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**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
MONDAY, MAY 4, 2009, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

Invocation – Father John Farley, Immaculate Heart of Mary Catholic Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

**Proclamations/Recognitions**

Proclaiming May 9, 2009 as “Grand Junction Letter Carriers Stamp Out Hunger Day” in the City of Grand Junction

Proclaiming May 10-16, 2009 as “National Police Week” and May 15, 2009 as “Peace Officers’ Memorial Day” in the City of Grand Junction

Recognition of Neighborhood Organization—Spring Valley

Recognition of Neighborhood Organization—LaRoche Condominiums

Historic Preservation Awards to Marie Tipping and the I.O.O.F. Hall

\*\*\* Indicates New, Moved, or Changed Item

® Requires Roll Call Vote

**REVISED**

**Certificates of Appointments**

To the Horizon Drive Association Business Improvement District

**Election of Mayor and Mayor Pro Tem/Administer Oaths of Office**

**Citizen Comments**

**Council Comments**

**City Manager's Report**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Minutes of the April 13, 2009 and the April 15, 2009, Regular Meetings*

2. **I.O.O.F. Hall Historic Building Designation, Located at 128 North 5<sup>th</sup> Street** [Attach 3](#)  
[File # HBD-2009-081]

The owners of the I.O.O.F. Hall located at 128 North 5<sup>th</sup> Street, are requesting that the building be designated as historic in the City register of Historic Sites, Structures and Districts.

Resolution No. 44-09—A Resolution Designating the I.O.O.F. Hall Located at 128 North 5<sup>th</sup> Street in the City Register of Historic Sites, Structures and Districts

®*Action: Adopt Resolution No. 44-09*

Staff presentation: Kristen Ashbeck, Senior Planner

3. **Setting a Hearing on Vacation of Public Right-of-Way in the Vicinity of 7<sup>th</sup> Street, Struthers Avenue and Kimball Avenue** [File # VR-2009-053] [Attach 4](#)

Request by the City of Grand Junction to vacate two surplus right-of-way areas totaling 0.22 acres: (1) a portion of South 7th Street south of the Riverside Parkway and north of Struthers Avenue and (2) a portion of Kimball Avenue west of the Riverside Parkway. These remnants have been rendered impractical as right-of-way because of the alignment of the Riverside Parkway through the area.

Proposed Ordinance Vacating a Portion of the South 7<sup>th</sup> Street Right-of-Way Located South of the Riverside Parkway and North of Struthers Avenue and a Portion of the Kimball Avenue Right-of-Way Located West of the Riverside Parkway

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

Staff presentation: Judith Rice, Associate Planner

4. **Setting a Hearing on the Lang Industrial Park Annexation, Located at 2764 C  $\frac{3}{4}$  Road, 2765 and 2767 Riverside Parkway** [File #ANX-2009-072] [Attach 5](#)

Request to annex 4.86 acres, located at 2764 C  $\frac{3}{4}$  Road, 2765 and 2767 Riverside Parkway. The Lang Industrial Park Annexation consists of 3 parcels.

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

Resolution No. 45-09—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Lang Industrial Park Annexation, Located at 2764 C  $\frac{3}{4}$  Road, 2765 and 2767 Riverside Parkway

*®Action: Adopt Resolution No. 45-09*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lang Industrial Park Annexation, Approximately 4.86 Acres, Located at 2764 C  $\frac{3}{4}$  Road, 2765 and 2767 Riverside Parkway

Action: *Introduction of a Proposed Ordinance and Set a Hearing for June 15, 2009*

Staff presentation: Michelle Hoshide, Associate Planner

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

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

**\*\*\* 5. Airport Improvement Program Grant at Grand Junction Regional Airport [Attach 2](#)**

AIP-39 is a Stimulus Project to rehabilitate the General Aviation Concrete Ramp on the east end of the airport. The grant amount is \$8,000,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Action: *Authorize the Mayor to Sign the Original FAA AIP-39 Grant Documents and the ARRA Airport Sponsor Certification for General Aviation Ramp Rehabilitation (Phase I) at the Grand Junction Regional Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-39*

Staff presentation: Rex A. Tippetts, Airport Manager

**6. Public Hearing—North Avenue Rights-of-Way Annexation [File #ANX-2009-042] [Attach 6](#)**

Request to annex approximately 5.32 acres, located at six locations on North Avenue between 29 Road and I-70 Business Loop. The North Avenue Annexation consists only of right-of-way.

**a. Accepting Petition**

Resolution No. 46-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the North Avenue Rights-of-Way Annexation Located at Six Separate Sections of North Avenue Right-of-Way, from 29 Road to I-70 Business Loop as Shown in Attachment A is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4354—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, North Avenue Rights-of-Way Annexation, Approximately 5.32 Acres, Located at Six Separate Sections of North Avenue Right-of-Way from 29 Road to I-70 Business Loop as Shown in Attachment A

*®Action: Adopt Resolution No. 46-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4354*

Staff presentation: Ivy Williams, Development Services Supervisor

7. **Public Hearing—The Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive** [File #RZ-2009-014] [Attach 7](#)

Request to rezone the 3.709 acres, located at 2293 and 2295 Tall Grass Drive from C-2 (General Commercial) to I-1 (Light Industrial).

Ordinance No. 4355—An Ordinance Rezoning Two Parcels of Land from C-2 (General Commercial) to I-1 (Light Industrial) Known as the Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4355*

Staff presentation: Michelle Hoshide, Associate Planner

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

9. **Other Business**

10. **Adjournment**

## **Attach 1**

### **Minutes from Previous Meetings**

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

**April 13, 2009**

The City Council of the City of Grand Junction convened into regular session on the 13<sup>th</sup> day of April 2009 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, Doug Thomason, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Thomason led in the Pledge of Allegiance followed by an invocation by Tom Hunn, Baha'i Faith.

#### **Proclamations/Recognitions**

Proclaiming April 20 – 26, 2009 as “Administrative Professionals Week” in the City of Grand Junction

Proclaiming April 23, 2009 as “Arbor Day” in the City of Grand Junction

Proclaiming May 1, 2009 as “Silver Star Banner Day” in the City of Grand Junction

Proclaiming June 17, 18, and 19, 2009 as “Western Slope Rural Philanthropy Days” in the City of Grand Junction

#### **Appointments**

Councilmember Hill moved to appoint Bill Milius to the Horizon Drive Association Business Improvement District for a term to expire April, 2012 and to appoint Jan Rohr and re-appoint Clark Atkinson to the Horizon Drive Association Business Improvement District to four year terms expiring April, 2013. Councilmember Thomason seconded the motion. Motion carried.

#### **Citizen Comments**

Roger Mahoney, 2502 Vanburen Avenue, approached City Council looking for some help. On March 17th, his son's basement flooded with black water from the sewer. The City crew came out and determined the blockage was past his individual line. Someone from the City came over and took pictures and determined the blockage was up the street. They called Royal Restoration to clean up the mess. His son's insurance is Farmer's Insurance but it only covers up to \$5,000 when the problem is off the son's property. They have collected that. The amount incurred was \$32,348. They have been trying to go through the proper channels but have not received return calls. He called the City Attorney's office and was told there was a meeting last Friday at 3:00 p.m. to specifically address this issue. Since then they have not heard back. He called today and did not get a return call. He called Risk Management again and did not get a

call back. The City has acknowledged responsibility up to a certain point. He did finally hear from the City's insurance agent who rudely denied the claim. He is disappointed that he is not getting return phone calls. They have exhausted the \$5,000 from their insurance, Farmer's, and would like to have this resolved.

City Attorney John Shaver offered to excuse himself from the meeting and speak with Mr. Mahoney, which he did.

### **Council Comments**

Councilmember Beckstein stated that she will not be able to be present at the April 15th meeting. She took the opportunity to express her gratitude and appreciation in working with Councilmembers Thomason and Doody.

Council President Palmer announced that this is the next to the last meeting for Councilmembers Thomason and Doody.

### **City Manager's Report**

City Manager Laurie Kadrach addressed the City Council. She updated the Council on the American Recovery and Reinvestment Act (ARRA). The City is working with several different partnerships including the Mesa County Sheriff's Department. They have identified public safety opportunities and identified other entities that might be eligible for upcoming grants.

In the Economic Development area, the City received an allocation of \$91,783 and it is Staff's recommendation to include that with the City's regular CDBG entitlement funds.

Under transportation, the Staff is awaiting the grant criteria which is expected May 11<sup>th</sup>. They are preparing a surface transportation project and a joint application with Mesa County for 29 Road. It may delay construction by six months but could result in a \$30 million grant.

Under energy, environment and infrastructure, the City was allocated \$229,800 for energy efficiency. It was thought that it could be used for the Johnson Control Contract but they received notice that it is not eligible, although there are other projects not funded by that contract that may be eligible. The application is due June 25, 2009. Community projects have preference over individual projects.

Another area is being funneled through the Governor's energy audit and they believe the Compressed Natural Gas project may be eligible but they are awaiting the criteria. Also there are dollars available for clean cities, there may be some opportunities with applications due May 29th.

There are some Public Safety grants the City is submitting to construct Fire Station #1 and remodel Fire Station #2, but the criteria have not been issued yet. These projects must be "shovel ready".

The next area is the Justice Assistance Grant (JAG) which is on the agenda and is due May 18, 2009. This is in partnership with the Mesa County Sheriff's Department to help fund the Computer Aided Dispatch (CAD) and Records Management System (RMS). Another grant in this area is for the conversion to 800 MHz radios. There is another grant available through the U.S. Department of Justice for other projects under consideration and will be due April 27<sup>th</sup>. Lastly, there are Community Oriented Policing Services (COPS) grants that will pay for police officer salaries. There are open positions due to the officers that are currently serving in Iraq. Ms. Kadrich then distributed the flowcharts on the various elements of the ARRA.

Councilmember Todd asked if the police officers are guaranteed jobs when they return from private jobs in Iraq. City Manager Kadrich said they are not, but it is beneficial to the City if they return rather than the City having to retrain a new officer.

Councilmember Hill thanked City Manager Kadrich and reiterated how the other communities are grateful for the City's assistance. It puts on point his philosophy of thinking regionally. Regarding the 29 Road project, he would rather see those dollars be shifted to move capital projects up rather than to shift dollars to operations. City Manager Kadrich agreed, advising that this is the City's direction.

That concluded the report.

## **CONSENT CALENDAR**

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

### **1. Minutes of Previous Meetings**

*Action: Approve the Minutes of the March 30, 2009 and the April 1, 2009 Regular Meetings, and the April 8, 2009 Special Meeting*

2. **Establishing Liquor License Fees for Bed and Breakfast Permits**

The City has been contacted by a private citizen who is interested in opening a Bed and Breakfast in City limits. Currently our fees for liquor licensing do not cover Bed and Breakfast establishments. This is not a liquor license but a permit for operating a bed and breakfast with not more than twenty sleeping rooms that offers complimentary malt, vinous, and spirituous liquors for consumption only on the premises and only by overnight guest(s).

Resolution No. 40-09—A Resolution Amending Resolution No. 61-08 to Amend the Liquor License Fees in the City of Grand Junction, Colorado

*Action: Adopt Resolution No. 40-09*

3. **Contract for Construction and Installation of a Septage Receiving Station at Persigo Wastewater Treatment Plant**

Request is being made to award a contract for construction and installation of a Septage Receiving Station at Persigo Wastewater Treatment Plant.

*Action: Authorize the Purchasing Division to Enter into a Contract with Mays Concrete to Install a Septage Receiving Station at Persigo Wastewater Treatment Plant in the Amount of \$122,957*

4. **Setting a Hearing for the Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive** [File #RZ-2009-014]

Request to rezone the 3.709 acres, located at 2293 and 2295 Tall Grass Drive from C-2 (General Commercial) to I-1 (Light Industrial).  
Proposed Ordinance Rezoning Two Parcels of Land from C-2 (General Commercial) to I-1 (Light Industrial) Known as the Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive

*Action: Introduction of Proposed Ordinance and Setting a Hearing for May 4, 2009*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Application for Justice Assistance Grant (Recovery/Reinvestment Act Funding Request) for the County-wide Computer Aided Dispatch and Records Management System**

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance program of the US Department of Justice, to apply for an annual formula grant in the amount of \$254,568. These funds are allocated evenly between Grand Junction Police Department and Mesa County Sheriff's Office and will be used in combination with other funding sources to purchase a new county-wide Computer Aided Dispatch and Records Management Systems (CAD/RMS). These systems will provide the ability to have fully shared, integrated criminal justice records across all law

enforcement agencies in Mesa County. They will also greatly improve communications and eliminate operational inefficiencies that currently exist.

Bill Gardner, Chief of Police, presented this item. He explained the purpose of the grant as touched upon in the City Manager's Report and the partnership with the Mesa County Sheriff's Office for this grant. This grant will benefit all of Mesa County. The request will help fund the Computer Aided Dispatch and Records Management System county-wide where information can be shared county-wide. Both the City and County have researched the different vendors and they are now down to a final two who will be performing a proof of feasibility. The current systems have expired and the support costs are high. Some funds will come from the 9-1-1 account and other grants are being pursued.

Council President Palmer asked if the grant obligates the City to fund this project within a certain period of time. Chief Gardner said he did not believe it does. City Manager Kadrich said the City has applied for another grant to fund the rest and they intend to buy the technology and then add the other modules in records management as funding becomes available.

Councilmember Coons asked if Mesa County is participating financially. Chief Gardner said this grant is joint with the City and the County but the County will have to participate in the future cost sharing.

Councilmember Hill noted the importance of working on the financing now.

Council President Palmer asked for any public input. There was none.

Councilmember Hill moved to authorize the City Manager to apply for these funds, and if awarded, to manage/disperse \$254,568 in grant funds. Councilmember Todd seconded the motion. Motion carried.

### **Public Hearing—Amending the Municipal Code Regarding Wastewater and Industrial Pretreatment Regulations**

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

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

John Shaver, City Attorney, presented this item and noted that Mike Shea, the industrial pre-treatment coordinator, is present. He explained that the EPA regularly audits the City's regulations and requires certain amendments to the wastewater and industrial pre-treatment provisions and this ordinance is so the City's regulations comply with EPA regulations. The first reading was in January and it then had to be published in the federal register prior to the second reading. These changes simply refine the City's already state-of-the art program. The Staff Report includes his legal opinion that the changes comply with the EPA regulatory authority.

Councilmember Doody pointed out that the plant won second place in pre-treatment and first place in operations and maintenance last year.

Councilmember Coons asked about the impact to the ratepayers. City Attorney Shaver said there is virtually no impact, the rate structure is built into the discharge rate. The average household consumer and regular commercial consumer will not see any significant change.

There were no public comments.

The public hearing was closed at 8:11 p.m.

Ordinance No. 4344—An Ordinance Amending Portions of Article II of Chapter 38 of the Grand Junction Code of Ordinances Pertaining to Pretreatment Regulations, to Incorporate Required Changes to the City’s Legal Authority Requested by the United States Environmental Protection Agency through an Audit

Councilmember Coons moved to adopt Ordinance No. 4344 and ordered it published. Councilmember Thomason seconded the motion.

Councilmember Hill asked about the change in criminal penalties as there is an inconsistency in the dollar amount. Mr. Shaver acknowledged the correction.

Motion carried by roll call vote.

**Public Hearing—Amending the Requirements for Tasting Alcoholic Beverages at Licensed Establishments**

City Council adopted Ordinance No. 3716 regarding tasting of alcoholic beverages on February 2, 2005. Recently a licensee asked to reevaluate the containers permitted for tastings at the licensed establishments. Because of the size of the container it is reportedly difficult to efficiently administer samples in the cups authorized by the current ordinance. There are also concerns that the opaque cups hinder the presentation of the products. Legal staff proposes an amendment to Section 4-58 of Article IV, Chapter 4 of the Code of Ordinances to promote better efficiency and aesthetics of the presentation for the benefit of the proprietors. Amending the Code to allow portion control cups as well as pour control caps will give proprietors a variety of ways to present their products in a manner that best fits the goals of each establishment.

The public hearing was opened at 8:14 p.m.

John Shaver, City Attorney, presented this item. He explained that one of the retail liquor store proprietors requested that the City amend the tasting regulations in order to help them better present the product. The ordinance will allow a larger size cup but maintain the one ounce portion. The request is also to allow a larger cup in a clear plastic so the product can be better seen. The portion would be controlled under a cap that measures the portion. The proprietor of Planet Wines, Mr. Chariton, was not able to be present but was happy to hear of the proposed change.

There were no public comments.

The public hearing was closed at 8:16 p.m.

Ordinance No. 4345—An Ordinance Amending Chapter 4, Article IV, Section 4-58 of the Grand Junction Code of Ordinances Pertaining to the Tasting of Alcoholic Beverages

Councilmember Todd moved to adopt Ordinance No. 4345 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Councilmember Hill thanked City Attorney Shaver for providing a strike-through version of the changes to the ordinance.

**Public Hearing—Parkway Complex Annexation and Zoning, Located at 2789 Riverside Parkway** [File #ANX-2009-018]

A request to annex and zone 1.26 acres, located at 2789 Riverside Parkway to an I-1(Light Industrial) zone district. The Parkway Complex Annexation consists of two (2) parcels.

The public hearing was opened at 8:18 p.m.

Michelle Hoshide, Associate Planner, presented this item. She described the request, the site, and the location and asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code. The Planning Commission recommended approval at its March 10, 2009 meeting. The applicant was present but did not wish to make a presentation.

Council President Palmer asked about the sign for sale stating it is 1.14 acres. Ms. Hoshide advised the annexation may be different than the land advertised by the real estate sign.

There were no public comments.

The public hearing was closed at 8:20 p.m.

**a. Accepting Petition**

Resolution No. 41-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that the Property Known as the Parkway Complex Annexation, Located at 2789 Riverside Parkway is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4346—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Parkway Complex Annexation, Approximately 1.264 Acres, Located at 2789 Riverside Parkway

**c. Zoning Ordinance**

Ordinance No. 4347—An Ordinance Zoning the Parkway Complex Annexation to I-1 (Light Industrial), Located at 2789 Riverside Parkway

Councilmember Thomason moved to adopt Resolution No. 41-09 and Ordinance Nos. 4346 and 4347 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—Ajarian Annexation and Zoning, Located at 2954 D ½ Road** [File #ANX-2009-021]

Request to annex and zone 17.78 acres, located at 2954 D ½ Road to an R-8 (Residential 8 du/ac) zone district. The Ajarian Annexation consists of 2 parcels and includes a portion of the D ½ Road right-of-way.

The public hearing was opened at 8:21 p.m.

Michelle Hoshide, Associate Planner, presented this item. She described the request, the site, and the location and asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code. The Planning Commission recommended approval at its March 10, 2009 meeting. The applicant was present but did not wish to make a presentation.

There were no public comments.

The public hearing was closed at 8:22 p.m.

**a. Accepting Petition**

Resolution No. 42-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ajarian Annexation, Located at 2954 D ½ Road and Including a Portion of the D ½ Road Right-of-Way, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4348—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ajarian Annexation, Approximately 17.78 Acres, Located at 2954 D ½ Road and Including a Portion of the D ½ Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 4349—An Ordinance Zoning the Ajarian Annexation to R-8 (Residential 8 du/acre), Located at 2954 D ½ Road

Councilmember Todd moved to adopt Resolution No. 42-09 and Ordinance Nos. 4348 and 4349 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:24 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**April 15, 2009**

The City Council of the City of Grand Junction convened into regular session on the 15<sup>th</sup> day of April 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, Doug Thomason, and Council President Gregg Palmer. Councilmember Bonnie Beckstein was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Colors were presented by the Grand Valley Combined Honor Guard. Commander Bob Henderson of the Grand Valley Combined Honor Guard led in the Pledge of Allegiance.

**Proclamations/Recognitions**

Proclamation Recognizing the “Grand Valley Combined Honor Guard” in the City of Grand Junction

**Recognition of Outgoing Councilmembers**

Councilmember Doug Thomason expressed his appreciation for serving the citizens of the community with the Council and Staff.

Councilmember Doody expressed his appreciation to Stephanie Tuin, City Clerk, and Deputies Debbie Kemp and Juanita Peterson, Lisa Cox and her planning staff, John Shaver, City Attorney, Bill Gardner, Police Chief, the Persigo Staff, and the Administration staff Belinda White and Tina Dickey, Sam Rainguet, Public Communications Officer and most importantly City Manager Laurie Kadrich. He then presented flags and certificates to all Councilmembers and the Mayor. He also presented a special plaque commemorating the City’s 125<sup>th</sup> Anniversary Celebration to Councilmember Bruce Hill. He thanked his wife for her support during his term.

Councilmember Hill expressed a big thank you for the dedication to the spirit of making this a better community maintained by both outgoing Councilmembers.

Councilmember Coons agreed and noted her pleasure in working and getting to know both of them.

Councilmember Todd stated both outgoing members are “outgoing” and she is sure both will continue to be seen throughout the community.

Council President Palmer recalled a number of issues they addressed and no matter how controversial they all remained friends. He said it was both a privilege and honor to serve with them. He then presented plaques to both outgoing Councilmembers Doody and Thomason.

## **Certificate of Appointment**

Bill Milius was present to receive his Certificate of Appointment to the Horizon Drive Association Business Improvement District.

## **Citizen Comments**

There were none.

