vacations 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.

Section 2.11 C. of the Zoning and Development Code:

The vacation of the easement shall conform to the following:

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

Granting this request to vacate an existing Ingress, Egress and Utility Easement does not conflict with Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City of Grand Junction. The Utility Easement does not contain any utilities.

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

No parcel will be landlocked as a result of this Ingress, Egress and Utility Easement 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.

- 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 as there are no utilities located within the requested utility easement vacation. No adverse comments were received from the utility review agencies.

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

The proposed Ingress, Egress and Utility Easement vacation will remove an unneeded easement from the property. In fact, the existing Rose Hill Hospitality House building already encroaches into this easement.

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 and an Ingress, Egress and Utility Easement, the Planning Commission makes the following findings of fact and conclusions:

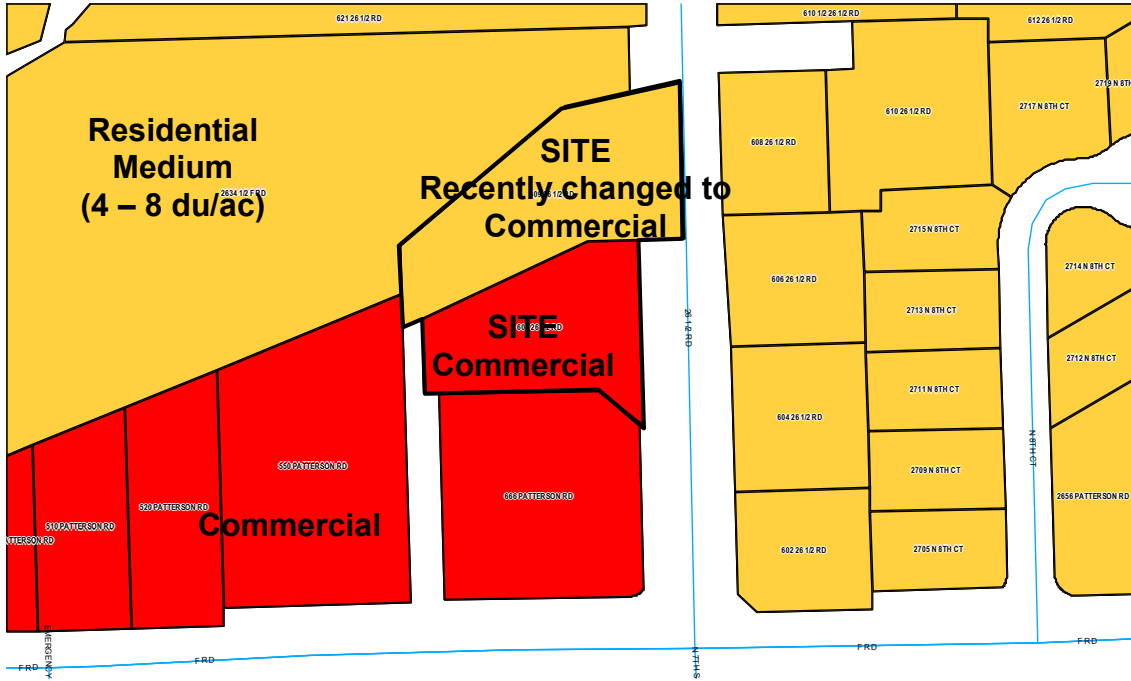
1. The requested right-of-way and easement vacation requests are consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met for the proposed right-of-way and easement vacations.

Action Requested/Recommendation:

The Planning Commission recommends that the City Council approve the Ordinance for the vacation of a portion 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 and also the approval of the Resolution vacating an existing Ingress, Egress and Utility Easement located at 605 and 609 26 ½ Road, finding the requests consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

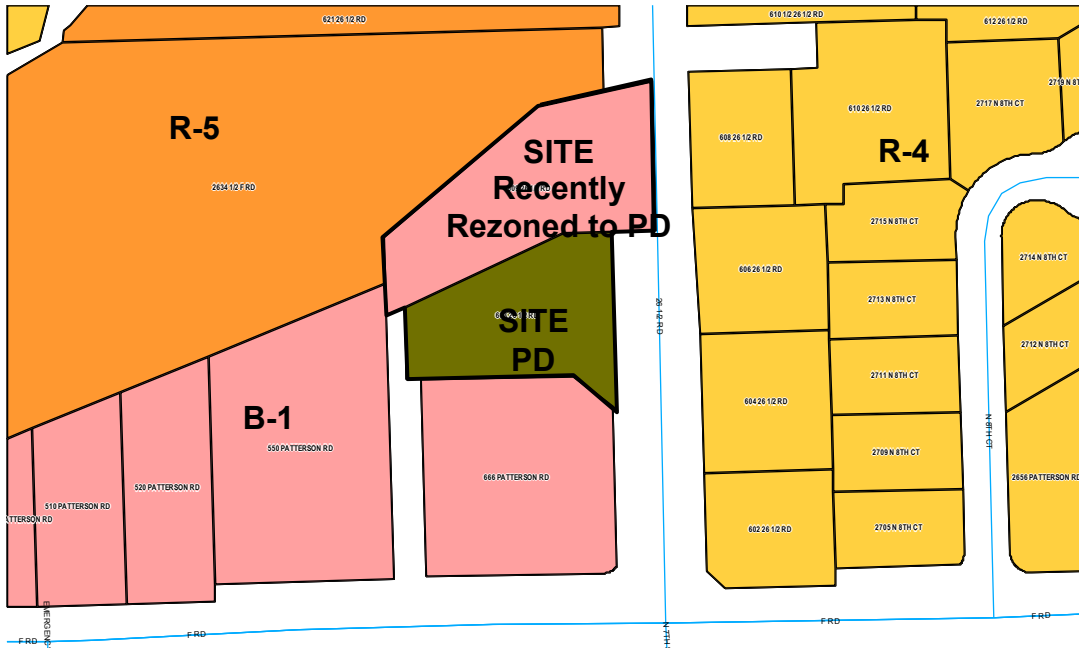
Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF THE 50' WIDE ROAD PETITION
RUNNING ALONG THE CENTERLINE OF 7TH 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 7th Street.

Introduced for first reading on this 18th day of February, 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, RGE 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

50'

50' ROAD PETITION
BOOK 4336, PAGE 854

15'

35'

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



CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING AN INGRESS, EGRESS AND UTILITY EASEMENT
LOCATED 605 26 ½ ROAD
(ST. MARY'S ROSE HILL HOSPITALITY HOUSE)**

RECITALS:

The applicant proposes to vacate an Ingress, Egress and Utility Easement located at 605 26 ½ Road.

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 ingress, egress and utility easement is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Resolution.

The following easement vacation is shown on "Exhibit A" as part of this vacation of description.

An easement on over and across Lot One and Lot Two of P.D.C. Subdivision, Filing No. Two, according to the plat recorded on February 9, 1983, at Reception No. 1316021 in the Office of the Mesa County Clerk and Recorder, said subdivision being a part of the SW1/4 of Section 2 in Township One South, Range One West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, said easement being more particularly described as follows:

Beginning at a point as shown on said plat which is on the southerly line of said Lot One, whence the S.E. Corner of said Lot One bears S49°57'59"E a distance of 40.89 feet; thence, according to said plat, the following courses and distances:

1. N49°57'59"W for a distance of 21.06 feet
2. N89°25'00"W for a distance of 187.80 feet

3. Northeasterly for a distance of 44.63 feet on the arc of a fifty-foot radius curve to the right, the central angle of which is 51°08'14" and the chord of which is N25°34'07"E for a distance of 43.16 feet
4. N00°00'00"E for a distance of 23.79 feet
5. S90°00'00"E for a distance of 27.00 feet;
6. N00°00'00"E for a distance of 36.00 feet;
7. S90°00'00"E for a distance of 19.00 feet
8. N00°00'00"E for a distance of 8.00 feet
9. S90°00'00"E for a distance of 7.50 feet
10. N00°00'00"E for a distance of 4.60 feet to the northerly line of said Lot Two
11. N66°31'31"E for a distance of 10.90 feet
12. Departing said line, S00°00'00"W for a distance of 8.96 feet
13. S90°00'00"E for a distance of 26.50 feet
14. S00°00'00"W for a distance of 63.00 feet
15. S90°00'00"E for a distance of 40.00 feet
16. N00°00'00"E for a distance of 19.00 feet
17. S90°00'00"E for a distance of 36.00 feet
18. S00°00'00"W for a distance of 20.37 feet
19. S18°27'14"E for a distance of 60.95 feet to the point of beginning.

This description was derived from the dimensions of said easement according to the record plat and was prepared by Richard Mason for Rolland Engineering, 405 Ridges Blvd., Grand Junction, CO.

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

Attach 9

Public Hearing - Vacation of Public ROW along F ¼ Road ROW North of 3032 N. 15th Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Vacation of Public Right-of-Way along F ¼ Road Right-of-Way, North of 3032 N 15 th Street		
File #	VR-2008-202		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	February 18, 2009		
Author Name & Title	Judith Rice, Associate Planner		
Presenter Name & Title	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. 15th Street which is unnecessary for future roadway circulation and will allow the adjacent property owner to maintain landscaping.

Budget: N/A

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

Attachments:

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

Background Information: See attached report

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

STAFF 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 15th 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 15th 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 15th 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 15th Street and 27½ 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:

- g. 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.

- h. 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.