## **CONSENT CALENDAR**

Councilmember Thomason read the Consent Calendar and then moved to approve consent items #1 through #3. Councilmember Doody seconded the motion. Motion carried by roll call vote.

### **1. Construction Contract for the 2009 Asphalt Overlay Project**

The Project generally consists of 63,000 square yards of asphalt milling and a new 2" hot mix asphalt overlay on 14 streets throughout the City. The low bid was received from Elam Construction in the amount of \$1,521,522.00.

*Action: Authorize the City Manager to Sign a Construction Contract with Elam Construction for the 2009 Asphalt Overlay Project in the Amount of \$1,521,522.00*

### **2. Construction Contract for the 2009 Alley Improvement District**

The project consists of construction of concrete pavement in five alleys and the removal and replacement of deteriorated sewer lines in four of those alleys. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing a single gas main and associated service lines within the east/west alley from 11<sup>th</sup> to 12<sup>th</sup> Street between Teller Avenue and Hill Avenue.

*Action: Authorize the City Manager to Sign a Construction Contract for the 2009 Alley Improvement District with B.P.S. Concrete, Inc. in the Amount of \$438,874.84*

3. **Purchase of Property at 2868 I-70 Business Loop for the 29 Road and I-70B Interchange Project**

The City has entered into a contract to purchase a portion of the property at 2868 I-70B from Marie Tipping and Grand Junction Concrete Pipe Company. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 43-09—A Resolution Authorizing the Purchase of Real Property at 2868 Highway 6 and 24 (I-70 Business Loop) from Marie Tipping and Grand Junction Concrete Pipe Company

*Action: Adopt Resolution No. 43-09*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing—Amendment to Clarify the Functions and Duties of a Police Dog**

Chapter 6, Section 6-5 of Article I of the City Code of Ordinances regarding injuring or meddling with police dogs is unclear in its description of the particular law enforcement functions or duties that a law enforcement dog performs. Legal staff seeks clarification of the current ordinance to better interpret and apply the law in the City of Grand Junction and to promote efficient monitoring and investigation of cases involving meddling with police dogs.

The public hearing was opened at 7:30 p.m.

Bill Gardner, Police Chief, first thanked, on behalf of the Police Department, Councilmembers Thomason and Doody for their support and service. He then presented this item. The purpose of the Ordinance is to close a gap in the Code and what the State Law provides. The State Law only protects the police dogs when in actual action but the dogs are sometimes harassed when not in action but in the normal course of duty. He gave examples of when the dog is in their kennel in the canine vehicle. With discretion, the police officer has the option to charge an offense. There will be no budget impact. Chief Gardner assured the Council that he has coached his Staff to use this law sparingly.

Chief Gardner then described some of the canine work that has occurred over the last year and gave statistics of the situations where the dogs were used.

There were no public comments.

The public hearing was closed at 7:37 p.m.

Council President Palmer reminded everyone that a police dog was killed in action during his term. He has also had the pleasure to see the police dog in action.

Ordinance No. 4350—An Ordinance Amending Chapter 6, Section 6-5 of Article I of the Grand Junction Code of Ordinances Relating to Injuring or Meddling with Police Dogs

Councilmember Hill moved to adopt Ordinance No. 4350 and ordered it published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

### **Public Hearing—Clarification of Speed Limit Zone Violations**

The City Attorney recommends that an Ordinance be adopted to clarify the specific violations that are covered in Section 1102 of the 2003 Model Traffic Code for Colorado, as adopted by the City of Grand Junction, regarding designated speed limits. Section 1102 grants authority to municipalities to reduce speed limits when reasonable under the traffic and road conditions without referencing the specific violations that may occur if the reduced limits are disregarded. This Ordinance will connect Section 1102 to the relevant Model Traffic Code provisions where the specific violations are stated.

The public hearing was opened at 7:39 p.m.

John Shaver, City Attorney, presented this item. He noted that it is a very technical amendment to the City Code and proceeded to describe the change which is when the City temporarily reduces speed, for example, in a construction zone. The change will clarify where the violation should be charged.

There were no public comments.

The public hearing was closed at 7:40 p.m.

### **Ordinance No. 4351—An Ordinance Clarifying Speed Limit Zone Violations**

Councilmember Doody moved to adopt Ordinance No. 4351 and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

### **Public Hearing—Vacating the North/South Alley Right-of-Way Located East of South 7<sup>th</sup> Street, North of Winters Avenue** [File #VR-2008-089]

Applicant is requesting to vacate the north/south alley right-of-way located east of South 7<sup>th</sup> Street, north of Winters Avenue. The applicants own all of the properties adjacent to and are the primary users of the alley. The owners plan on using the additional land for additional parking for the business.

The public hearing was opened at 7:42 p.m.

Senta L. Costello, Senior Planner, presented this item. She reviewed the history of the property. She described the location and advised that the request meets all the review criteria. She requested that the Staff Report and the attachments be entered into the record. The Planning Commission recommended approval at their February 24, 2009 meeting. Staff is also recommending approval.

There were no public comments.

The public hearing was closed at 7:43 p.m.

Ordinance No. 4352—An Ordinance Vacating Right-of-Way for the North/South Alley Located East of South 7<sup>th</sup> Street, North of Winters Avenue

Councilmember Thomason moved to adopt Ordinance No. 4352 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—Vacating the 27 Road Public Right-of-Way, Located South of Caribbean Drive and North of H Road** [File #VR-2009-043]

Applicant is requesting to vacate 0.62 acres of undeveloped 27 Road right-of-way located south of Caribbean Drive and north of H Road, which is unnecessary for future roadway circulation and will allow the adjacent property owners to use and maintain the property.

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

Greg Moberg, Planning Services Supervisor, presented this item. He described the location and noted that the City owns property adjacent to the north part of the right-of-way. A portion of the right-of-way will be conveyed to the adjacent property owners to the east for the south portion. He described the surrounding zoning. Mr. Moberg noted the whole area is completely developed and the right-of-way would serve no purpose in the future. He advised that the request meets all the review criteria and the request is consistent with the Growth Plan. The Planning Commission recommended approval at the April 14, 2009 meeting. No easement is being retained. He requested that the Staff Report and the attachments be entered into the record. The Planning Commission and Staff both recommend approval.

Councilmember Todd asked if there has been any historical use of the right-of-way. Mr. Moberg said there is none that they know of.

City Attorney Shaver advised that once vacated, the property reverts to the adjacent property owners who must resolve the situation among themselves.

There were no public comments.  
The public hearing was closed at 7:50 p.m.

Ordinance No. 4353—An Ordinance Vacating a Portion of the 27 Road Right-of-Way Located South of Caribbean Drive and North of H Road

Councilmember Coons moved to adopt Ordinance No. 4353 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Appeal of a Planning Commission Decision on the Preliminary Development Plan, Phase II, Corner Square Apartments, Located at 1<sup>st</sup> and Patterson Road** [File #PP-2008-172]

An appeal has been filed regarding the Planning Commission's decision to approve the Preliminary Development Plan for Corner Square Apartments – Phase II, located at 2535 Knollwood Drive. The proposed development is located on Lot 1, Block 3; Corner

Square is in a PD (Planned Development) zone district. This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

Council President Palmer explained that this is an appeal on the record; no new testimony will be received but Staff may be asked to clarify information.

Councilmember Todd clarified this matter is just on the approval of the development, Phase II.

Council President Palmer noted the Council may approve, reverse or remand the matter back to Planning Commission.

Councilmember Todd reviewed the record in order to determine if the Planning Commission acted according to their responsibilities. She did not find that the decision-maker made any erroneous finding; she does not believe they failed to consider all factors; and she does not feel they acted arbitrarily or capriciously in making their decision so she will be supporting their decision.

Councilmember Hill confirmed the application met the Code criteria. In the record, each Commissioner made statements in the record. He found nothing to support reversing their decision.

Councilmember Coons agreed reiterating she found nothing that the Planning Commission acted arbitrarily, capriciously, or egregiously.

Councilmember Thomason watched the video of the meeting twice and saw nothing to overturn their decision.

Councilmember Doody agreed having nothing to add.

Council President Palmer agreed and asked for a motion.

Councilmember Hill stated after review of the record he moved to support the Planning Commission's decision. Councilmember Todd seconded the motion. Motion carried by roll call vote.

**Construction of Improvements to 25 ¾ Road and the Relocation of the Adjoining Driveway Access** [File #PP-2008-172]

The applicant is requesting approval that would allow the construction of improvements to 25 ¾ Road and relocation of the adjoining driveway access from Patterson Road to 25 ¾ Road.

Council President Palmer asked the applicant to present first.

Joe Carter, Ciavonne, Roberts, and Associates, was the presenter and advised that the engineers on the project are also in attendance. He explained the request as being to

determine when the 25 ¾ Road should be constructed. He briefly reviewed the history of the development. He described the location and the site. The commercial pods are open or under construction. The road in question is on the western boundary and was designed for connectivity. He listed the benefits of the proposed street including allowing a left turn onto Patterson. He read several sections of the TEDS manual that construction of this street will meet. One of the items states that single family home access onto a main arterial is not an acceptable practice. The new street will allow access for the single-family home. The developer will be paying for the construction. The developer has looked at other options.

Councilmember Coons asked what the impact is of postponing the construction. Mr. Carter said businesses are looking for connectivity. The community is looking for shared access points. The development could function without the street. The construction of the street will lessen impact of the development on First Street.

Councilmember Todd asked if the road is on the developer's property and where is the private drive in relation to that. Mr. Carter said the property for the street construction is entirely on the developer's property. The driveway is parallel to the road and to the west.

The Council agreed to take public testimony.

Council President Palmer asked those in favor to speak first.

Sharon Dickson, Vice President of United Title Company, business in the development, stated that she picked that location because of growth. They occupy 6,000 square feet. They are in favor of the new road because they selected their site in anticipation of that access. The road will have a direct and positive impact on their company. It will make a safer ingress and egress and the need is now.

Doug Simons, 653 Roundhill Drive and owner of Enstrom's Candies, is currently building a new store in Corner Square, a full service coffee, ice cream, and confections outlet. It is a traffic driven business and he is in favor of the new access. The two new restaurants are packed and there is no question the additional access is needed. Recently at his business' downtown location he had to give the City of Grand Junction their 7<sup>th</sup> Street access, and can now see the wisdom of it. He encouraged the willingness to change for the betterment of the community. This change will be safer for the Baughman's and is safer for all concerned. This is a wonderful project. This will be a great economic benefit to the community.

Claudia Ford, 2425 N. First Street, is in favor of the new road and excited about Corner Square and glad it is close to her house. She can walk to Walgreens and the Deli. But she is concerned about the additional traffic on First Street so she is in support of the new access.

Bradley Higginbotham, 664 Jubilee Court, thanked the Council for their service to the community. He asked for approval of the new access noting the Outline Development Plan (ODP) called for the opening of the new access when needed. It is not a question of if, but when the road should be constructed. He urged it be allowed sooner; it will improve safety, aesthetics, and increase the value of all the properties. He described some of the arguments Council may hear and dismissed their validity.

Scott Roberts, co-owner of McCallisters Deli, supported the construction. He described the difficulties without the new access. He reiterated that the new road will be a huge benefit and he favors approval.

Jim McKenzie, 2880 Fall Creek Drive, works for the applicant. The project has brought a lot of jobs to the community and the construction of the new road will continue that. It will move the project forward. The new restaurant site is a premier site and the additional access will attract a quality establishment. He supports approval.

Todd Colisimo, representing the Egg and I, is counting on three entrances and exits. As things get busier the need is greater. As the traffic backed up today due to an accident, they experienced an extreme drop in sales. He is in favor of approval.

There were no others in favor.

Those against:

Joseph Coleman, 2454 Patterson Road, the attorney representing the Baughmans, stated that City Staff is impartial and their goal is to preserve the best of the City. The Staff has recommended that the road not be permitted. The traffic engineer came to the same conclusion. The Baughmans' engineer agrees the road is not necessary. Phase II was approved with the 25 <sup>3</sup>/<sub>4</sub> Road not being approved. There is no doubt this is being considered for a private developer. This makes the City the agent of the developer to take away private property rights. He likened it to inverse condemnation.

Mr. Coleman stated the Baughmans have the property right and have had it for generations. Until they come to Council with an application, the Council should not be reviewing this. He analogized it to a taking. There is nothing in the TEDS rules that allows these two access points to exist side by side.

Mr. Coleman advised that they had an email from Staff stating this matter would not be heard on April 15<sup>th</sup>. He felt that did not give them proper notice. He urged Council not to approve 25 <sup>3</sup>/<sub>4</sub> Road.

Dave Millar, PBS & J Engineers, reviewed the situation for the Baughmans. His report addresses when the road would be necessary. Several things concerned him, including exaggerations and significant errors in the analysis. He came to the conclusion that 25 <sup>3</sup>/<sub>4</sub> Road is not necessary. He did not believe that cars would travel an alternate route with the new access. The Gap Analysis implementation was incorrect. He pointed out other errors in the applicant's traffic analysis. He advised that the Baughmans have a safe access but that will change if an additional access is constructed.

Councilmember Coons asked Mr. Millar to clarify if his report is saying 25 <sup>3</sup>/<sub>4</sub> Road won't be needed for Phase II or for the entire development. Mr. Millar said not at all for the development.

David Crowe, having grown up in Orchard Mesa, is bothered that the approval was given without this access and now the developer wants another access.

Claudia Smith-Nelson, 2301 Knollwood Lane, stated that this was clearly planned from the beginning to take private land to ease the problems created by the development. She thinks the developer should change the plan.

Jim Baughman, 2579 F Road, said his family owns the property to the west and south of the development, and has lived there 81 years. He described documents of liberty and law. He described the tree-lined driveway and their private property rights. He argued that the 25 ¾ Road construction does not meet the Code due to the only eighteen feet of separation from their driveway. He referred to earlier correspondence regarding the proposed access from both Transportation Engineer Jody Kliska and the City Manager Laurie Kadrich. He asked the Council to decide based on the City Code and regulations that can be defended in court.

Mike Brodosovich, 2209 N. First Street, addressed the density and the traffic in his neighborhood. He felt Patterson will be gridlocked soon. He described some of the new development that will impact Patterson Road traffic. He felt the Baughmans deserve to have their driveway as it is.

Kent Baughman, 2662 Cambridge Road, agreed it is a difficult decision. He felt the private property rights are most important when making the decision. He made some analogies noting that private property rights are near and dear to them. He urged the Council to use the rule of law in making their decision.

Ken Ooley, 2581 F Road, rents an apartment from Jim Baughman, said he is not in favor of a driveway right next to him. The Millyards have a right to do what they want with their property but the development is too much. The parking is already full. The 25 ¾ Road will only benefit the tenants of the development. The development should have been designed differently to allow the additional access. He said Council should respect the law.

Bruce Baughman, 2579 F Road, spoke to parking on the site and the problems already occurring. At peak times, the parking is overflowing. He had pictures to show the situation. He said the situation is against City Code and cited the sections of the Code in violation. Much of the parking is taken up by employees. He described a Planning Commissioner's comments at a meeting on this matter. He disagreed with his comments and noted the Baughmans had suggested an alternative access. It was then identified as not possible due to its proximity to Meander Drive, the measurement of which was incorrect and was not corrected by Staff. The additional access should have been within the confines of the development and not interfere with the Baughman driveway. The 25 ¾ Road proposal was never on any Master Plan but only came forward due to this development. It is wrong to take the Baughman property for this development.

Frances Baughman, 2579 F Road, owns the property west of the development. They do not think the development is so beautiful. She objects to sharing any part of a driveway with the developer at this time. She feels it would be unsafe to have a road next to her driveway and keeping the driveway is important to her.

There were no other comments.

The public hearing was closed at 9:15 p.m.

Council President Palmer called a recess at 9:15 p.m.

The meeting reconvened at 9:24 p.m.

Joe Carter, Ciavonne, Roberts, and Associates, said the Corner Square development is infill and is in the core of the City. There are different rules for infill. The request is to decide when the 25 <sup>3</sup>/<sub>4</sub> Road will be paved and connected to Patterson. The road will lessen impacts on First Street. It will allow left turns out from the development. The Baughman property is somewhat landlocked. The new road will be a benefit. It gives the developer the opportunity to be proactive now. The new road meets TEDS requirements. He reiterated Section 4.1.3 in TEDS states that single family access is not an acceptable practice. He referred to Engineer Skip Hudson of Turnkey Engineering for the traffic study.

Skip Hudson described that the purpose of the new access is to improve safety. He noted a number of traffic studies were done on this property. He clarified that each had a purpose. Mr. Hudson said that he lives here, drives in that area all the time, his opinions are supported by Staff and the assumptions put forward by Staff. His report said 25 <sup>3</sup>/<sub>4</sub> Road is not necessary for Phase II but is necessary for Phase III. The Gap Analysis was based on the actual configuration of the access onto First Street with the speed bumps and the hill.

Councilmember Coons asked about Mr. Coleman's statement that the 25 <sup>3</sup>/<sub>4</sub> Road violates TEDS. Mr. Hudson said the TEDS is based on the inverse situation, that is, the analysis focuses on the intersection with a higher risk factor. Risk factors are assigned to intersections based on risk; the conflict with the Baughman driveway is a very low order of risk.

Councilmember Coons asked if a TEDS exception was denied. Mr. Hudson said the TEDS committee did make that finding. He added that the project as shown provides the Baughmans with a choice.

Rich Livingston, attorney for the developer, clarified that citizens should be proud of their rights but those rights do have limitations. Those limitations are based on the police power of the State to protect the public. With this application there is nothing that takes away the Baughman lane, the trees or the use of their property at all, it gives them an alternative at the developer's expense. Even though the trigger point for 25 <sup>3</sup>/<sub>4</sub> Road has not been reached, the developer is ready to spend the money to build the road. The building of the road is for the safety and benefit of the citizens.

Councilmember Hill asked Mr. Moberg for a diagram of how the road will intersect Patterson and how the Baughman driveway would be located. Mr. Moberg showed a diagram where the Baughmans would have three options. Councilmember Hill asked for confirmation that the internal streets of the development are public. Mr. Moberg confirmed that to be true.

Councilmember Hill asked if the driveway is the only egress from the Baughman property. Mr. Moberg said yes.

Councilmember Todd asked about the reference to gating. Mr. Moberg said he assumes that would be at the intersection of 25 ¾ Road and the new access to the Baughman driveway. The gating would prevent folks from accessing the Baughman property.

Council President Palmer asked about precedent with such competing interests. City Attorney Shaver advised there is no precedent. This is, he said, a battle of two significant bodies of law; police power versus private property rights. It is a significant legal argument. He advised that City Council could legally close the driveway. The driveway not being closed, which is also an acceptable result, would be contrary to the engineering Staff recommendation. The Baughmans could challenge action taken to close the driveway or to leave it open.

City Attorney Shaver explained inverse condemnation. He said that inverse condemnation is basically a takings without consideration being paid. A court would determine the value of such. However, changing the configuration of the driveway is not compensable but they are arguing that the enjoyment of the property is affected which may be compensable.

Councilmember Todd asked if the Baughmans could access 25 ¾ Road at a later time. City Attorney Shaver said because it is public street they would have access. He said that in addition to the one shown that there is another possible access point at Park Drive. Mr. Shaver said that the Baughmans would have the right to access that street if the construction details could be worked out.

Councilmember Thomason thanked all those that came to state their opinions. They heard emotional pleas. He is inclined to agree with the original Staff recommendation at this point in time. Not to say the road is not a good thing for the future. He said TEDS 4.1.3 is a valid argument and will require this road to be constructed. He will support the recommendation for the road not to be constructed at this time. It is not necessary in Phase II.

Councilmember Hill noted some of the things that are in the Code for good reason, including connectivity. The ability to avoid high traffic times is because there are options. To him it makes sense to have more options. It is a benefit to the users not to the developer. Another observation, North Avenue is a great example for the reason for TEDS. Horizon Drive is another example. He said he could live with both 25 ¾ Road and the driveway. He understands why there are design standards but there are awkward intersections and in those circumstances people pay more attention.

Councilmember Coons noted many of the issues Council deals with are competing rights. The decision needs to be made to the benefit of the public. She understands the concept of the TEDS standard but as a member of the driving public, she thinks there needs to be a difference in the access. She doesn't feel strongly about closing the Baughman direct access or leaving the access but it is inevitable that 25 ¾ Road needs to be built now rather than later.

Councilmember Todd believes now is the time to build 25 ¾ Road and the Baughmans should have the option. If they wait, the change will be at their expense. The question is about traffic flow and safety.

Councilmember Doody agreed. The development is there now and he thinks putting the access in now is a good idea. He thinks 25 ¾ Road will be a wonderful opportunity.

Council President Palmer noted the work that goes into the consideration of these types of issues. The report states the road is not needed at this time but there is no question it will be more convenient. He weighs that against the rights of the family. It is a thin argument to keep the family from using their driveway. He is not afraid of deciding against the TEDS requirements. He would not support the reconstruction of the driveway.

Councilmember Hill moved to approve of the construction of improvements to 25 ¾ Road to Patterson Road. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Councilmember Hill moved to relocate the adjoining Baughman family driveway access from Patterson Road to 25 ¾ Road. Councilmember Todd seconded the motion. Motion failed by roll call vote with Councilmembers Coons, Hill, Todd and Council President Palmer voting NO.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

Council President Palmer expressed that it has been a pleasure to serve with Councilmembers Thomson and Doody.