- 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.*

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

- 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).*

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.

- 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.*

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

- l. 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:

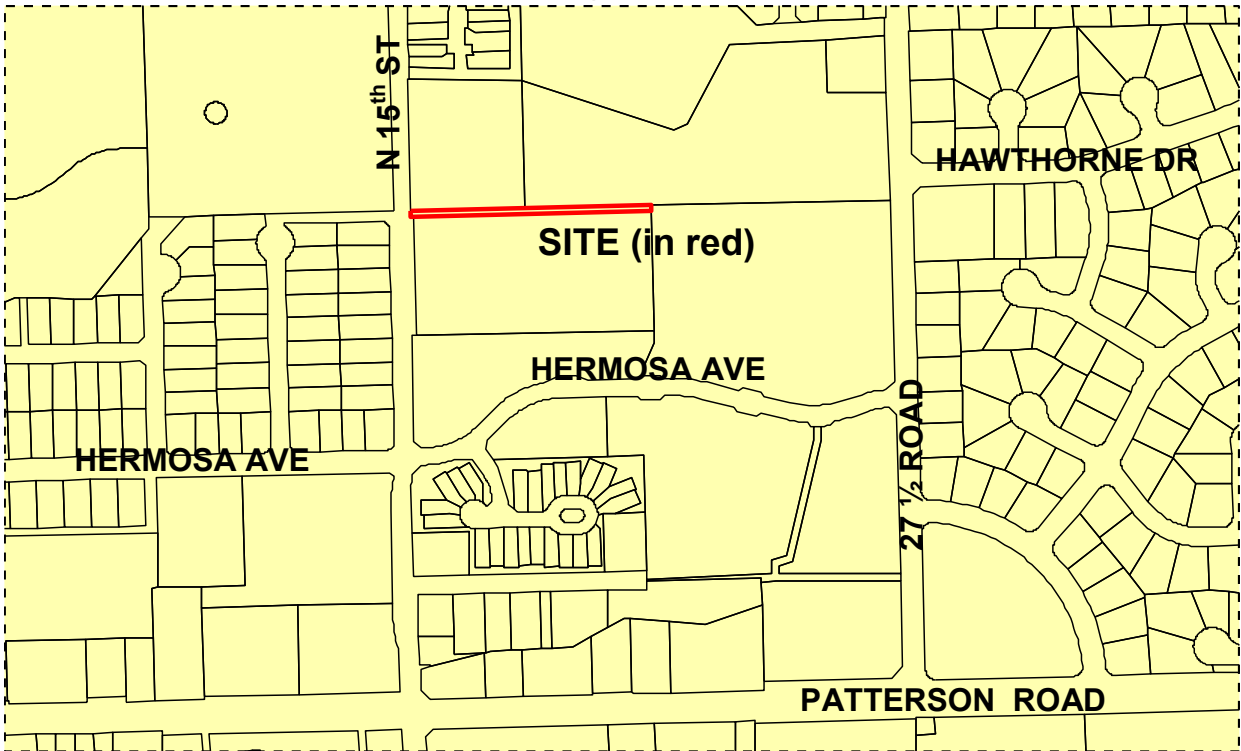
3. The requested right-of-way vacation is consistent with the Growth Plan.
4. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