### **Adjournment**

The meeting was adjourned at 10:25 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**

**Airport Improvement Program Grant at Grand Junction Regional Airport  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Federal Aviation Administration Airport Improvement Program Grant (AIP-39) (Stimulus Project) at the Grand Junction Regional Airport. Supplemental Co-sponsorship Agreement.		
<b>File #</b>			
<b>Meeting Day, Date</b>	May 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	April 29, 2009		
<b>Author Name &amp; Title</b>	Eddie F. Storer, Construction Manager		
<b>Presenter Name &amp; Title</b>	Rex A. Tippetts, Airport Manager		

**Summary:** AIP-39 is a Stimulus Project to rehabilitate the General Aviation Concrete Ramp on the east end of the airport. The grant amount is \$8,000,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

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

**Action Requested/Recommendation:** Authorize the Mayor to sign the original FAA AIP-39 Grant Documents for General Aviation Ramp Rehabilitation (Phase I) at the Grand Junction Regional Airport. Also, authorize the City Manager to sign the Supplemental Co-sponsorship Agreement for AIP-39.

- Attachments:**
1. Draft Grant Agreement for AIP-39
  2. Supplemental Co-sponsorship Agreement.
  3. ARRA Airport Sponsor Certification

**Background Information:** The benefit of AIP-39 is to replace the General Aviation concrete ramp that is crumbling due to Alkali Silica Reaction and will provide for the parking of heavier aircraft in that area. **This grant is Stimulus Money and must be accepted quickly.**

U.S. Department  
of Transportation

# GRANT AGREEMENT

Federal Aviation  
Administration

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## Part I - Offer

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<b>Date of Offer:</b>	<b>Date, 2009</b>
<b>Airport:</b>	<b>Grand Junction Regional</b>
<b>Project Number:</b>	<b>3-08-0027-39</b>
<b>Contract Number:</b>	<b>DOT-FA09NM-10XX</b>
<b>DUNS Number:</b>	<b>156135394</b>

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

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

**Whereas**, the Sponsor has submitted to the FAA a Project Application dated March 23, 2009 for a grant of Federal funds for a project at or associated with Grand Junction Regional Airport, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

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

**General Aviation Ramp Reconstruction (ASR),**

all as more particularly described in the Project Application.

**NOW THEREFORE**, pursuant to and for the purpose of carrying out the provisions of the American Economic Recovery and Reinvestment Act of 2009, herein called “the Act,” to make grants for discretionary projects as authorized by subchapter 1 of Chapter 471 and subchapter 1 of Chapter 475 of Title 49 United States Code, as amended, and in consideration of (a) the Sponsor’s adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this Offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, one hundred (100) percentum thereof.

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

**Conditions**

1. The maximum obligation of the United States payable under this Offer shall be \$8,000,000.00. For the purposes of any future grant amendments, subject to the availability of funds, which may increase the foregoing maximum obligation of the United States under the provisions of the Act, and applicable provisions of Title 49, United States Code, the following amounts are being specified for this purpose:
 

\$	0.00	for planning
\$	8,000,000.00	for airport development or noise program implementation
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the provisions of the Act.
3. Payment of the United States’ share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States’ share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The Sponsor shall carry out and complete the Project without undue delays and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this Offer at any time prior to its acceptance by the Sponsor.
6. This Offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this Offer has been accepted by the Sponsor on or before May 15, 2009, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement the term “Federal funds” means funds however used or disbursed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order, or judgment to the Secretary. It shall furnish upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.
8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
9. Trafficking in persons:
  - a. **Provisions applicable to a recipient that is a private entity.**
    1. You as the recipient, your employees, subrecipients under this award, and subrecipients’ employees may not –

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- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  - ii. Procure a commercial sex act during the period of time that the award is in effect; or
  - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
    - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
    - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either ---
      - A. Associated with performance under this award; or
      - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 49 CFR Part 29.
- b. **Provision applicable to a recipient other than a private entity.** We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity –
    1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
    2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either –
      - i. Associated with performance under this award; or
      - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at *49 CFR Part 29*.
- c. **Provisions applicable to any recipient.**
    1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
    2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
      - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104 (g)), and
      - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
    3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
- d. **Definitions.** For purposes of this award term:
    1. “Employee” means either:
      - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
      - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
    2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity":
  - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
  - ii. Includes:
    - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
    - B. A for-profit organization.
4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at Section 103 of the TVPA, as amended (22 U.S.C. 7102).

#### **Special Conditions**

10. It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
11. The Sponsor agrees to perform the following:
  - a. Furnish a construction management program to FAA prior to the start of construction which shall detail the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program shall include as a minimum:
    1. The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract.
    2. Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided.
    3. Procedures for determining that testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation, referenced in the contract specifications (D 3666, C 1077).
    4. Qualifications of engineering supervision and construction inspection personnel.
    5. A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test.
    6. Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
  - b. Submit at completion of the project, a final test and quality control report documenting the results of all tests performed, highlighting those tests that failed or did not meet the applicable test standard. The report shall include the pay reductions applied and reasons for accepting any out-of-tolerance material. An interim test and quality control report shall be submitted, if requested by the FAA.
  - c. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, shall, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction shall be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with

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respect to the total pavement constructed under the grant agreement.

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d. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.

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12. Unless otherwise approved by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.
13. For a project to replace or reconstruct pavement at the airport, the Sponsor shall implement an effective airport pavement maintenance management program as required by Airport Sponsor Assurance Number 11. The Sponsor shall use such program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport.
14. **Compliance for Special Reporting Requirement**

It is agreed and understood that in accepting this Grant Offer, the sponsor acknowledges and agrees that it will provide all reports, in a format and with such frequency as determined by the FAA, for information related to the administration of this grant as required by Congress or any Federal agency with authority to require such reporting including, but not limited to, that required by Section 1201 and Section 1512 of the American Recovery and Reinvestment Act of 2009.

This reporting will include, but not be limited to, schedules, construction progress, project expenditures, job creation, etc. as specified in the tables below. The Sponsor agrees to modify these tables and any other specific reporting requirements when requested by the FAA with respect to this grant.

The Sponsor further agrees to provide the FAA with the certifications required by Sections 1201, 1511, and 1607 of the ARRA of 2009 in the format and at the time required by under the Act and related guidance issued by the FAA or another Federal agency. The following are the Government-wide standards set of data elements for reporting information under Section 1512(c) and 1609(c) of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (“Recovery Act”).

**General Section – Award and award recipient Information to be completed by each ARRA grant recipient for each ARRA grant award** -- Please provide requested information regarding the award and award recipient.

Item	Data Elements	Instruction
ARRA-A	Awarding Federal Agency and Organizational Element to which report is submitted	Provide the name of the awarding Federal agency and organizational element identified in the award document or otherwise instructed by the agency. The organizational element is a subagency within an awarding Federal agency.
ARRA-B	Federal grant or other identifying number assigned by the awarding Federal agency	Provide the grant/award number contain in the award document.
ARRA-C	DUNS Number	Provide the primary recipient organization’s 9 digit Data Universal Numbering System (DUNS) number or Central Contractor Registration plus 4 extended DUNS number.
ARRA-D	EIN	Provide the recipient organizations Employer Identification Number (EIN) provided by the Internal Revenue Service.
ARRA-E	CFDA	Provide Catalog of Federal Domestic Assistance (CFDA) number on the award document or provided by the awarding agency.
ARRA-F	Recipient Organization	Provide the legal name of recipient organization and address including zip code. This should be the same name and address that appears in recipient’s Central Contractor Registration profile
ARRA-G	Recipient Account Number or Account Number.	Provide the account number or any other identifying number assigned by the recipient to the award. This number is strictly for the recipient’s use only and is not required by the awarding Federal agency.

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ARRA-H	Project/Grant Period	Indicate the project/grant period established in the award document during which Federal sponsorship begins and ends. Note: Some agencies award multi-year grants for a project/grant period (e.g. 5 years) that are funded in increments known as budget periods or funding periods. These are typically annual increments. Please provide the total project/grant period, not the individual budget period or funding period.
ARRA-I	Reporting Period End Date	The frequency of required reporting is quarterly. Provide the ending date of the reporting period. For quarterly reports, the following calendar quarter reporting period end dates shall be used: 6/30; 9/30; 12/31; or 3/31;. For final reports, the reporting period end date shall be the end date of the project/grant period.
ARRA-J	Final Report	Mark appropriate box. Check “yes” only if this is the final report for the project/grant period specified in Box 6.
ARRA-K	Report or Frequence	Select “quarterly” for quarterly reports and/or “final”.

**Section 1 Project / activity information to be completed by each ARRA grant recipient for each ARRA grant award.**

Please provide requested information for the project or activity for which Recovery Act funds were awarded:

Item	Data Elements	Instruction
ARRA-1-01	Name of Project or Activity	Provide a brief descriptive title of the project or activity funded in whole or in part with Recovery Act funds. (If this award funds multiple projects or activities, provide a descriptive title that captures the general focus area, e.g., “COMMUNITY DEVELOPMENT.”)
ARRA-1-02	Total Amount of Recovery Funds Received from Federal Agency identified in Item ARRA-A	Provide the cumulative amount of actual cash received from the Federal agency as of the reporting period end date.
ARRA-1-03	Amount of recovery funds received that were expended to projects or activities (“Federal Share of Expenditures”)	Provide the cumulative total for the amount of Federal fund expenditures. For reports prepared on a cash basis, expenditures are the sum of cash disbursements for direct charges for property and services; the amount of indirect expense charged; the value of third-party in-kind contributions applied; and the amount of cash advance payments and payments made to subcontractors and subawardees. For reports prepared on an accrual basis, expenditures are the sum of cash disbursements for direct charges for property and services, the amount of indirect expense incurred; the value of in-kind contributions applied; and the net increase or decrease in the amounts owed by the recipient for (1) goods and other property received; (2) services performed by employees, contractors, subcontractors, subawardees, and other payees; and (3) programs for which no current services or performance are required. Do not include program income extended.

**Section 2 Project / activity information to be completed by each ARRA grant recipient for each ARRA grant award.**

Please provide requested information for the project or activity for which Recovery Act funds were awarded:

Item	Data Elements	Instruction
ARRA-2-01	Description of Project or Activity (code(s))	For awards primarily funding infrastructure projects or activities, provide the North American Industry Classification System (NAICS) code(s) that describe the Recovery Act project or activities under this award a searchable code list is at <a href="http://nccsdataweb.urban.org/PubApps/nteeSearch.php?gOry=all-core&amp;codeType=NPC">http://nccsdataweb.urban.org/PubApps/nteeSearch.php?gOry=all-core&amp;codeType=NPC</a> .
ARRA-2-02	Description of Project or Activity (brief narrative)	A description of the overall purpose and expected outcomes or results of the award and first-tier subaward(s), including significant deliverable and, if appropriate, unit of measure.

ARRA-2-03	Evaluation of completion status of the project or activity.	Please choose one of the following options: Not started; Less than 50% completed; Completed 50% or more; Fully Completed.
ARRA-2-04	A narrative description of the employment impact of the Recovery Act funded work.	<p>Provide a narrative description of the employment impact of the recovery Act funded work. This narrative should be cumulative for each calendar quarter and at a minimum, address the impact on the recipient’s workforce, and if known, the impact on the workforces of subrecipients. At a minimum, the recipient shall provide –</p> <p><u>(i). A brief description of the types of jobs created and jobs retained in the United States and outlying areas.</u> “Jobs or positions recreated” means an estimate of those new positions created and filled, or previously existing unfilled positions that are filled, as a result of Recover Act funding. “Jobs or positions retained” means an estimate of those previously existing filled positions that are retained as a result of Recovery Act funding. This description may rely on job titles, broader labor categories, or the contractor’s existing practice for describing jobs as long as the terms used are widely understood and describe the general nature of the work; and</p> <p><u>(ii). An estimate of the number of jobs created and jobs retained in the United States and outlying areas.</u> At a minimum, this estimate shall include any new positions created and any existing filled positions that were retained to support or carry out Recovery Act projects or activities managed directly by the recipient, and, if known, by subrecipients. The number shall be expressed as “full-time equivalent” (FTE), calculated cumulatively as all hours worked divided by the total number of hours in a full-time schedule, as defined by the recipient. For instance, two full-time employees and one part-time employee working half days would be reported as 2.5 FTE in each calendar quarter.</p> <p><u>(iii). A job cannot be reported as both created and retained.</u> As used in this instruction, United States means the 50 States and the District of Columbia, and outlying areas means –</p>
		<p>(1) <i>Commonwealths.</i></p> <p>(i) Puerto Rico</p> <p>(ii) The Northern Mariana Islands;</p> <p>(2) <i>Territories</i></p> <p>(i) American Samoa</p> <p>(ii) Guam</p> <p>(iii) U.S. Virgin Island; and</p> <p>(3) <i>Minor outlying islands.</i></p> <p>(i) Baker Island</p> <p>(ii) Howland Island</p> <p>(iii) Jarvis Island</p> <p>(iv) Johnston Atoll</p> <p>(v) Kingman Reef</p> <p>(vi) Midway Islands</p> <p>(vii) Navassa Island</p> <p>(viii) Pamyra Atoll</p> <p>(ix) Wake Atoll</p>
ARRA-2-05	For infrastructure investments made by State and local governments: Total cost of infrastructure investment made by State and Local Governments:.	Provide the cumulative total cost of investment.

ARRA-2-06	For infrastructure investments made by State and local governments: What is the rationale of the award Recipient for funding the infrastructure investment with funds made available under this Act?	Explain how the infrastructure investment will contribute to one or more purposes of the Recovery Act:  Purposes: <ol style="list-style-type: none"> <li>(1) To preserve and create jobs and promote economic recovery.</li> <li>(2) To assist those most impacted by the recession.</li> <li>(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.</li> <li>(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.</li> <li>(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.</li> </ol>
ARRA-2-07	For infrastructure investments made by State and local governments: Who should we contact if we have concerns about this infrastructure investment?	Provide name, phone number, address and email address of the appropriate contact in the state/local government.

15. It is agreed and understood that the Sponsor will have a fully executed contract in place for construction or manufacture of the project described within 15 calendar days of the date of this Grant Offer, and further, that the Sponsor will issue a Notice to Proceed within 30 days of the Grant Offer. The Sponsor further agrees and understands, if a contract is not executed within 15 days, and/or Notice to Proceed is not given within 30 days of the Grant Offer, the FAA may unilaterally cancel the grant and recover the grant funds for redistribution.
16. The FAA may unilaterally close this grant and recover the funds without prejudice if the Sponsor does not comply with any of these Special Conditions or other provisions of the American Recovery and Reinvestment Act of 2009.
17. The Sponsor shall make timely payments for costs incurred (construction, engineering, etc.) and shall request payment reimbursement or initiate ECHO drawdowns at least every 30 days as evidence of such payments. Payment requests or drawdowns shall only be for reimbursement of work completed and shall only be required if contractor payments have taken place in the preceding period.
18. The Sponsor is expected to take all appropriate actions necessary to promptly carry out and complete the project no later than February 16, 2011. For purposes of this Special Condition, the term “completed” means when the contractor or the manufacturer of equipment is finished as evidenced by the project’s Final Inspection Report.
19. It is understood and agreed that this grant can only be amended in three ways:
  - a. With funds made available by the American Recovery and Reinvestment Act of 2009, if available. Further, it is understood and agreed that this grant cannot be amended after September 30, 2010;
  - b. With funds available and in accordance with the Passenger Facility Charge program; and

Retroactively reimbursed with available Sponsor entitlement funds. However, if Sponsor entitlement funds are used, the federal Share Percentage (FSP) is not 100% but, rather, the FSP applicable to the project using entitlement funds as normally used as AIP process.
20. The airport grant recipient of the American Recovery and reinvestment Act of 2009 (ARRA) funds hereby agrees that it will strongly encourage the prime contractor of an airport project funded with ARRA funds to post signs identifying the project as one funded in whole or in part by ARRA funds. Airport signs should be visible to the public using the airport, such as on the main entrance road to the Airport or Terminal. The airport signs should, at a minimum prominently display the two recovery logos (Recovery.gov and USDOT TIGER). The signs may

may also contain text explaining that the project is funded, fully or in part, with ARRA funds. The signs should be solely used to publicize ARRA funding of an airport project.

21. The Sponsor hereby acknowledges the requirement to apply the Buy American Preference Requirement (BAPR) (49 U.S.C. 50101) to the project(s) funded by this grant. This requirement includes the compliance with the following provisions:

Required Use of American Iron, Steel, and Manufactured Goods—Section 1605 of the American Recovery and Reinvestment Act of 2009—Construction Materials

(a) **Definitions.** As used in this award term and condition –

“Building or work” means construction, maintenance, alteration, or repair. The terms include, without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies, or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not “building” or “work” within the meaning of this definition unless conducted in connection with and at the site of such building or work as is described in the foregoing sentence, or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project.

“Construction material” means an article, material, or supply brought to the construction site by the recipient, subrecipient or a subcontractor for incorporation in the building or work. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

“Domestic construction material” means—

- (1) An unmanufactured construction material mined or produced in the United States; or
- (2) A construction material manufactured in the United States.

“Foreign construction material” means a construction material other than a domestic construction material.

"Manufactured product, good or construction material" means any construction material that is not unmanufactured construction material."

“Public building or public work” means building or work, the construction, alteration, maintenance, or repair of which, as defined in this award term, is carried on directly by authority of, or with funds of, a Federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency.

“Steel” means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

"Unmanufactured construction material" means raw material brought to the construction site for incorporation into the building or work that has not been--

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

“United States” means the 50 States, the District of Columbia, and outlying areas including:

- (1) Commonwealths.
  - (i) Puerto Rico.

(ii) The Northern Mariana Islands;

- (2) Territories.
  - (i) American Samoa.
  - (ii) Guam.
  - (iii) U.S. Virgin Islands; and
- (3) Minor outlying islands.
  - (i) Baker Island.
  - (ii) Howland Island.
  - (iii) Jarvis Island.
  - (iv) Johnston Atoll.
  - (v) Kingman Reef.
  - (vi) Midway Islands.
  - (vii) Navassa Island.
  - (viii) Palmyra Atoll.
  - (ix) Wake Atoll.

(b) *Domestic preference.*

(1) This award term and condition implements Section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act)(Pub. L. 111-5), by requiring that all iron, steel, and other manufactured goods used as construction material in the project are produced in the United States.

(2) The recipient shall use only domestic construction material in performing this project, except as provided in paragraph (b)(3) and (b)(4) of this term and condition.

(3) This requirement does not apply to the construction material or components listed by the Government as follows:

*[Award official to list applicable excepted materials or indicate "none"]*

(4) The award official may add other foreign construction material to the list in paragraph (b)(3) of this term and condition if the Federal government determines that—

(i) The cost of domestic construction material would be unreasonable. The cost of domestic iron, steel, or other manufactured goods used as construction material is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;

(ii) The construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(iii) The application of the restriction of section 1605 of the Recovery Act to a particular construction material would be inconsistent with the public interest.

(c) *Request for determination of inapplicability of Section 1605 of the Recovery Act.*

(1)(i) Any recipient request to use foreign construction material in accordance with paragraph (b)(4) of this clause shall include adequate information for Government evaluation of the request, including—

- (A) A description of the foreign and domestic construction materials;
- (B) Unit of measure;
- (C) Quantity;
- (D) Price;
- (E) Time of delivery or availability;
- (F) Location of the construction project;
- (G) Name and address of the proposed supplier; and
- (H) A detailed justification of the reason for use of foreign construction materials cited in accordance with paragraph (b)(4) of this clause.
  - (ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed price comparison table in the format in paragraph (d) of this clause.
  - (iii) The price of construction material shall include all delivery costs to the construction site and any applicable duty.
  - (iv) Any recipient request for a determination submitted after award shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before award. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.

or using the foreign construction material. When the basis for the exception is the unreasonable price of a domestic construction material, the award official shall adjust the award amount or redistribute budgeted funds, as appropriate, by at least the differential established in 2 CFR 176.110(a).

(3) Unless the Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign construction material is noncompliant with section 1605 of the American Recovery and Reinvestment Act.

(d) *Data.* To permit evaluation of requests under paragraph (c) of this clause based on unreasonable cost, the Recipient shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Construction Materials Price Comparison

Construction Material Description	Unit of Measure	Quantity	Price (Dollars)*
<i>Item 1:</i>			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____
<i>Item 2:</i>			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____

[List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[\* Include all delivery costs to the construction site.]

- 22. The Sponsor hereby acknowledges the requirement to adhere to certain recipient responsibilities regarding tracking and documenting Recovery Act expenditures. To this end, the Sponsor hereby agrees to the following:

Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)(Recovery Act) as required by Congress and in accordance with 2 CFR 215, **subpart** \_\_\_\_, **21** “Uniform Administrative Requirements for Grants and Agreements” and OMB A-102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix “ARRA” in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) Recipients agree to separately identify to each subrecipient, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular sub-awards under the existing program.