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



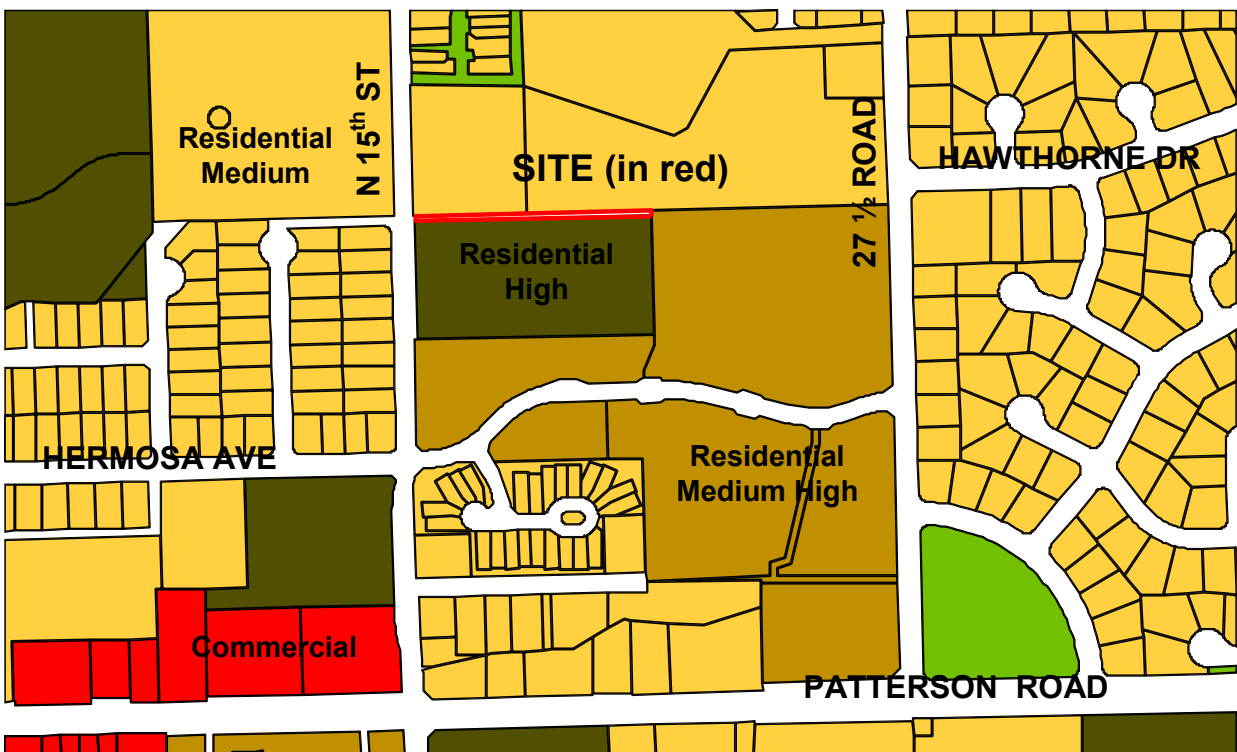
Aerial Photo Close Up

Figure 3



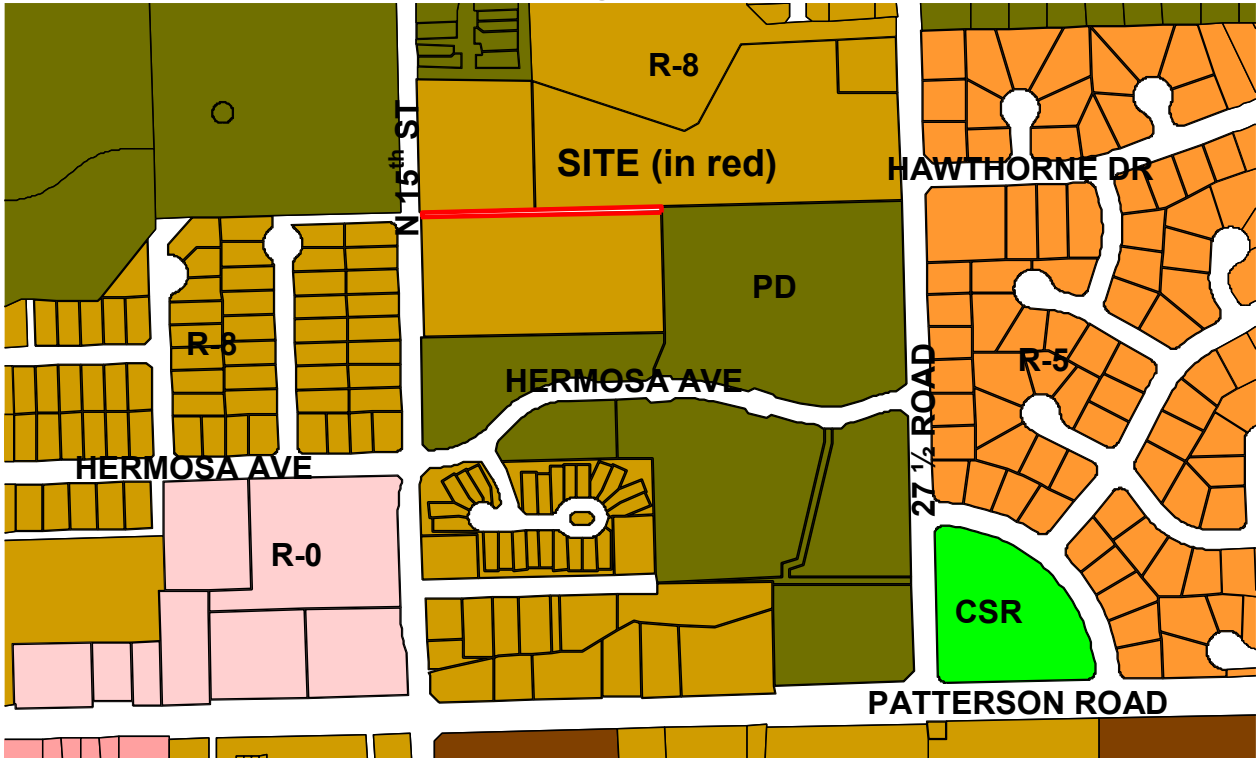
Future Land Use

Figure 4



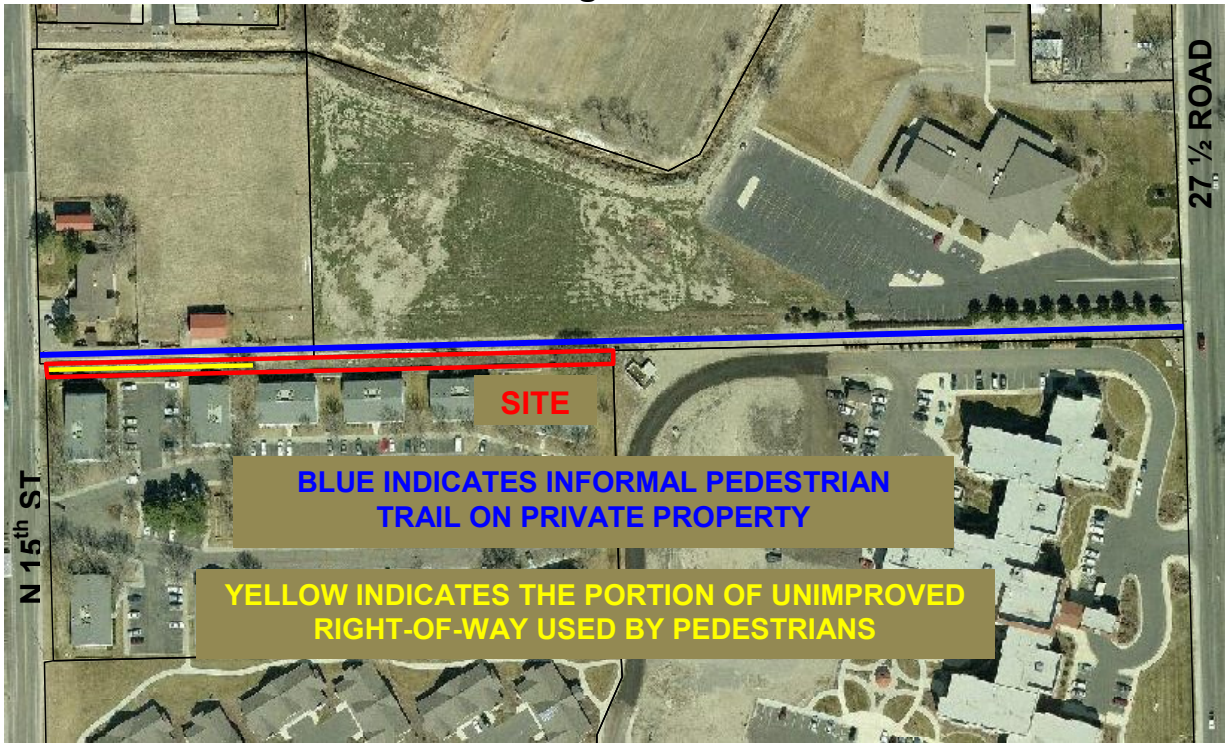
City Zoning

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 5th Street
Grand Junction, CO 81501

Re: VR-2008-202 – Neilie Bechtel Right Of Way Vacation – 3032 North 15th 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.

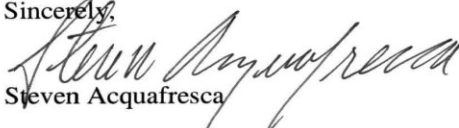
The .209 acre Right of Way north of 3032 North 15th Street that is proposed to be vacated appears to be the exact same corridor that is a long established urban pedestrian trail. I recommend, under the strongest of terms, that the City of Grand Junction legally retain an urban trail pedestrian Right 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 15th 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 15th 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 15TH 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 18th day of February, 2009.

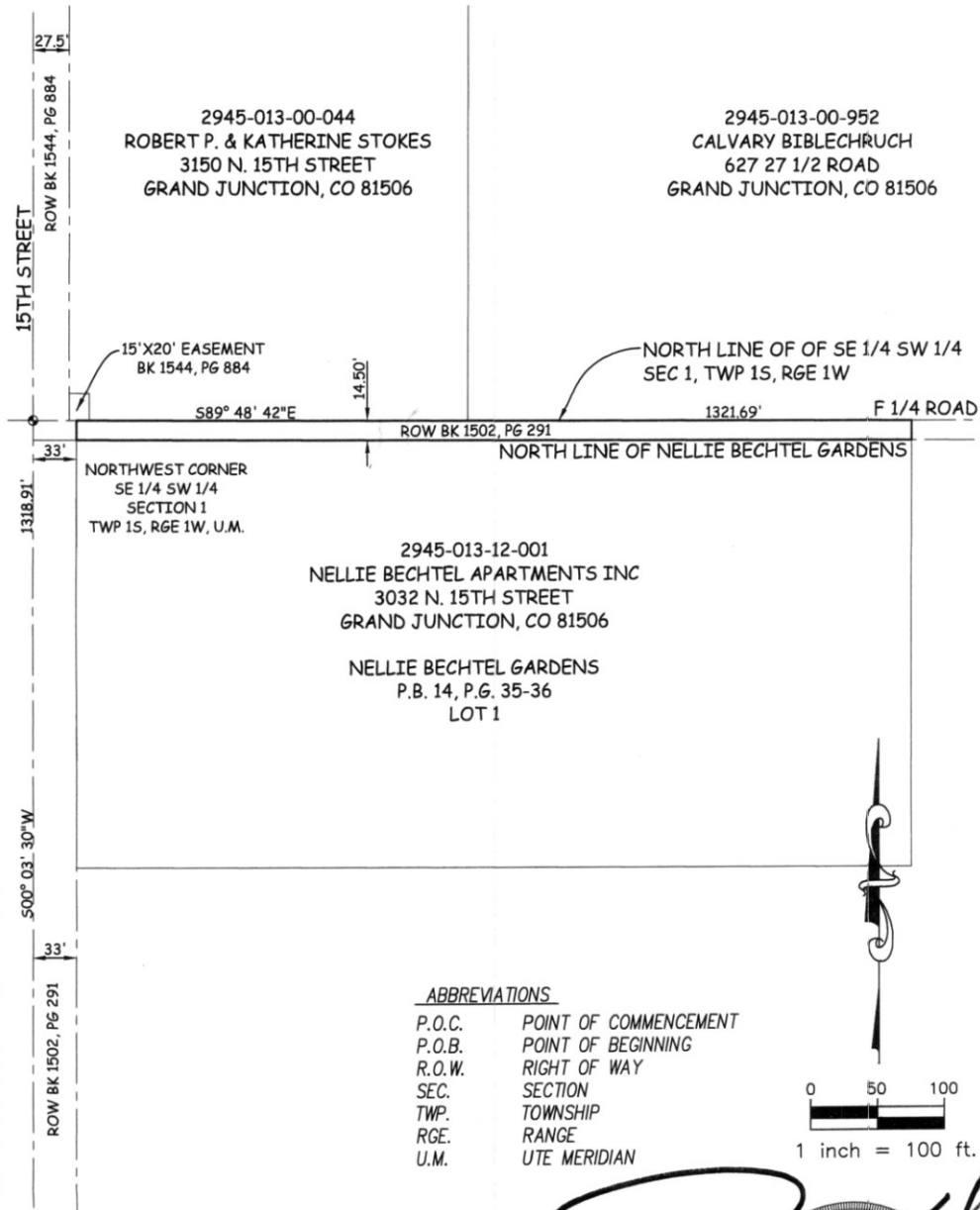
PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

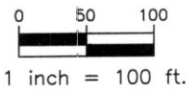
City Clerk

EXHIBIT "A"



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 10

Public Hearing – Hoesch Street ROW Vacation, Location adjacent to 742 W. White Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Hoesch Street Right-of-Way Vacation – Located adjacent to 742 W. White Avenue		
File #	VR-2008-312		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	February 17, 2009		
Author Name & Title	Ronnie Edwards, Associate Planner		
Presenter Name & Title	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: Hold a Public Hearing and consider final passage of the Right-of-Way Ordinance.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map
5. 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

STAFF 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:

- m. 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.

- n. 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.

- 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.

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

- 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).

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.

- 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.

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.

- r. 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:

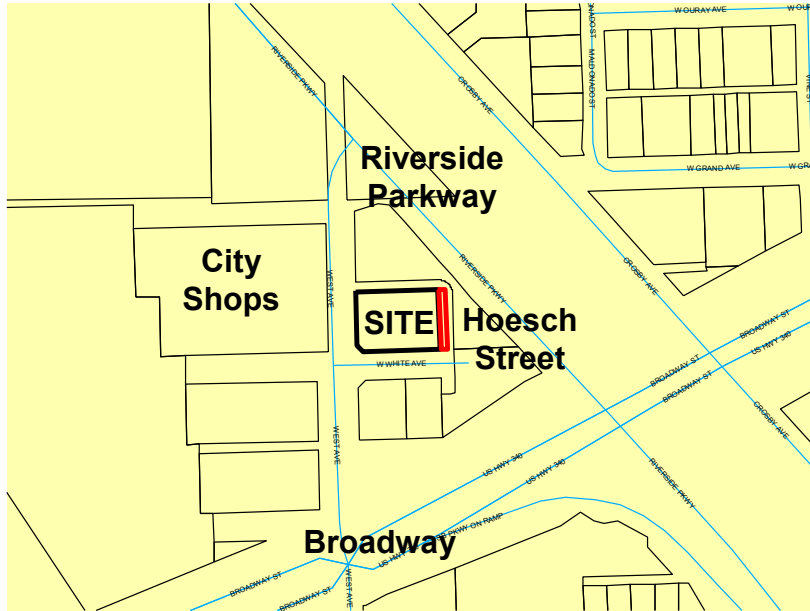
5. The requested right-of-way vacation is consistent with the goals and policies of the Growth Plan.
6. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

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.