(d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

23. The Sponsor hereby agrees to award contracts only after determining that the proposed contractor is not listed the General Services Administration (GSA) Excluded Parties List System available at <https://www.epls.gov/>.
24. The Sponsor hereby agrees to be bound by and to comply with any and all future modifications to the ARRA funding requirements for Sponsors by the United States with respect to ARRA grants awarded prior to the date of said modifications. This is necessary due to the expedited nature of this program.
25. The Sponsor agrees to request cash drawdowns on the letter of credit only when actually needed for its disbursements and to timely reporting of such disbursements as required. It is understood that failure to adhere to this provision may cause the letter of credit to be revoked.
26. It is understood and agreed that Town of Grand Junction and County of Mesa, Colorado, and the Grand Junction Regional Airport Authority authorized the execution of the Application for Federal Assistance and Standard DOT Title VI Assurances both dated \_\_\_\_\_, on their behalf by \_\_\_\_\_, \_\_\_\_\_, and that they jointly and severally adopted and ratified the representations and assurances contained therein; and that the word "Sponsor" as used in the project application and other assurances is deemed to include Town of Grand Junction and County of Mesa, Colorado, and the Grand Junction Regional Airport Authority.

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

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

\_\_\_\_\_  
Manager, Denver Airports District Office

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**Part II - Acceptance**

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

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

**CITY OF GRAND JUNCTION, COLORADO**

(SEAL)

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

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

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

**Certificate of Sponsor's Attorney**

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

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

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

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

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

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

**COUNTY OF MESA, COLORADO**

(SEAL)

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

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

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

**Certificate of Sponsor's Attorney**

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

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

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

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

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

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

**GRAND JUNCTION REGIONAL AIRPORT  
AUTHORITY, COLORADO**

(SEAL)

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

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

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

**Certificate of Sponsor's Attorney**

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

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

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

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

## SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT

This Supplemental Co-Sponsorship Agreement is entered into and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the Grand Junction Regional Airport Authority ("Airport Authority"), and the City of Grand Junction (City).

### RECITALS

A. The Airport Authority is a political subdivision of the State of Colorado, organized pursuant to Section 41-3-101 et seq., C.R.S. The Airport Authority is a separate and distinct entity from the City.

B. The Airport Authority is the owner and operator of the Grand Junction Regional Airport, located in Grand Junction, Colorado ("Airport").

C. Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration ("FAA"), for the construction of certain improvements upon the Airport, pursuant to the terms, plans and specifications set forth in AIP Grant Application No. 3-08-0027-39 ("Project").

D. The FAA is willing to provide approximately \$8,000,000.00 toward the estimated costs of the Project, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreement, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that the proposed improvements are consistent with their respective plans for the development of the area surrounding the Airport, and that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

E. The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Therefore, in consideration of the above Recitals and the mutual promises and representations set forth below, the City and Airport Authority hereby agree as follows:

## **AGREEMENT**

1. By its execution of this Agreement, the City hereby agrees to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request.
2. In consideration of the City's execution of the Grant Agreement, as co-sponsor, the Airport Authority hereby agrees to hold the City, its officers, employees, and agents, harmless from, and to indemnify the City, its officers, employees, and agents for:
  - (a) Any and all claims, lawsuits, damages, or liabilities, including reasonable attorney's fees and court costs, which at any time may be or are stated, asserted, or made against the City, its officers, employees, or agents, by the FAA or any other third party whomsoever, in any way arising out of, or related under the Grant Agreement, or the prosecution of the Project contemplated by the Grant Agreement, regardless of whether said claims are frivolous or groundless, other than claims related to the City's covenant to take appropriate action, including the adoption of zoning laws, to restrict the use of land surrounding the Airport, over which the City has regulatory jurisdiction, to activities and purposes compatible with normal Airport operations, set forth in paragraph 21 of the Assurances incorporated by reference into the Grant Agreement ("Assurances"); and
  - (b) The failure of the Airport Authority, or any of the Airport Authority's officers, agents, employees, or contractors, to comply in any respect with any of the requirements, obligations or duties imposed on the Sponsor by the Grant Agreement, or reasonably related to or inferred there from, other than the Sponsor's zoning and land use obligations under Paragraph 21 of the Assurances, which are the City's responsibility for lands surrounding the Airport over which it has regulatory jurisdiction.
3. By its execution of this Agreement, the Airport Authority hereby agrees to comply with each and every requirement of the Sponsor, set forth in the Grant Agreement, or reasonably required in connection therewith, other than the zoning and land use requirements set forth in paragraph 21 of the Assurances, in recognition of the fact that the Airport Authority does not have the power to effect the zoning and land use regulations required by said paragraph.
4. By its execution of this Agreement and the Grant Agreement, the City agrees to comply with the zoning and land use requirements of paragraph 21 of the Assurances, with respect to all lands surrounding the Airport that are subject to the City's regulatory jurisdiction. The City also hereby warrants and represents that, in accordance with paragraph 6 of the Special Assurances; the Project contemplated by the Grant Agreement is consistent with present plans of the City for the development of the area surrounding the Airport.
5. The parties hereby warrant and represent that, by the City's execution of the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, the City is not a co-owner, agent, partner, joint venturer, or representative of the

Airport Authority in the ownership, management or administration of the Airport, and the Airport Authority is, and remains, the sole owner of the Airport, and solely responsible for the operation and management of the Airport.

Done and entered into on the date first set forth above.

GRAND JUNCTION REGIONAL AIRPORT AUTHORITY

By \_\_\_\_\_  
John R. Stevens, Chairman

CITY OF GRAND JUNCTION

By \_\_\_\_\_  
City Manager

## **ARRA Airport Sponsor Certification**

The Sponsor hereby certifies to the following:

1. The funding request contained in this grant application is based upon competitive bids that were received on **April 29, 2009** and the associated bid tabulation is hereby attached to this certification.
2. The Sponsor hereby acknowledges FAA's need to approve and issue, as appropriate, any waiver to the Buy American Preference Requirement (BAPR) (49 USC 50101). Additionally, the Sponsor understands that any waiver request issued to the BAPR under the American Recovery and Reinvestment Act of 2009 requires specific information related to the waiver request, if granted, to be published in a Federal Register Notice. Accordingly, so as to not delay the processing of the subsequent Grant Offer and resulting contract documents between the Sponsor and the lowest responsible bidder, attached hereto are all Request for Waiver to the BAPR necessary to complete this project.
3. The Sponsor further certifies that it will issue a Notice to Proceed to the contractor (or equipment supplier in the case of equipment acquisition) within 30 days of a Grant Offer.
4. Pursuant to Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (Feb. 17, 2009) ("ARRA"), I, Gregg Palmer, Mayor, City of Grand Junction, Colorado\*, hereby certify that the infrastructure investment funded by ARRA has received the full review and vetting required by law and that I accept responsibility that such investment is an appropriate use of taxpayer dollars. I further certify that the specific information required by section 1511 concerning each such investment (a description of the investment, the estimated total cost, and the amount of ARRA funds to used) is enclosed or is provided on the Grand Junction Regional Airport website, available to the public at <http://gjairport.com> and linked to Recovery.gov.

I understand that the Sponsor making application for ARRA funding may not receive ARRA infrastructure investment funding unless this certification is made and posted.

*\* In accordance with section 1511 of ARRA, the Certifying Official may be either the governor, mayor, or other chief executive, as appropriate.*

\_\_\_\_\_  
City of Grand Junction, Colorado

(Name of Sponsor)

(SEAL)

\_\_\_\_\_  
(Signature of Sponsor's Designated Official Representative – Must be Governor, Mayor or Chief Executive)

**By:** Gregg Palmer

(Typed Name of Sponsor's Designated Official Representative)

**Title:** Mayor

(Typed Title of Sponsor's Designated Official Representative)

**Attest:**

### **CERTIFICATE OF SPONSOR'S ATTORNEY**

I, John Shaver, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to certify to the above representations under the laws of the State of Colorado. Further, I have examined representations and documentation as attached and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**By;** \_\_\_\_\_  
(Signature of Sponsor's Attorney)

(SEAL)

County of Mesa, Colorado  
(Name of Sponsor)

\_\_\_\_\_  
(Signature of Sponsor's Designated Official Representative – Must be Governor, Mayor or Chief Executive)

**By:** Steven Acquafresca  
(Typed Name of Sponsor's Designated Official Representative)

**Title:** Chair – Board of Mesa County Commissioners  
(Typed Title of Sponsor's Designated Official Representative)

**Attest:**

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, Maurice Lyle Dechant, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to certify to the above representations under the laws of the State of Colorado. Further, I have examined representations and documentation as attached and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**By;** \_\_\_\_\_  
(Signature of Sponsor's Attorney)

(SEAL)

Grand Junction Regional Airport Authority  
(Name of Sponsor)

\_\_\_\_\_  
(Signature of Sponsor's Designated Official Representative – Must be Governor, Mayor or Chief Executive)

**By:** John Stevens  
(Typed Name of Sponsor's Designated Official Representative)

**Title:** Chairman  
(Typed Title of Sponsor's Designated Official Representative)

**Attest:**

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, Michael J. Morgan, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to certify to the above representations under the laws of the State of Colorado. Further, I have examined representations and documentation as attached and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**By;** \_\_\_\_\_  
(Signature of Sponsor's Attorney)

**Attach 3**

**I.O.O.F. Hall Historic Building Designation, Located at 128 North 5th Street  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Historic Building Designation – I.O.O.F. Hall 128 North 5 <sup>th</sup> Street		
<b>File #</b>	HBD-2009-081		
<b>Meeting Day, Date</b>	Monday, May 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	X	<b>Individual</b>
<b>Date Prepared</b>	April 23, 2009		
<b>Author Name &amp; Title</b>	Kristen Ashbeck, Senior Planner		
<b>Presenter Name &amp; Title</b>	Kristen Ashbeck, Senior Planner		

**Summary:** The owners of the I.O.O.F. Hall located at 128 North 5<sup>th</sup> Street, are requesting that the building be designated as historic in the City register of Historic Sites, Structures and Districts.

**Budget:** N/A

**Action Requested/Recommendation:** Request that City Council approve the Resolution designating the I.O.O.F. Hall at 128 North 5<sup>th</sup> Street as historic in the City Register of Historic Sites, Structures and Districts.

**Attachments:**

1. Location Map
2. Historic and Current Photographs of Residence
3. Letter from Property Owner
4. Historic Building Inventory Record
5. Minutes of Historic Preservation Board Meeting 4/14/09
6. Proposed Resolution

**Background Information:** City Council adopted Section 7.4, Historic Preservation, in the Zoning and Development Code in 1994 which established a City Register of Historic Sites, Structures and Districts, to which eligible historic resources may be designated. The criteria by which the Historic Preservation Board and Council shall review a proposed designation are specified in the ordinance.

The following pages describe the characteristics of the I.O.O.F. Hall that justify its designation and detail the particular features of the building that should be preserved. Given this description, the Historic Preservation Board finds that the building meets the following designation criteria outlined in section 7.4.F.1.a. and b. of the Zoning and Development Code:

- Structure is at least 50 years old

- Exemplifies specific elements of an architectural style or period
- Is an established and familiar feature of the City



**HBD-2009-081 128 North 5<sup>th</sup> Street**



I. O. O. F. Building, Grand Junction, Colo.



**HBD-2009-081 128 North 5<sup>th</sup> Street**



Three Half Notes, LLC.  
136 N 5<sup>th</sup> St  
Grand Jct, CO 81501

March 20, 2009

Historic Preservation Board  
Neighborhood Services  
333 West Ave, Building C  
Grand Jct, CO 81501

To whom it may concern:

Thank you for recognition of our efforts in preserving the IOOF Hall.

We would like to request registration for the City of Grand Junction Historic Designation for the IOOF building located at 128 North 5<sup>th</sup> Street.

We purchased the property in December of 2007 and have since taken steps in renovating the second floor. By replacing the windows and putting on a few new coats of paint in the interior we have created a new hall to be used for musical events, meetings, wedding and local events of all kinds.

Our intention is to keep working on rehabilitating the space and creating a pleasant new venue for local events while keeping the wonderful nostalgic feel of the building.

Thank you,

A handwritten signature in black ink, appearing to read 'Kris Kjeldgaard', written in a cursive style.

Kris Kjeldgaard  
Three Half Notes, LLC

COLORADO HISTORICAL SOCIETY  
Office of Archaeology and Historic Preservation  
1300 Broadway Denver, Colorado 80203  
**HISTORIC BUILDING INVENTORY RECORD**

County: Mesa City: Grand Junction State ID No:  
5ME7156

Current Building Name: I.O.O.F. (Odd Fellows) Hall

Address: 128 North 5<sup>th</sup> Street, Grand Junction, CO 81501

Owners: Three Half Notes, LLC, 136 North 5<sup>th</sup> Street, Grand Junction 81501

Township: 1S Range: 1W Section: 14, NE1/4 SW1/4

Historic Name: I.O.O.F. (Odd Fellows) Hall

USGS quad name: Grand Jct., CO 1973 N4326920-E711465 X7.5' 15'

District Name: None

Block: 104 Lots: Portion 1, 2 and 3 Addition: City Year of Addition: 1881

Date of Construction: 1904-1905 \_\_\_ estimate X actual

Source: Mesa County Assessor's Records

Historic Use: Commercial and Meeting Hall

Present Use: Commercial and Meeting Hall

Style: Turn-of-the-Century Commercial Stories: 2-1/2 Location: X original  
\_\_\_moved

Materials: Brick with stone Details Square Footage: 16,425

National Register Eligibility:

Individual: X Yes \_\_\_ No

Contributing to district: X Yes \_\_\_ No

Associated Buildings? \_\_\_Yes Type:

Architectural Description: The two and a half story Odd Fellows Hall building features simple design typical of early 20<sup>th</sup> Century commercial architecture. The first floor of the primary streetside façade (west-facing) has three typical storefront bays, with the southern two separated by a second-floor entrance. The bays have all been modified; however, except for the northern one which appears to have a window blocked in, the general location of entrances and windows are still intact.

The second floor windows on the two street sides are patterned in three bays—most of which have bands of two or three rectangular windows. The bays are divided by prominent brick pilasters. The windows are accented with stone above the arched second floor entry. Until recently, the second story windows were boarded up. The windows were uncovered and replaced in 2008.

Typical of turn-of-the-century commercial architecture, the street facades rise above the flat roofline of the building with a cornice of brick details. The cornice is topped by a parapet with inlaid brick panels and a decorative stone cap.

Architect: Unknown

Original Owner: Mesa I.O.O.F. Lodge #58                      Source: David E. Flatt, Odd Fellow /Bldg Mgr

Builder/Contractor: Mesa I.O.O.F. Lodge #58 members served as the general contractor for the entire construction.

Source: David E. Flatt, Odd Fellow and building manager

Construction History: The I.O.O.F. building was constructed during the years of 1904 and 1905 under the supervision of the Mesa Lodge #58 building committee. Individual contractors completed the various phases of the work, from the excavation, to the masonry and woodwork and the interior carpentry, plumbing and electrical work. The building was completed in 1905. There was an elevator in the southeast corner of the building for delivery of large goods for storage in the basement. Apart from the windows being replaced in 2008, the roof line and the upper story remain intact and unaltered. The street level is unaltered in terms of doorways and fenestration although the original façade has been covered during previous renovations with metal and tile siding materials. The addition of signage for the commercial uses also detracts from the general integrity of the building..

Historical Background: Since its construction, the I.O.O.F. building has had commercial or retail tenants on the street level, with the meeting hall space above. The street level was first occupied by a grocery store and later a plumbing and heating business. The current occupant (also the owner), Roper Music, is only the third tenant in the 104 year history of the building. All first floor tenants have utilized the basement for storage purposes. The Odd Fellows have always reserved the second floor for their meeting and club rooms and used the partial third floor for storage space. The current owners have opened the second floor to the public as a small meeting space and recital hall.

Significance:

architectural significance:

represents the work of a master  
 possess high artistic values  
 Represents a type, period or method of construction

historic significance:

associated with significant persons  
 associated with significant events or patterns  
 contributes to an historic district

Statement of Significance: The Off Fellows Hall is architecturally significant because it is one of the better preserved examples of a structure of this period and type in downtown Grand

Junction. Its location just off Main Street saved it from many of the ravages of alterations suffered by most other, more prominent buildings of its period.

Surveyed by: J. Quentin Jones      Affiliation: Mesa County Historical Society

Date: March 1996

Updated by: Kristen Ashbeck, City of Grand Junction Historic Preservation Board, April 2009

**HISTORIC PRESERVATION BOARD MEETING**  
**Minutes – April 14, 2009**

Present: Jon Schler, Kathy Jordan, Bill Cort and Yvonne Piquette

Not Present: Michael Menard and Zebulon Miracle

The Board convened at 4:00pm at the Whitman Educational Center.

**MINUTES OF MARCH 3, 2009 MEETING:** Bill Cort made a motion to approve the minutes of the March 3, 2009 meeting as presented. The motion passed unanimously on a second by Yvonne Piquette.

**RECOMMENDATION ON HISTORIC DESIGNATION FOR I.O.O.F. HALL AT 128 NORTH 5<sup>th</sup> STREET:** The Board considered the application by Three Half Notes, LLC, owners of the I.O.O.F. (odd Fellows) Hall at 128 North 5<sup>th</sup> Street for designation in the City Register of Historic Sites, Structures and Districts. The building was constructed in 1904-1905 by Odd Fellows members at the time. The Odd Fellows owned the building up until the recent sale to Three Half Notes. The second story of the building has been used continuously as the Odd Fellows meeting hall and club rooms, while the first floor has always been used for commercial purposes. The current tenant, Roper Music is only the fourth commercial tenant in the building's history.

The current owners have begun to restore the building, primarily the second floor. They have uncovered and replaced the upper floor windows. It is now open to the public and is being used as meeting space and a recital/performance hall. The owners are pursuing designation in order to be eligible to apply for grant funds from the Colorado Historical Society State Historical Fund. They may also pursue a façade grant through the Downtown Development Authority.

Jon Schler suggested that the inventory form be updated to reflect the new ownership, correct the square footage of the building and indicate the window replacement. Kristen will update the form prior to the item being heard by City Council.

A motion was made by Jon Schler to forward the application to City Council with a favorable recommendation with the following findings: structure is at least 50 years old; exemplifies specific elements of an architectural style or period; and is an established and familiar feature of the City. The motion passed unanimously on a second by Yvonne Piquette.

**2009 HISTORIC PRESERVATION MONTH ACTIVITIES/EVENTS:** The Board discussed final details of the events that are being planned for the month of May.

- The Museum is taking care of all coordination for the events sponsored by them
- The Historic Preservation Awards will both be presented by Chair Kathy Jordan at the May 4<sup>th</sup> City Council meeting. Awards are to Marie Tipping and the I.O.O.F. building.

- History Workshop on May 9<sup>th</sup> – Chris Brubaker of Fruita reported there had not been any interest yet. We are need of someone to present the levels of designation and architectural description. Jon Schler will provide information to Chris and see if he can present those parts of the workshop.
- Depot Event on May 20<sup>th</sup> – Kathy Jordan is working with the Friends of the Grand Junction Depot group to organize and open house. There will be exhibits of old photographs and Ed Chamberlin's sketches of proposed renovation, entertainment and membership sign up. For a membership, people will receive a poster of a painting of the Depot done by Jim Hutton.

**HISTORIC SIGN AT 304 NORTH AVENUE:** The owner of Natural Cleaners (formerly Fabricare) at 304 North Avenue would like to restore the historic sign at the corner of 3<sup>rd</sup> and North. It has very interesting, classic features such as neon lettering, neon in the shape of cars, 3 support poles and a three-dimensional star at the top. Upon discussion of these details, a motion was made to support the renovation of the historic sign located 304 North Avenue, including potential partial funding to the property owner through the City Neighborhood Program, provided the property owner ensure the renovation includes the following elements:

- Keep the original sizes, shapes and configuration of the sign boxes (ovals and linear middle box;
- Keep the configuration of the 3 support poles as they are
- Keep the neon cars
- Keep the 3-D star at the top
- Colors – keep the linear middle box (Laundry \* Cleaners) black, the color of the ovals, poles and other elements may change

The motion was approved unanimously.

**NORTH 7<sup>th</sup> STREET HISTORIC RESIDENTIAL DISTRICT:** Due to several houses for sale in the district, there are many prospective buyers looking at the homes for other potential uses rather than as single family homes. In addition, the existing Planned Development zoning, when adopted in 1984, was not clear as to how change in uses and building alterations should be handled. Thus, at the suggestion of neighbors and City administration, the Historic Preservation Board has been tasked with overseeing an effort to create a zoning overlay for the 7<sup>th</sup> Street district.

Kristen will put together some basic information for the next Board meeting. From there, the Board can prioritize a work plan and an approach to accomplishing the task. It was decided that a longer meeting was needed in order to look at the issue. The May meeting will be set for 3:00-5:30 on the 14<sup>th</sup>.