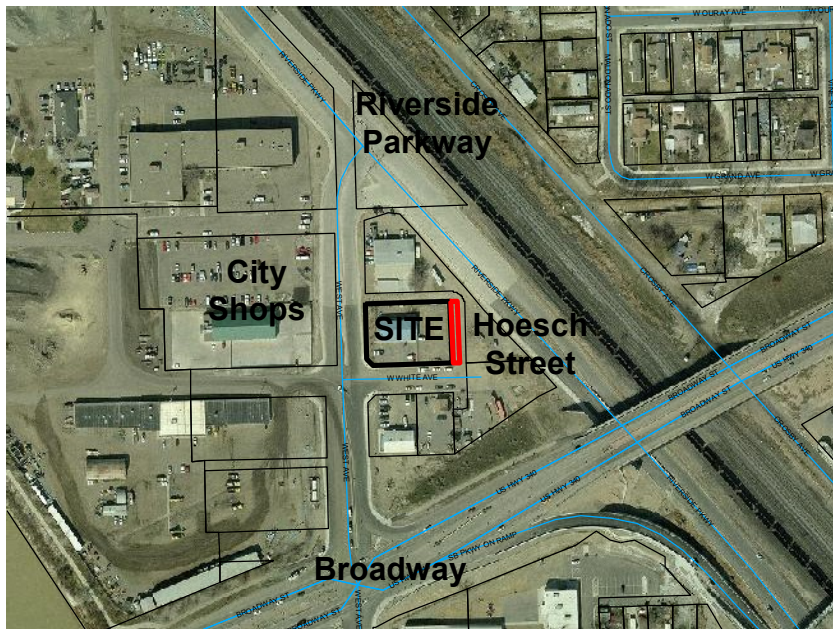
Site Location Map

Figure 1



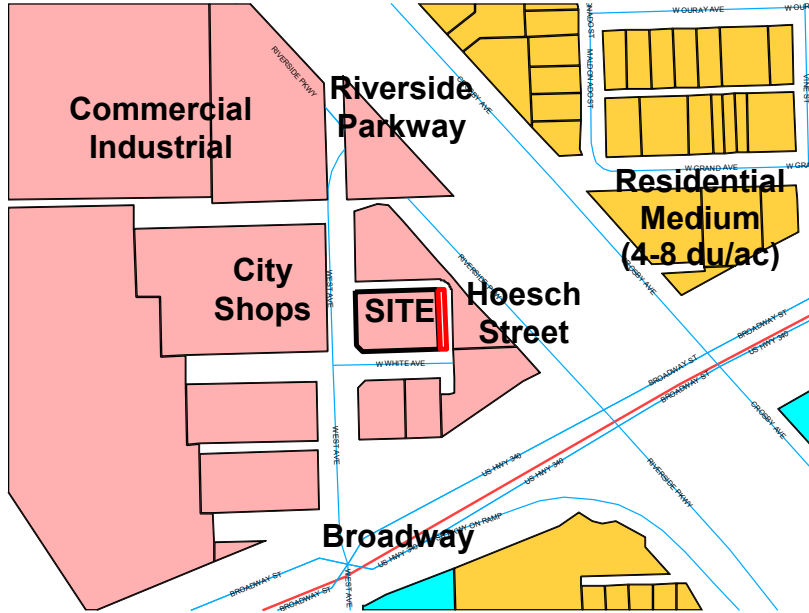
Aerial Photo Map

Figure 2



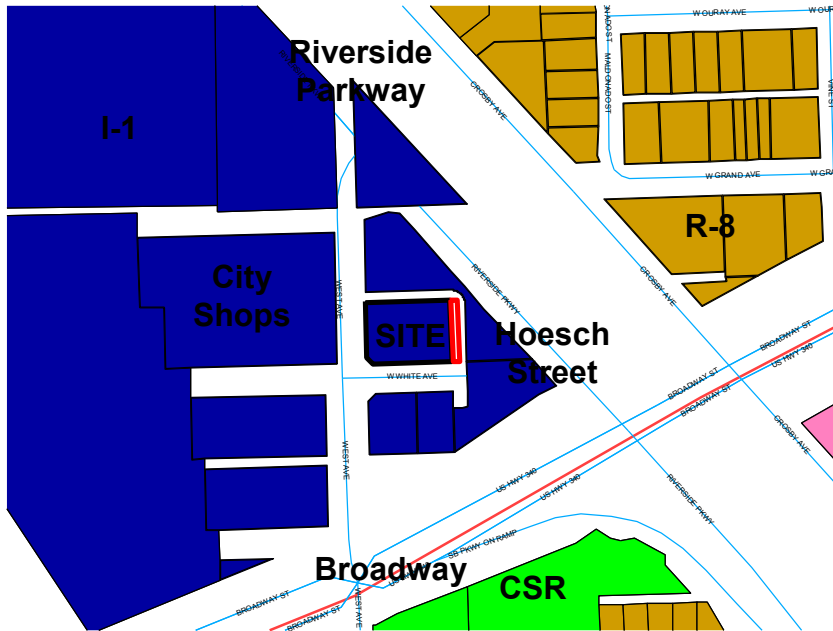
Future Land Use Map

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:

2. 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 18th day of February, 2009.

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

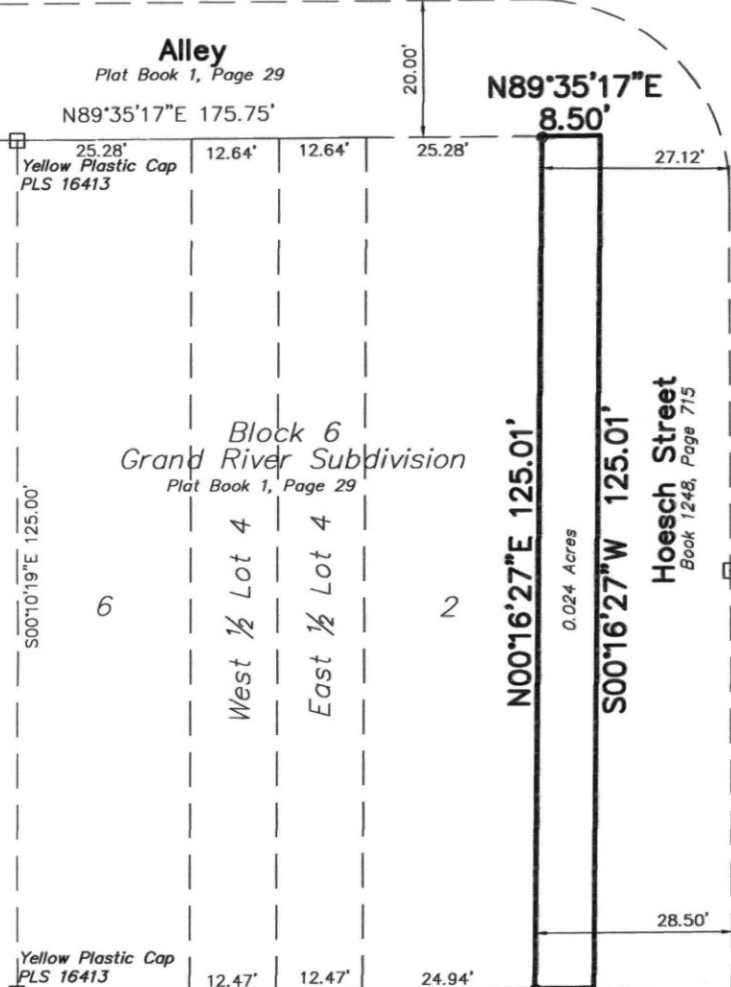
City Clerk

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

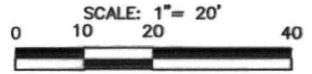
Yellow Plastic Cap
PLS 24942

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 11

Public Hearing – Vacation of ROW for GCK, LLC, Located at 104 W. Colorado Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Vacation of Rights-of-Way for GCK, LLC, Relative to Development – Located at 104 W. Colorado Avenue		
File #	VR-2008-375		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 17, 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 1st Street and the railroad tracks; the north/south alley between West Main Street and West Colorado Avenue, west of North 1st 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: Hold a public hearing and consider final passage of the proposed Ordinance.

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. Proposed 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

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.

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 1st 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:

- s. 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

- t. 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.

- 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.

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 1st Street.

- 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).

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.

- 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.

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 1st Street.

- x. 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:

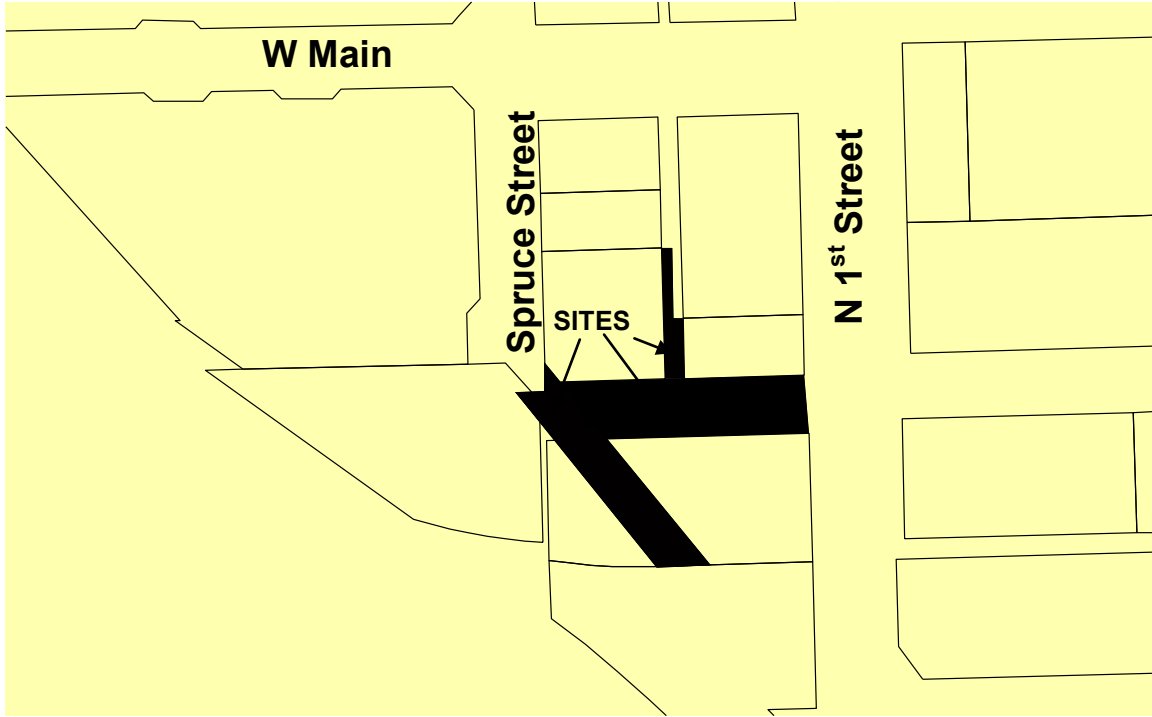
- 7. The requested right-of-way vacation is consistent with the Growth Plan.
- 8. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

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



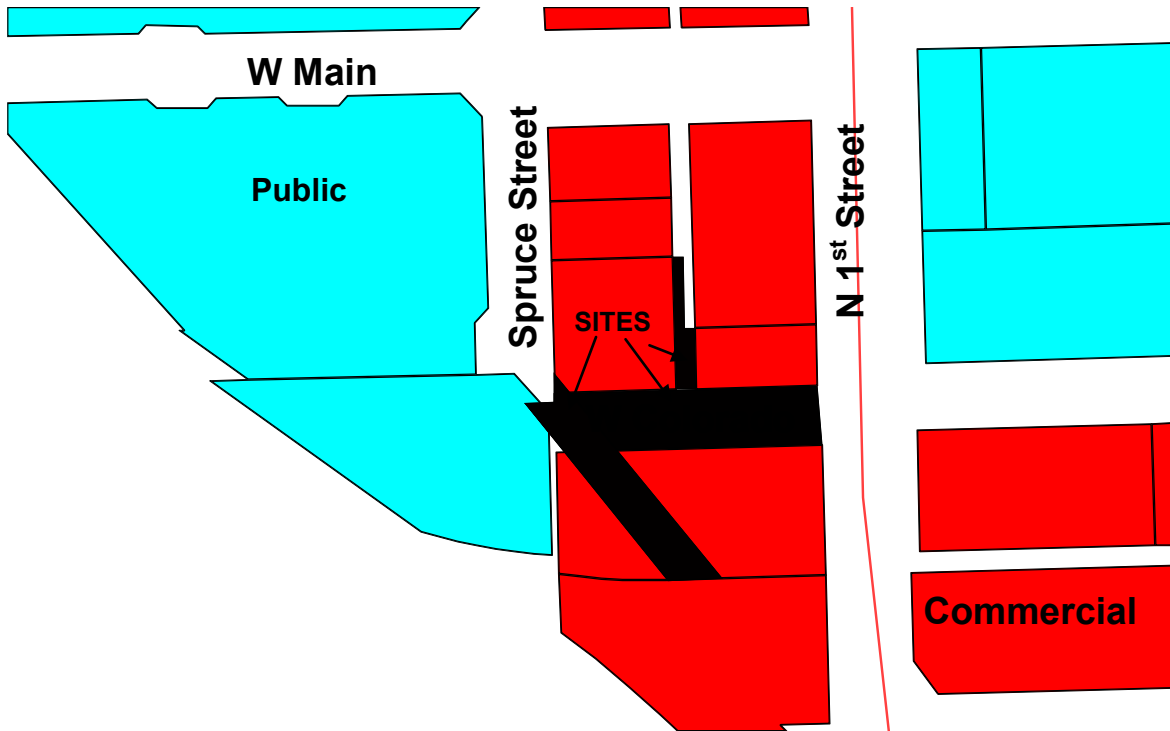
Aerial Photo Map

Figure 2



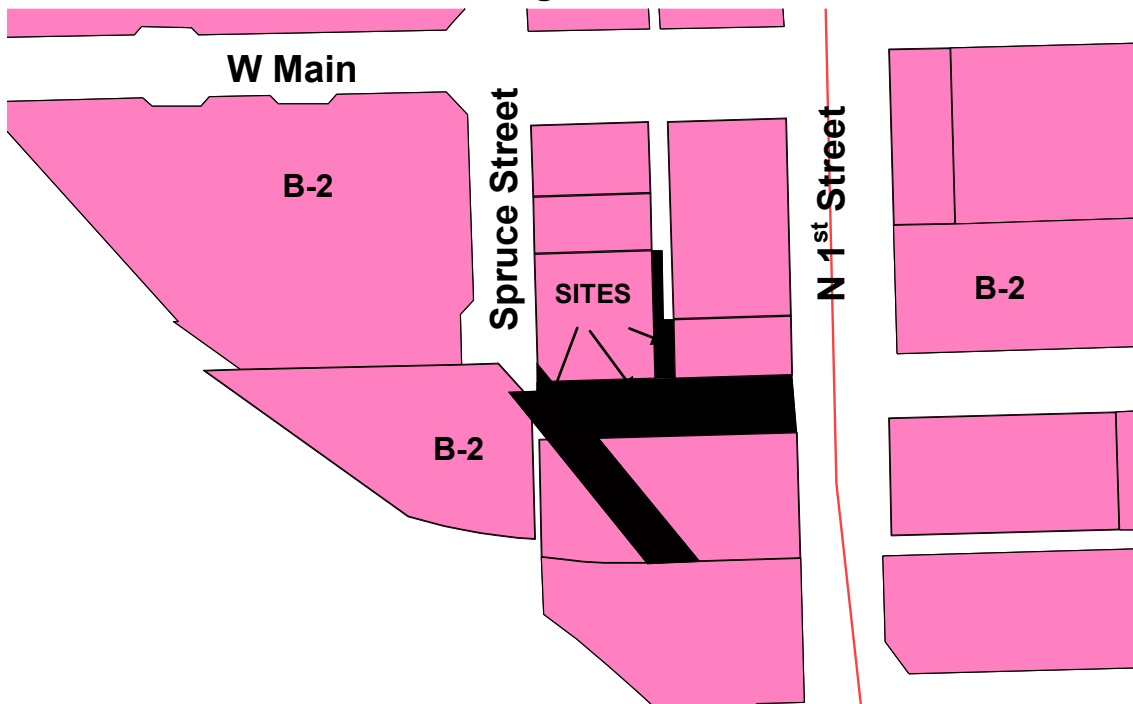
Future Land Use Map

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 1ST 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 1ST 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:

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

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 18th day of February, 2009

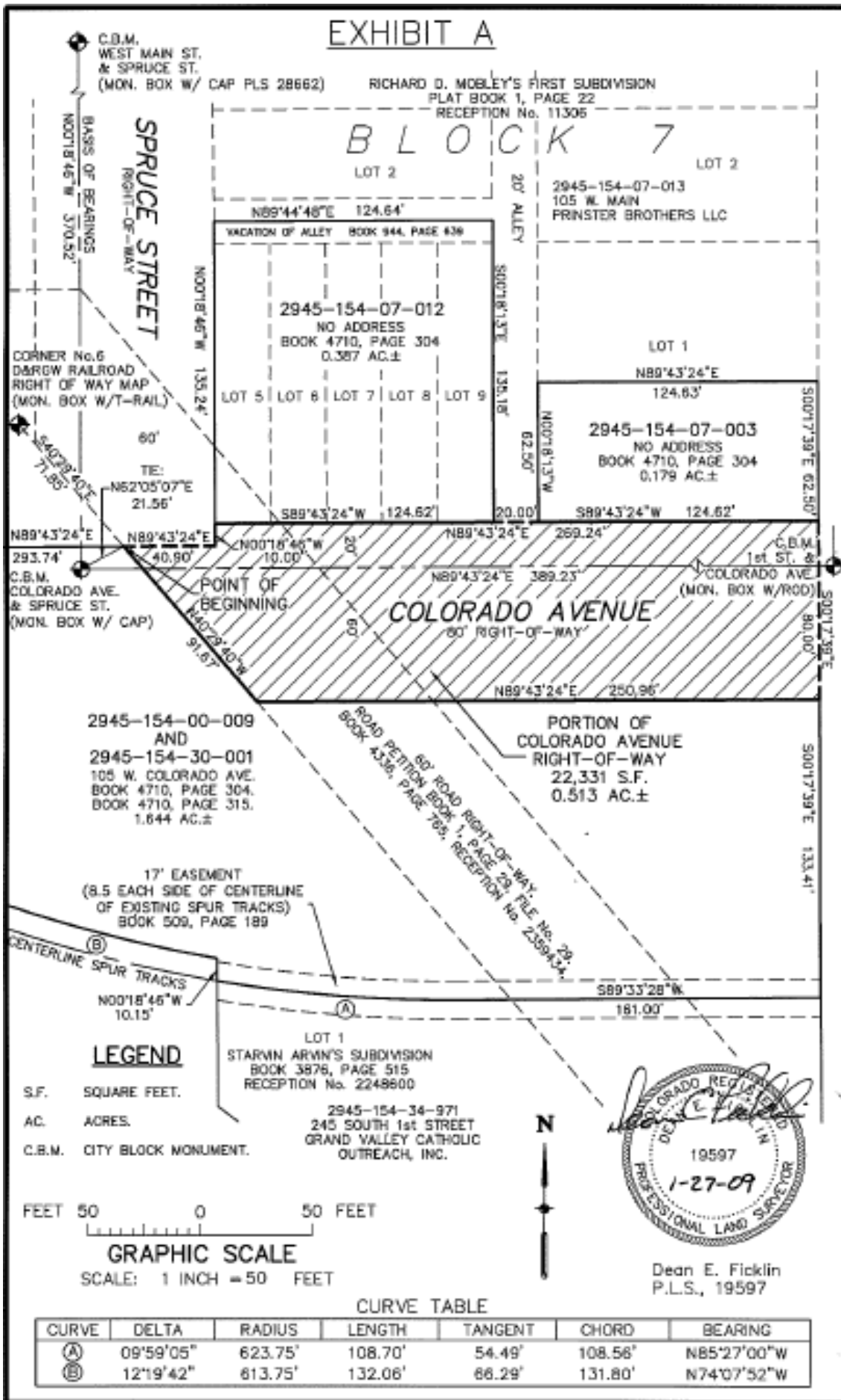
PASSED and ADOPTED this _____ day of _____, 2009.

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

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

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

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

60' ROAD RIGHT-OF-WAY
ROAD PETITION BOOK 1, PAGE 29, FILE No. 29
BOOK 438, PAGE 705, RECEPTION No. 2359434.

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

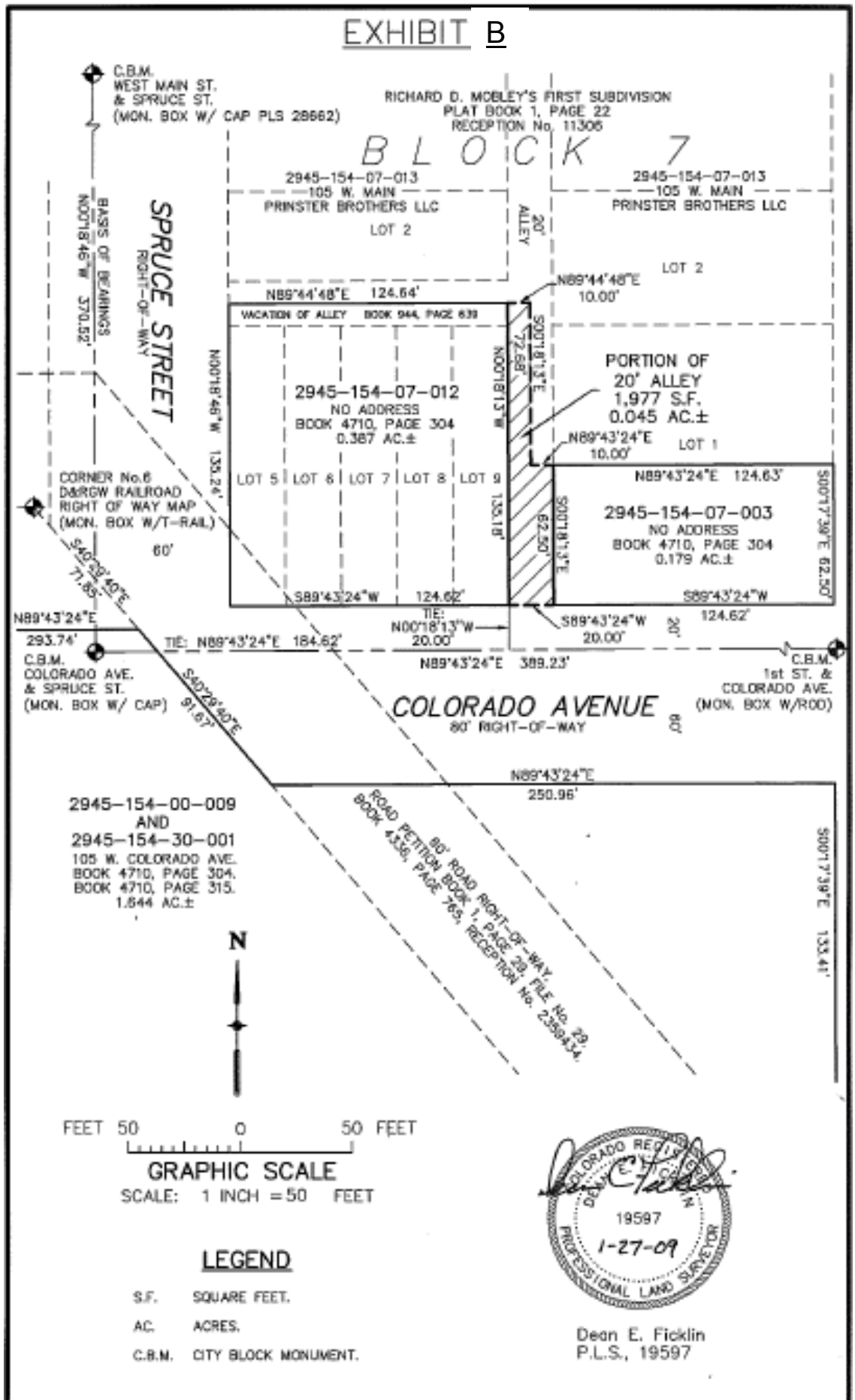
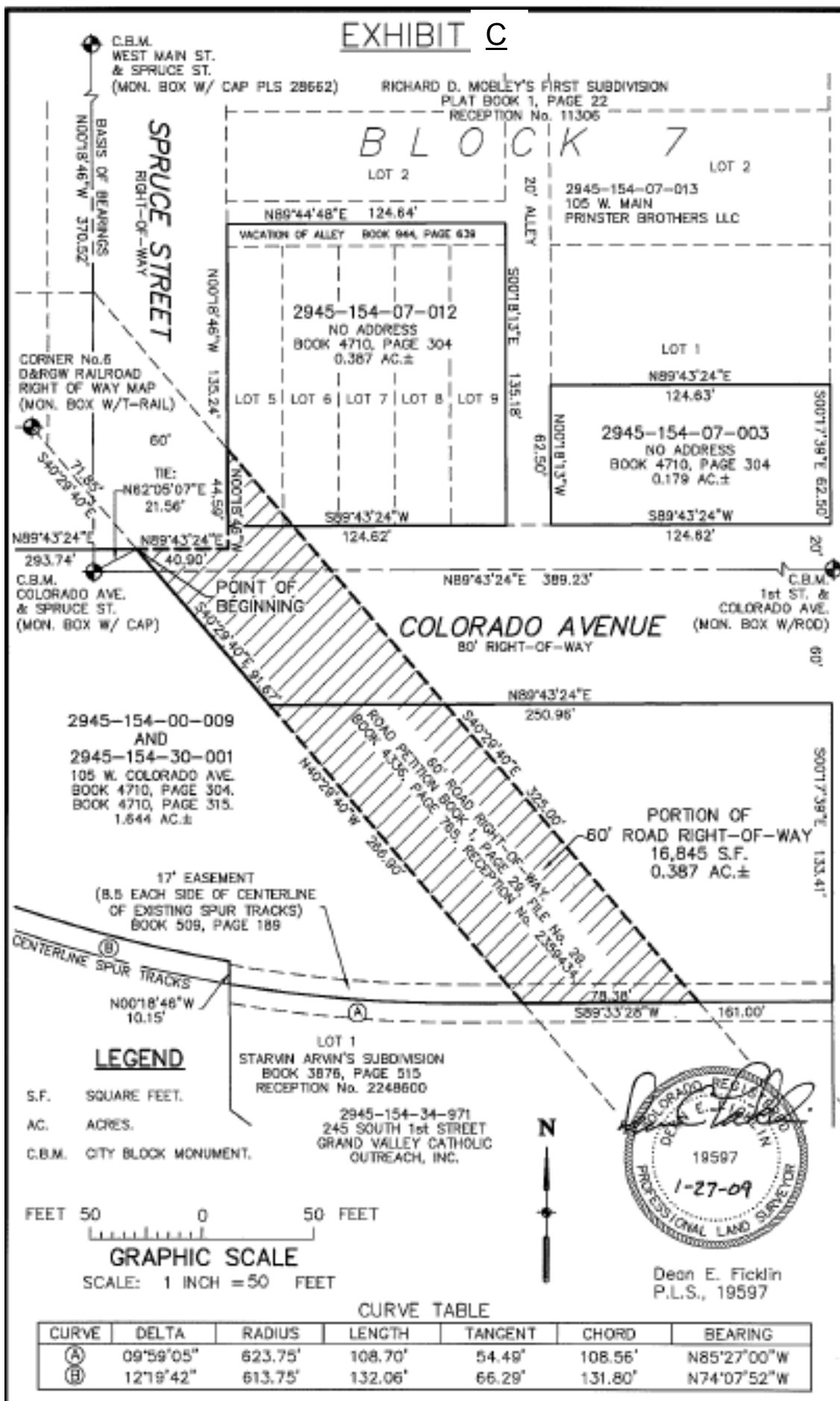


EXHIBIT C



Attach 12

Public Hearing – Vacation of Public ROW for Rimrock Business Park, Located along the West Side of 25 ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Vacation of Public Right-of-Way for Rimrock Business Park - Located along the West Side of 25 ½ Road		
File #	FP-2008-356		
Meeting Day, Date	Wednesday, March 4, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	February 6, 2009		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	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. The requested vacations will help facilitate the development of Rimrock Business Park subdivision.