**CITY OF GRAND JUNCTION, COLORADO**

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

**A RESOLUTION DESIGNATING THE I.O.O.F. HALL LOCATED AT 128 NORTH 5<sup>TH</sup> STREET IN THE CITY REGISTER OF HISTORIC SITES, STRUCTURES AND DISTRICTS**

WHEREAS, the City Council has established by Ordinance 2765 a City Register of Historic Sites, Structures and Districts in order to officially recognize historic resources of local significance; and

WHEREAS, the property owners of the I.O.O.F. Hall located at 128 North 5<sup>th</sup> Street are aware of and consent to the designation of this property as a local historic resource; and

WHEREAS, the Historic Preservation Board has reviewed the I.O.O.F. Hall located at 128 North 5<sup>th</sup> Street for conformance to the adopted criteria for designating historic resources and finds that the building meets the following criteria: structure is at least 50 years old; exemplifies specific elements of an architectural style or period; and is an established and familiar feature of the City

WHEREAS, the Historic Preservation Board recommended approval of the designation of the I.O.O.F. Hall located at 128 North 5<sup>th</sup> Street at its April 14, 2009 meeting.

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

That the I.O.O.F. Hall located at 128 North 5<sup>th</sup> Street is hereby designated a historic building in the City Register of Historic Sites, Structures and Districts.

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

ATTEST:

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

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

**Attach 4**

**Setting a Hearing on Vacation of Public Right-of-Way in the Vicinity of 7th Street, Struthers Avenue and Kimball Avenue**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Vacation of Public Right-of-Way in the vicinity of 7 <sup>th</sup> Street, Struthers Avenue and Kimball Avenue		
<b>File #</b>	VR-2009-053		
<b>Meeting Day, Date</b>	Monday, May 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	April 20, 2009		
<b>Author Name &amp; Title</b>	Judith Rice – Associate Planner		
<b>Presenter Name &amp; Title</b>	Judith Rice – Associate Planner		

**Summary:** Request by the City of Grand Junction to vacate two surplus right-of-way areas totaling 0.22 acres: (1) a portion of South 7th Street south of the Riverside Parkway and north of Struthers Avenue and (2) a portion of Kimball Avenue west of the Riverside Parkway. These remnants have been rendered impractical as right-of-way because of the alignment of the Riverside Parkway through the area.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed Vacation Ordinance and set a public hearing for Monday, May 18, 2009.

**Attachments:**

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

**Background Information:** See attached report

BACKGROUND INFORMATION			
Location:		The Vicinity of Seventh Street, Struthers Avenue and Kimball Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		Surplus Right-of-Way	
Proposed Land Use:		Commercial or Light Industrial	
Surrounding Land Use:	North	Vacant Land and Retail/Trade Shop	
	South	Botanical Gardens	
	East	Vacant Land and Storage Yards	
	West	Elam Construction	
Existing Zoning:		n.a.	
Proposed Zoning:		C-2 (General Commercial) and I-1 (Light Industrial)	
Surrounding Zoning:	North	C-2 (General Commercial) and I-1 (Light Industrial)	
	South	CSR (Community Services and Recreation) and C-2 (General Commercial)	
	East	C-2 (General Commercial) and I-1 (Light Industrial)	
	West	I-1 (Light Industrial)	
Growth Plan Designation:		n.a.	
Zoning within density range?	X	Yes	No

**Staff Analysis:**

1. Background

The alignment of the Riverside Parkway through the area of South 7<sup>th</sup> Street, Struthers Avenue and Kimball Avenue rendered the two subject areas impractical as right-of-way. If vacated, these right-of-way remnants will be combined with adjacent properties and sold or leased by the City.

If vacated, the remnants will acquire the existing use and zone of the properties with which they are combined.

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

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

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

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

The Vacation of the two remnants of right-of-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. The Urban Trail Plan will not be affected by this vacation. Vacating the ROW will facilitate reduction of street maintenance and generate revenue from the sale or lease.

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

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

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

Access will not be restricted to any parcel nor will any property affected by the proposed vacation be devalued.

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

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

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

Adequate public facilities and services will not be inhibited to any property. Appropriate multipurpose easements will be reserved and retained over the entire area of both right-of-way remnants for access to utilities which

includes traffic signal conduits, telephone lines, and water, sewer and stormwater lines.

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

The City will benefit by the reduction in street maintenance and from the revenue generated from the sale or lease of these lands.

#### **FINDINGS OF FACTS/CONCLUSION:**

After reviewing the City of Grand Junction application, VR-2009-053 for the vacation of two portions of public right-of-way, the following finding of facts and conclusion has been determined:

1. The requested Vacation is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

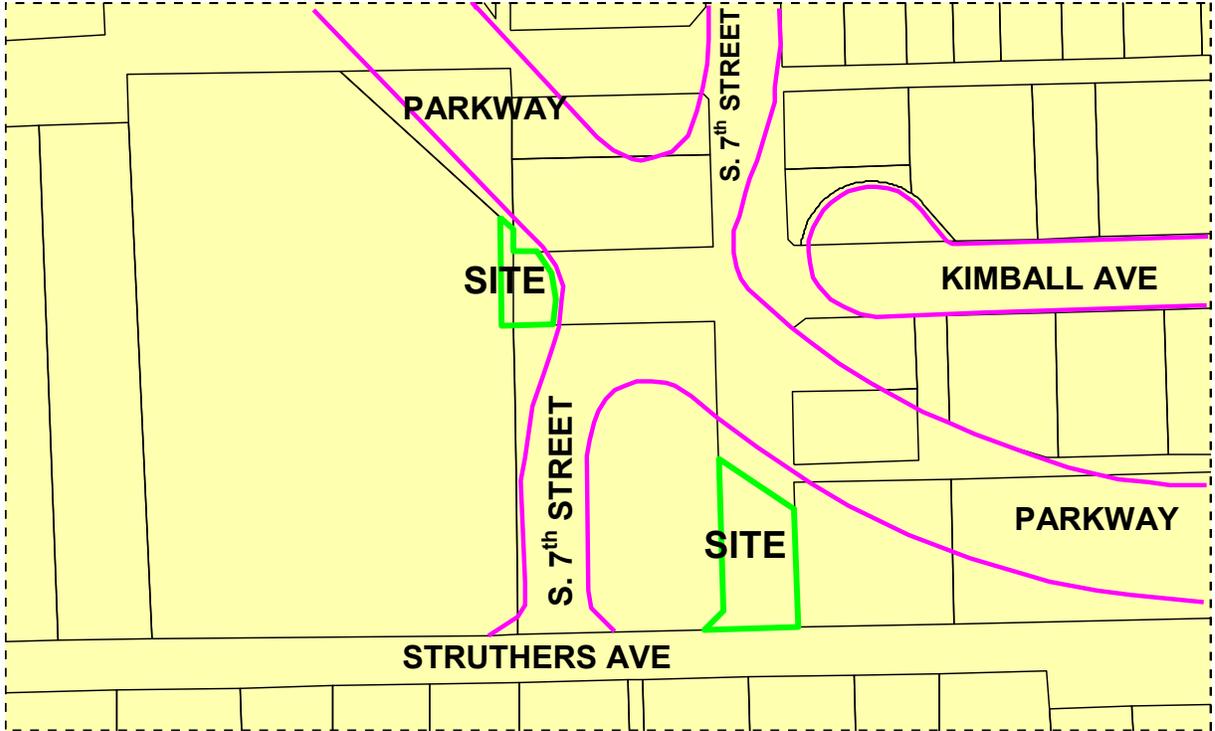
The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the two vacated rights-of-way.

#### **PLANNING COMMISSION RECOMMENDATION:**

On April 28, 2009, Planning Commission forwarded a recommendation of approval of the requested right-of-way vacation, VR-2009-053, to the City Council with the findings and conclusions listed above.

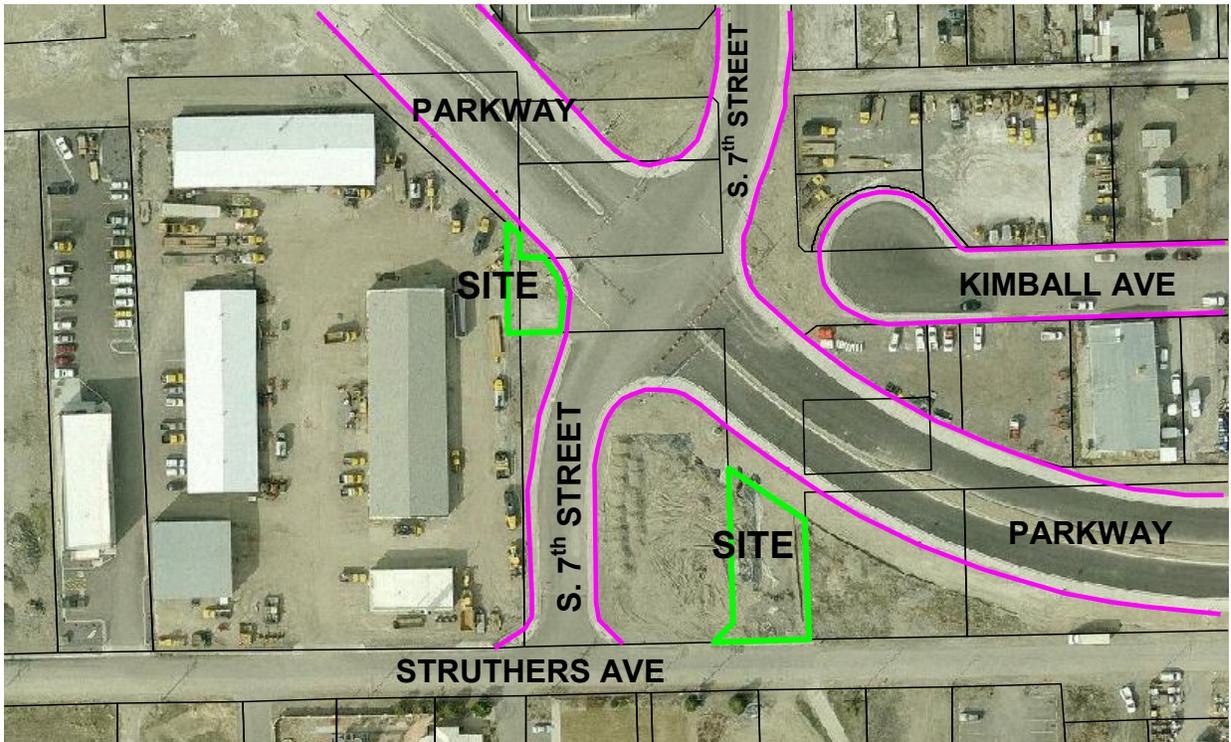
# Site Location Map

Figure 1



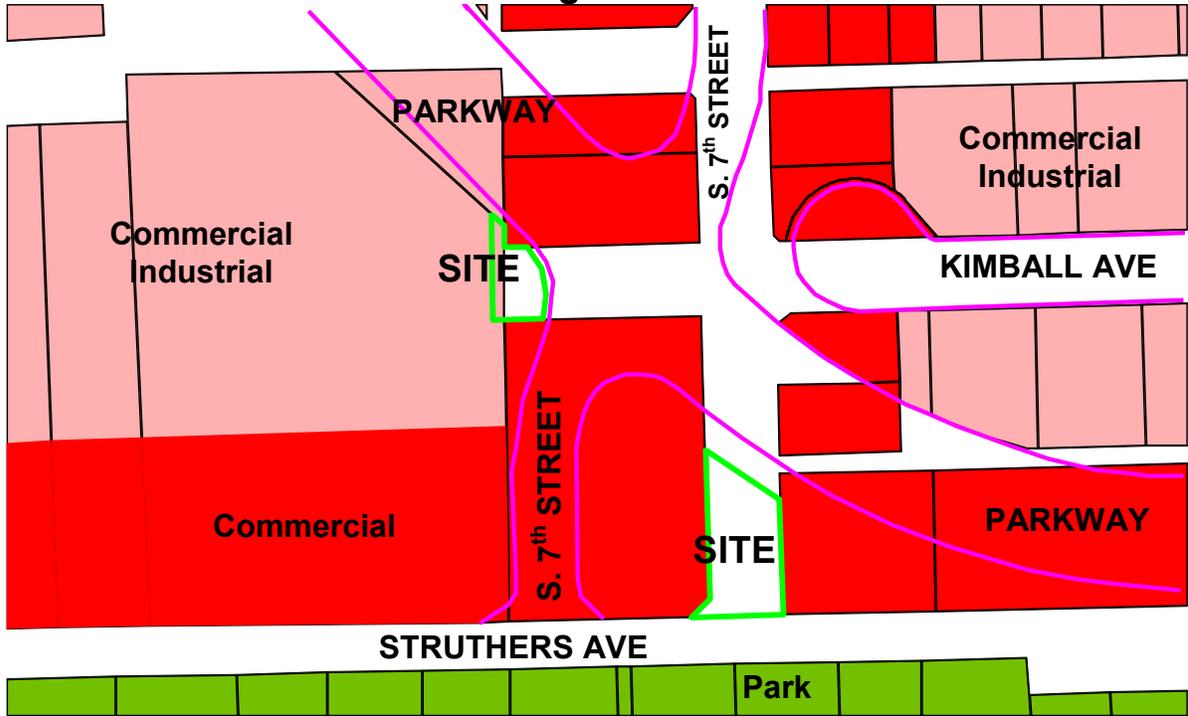
# Aerial Photo Map

Figure 2



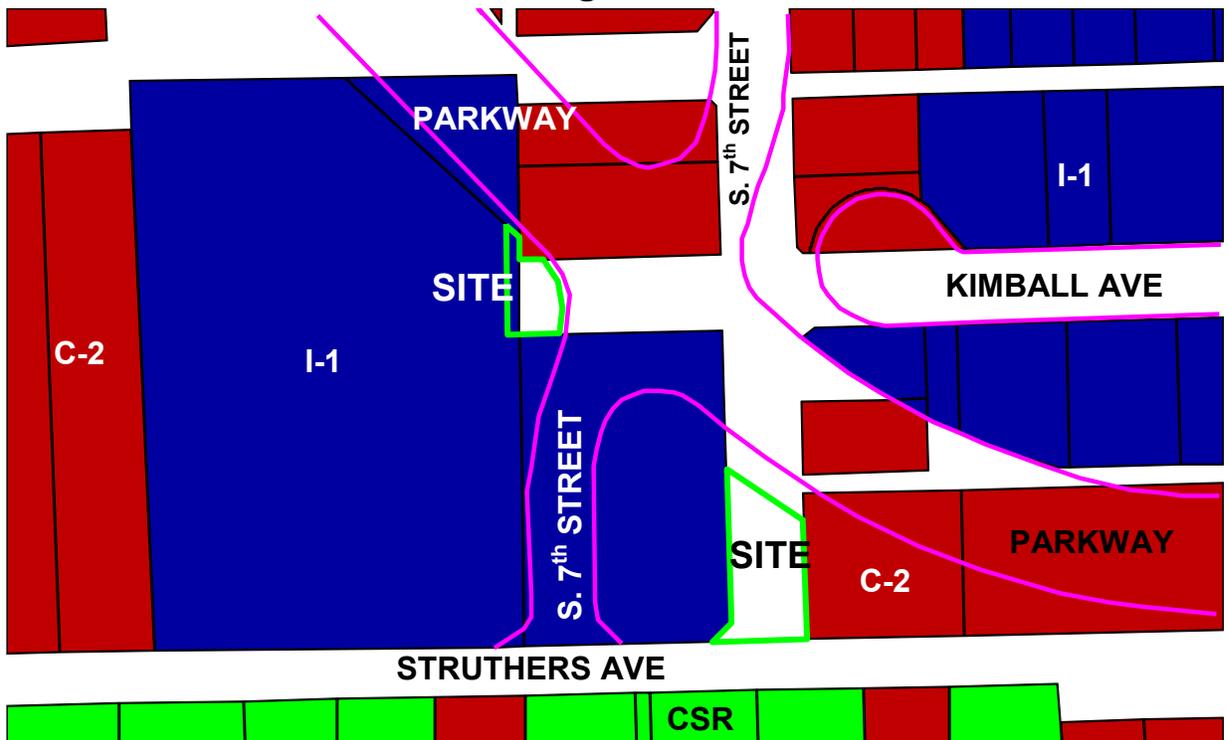
# Future Land Use Map

Figure 3



# Existing City Zoning

Figure 4



**CITY OF GRAND JUNCTION, CO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF THE SOUTH 7<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED SOUTH OF THE RIVERSIDE PARKWAY AND NORTH OF STRUTHERS AVENUE AND A PORTION OF THE KIMBALL AVENUE RIGHT-OF-WAY LOCATED WEST OF THE RIVERSIDE PARKWAY**

RECITALS:

A request to vacate a portion of the South 7th Street right-of-way located south of the Riverside Parkway and north of Struthers Avenue and a portion of the Kimball Avenue right-of-way located west of the Riverside Parkway, has been made by the City. The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the right-of-ways to be vacated.

The City Council finds that the request to vacate the herein described right-of-way portions with the reservation to reserve and retain the easement is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request on April 28, 2009, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the hereinafter described right-of-ways.

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

The described right-of-way portions in the attached Exhibit A which are incorporated herein as if fully rewritten are hereby vacated and perpetual Multipurpose Easements are hereby reserved and retained on, along, over, under, through and across the entire area of the described portions of right-of-way for City-approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

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

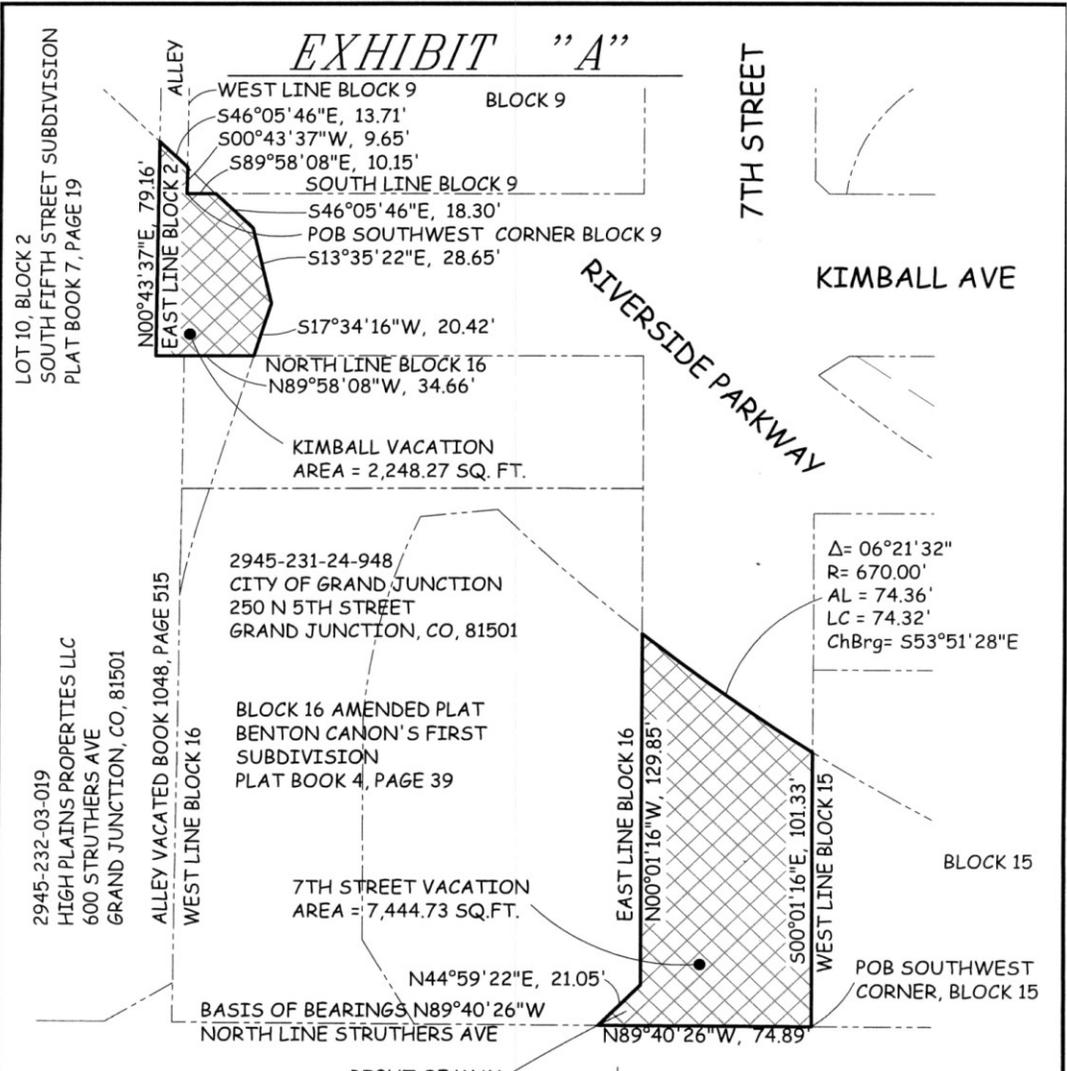
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ , 2009.

ATTEST:

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

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

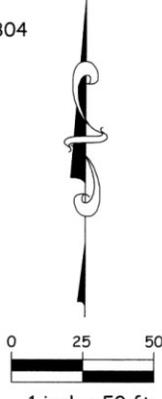
# EXHIBIT "A"



ABBREVIATIONS

SQ.FT	SQUARE FEET
POB	POINT OF BEGINNING
Δ	DELTA ANGLE
R	RADIUS
AL	ARC LENGTH
LC	CHORD LENGTH
ChBrg	CHORD BEARING

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.



1 inch = 50 ft.  
Lineal Units = U.S. Survey Foot



DRAWN BY: MG  
DATE: 2/18/2009  
SCALE: 1" = 50'  
APPR. BY: PTK

7TH STREET & KIMBALL AVE  
RIGHT OF WAY VACATION



H:\Land Projects 2008\parkway\_base.mxd.dwg, 2/26/2009 2:48:29 PM

**Attach 5**  
**Setting a Hearing on the Lang Industrial Park Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Lang Industrial Park Annexation – Located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway		
<b>File #</b>	ANX-2009-072		
<b>Meeting Day, Date</b>	Monday, May 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	April 22, 2009		
<b>Author Name &amp; Title</b>	Michelle Hoshide, Associate Planner		
<b>Presenter Name &amp; Title</b>	Michelle Hoshide, Associate Planner		

**Summary:** Request to annex 4.86 acres, located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway. The Lang Industrial Park Annexation consists of 3 parcels.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt a Resolution referring the petition Annexation and introduce the proposed Ordinance and set a hearing for June 15, 2009

**Attachments:**

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

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2764 C ¾ Road, 2765 and 2767 Riverside Parkway		
<b>Applicants:</b>		Owners: Darren Davidson Representative: Jeffery Fleming		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Industrial		
<b>Surrounding Land Use:</b>	<b>North</b>	Union Pacific Railroad Company		
	<b>South</b>	Vacant		
	<b>East</b>	Residential Single Family		
	<b>West</b>	Industrial		
<b>Existing Zoning:</b>		RSF-R (Residential Single Family Rural)		
<b>Proposed Zoning:</b>		I-1 (Light Industrial)		
<b>Surrounding Zoning:</b>	<b>North</b>	I-1(Light Industrial)		
	<b>South</b>	I-1(Light Industrial)		
	<b>East</b>	I-2 (General Industrial)		
	<b>West</b>	I-1(Light Industrial)		
<b>Growth Plan Designation:</b>		Industrial		
<b>Zoning within density range?</b>	<b>X</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 4.86 acres of land and is comprised of 3 parcels. The property owner has requested annexation into the City to allow for development of the parcels. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

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

The following annexation and zoning schedule is being proposed.

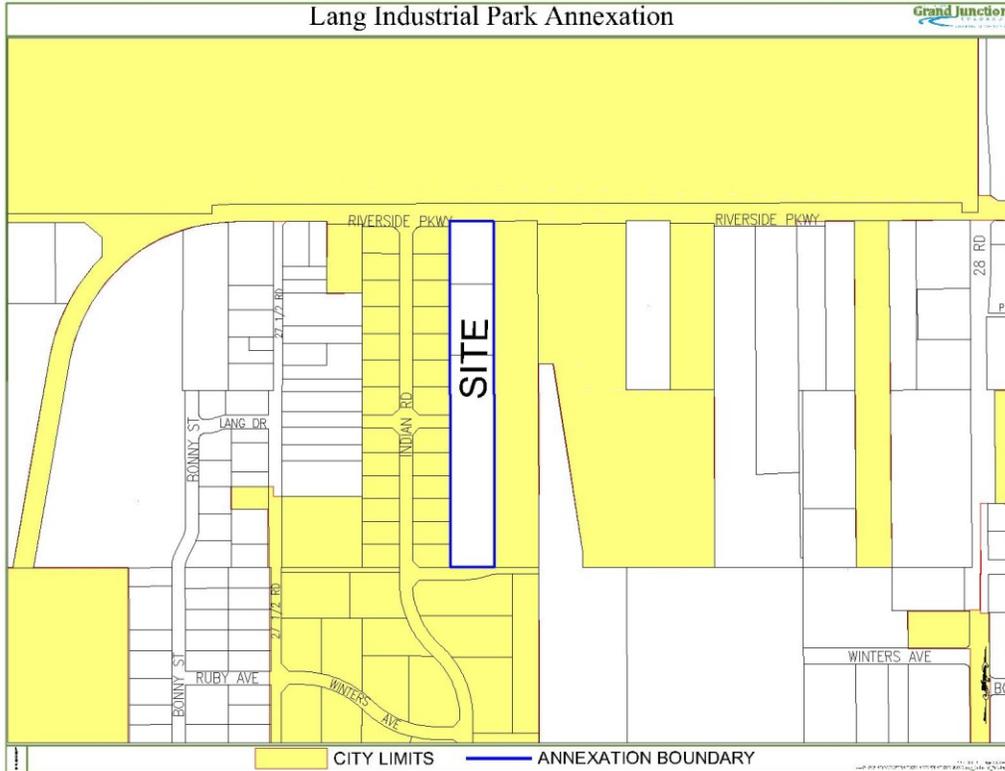
<b><i>ANNEXATION SCHEDULE</i></b>	
<b>May 4, 2009</b>	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
<b>May 12, 2009</b>	Planning Commission considers Zone of Annexation
<b>June 1, 2009</b>	Introduction of a proposed Ordinance on Zoning by City Council
<b>June 15, 2009</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>July 17, 2009</b>	Effective date of Annexation and Zoning

**LAND INDUSTRIAL PARK ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2009-072	
<b>Location:</b>	2764 C ¼ Road, 2765 and 2767 Riverside Parkway	
<b>Tax ID Number:</b>	2945-241-00-018, 2945-241-00-019, 2945-241-00-020	
<b>Parcels:</b>	3	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	4.86	
<b>Developable Acres Remaining:</b>	4.86	
<b>Right-of-way in Annexation:</b>	none	
<b>Previous County Zoning:</b>	RSF-R (Residential Single Family Residential)	
<b>Proposed City Zoning:</b>	I-1 (Light Industrial)	
<b>Current Land Use:</b>	Vacant	
<b>Future Land Use:</b>	Industrial	
<b>Values:</b>	<b>Assessed:</b>	=\$42,050
	<b>Actual:</b>	=\$145,000
<b>Address Ranges:</b>	2764 C ¼ Road, 2765 and 2767 Riverside Parkway	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	Grand Junction Fire Rural
	<b>Irrigation:</b>	Grand Valley Irrigation/ Grand Valley Drainage
	<b>School:</b>	District 51
	<b>Pest:</b>	Grand Valley Pest Control District and Grand Valley Mosquito District

# Annexation/Site Location Map

Figure 1



# Aerial Photo Map

Figure 2



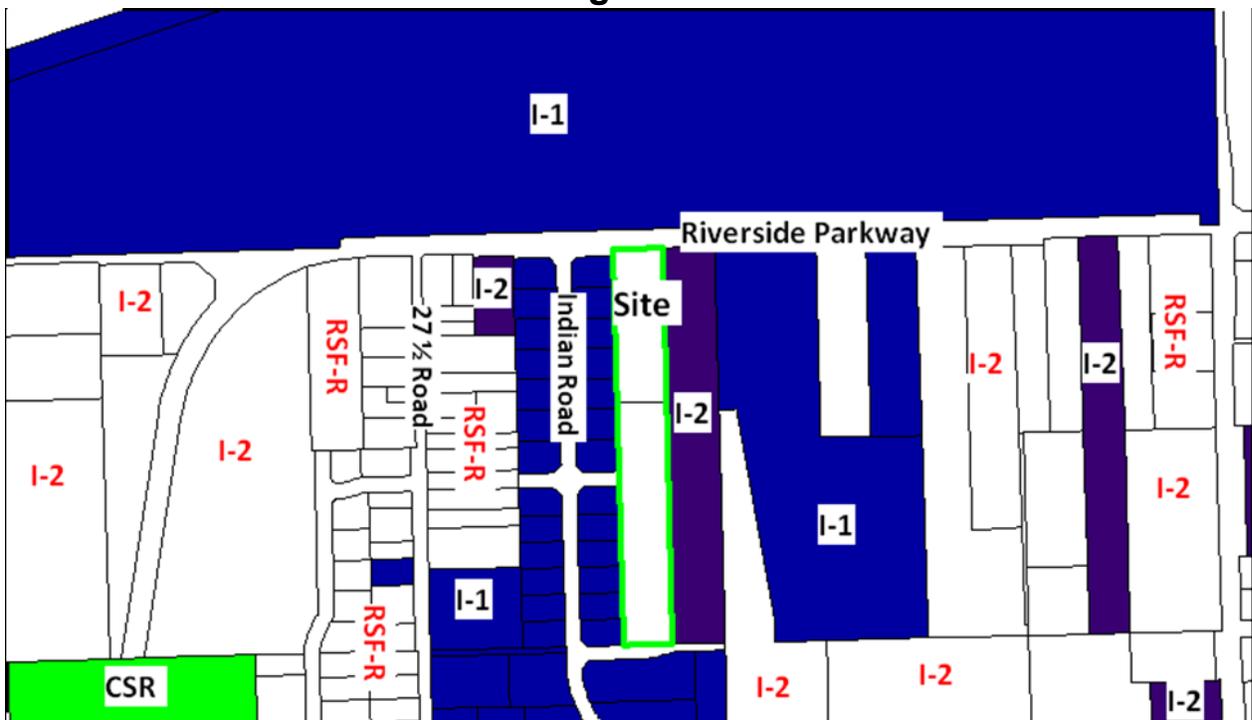
# Future Land Use Map

Figure 3



## Existing City and County Zoning

Figure 4



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4<sup>th</sup> day of May, 2009, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

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

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

**LANG INDUSTRIAL PARK ANNEXATION**

**LOCATED AT 2764 C ¾ ROAD, 2765 AND 2767 RIVERSIDE PARKWAY**

WHEREAS, on the 4<sup>th</sup> day of May, 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:

**LANG INDUSTRIAL PARK ANNEXATION**

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

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 24 and assuming the North line of the NW 1/4 NE 1/4 of said Section 24 to bear N89°59'19"W with all bearings contained herein relative thereto; thence N89°59'19"W a distance of 491.69 feet along the North line of the NW 1/4 NE 1/4 of said Section 24 to a point on the East line of Riverside Parkway Annexation No. 2, Ordinance No. 4319, City of Grand Junction; thence S00°01'58"W a distance of 30.00 feet along the East line of said Riverside Parkway Annexation No. 2 to the Point of Beginning; thence S00°01'58"W a distance of 1291.39 feet along the West line of Pine Industrial No. 1 Annexation No. 2, Ordinance No. 3943, City of Grand Junction to a point on the South line of the NW 1/4 NE 1/4 of said Section 24, said point also being on the Northerly line of Indian Road Industrial Subdivision, as same is

recorded in Plat Book 12, Page 43, public records of Mesa County, Colorado; thence along Indian Road Industrial Subdivision Annexation, Ordinance No. 3677, City of Grand Junction the following two (2) courses: (1) N89°52'25"W a distance of 164.28 feet along said South line of the NW 1/4 NE 1/4 of said Section 24, said line also being the Northerly line of said Indian Road Industrial Subdivision; (2) N00°02'56"E a distance of 1291.06 feet along the Easterly line of said Indian Road Industrial Subdivision to the Southwest corner of said Riverside Parkway Annexation No. 2; thence S89°59'19"E a distance of 163.92 feet along a line being 30.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 24, said line also being the South line of said Riverside Parkway Annexation No. 2 to the Point of Beginning.

Said parcel contains 4.86 acres (211,887.79 sq. ft.), more or less, as described.

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

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

1. That a hearing will be held on the 15<sup>th</sup> day of June, 2009, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

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

Attest:

---

President of the Council

---

City Clerk

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

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LANG INDUSTRIAL PARK ANNEXATION**

**APPROXIMATELY 4.86 ACRES**

**LOCATED AT 2764 C <sup>3</sup>/<sub>4</sub> ROAD, 2765 AND 2767 RIVERSIDE PARKWAY**

**WHEREAS**, on the 4<sup>th</sup> day of May, 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 15<sup>th</sup> day of June, 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:**

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

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 24 and assuming the North line of the NW 1/4 NE 1/4 of said Section 24 to bear N89°59'19"W with all bearings contained herein relative thereto; thence N89°59'19"W a distance of 491.69 feet along the North line of the NW 1/4 NE 1/4 of said Section 24 to a point on the East line of Riverside Parkway Annexation No. 2, Ordinance No. 4319, City of Grand Junction; thence S00°01'58"W a distance of 30.00 feet along the East line of said Riverside Parkway Annexation No. 2

to the Point of Beginning; thence S00°01'58"W a distance of 1291.39 feet along the West line of Pine Industrial No. 1 Annexation No. 2, Ordinance No. 3943, City of Grand Junction to a point on the South line of the NW 1/4 NE 1/4 of said Section 24, said point also being on the Northerly line of Indian Road Industrial Subdivision, as same is recorded in Plat Book 12, Page 43, public records of Mesa County, Colorado; thence along Indian Road Industrial Subdivision Annexation, Ordinance No. 3677, City of Grand Junction the following two (2) courses: (1) N89°52'25"W a distance of 164.28 feet along said South line of the NW 1/4 NE 1/4 of said Section 24, said line also being the Northerly line of said Indian Road Industrial Subdivision; (2) N00°02'56"E a distance of 1291.06 feet along the Easterly line of said Indian Road Industrial Subdivision to the Southwest corner of said Riverside Parkway Annexation No. 2; thence S89°59'19"E a distance of 163.92 feet along a line being 30.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 24, said line also being the South line of said Riverside Parkway Annexation No. 2 to the Point of Beginning.

Said parcel contains 4.86 acres (211,887.79 sq. ft.), more or less, as described.

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

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

Attest:

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

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

**Attach 6  
Public Hearing—North Avenue Rights-of-Way Annexation  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	North Avenue Rights-of-way Annexation		
<b>File #</b>	ANX-2009-042		
<b>Meeting Day, Date</b>	May 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> X
<b>Date Prepared</b>	April 13, 2009		
<b>Author Name &amp; Title</b>	Ivy Williams, Development Services Supervisor		
<b>Presenter Name &amp; Title</b>	Ivy Williams, Development Services Supervisor		

**Summary:** Request to annex approximately 5.32 acres, located at six locations on North Avenue between 29 Road and I-70 Business Loop. The North Avenue Annexation consists only of right-of-way.

**Budget:** N/A

**Action Requested/Recommendation:** Adopt a Resolution accepting the petition for the North Avenue Right-of-Way Annexation and hold a public hearing and consider final passage of the Annexation Ordinance.

**Attachments:**

1. Staff report/Background information
2. Site Location Maps
3. Resolution Referring Petition
4. Annexation Ordinance

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

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		Six sections of North Avenue right-of-way as shown on the site maps in this report, beginning at 29 Road on North Avenue to I-70 Business Loop.			
<b>Applicants:</b>		Owner: Mesa County and State of Colorado – Representative: Tim Moore			
<b>Existing Land Use:</b>		Right-of-Way			
<b>Proposed Land Use:</b>		Right-of-Way			
<b>Surrounding Land Use:</b>	<b>North</b>	N/A			
	<b>South</b>	N/A			
	<b>East</b>	N/A			
	<b>West</b>	N/A			
<b>Existing Zoning:</b>		N/A			
<b>Proposed Zoning:</b>		N/A			
<b>Surrounding Zoning:</b>	<b>North</b>	N/A			
	<b>South</b>	N/A			
	<b>East</b>	N/A			
	<b>West</b>	N/A			
<b>Growth Plan Designation:</b>		N/A			
<b>Zoning within density range?</b>		<b>N/A</b>	<b>Yes</b>		<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of approximately 5.32 acres of land, all of which lies in the North Avenue right-of-way. The City of Grand Junction is requesting annexation into the City to allow for ease of maintenance and delivery of services. Under the 1998 Persigo Agreement, the County consents to the annexation of all or a portion of any road, street, easement, right-of-way, open space or other County-owned property within the Persigo Wastewater Treatment boundary. The State of Colorado is

aware of the annexation of certain of its ROW's and according to Colorado State policy, will neither be consenting nor objecting to the annexation.

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 North Avenue Annexation is eligible to be annexed because of compliance with the following:

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

Please note that this petition has been prepared by the City. Because the petition annexes right-of-way, the ownership and area requirements of the statute are not applicable.

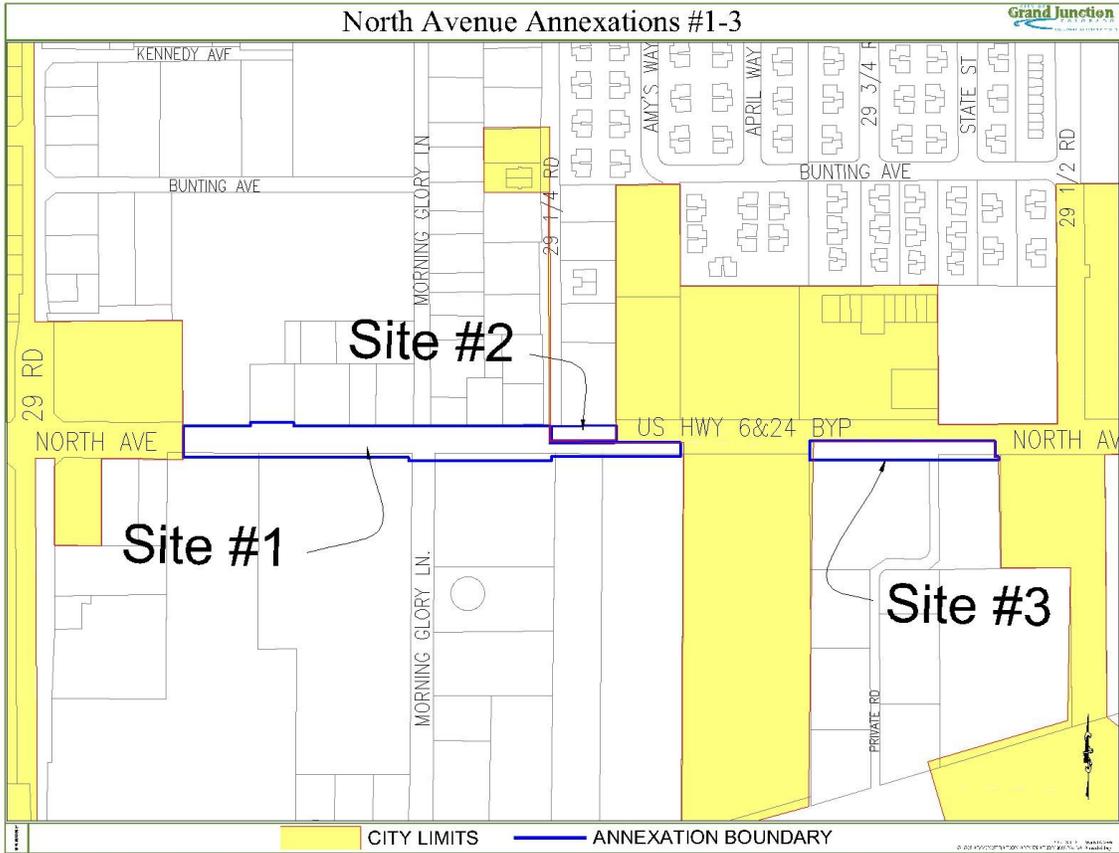
The following annexation and zoning schedule is being proposed.