Budget: N/A

Action Requested/Recommendation: Consider passage of an Ordinance to vacate excess right-of-way, and adopt a Resolution to vacate the slope easement.

Attachments:

1. Site Location Map / Aerial Photo Map
2. Growth Plan Map / Existing City and County Zoning Map
3. Transportation Map
4. Proposed Ordinance
5. Proposed Resolution

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 is attached 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:

- y. 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.

- z. 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.

- aa. 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.

- bb. 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.

- cc. 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.

- dd. 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.

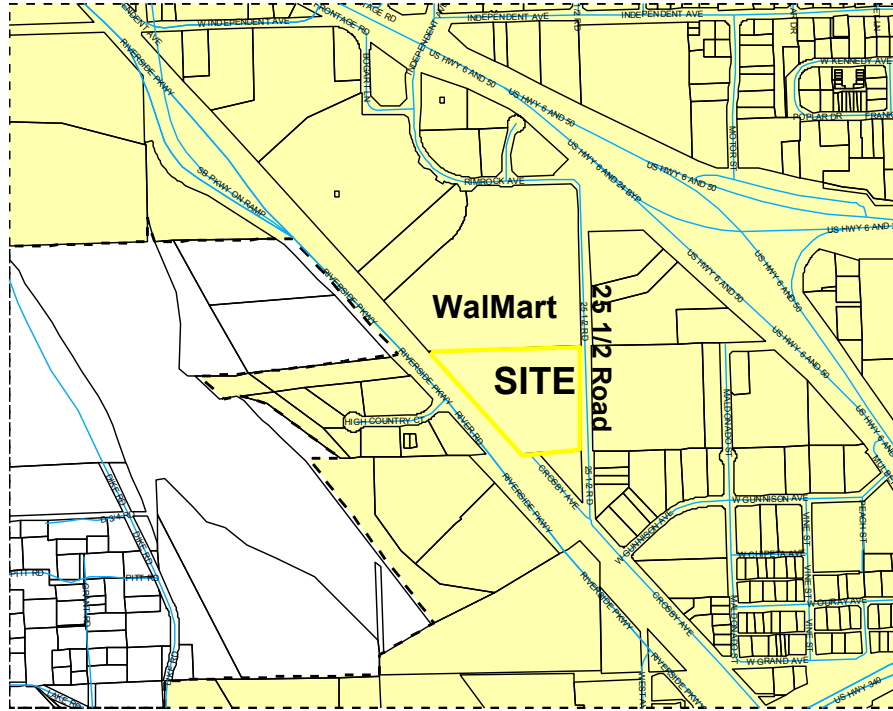
PLANNING COMMISSION RECOMMENDATIONS:

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

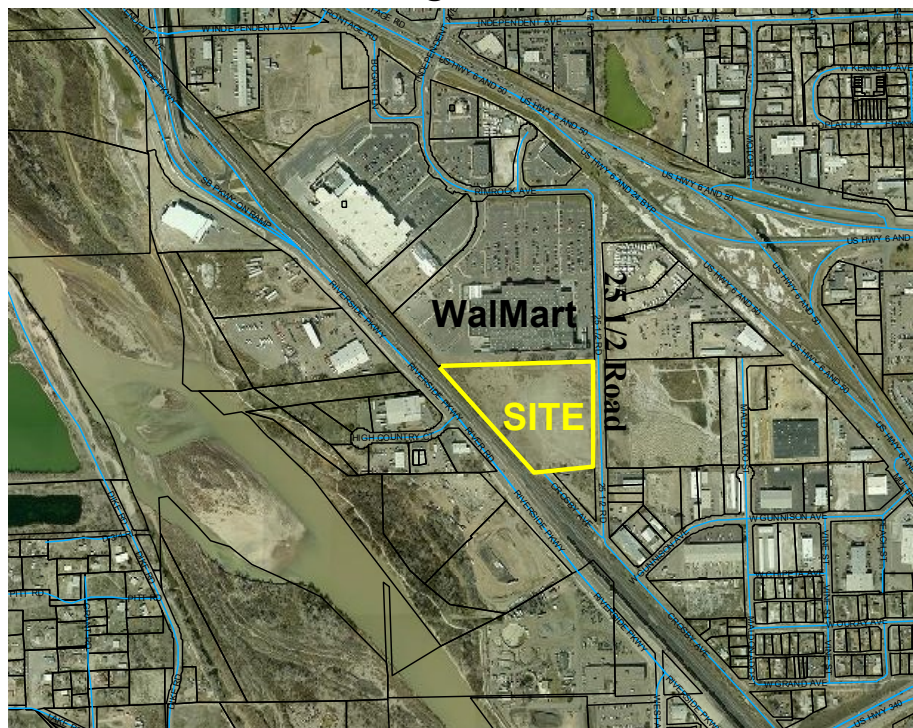
City Limits

Figure 1



Aerial Photo Map

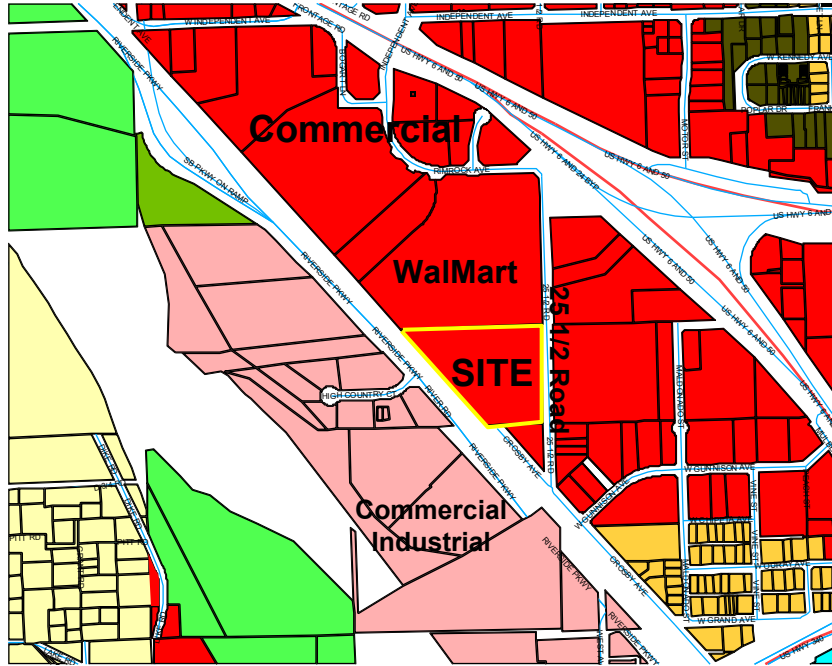
Figure 2



Future Land Use Map

City Limits

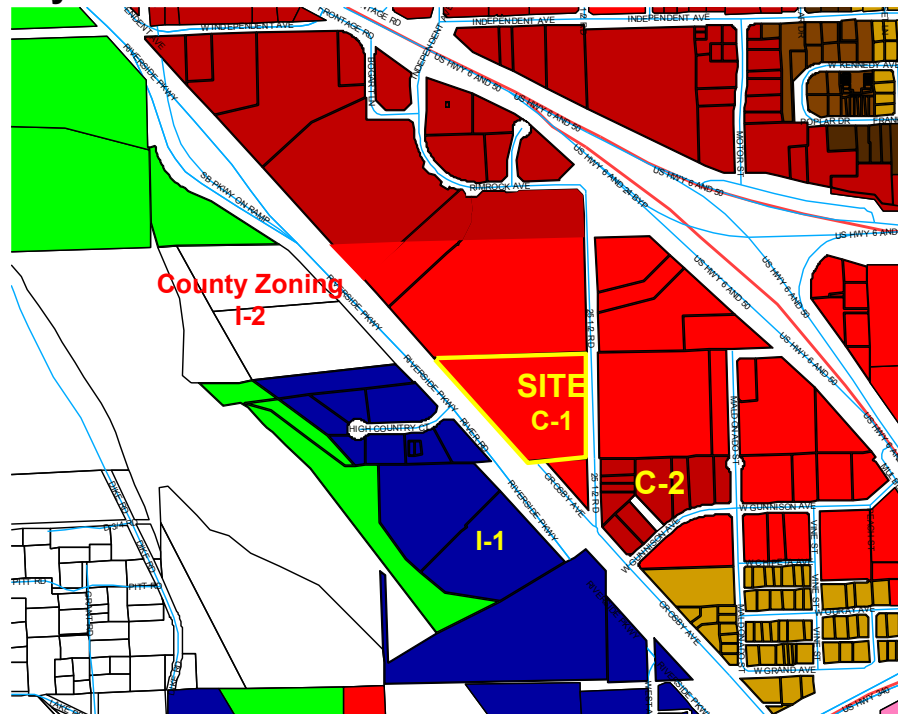
Figure 3



Existing City and County Zoning

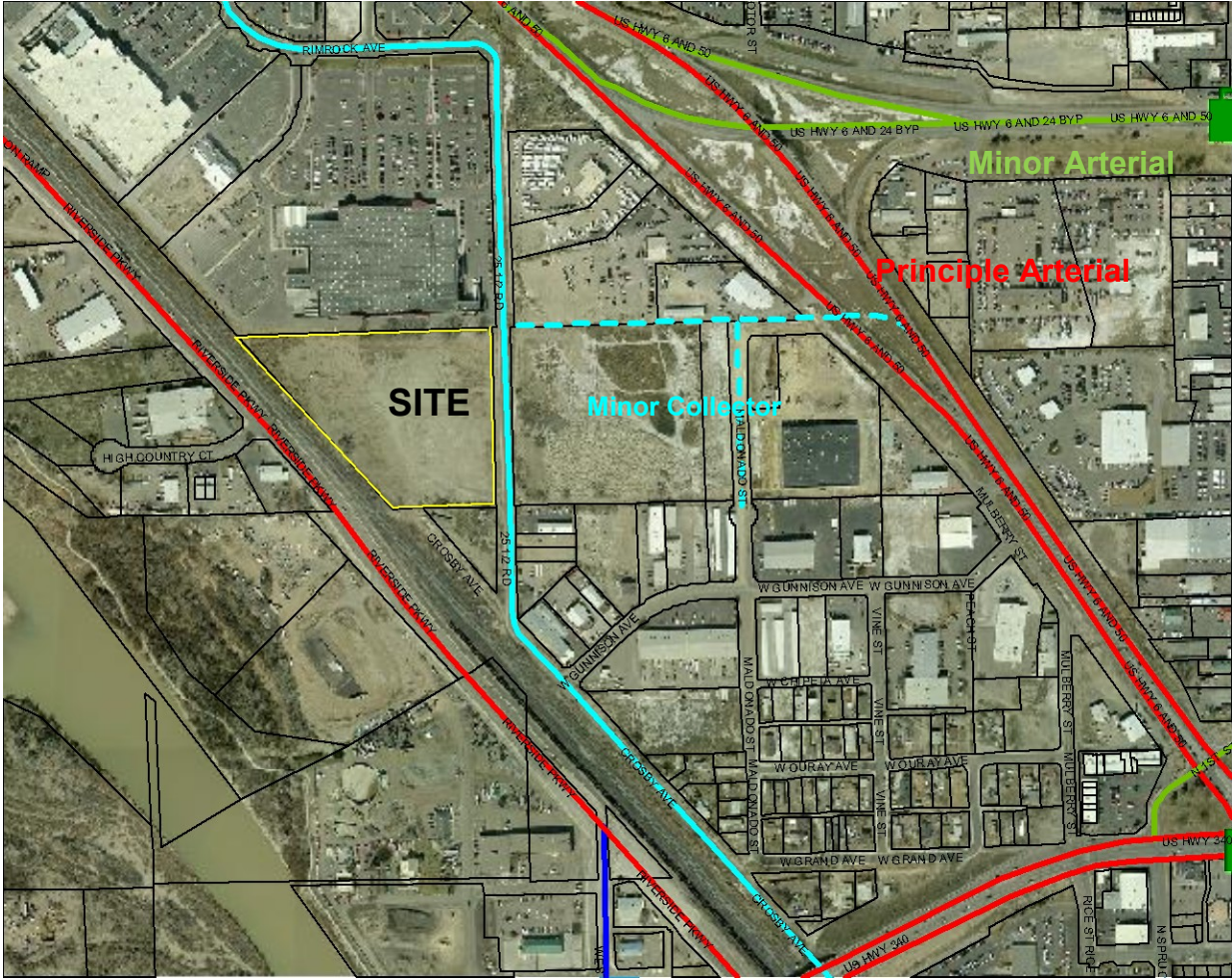
City Limits

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.

**AN ORDINANCE 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:

5. 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 18th day of February, 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

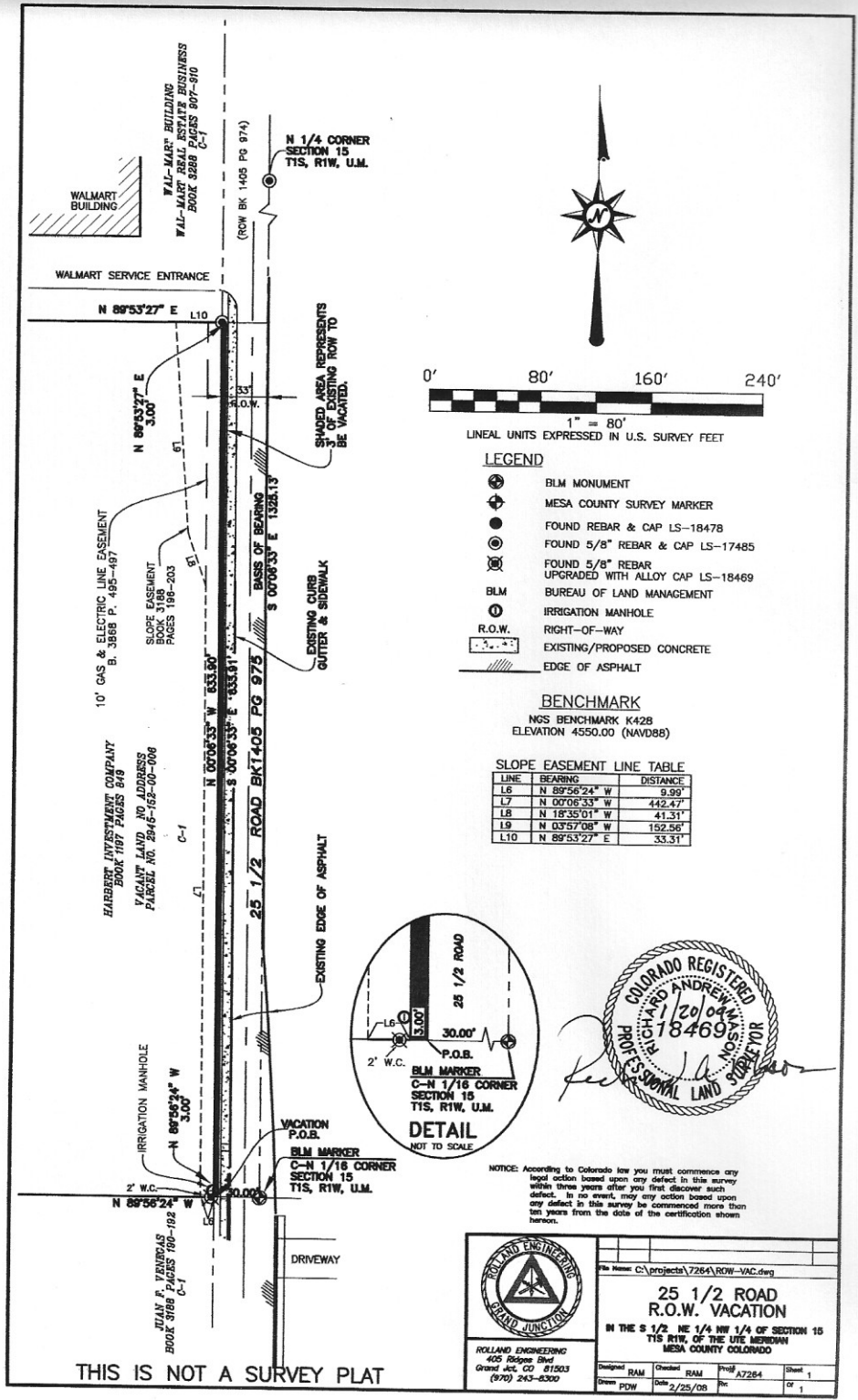


Exhibit A

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING A SLOPE EASEMENT ON LOT 1, RIMROCK
BUSINESS PARK SUBDIVISION, LOCATED ALONG 25 1/2 ROAD, SOUTH OF
WALMART**

RECITALS:

A request for the vacation of a slope easement has been submitted in accordance with the Zoning and Development Code. The applicant has requested that the slope easement located along the westerly side of 25 1/2 Road, on Lot 1, Rimrock Business Park Subdivision, be vacated. The vacation request will clear the property for future development of the Rimrock Business Park Subdivision.

In a public hearing, the Planning Commission reviewed the request for the vacation request and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the Zoning and Development Code. The proposed vacation is also 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 IN THE DEED OF SLOPE EASEMENT, RECORDED AT BOOK 3188, PAGES 196 – 200 HEREBY BE VACATED.

PASSED on this _____ day of _____, 2009.

ATTEST:

City Clerk

President of Council