<i><b>ANNEXATION SCHEDULE</b></i>	
<b>March 30, 2009</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>May 4, 2009</b>	Acceptance of Petition and Public Hearing on Annexation by City Council
<b>June 5, 2009</b>	Effective date of Annexation

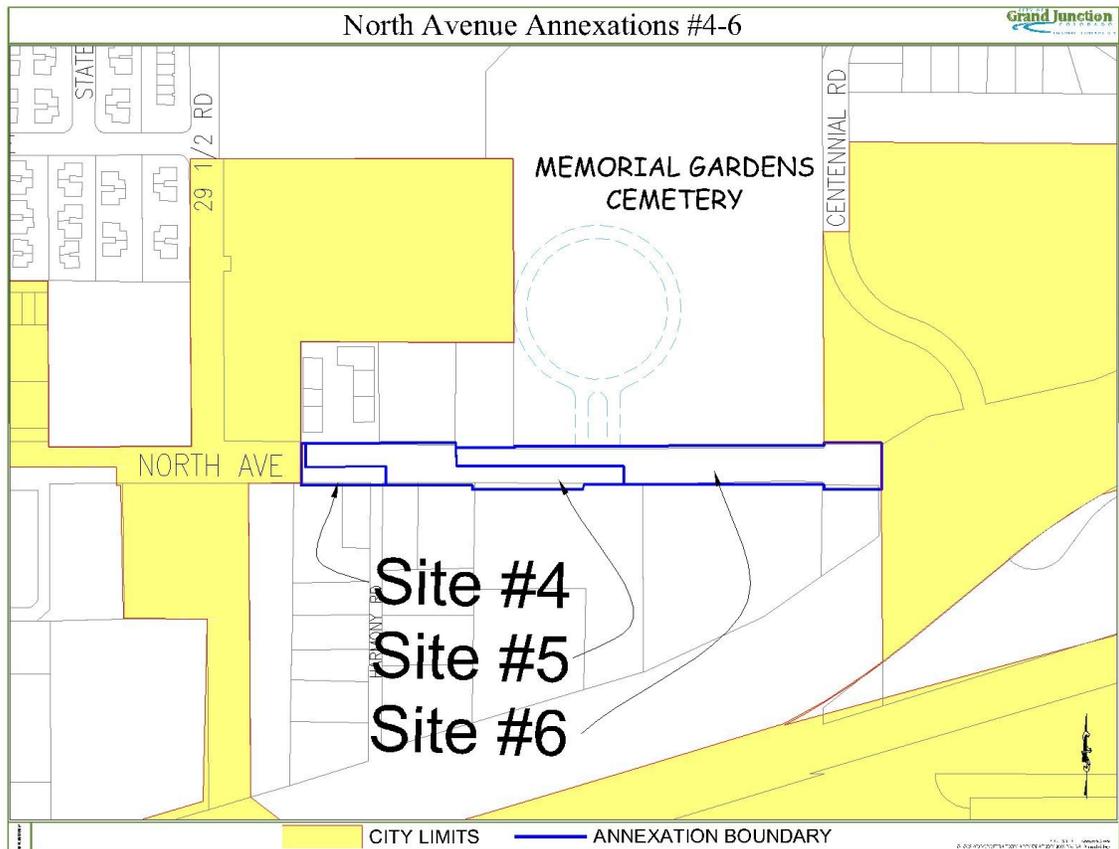
**NORTH AVENUE RIGHT-OF-WAY ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2009-042	
<b>Location:</b>	Six sections of North Avenue between 29 Road to I-70 Business Loop as shown on the site maps provided in this report	
<b>Tax ID Number:</b>	See legal descriptions	
<b>Parcels:</b>	One	
<b>Estimated Population:</b>	None	
<b># of Parcels (owner occupied):</b>	None	
<b># of Dwelling Units:</b>	None	
<b>Acres land annexed:</b>	Approximately 5.32 acres	
<b>Developable Acres Remaining:</b>	0 acres	
<b>Right-of-way in Annexation:</b>	Approximately 5.32 acres	
<b>Previous County Zoning:</b>	N/A	
<b>Proposed City Zoning:</b>	N/A	
<b>Current Land Use:</b>	N/A	
<b>Future Land Use:</b>	N/A	
<b>Values:</b>	<b>Assessed:</b>	N/A
	<b>Actual:</b>	N/A
<b>Address Ranges:</b>	N/A	
<b>Special Districts:</b>	<b>Water:</b>	Ute
	<b>Sewer:</b>	Fruitvale
	<b>Fire:</b>	Grand Junction Rural
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation/Grand Valley Drainage
	<b>School:</b>	District 51
	<b>Pest:</b>	N/A

# SITE LOCATION MAP NORTH AVENUE #1-3



# SITE LOCATION MAP NORTH AVENUE SITE #4-6



**CITY OF GRAND JUNCTION, COLORADO**

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE  
NORTH AVENUE RIGHTS-OF-WAY ANNEXATION  
LOCATED AT SIX SEPARATE SECTIONS OF NORTH AVENUE RIGHT-OF-WAY,  
FROM 29 ROAD TO I-70 BUSINESS LOOP AS SHOWN IN ATTACHMENT A  
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 30<sup>th</sup> day of March 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:

North Avenue Annexation No. 1

A certain parcel of land located in the Northwest Quarter (NW 1/4) of Section 17 and the Southwest Quarter (SW 1/4) of Section 8, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 17 and assuming the North line of the NW 1/4 NW 1/4 of said Section 17 to bear N89°57'27"W with all bearings contained herein relative thereto; thence S00°11'03"W a distance of 4.00 feet along the East line of the NW 1/4 NW 1/4 of said Section 17 to a point on the South line of Shultz Annexation No. 2, Ordinance No. 3810, City of Grand Junction, said point also being the Point of Beginning; thence S89°57'29"E a distance of 330.51 feet along the South line of said Shultz Annexation No. 2, said line also being 4.00 feet South of and parallel with the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 17; thence S00°11'42"E a distance of 36.00 feet along the West line Career Center Annexation, Ordinance No. 3801, City of Grand Junction; thence N89°57'29"W a distance of 330.52 feet along a line 40.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 17 to a point on the East line of the NW 1/4 NW 1/4 of said Section 17; thence S00°09'30"E a distance of 10.00 feet along the East line of the NW 1/4 NW 1/4 of said Section 17; thence N89°57'27"W a distance of 365.40 feet along a line being 50.00 feet South of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17; thence N00°08'12"W a distance of 10.00 feet; thence N89°57'27"W a distance of 577.81 feet along a line being 40.00 feet South of

and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17 to the Southeast corner of Flynn Annexation, Ordinance No. 1864, City of Grand Junction; thence N00°02'33"E a distance of 80.00 feet along the East line of said Flynn Annexation; thence S89°57'27"E a distance of 173.12 feet along a line being 40.00 feet North of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17; thence N00°02'33"E a distance of 10.00 feet; thence S89°57'27"E a distance of 110.00 feet along a line being 50.00 feet North of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17; thence S00°02'33"W a distance of 10.00 feet; thence S89°57'27"E a distance of 655.86 feet along a line being 40.00 feet North of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17 to a point on the West line of said Shultz Annexation No. 2; thence S00°03'56"E a distance of 44.00 feet along the West line of said Shultz Annexation No. 2, said line also being 4.00 feet West of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 8; thence S89°57'27"E a distance of 4.00 feet along the South line of said Shultz Annexation No. 2, said line also being 4.00 feet South of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17 to the Point of Beginning.

Said parcel contains 2.11 acres (91,922.09 sq. ft.), more or less, as described.

#### North Avenue Annexation No. 2

A certain parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 8, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of the SE 1/4 SW 1/4 of said Section 8 and assuming the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 17 to bear N89°57'29"W with all bearings contained herein relative thereto; thence N00°03'56"W a distance of 40.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 8, said line also being the Easterly line of Shultz Annexation No. 1, Ordinance No. 3809, City of Grand Junction; thence S89°57'29"E a distance of 165.00 feet along a line being 40.00 feet North of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 17 to a point on the West line of Cantrell Annexation No. 2, Ordinance No. 3340, City of Grand Junction; thence S00°02'29"E a distance of 40.00 feet along the West line of said Cantrell Annexation No. 2 to a point on the North line of the NE 1/4 NW 1/4 of said Section 17; thence N89°57'29"W a distance of 164.98 feet along said Shultz Annexation No. 1, said line also being the North line of the NE 1/4 NW 1/4 of said Section 17 to the Point of Beginning.

Said parcel contains 0.15 acres (6,599.67 sq. ft.), more or less, as described

#### North Avenue Annexation No. 3

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northeast corner of the NE 1/4 NW 1/4 of said Section 17 and assuming the West line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 8 to bear N00°04'03"W with all bearings contained herein relative thereto; thence N89°57'29"W a distance of 187.88 feet along the North line of the NE 1/4 NW 1/4 of said Section 17, said line also being the North line of U-Haul Annexation, Ordinance No. 3209, City of Grand Junction to the Point of Beginning; thence S00°02'31"W a distance of 40.00 feet along Cantrell Annexation No. 2, Ordinance No. 3340, City of Grand Junction; thence S89°57'29"E a distance of 10.02 feet along said Cantrell Annexation No. 2 to a point on the West line of said U-Haul Annexation; thence S00°09'44"E a distance of 10.00 feet along the West line of said U-Haul Annexation; thence N89°57'29"W a distance of 483.25 feet along a line being 50.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 17; thence along the Southeasterly line of Career Center Annexation, Ordinance No. 3801, City of Grand Junction the following two (2) courses: (1) N00°02'29"W a distance of 50.00 feet to a point on the North line of the NE 1/4 NW 1/4 of said Section 17; (2) S89°57'29"E a distance of 473.27 feet along the North line of the NE 1/4 NW 1/4 of said Section 17 to the Point of Beginning.

Said parcel contains 0.55 acres (23,761.91 sq. ft.), more or less, as described.

#### North Avenue Annexation No. 4

A certain parcel of land located in the Southeast Quarter (SE 1/4) of Section 8 and the Northeast Quarter (NE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17 and assuming the West line of the SW 1/4 SE 1/4 of said Section 8 to bear N00°04'03"W with all bearings contained herein relative thereto; thence S89°57'51"E a distance of 206.84 feet along the North line of the NW 1/4 NE 1/4 of said Section 17 to the Point of Beginning; thence N00°09'43"W a distance of 50.00 feet along the Easterly line of Mesa County Human Services Annexation No. 1, Ordinance No. 3445, City of Grand Junction; thence S89°57'51"E a distance of 10.00 feet along a line being 50.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°09'43"E a distance of 50.00 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 17; thence S89°57'51"E a distance of 170.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°09'51"E a distance of 40.00 feet; thence N89°57'51"W a distance of 180.00 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17 to the Southeast corner of said Mesa County Human Services Annexation No. 1; thence N00°09'43"W a distance of 40.00 feet along the Easterly line of said Mesa County Human Services Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.18 acres (7,699.97 sq. ft.), more or less, as described

North Avenue Annexation No. 5

A certain parcel of land located in the Southeast Quarter (SE 1/4) of Section 8 and the Northeast Quarter (NE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17 and assuming the West line of the SW 1/4 SE 1/4 of said Section 8 to bear N00°04'03"W with all bearings contained herein relative thereto; thence S89°57'51"E a distance of 216.84 feet along the North line of the NW 1/4 NE 1/4 of said Section 17 to the Point of Beginning; thence N00°09'43"W a distance of 50.00 feet along the Easterly line of North Avenue Annexation No. 4, City of Grand Junction; thence S89°57'51"E a distance of 321.81 feet along a line being 50.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°03'39"E a distance of 50.00 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 17; thence S89°57'51"E a distance of 357.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°02'09"E a distance of 40.00 feet; thence along the Northerly line of Lot 1 of Duo Subdivision, as same is recorded in Plat Book 12, Page 74, public records of Mesa County, Colorado the following three (3) courses: (1) N89°57'51"W a distance of 85.53 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; (2) S01°02'29"E a distance of 10.00 feet; (3) N89°57'51"W a distance of 237.19 feet along a line being 50.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence N01°02'29"W a distance of 10.00 feet; thence N89°57'51"W a distance of 185.49 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17 to the Southeast corner of said North Avenue Annexation No. 4; thence N00°09'51"W a distance of 40.00 feet along the Easterly line of said North Avenue Annexation No. 4 to a point on the North line of the NW 1/4 NE 1/4 of said Section 17; thence N89°57'51"W a distance of 170.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17, said line also being the North Avenue Annexation No. 4 to the Point of Beginning.

Said parcel contains 0.89 acres (38,807.78 sq. ft.), more or less, as described.

North Avenue Annexation No. 6

A certain parcel of land located in the Southeast Quarter (SE 1/4) of Section 8 and the Northeast Quarter (NE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17 and assuming the East line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 8 to bear N00°03'24"W with all bearings contained herein relative thereto; thence N00°03'24"W a distance of 43.00 feet along the East line of the SW 1/4 SE 1/4 of said Section 8 to the Point of Beginning; thence N00°03'24"W a distance of 7.00 feet along the East line of the SW 1/4 SE 1/4 of said Section 8 to the Southwest corner of A Storage Place II Annexation, Ordinance No. 3719, City of Grand Junction; thence S89°57'58"E a distance of 123.66 feet along the Southerly line of said A Storage Place II Annexation; thence S00°01'01"W a distance of 100.00 feet along the West line of A Storage Place Annexation, Ordinance No. 3137, City of Grand Junction; thence N89°57'58"W a distance of 123.50 feet to a point on the East line of the NW 1/4 NE 1/4 of said Section 17; thence N00°35'52"W a distance of 10.00 feet along the East line of the NW 1/4 NE 1/4 of said Section 17; thence N89°57'51"W a distance of 427.55 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence along North Avenue Annexation No. 5, City of Grand Junction the following three (3) courses: (1) N00°02'09"W a distance of 40.00 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 17; (2) N89°57'51"W a distance of 357.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17; (3) N00°03'39"W a distance of 40.00 feet; thence S89°57'51"E a distance of 123.00 feet along a line being 40.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence N00°20'21"W a distance of 3.00 feet; thence S89°57'51"E a distance of 661.56 feet along a line being 43.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17, said line also being the South line of Memorial Gardens Minor Subdivision, as same is recorded in Plat Book 19, Page 379, public records of Mesa County, Colorado to the Point of Beginning.

Said parcel contains 1.44 acres (62,829.10 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 30<sup>th</sup> of March, 2009; and

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

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

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

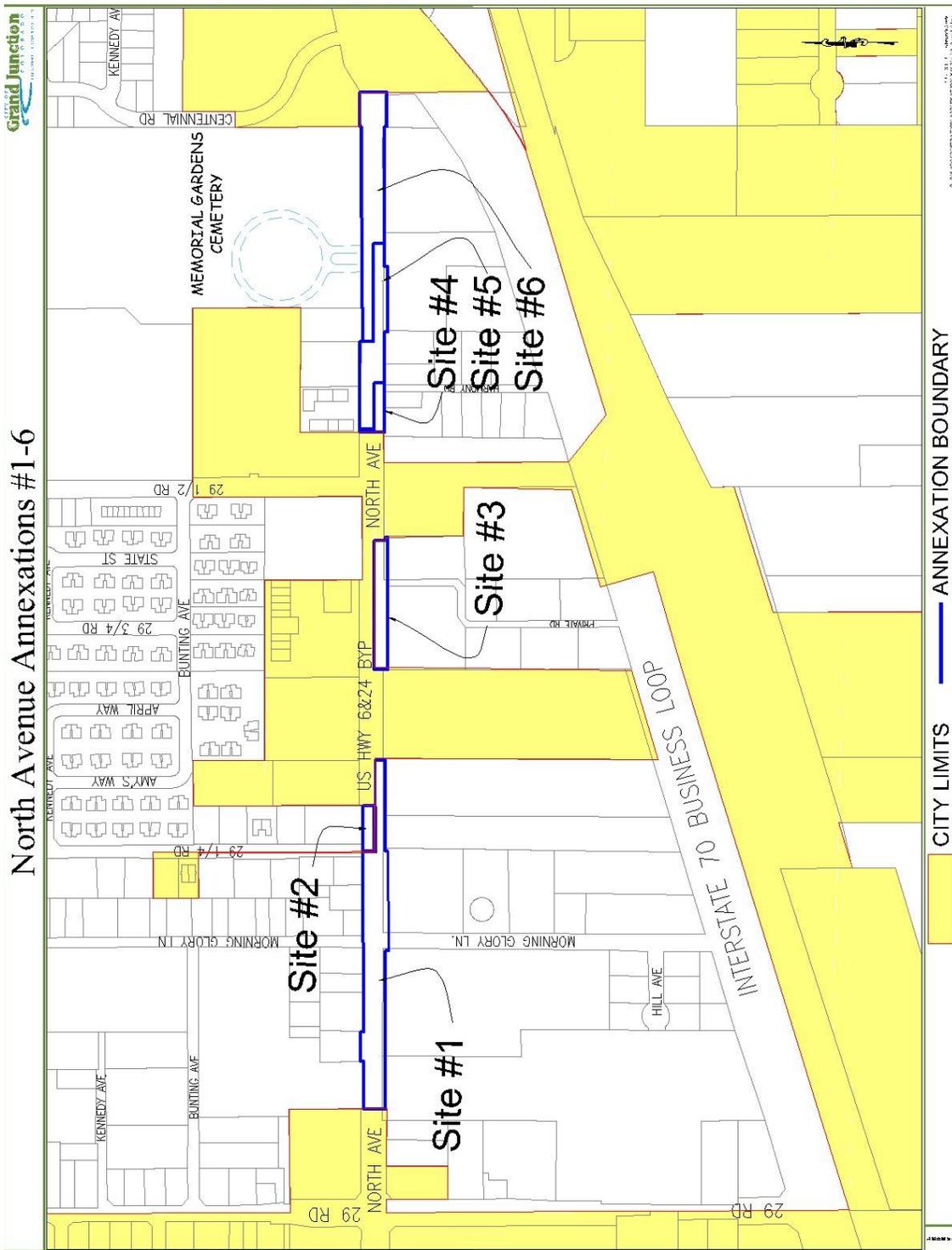
**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

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

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

# ATTACHMENT A



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**NORTH AVENUE RIGHTS-OF-WAY ANNEXATION**

**APPROXIMATELY 5.32 ACRES  
LOCATED AT SIX SEPARATE SECTIONS OF NORTH AVENUE RIGHT-OF-WAY,  
FROM 29 ROAD TO I-70 BUSINESS LOOP AS SHOWN IN ATTACHMENT A**

**WHEREAS**, on the 30<sup>th</sup> day of March 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 4<sup>th</sup> day of May 2009; and

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

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

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

**NORTH AVENUE RIGHT-OF-WAY ANNEXATION**

North Avenue Annexation No. 1

A certain parcel of land located in the Northwest Quarter (NW 1/4) of Section 17 and the Southwest Quarter (SW 1/4) of Section 8, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 17 and assuming the North line of the NW 1/4 NW 1/4 of said Section 17 to bear N89°57'27"W with all bearings contained herein relative thereto; thence S00°11'03"W a distance of 4.00 feet along the East line of the NW 1/4 NW 1/4 of said Section 17 to a point on the South line of Shultz Annexation No. 2,

Ordinance No. 3810, City of Grand Junction, said point also being the Point of Beginning; thence S89°57'29"E a distance of 330.51 feet along the South line of said Shultz Annexation No. 2, said line also being 4.00 feet South of and parallel with the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 17; thence S00°11'42"E a distance of 36.00 feet along the West line Career Center Annexation, Ordinance No. 3801, City of Grand Junction; thence N89°57'29"W a distance of 330.52 feet along a line 40.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 17 to a point on the East line of the NW 1/4 NW 1/4 of said Section 17; thence S00°09'30"E a distance of 10.00 feet along the East line of the NW 1/4 NW 1/4 of said Section 17; thence N89°57'27"W a distance of 365.40 feet along a line being 50.00 feet South of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17; thence N00°08'12"W a distance of 10.00 feet; thence N89°57'27"W a distance of 577.81 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17 to the Southeast corner of Flynn Annexation, Ordinance No. 1864, City of Grand Junction; thence N00°02'33"E a distance of 80.00 feet along the East line of said Flynn Annexation; thence S89°57'27"E a distance of 173.12 feet along a line being 40.00 feet North of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17; thence N00°02'33"E a distance of 10.00 feet; thence S89°57'27"E a distance of 110.00 feet along a line being 50.00 feet North of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17; thence S00°02'33"W a distance of 10.00 feet; thence S89°57'27"E a distance of 655.86 feet along a line being 40.00 feet North of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17 to a point on the West line of said Shultz Annexation No. 2; thence S00°03'56"E a distance of 44.00 feet along the West line of said Shultz Annexation No. 2, said line also being 4.00 feet West of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 8; thence S89°57'27"E a distance of 4.00 feet along the South line of said Shultz Annexation No. 2, said line also being 4.00 feet South of and parallel with the North line of the NW 1/4 NW 1/4 of said Section 17 to the Point of Beginning.

Said parcel contains 2.11 acres (91,922.09 sq. ft.), more or less, as described.

#### North Avenue Annexation No. 2

A certain parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 8, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of the SE 1/4 SW 1/4 of said Section 8 and assuming the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 17 to bear N89°57'29"W with all bearings contained herein relative thereto; thence N00°03'56"W a distance of 40.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 8, said line also being the Easterly line of Shultz Annexation No. 1, Ordinance No. 3809, City of Grand Junction; thence S89°57'29"E a distance of 165.00 feet along a line being 40.00 feet North of and parallel with the North

line of the NE 1/4 NW 1/4 of said Section 17 to a point on the West line of Cantrell Annexation No. 2, Ordinance No. 3340, City of Grand Junction; thence S00°02'29"E a distance of 40.00 feet along the West line of said Cantrell Annexation No. 2 to a point on the North line of the NE 1/4 NW 1/4 of said Section 17; thence N89°57'29"W a distance of 164.98 feet along said Shultz Annexation No. 1, said line also being the North line of the NE 1/4 NW 1/4 of said Section 17 to the Point of Beginning.

Said parcel contains 0.15 acres (6,599.67 sq. ft.), more or less, as described

#### North Avenue Annexation No. 3

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northeast corner of the NE 1/4 NW 1/4 of said Section 17 and assuming the West line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 8 to bear N00°04'03"W with all bearings contained herein relative thereto; thence N89°57'29"W a distance of 187.88 feet along the North line of the NE 1/4 NW 1/4 of said Section 17, said line also being the North line of U-Haul Annexation, Ordinance No. 3209, City of Grand Junction to the Point of Beginning; thence S00°02'31"W a distance of 40.00 feet along Cantrell Annexation No. 2, Ordinance No. 3340, City of Grand Junction; thence S89°57'29"E a distance of 10.02 feet along said Cantrell Annexation No. 2 to a point on the West line of said U-Haul Annexation; thence S00°09'44"E a distance of 10.00 feet along the West line of said U-Haul Annexation; thence N89°57'29"W a distance of 483.25 feet along a line being 50.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 17; thence along the Southeasterly line of Career Center Annexation, Ordinance No. 3801, City of Grand Junction the following two (2) courses: (1) N00°02'29"W a distance of 50.00 feet to a point on the North line of the NE 1/4 NW 1/4 of said Section 17; (2) S89°57'29"E a distance of 473.27 feet along the North line of the NE 1/4 NW 1/4 of said Section 17 to the Point of Beginning.

Said parcel contains 0.55 acres (23,761.91 sq. ft.), more or less, as described.

#### North Avenue Annexation No. 4

A certain parcel of land located in the Southeast Quarter (SE 1/4) of Section 8 and the Northeast Quarter (NE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17 and assuming the West line of the SW 1/4 SE 1/4 of said Section 8 to bear N00°04'03"W with all bearings contained herein relative thereto; thence S89°57'51"E a distance of 206.84 feet along the North line of the NW

1/4 NE 1/4 of said Section 17 to the Point of Beginning; thence N00°09'43"W a distance of 50.00 feet along the Easterly line of Mesa County Human Services Annexation No. 1, Ordinance No. 3445, City of Grand Junction; thence S89°57'51"E a distance of 10.00 feet along a line being 50.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°09'43"E a distance of 50.00 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 17; thence S89°57'51"E a distance of 170.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°09'51"E a distance of 40.00 feet; thence N89°57'51"W a distance of 180.00 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17 to the Southeast corner of said Mesa County Human Services Annexation No. 1; thence N00°09'43"W a distance of 40.00 feet along the Easterly line of said Mesa County Human Services Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.18 acres (7,699.97 sq. ft.), more or less, as described

#### North Avenue Annexation No. 5

A certain parcel of land located in the Southeast Quarter (SE 1/4) of Section 8 and the Northeast Quarter (NE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17 and assuming the West line of the SW 1/4 SE 1/4 of said Section 8 to bear N00°04'03"W with all bearings contained herein relative thereto; thence S89°57'51"E a distance of 216.84 feet along the North line of the NW 1/4 NE 1/4 of said Section 17 to the Point of Beginning; thence N00°09'43"W a distance of 50.00 feet along the Easterly line of North Avenue Annexation No. 4, City of Grand Junction; thence S89°57'51"E a distance of 321.81 feet along a line being 50.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°03'39"E a distance of 50.00 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 17; thence S89°57'51"E a distance of 357.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17; thence S00°02'09"E a distance of 40.00 feet; thence along the Northerly line of Lot 1 of Duo Subdivision, as same is recorded in Plat Book 12, Page 74, public records of Mesa County, Colorado the following three (3) courses: (1) N89°57'51"W a distance of 85.53 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; (2) S01°02'29"E a distance of 10.00 feet; (3) N89°57'51"W a distance of 237.19 feet along a line being 50.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence N01°02'29"W a distance of 10.00 feet; thence N89°57'51"W a distance of 185.49 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17 to the Southeast corner of said North Avenue Annexation No. 4; thence N00°09'51"W a distance of 40.00 feet along the Easterly line of said North Avenue Annexation No. 4 to

a point on the North line of the NW 1/4 NE 1/4 of said Section 17; thence N89°57'51"W a distance of 170.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17, said line also being the North Avenue Annexation No. 4 to the Point of Beginning.

Said parcel contains 0.89 acres (38,807.78 sq. ft.), more or less, as described.

North Avenue Annexation No. 6

A certain parcel of land located in the Southeast Quarter (SE 1/4) of Section 8 and the Northeast Quarter (NE 1/4) of Section 17, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 17 and assuming the East line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 8 to bear N00°03'24"W with all bearings contained herein relative thereto; thence N00°03'24"W a distance of 43.00 feet along the East line of the SW 1/4 SE 1/4 of said Section 8 to the Point of Beginning; thence N00°03'24"W a distance of 7.00 feet along the East line of the SW 1/4 SE 1/4 of said Section 8 to the Southwest corner of A Storage Place II Annexation, Ordinance No. 3719, City of Grand Junction; thence S89°57'58"E a distance of 123.66 feet along the Southerly line of said A Storage Place II Annexation; thence S00°01'01"W a distance of 100.00 feet along the West line of A Storage Place Annexation, Ordinance No. 3137, City of Grand Junction; thence N89°57'58"W a distance of 123.50 feet to a point on the East line of the NW 1/4 NE 1/4 of said Section 17; thence N00°35'52"W a distance of 10.00 feet along the East line of the NW 1/4 NE 1/4 of said Section 17; thence N89°57'51"W a distance of 427.55 feet along a line being 40.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence along North Avenue Annexation No. 5, City of Grand Junction the following three (3) courses: (1) N00°02'09"W a distance of 40.00 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 17; (2) N89°57'51"W a distance of 357.00 feet along the North line of the NW 1/4 NE 1/4 of said Section 17; (3) N00°03'39"W a distance of 40.00 feet; thence S89°57'51"E a distance of 123.00 feet along a line being 40.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17; thence N00°20'21"W a distance of 3.00 feet; thence S89°57'51"E a distance of 661.56 feet along a line being 43.00 feet North of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 17, said line also being the South line of Memorial Gardens Minor Subdivision, as same is recorded in Plat Book 19, Page 379, public records of Mesa County, Colorado to the Point of Beginning.

Said parcel contains 1.44 acres (62,829.10 sq. ft.), more or less, as described.

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

**INTRODUCED** on first reading on the 30<sup>th</sup> day of March, 2009 and ordered published.

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

Attest:

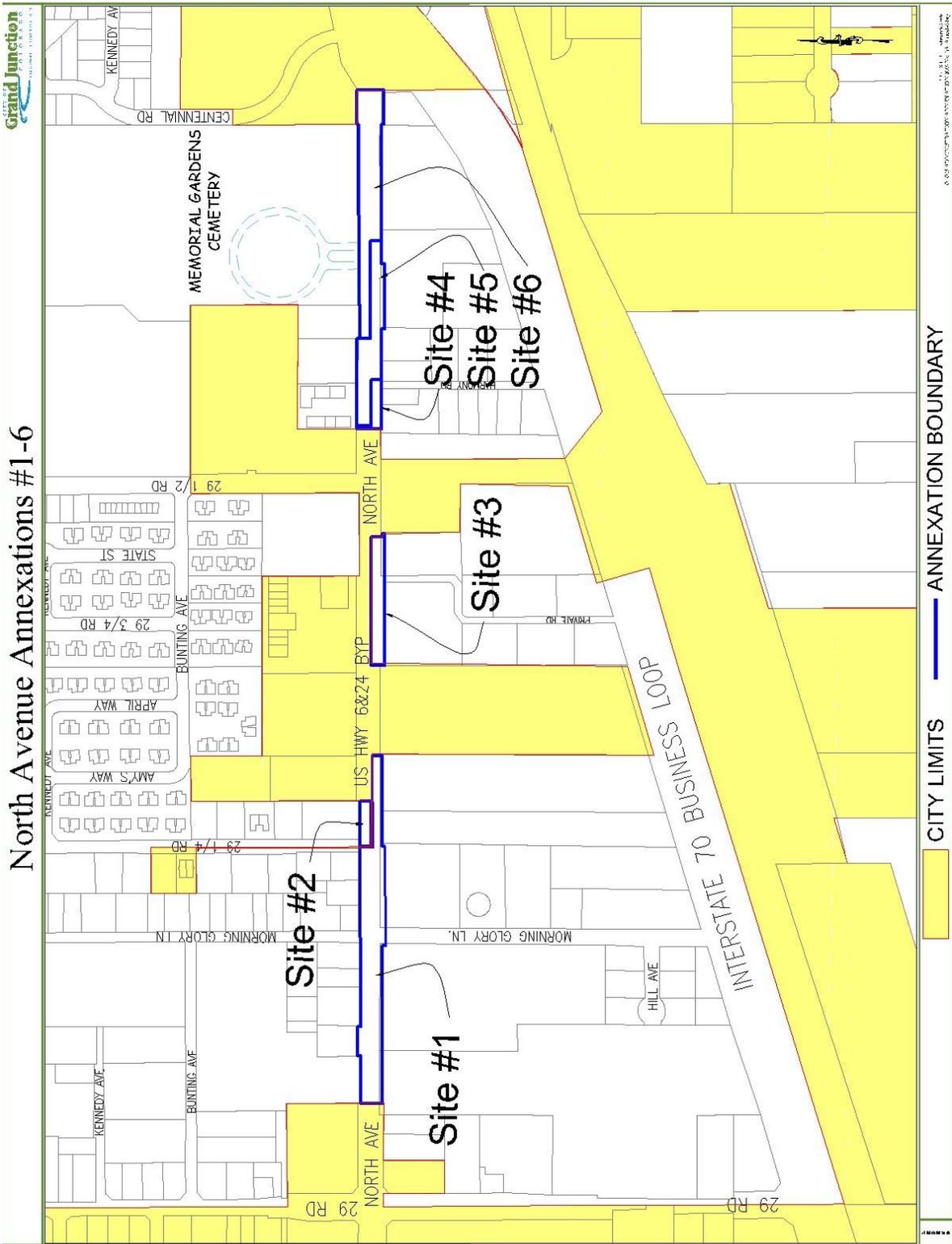
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President of the Council

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City Clerk

# ATTACHMENT A



**Attach 7**  
**Public Hearing—The Tall Grass Rezone**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Tall Grass Rezone - Located at 2293 and 2295 Tall Grass Drive		
<b>File #</b>	RZ-2009-014		
<b>Meeting Day, Date</b>	Monday, May 4, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual</b> <input checked="" type="checkbox"/>
<b>Date Prepared</b>	April 22, 2009		
<b>Author Name &amp; Title</b>	Michelle Hoshide, Associate Planner		
<b>Presenter Name &amp; Title</b>	Michelle Hoshide, Associate Planner		

**Summary:** Request to rezone the 3.709 acres, located at 2293 and 2295 Tall Grass Drive from C-2 (General Commercial) to I-1 (Light Industrial).

**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. Future Land Use Map / Existing City and County Zoning Map
3. Ordinance

**Background Information:** See attached staff report and background information.

BACKGROUND INFORMATION					
Location:		2293 and 2295 Tall Grass Drive			
Applicants:		Owner: Club Deal 113/114 Park Plaza c/o Taurus of Texas Representative: Austin Civil Group			
Existing Land Use:		Vacant			
Proposed Land Use:		Industrial			
Surrounding Land Use:	North	Vacant			
	South	Vacant			
	East	Vacant			
	West	Vacant			
Existing Zoning:		C-2 (General Commercial)			
Proposed Zoning:		I-1 (Light Industrial)			
Surrounding Zoning:	North	I-1 (Light Industrial)			
	South	C-2 (General Commercial) and I-2 (General Industrial)			
	East	C-2 (General Commercial)			
	West	C-2 (General Commercial)			
Growth Plan Designation:		Commercial Industrial			
Zoning within density range?		X	Yes		No

**Staff Analysis:**

1. **Background:**

The subject properties were platted as part of the Grand West Business Park in 2007. Approximately 58% of the three largest properties within the subdivision are zoned I-1. The rest of the lots are zoned C-2.

Over the last decade the properties surrounding the Grand West Business Park have been steadily developed as industrial. The applicant would like to rezone these properties to allow uses that are more in character with the surrounding area.

2. **Consistency with the Growth Plan:**

The Growth Plan's Future Land Use designation is Commercial Industrial. Therefore, the proposed I-1 zone district is consistent with the Growth Plan.

3. Rezone Criteria of the Zoning and Development Code (Section 2.6.A):

In order to maintain internal consistency between the Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria for approval:

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

The existing zoning was not in error at the time of adoption.

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

Growth trends in the Grand Valley have stimulated the development of industrial uses within the area surrounding 23 Road and G Road. The character of the neighborhood is more industrial than commercial and I-1 zoning would be more in character with the current uses.

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

The proposed rezone is compatible with the other industrial uses and zoning in the area and the Future Land Use designation of Commercial/Industrial.

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

There is an existing 8 inch Ute water line that runs along Tall Grass Drive and an existing 12 inch sewer line that runs along 23 Road. These services are adequate and available for development of the property.

5. *There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.*

There is an inadequate supply of industrial zoned land available in the city. Approval of this request meets that community need.

6. *The community or neighborhood will benefit from the proposed zone*

The community and surrounding area will benefit from the proposed rezone in the respect that it will provide additional industrial zoned land that can be developed.

**FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Tall Grass Rezone, RZ-2009-014, a request to rezone property from C-2 (General Commercial) to I-1 (Light Industrial), the following findings of fact and conclusions have been determined:

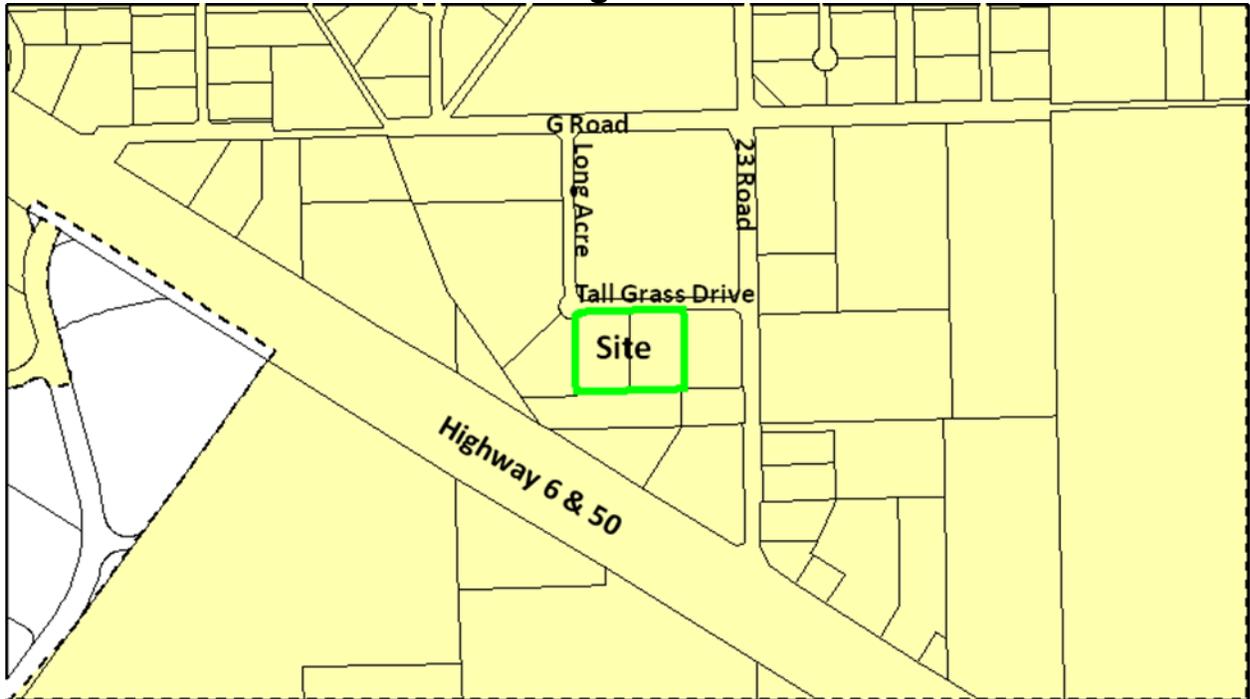
1. The requested rezone is consistent with the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission Recommended approval of the requested rezone to the City Council, finding the requested rezone from C-2 (General Commercial) to I-1 (Light Industrial) for the Tall Grass Rezone, RZ-2009-014, with the findings and conclusions listed above.

# Site Location Map

Figure 1



# Aerial Photo Map

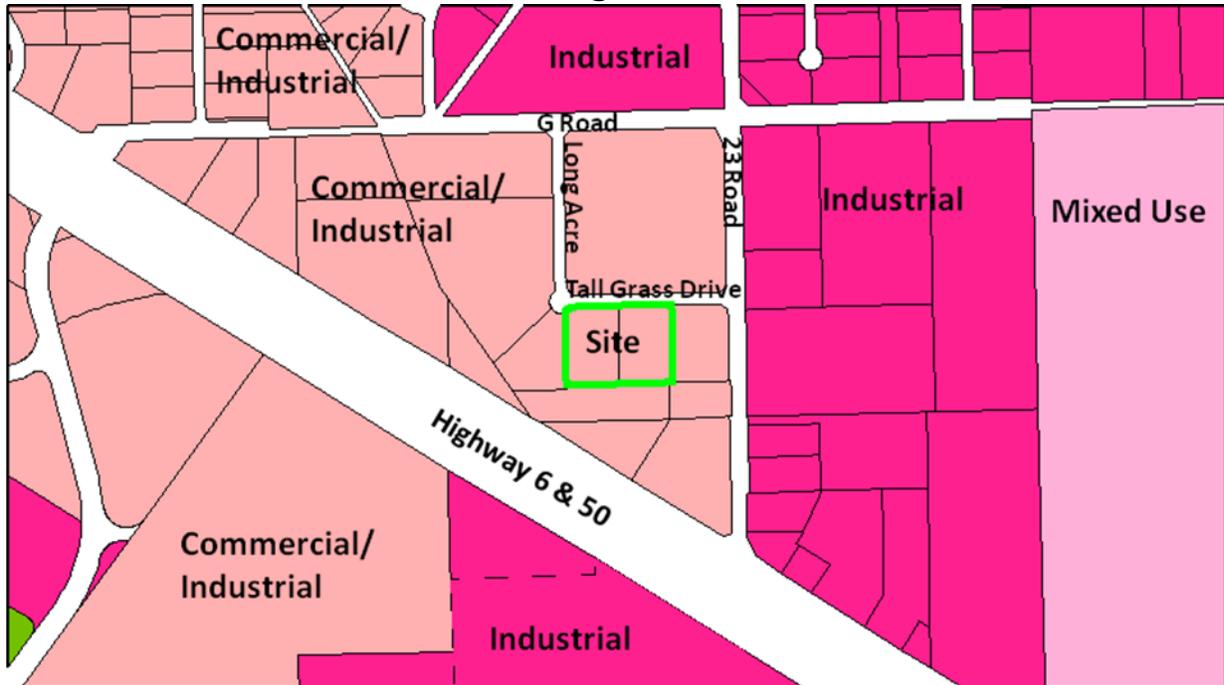
Figure 2





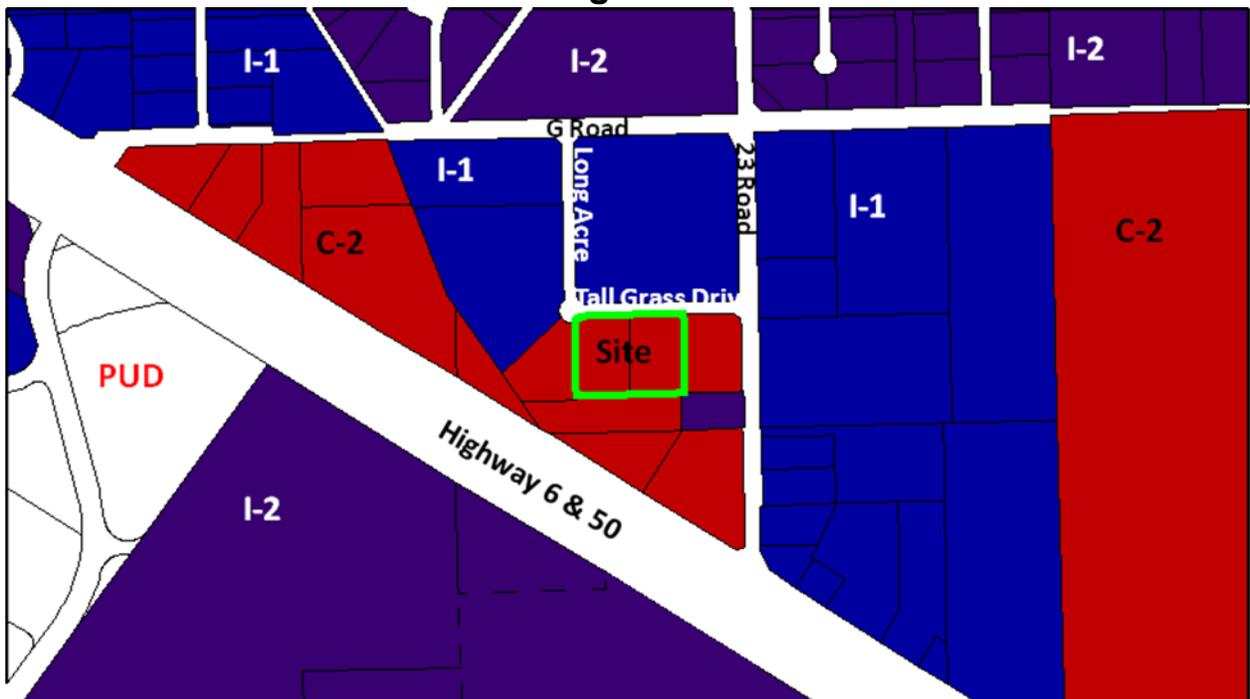
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING TWO PARCELS OF LAND FROM  
C-2 (GENERAL COMMERCIAL) TO I-1 (LIGHT INDUSTRIAL)**

**KNOWN AS THE TALL GRASS REZONE**

**LOCATED AT 2293 AND 2295 TALL GRASS DRIVE**

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 the rezone request from C-2 (General Commercial) zone district to the I-1 (Light Industrial) zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan designation of Commercial/ Industrial. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCELS DESCRIBED BELOW ARE HEREBY ZONED TO THE I-1 (LIGHT INDUSTRIAL) ZONE DISTRICT:

Lots 2 and 3 in Grand West Business Park, located in NE ¼, Section 6, T1S, R1W, Ute Meridian, Mesa County, Colorado

Introduced on first reading on the 13<sup>th</sup> day of April, 2009

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

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

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