



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, JUNE 15, 2009, 7:00 P.M.**

Call to Order

Pledge of Allegiance

Invocation—Pastor Joe Gross, Redlands Community 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.]

Appointment

To the Grand Junction Regional Airport Authority

Citizen Comments

Council Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the June 1, 2009 and the June 3, 2009 Regular Meetings

2. **Setting a Hearing on the Peiffer Annexation, Located at 2454 Bella Pago Drive** [File #ANX-2009-113]

[Attach 2](#)

*** Indicates New, Moved, or Changed Item

® Requires Roll Call Vote

Request to annex 2.10 acres, located at 2454 Bella Pago Drive. The Peiffer Annexation consists of one (1) parcel and includes a portion of Bella Pago Drive.

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

Resolution No. 51-09—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, Peiffer Annexation, Located at 2454 Bella Pago Drive and Including a Portion of the Bella Pago Drive Right-of-Way

®Action: *Adopt Resolution No. 51-09*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Peiffer Annexation, Approximately 2.10 Acres, Located at 2454 Bella Pago Drive and Including a Portion of the Bella Pago Drive Right-of-Way

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009*

Staff presentation: Judith Rice, Associate Planner

3. Setting a Hearing on the Maverik Annexation, Located at 2948 F Road and 603 29 ½ Road [File #ANX-2009-023] [Attach 3](#)

Request to annex 3.02 acres, located at 2948 F Road and 603 29 ½ Road. The Maverik Annexation consists of two parcels and contains 0.62 acres of the 29 ½ Road right-of-way. A Growth Plan Amendment is part of this development and will come forward in July.

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

Resolution No. 52-09—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, Maverik Annexation, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way

®Action: *Adopt Resolution No. 52-09*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Maverik Annexation, Approximately 3.02 Acres, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 31, 2009*

Staff presentation: Senta L. Costello, Senior Planner

4. **Setting a Hearing on Monument Village Commercial Center Annexation, Located at 2152 Broadway** [File #ANX-2009-116] [Attach 4](#)

Request to annex 5.77 acres, located at 2152 Broadway. The Monument Village Commercial Center Annexation consists of one parcel and 1.54 acres of public right-of-way. Right-of-way includes a portion of 21 1/2 Road, also known as Monument Village Drive, all of Monument Lane and a portion of Rio Hondo Road.

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

Resolution No. 53-09—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, Monument Village Commercial Center Annexation, Located at 2152 Broadway and Includes Portions of Right-of-Way for Monument Village Drive and Rio Hondo Road and all of Monument Lane

®Action: *Adopt Resolution No. 53-09*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Village Commercial Center Annexation, Approximately 5.77 Acres, Located at 2152 Broadway and Includes Portions of Right-of-Way for Monument Village Drive and Rio Hondo Road and all of Monument Lane

Action: *Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009*

Staff presentation: Lori V. Bowers, Senior Planner

5. **Setting a Hearing on Vacating a Portion of the West Ridges Boulevard Right-of-Way, West of 2335, 2335 ½ and 2337 Rattlesnake Court** [File # VR-2009-012] [Attach 5](#)

Request to vacate an undeveloped portion of the West Ridges Boulevard right-of-way which is unnecessary for future roadway circulation and will allow the adjacent property owners to use and maintain.

Proposed Ordinance Vacating a Portion of the West Ridges Boulevard Right-of-Way Located West of 2335, 2335 ½ and 2337 Rattlesnake Court

Action: *Introduction of a Proposed Ordinance and Set a Hearing for June 29, 2009*

Staff presentation: Michelle Hoshide, Associate Planner

6. **Setting a Hearing on a Zoning and Development Code Amendment Regarding Temporary Low-Traffic Storage Yards** [File # TAC-2009-105] [Attach 6](#)

The City of Grand Junction requests approval to amend Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial), and I-2 (General Industrial) zone districts.

Proposed Ordinance Amending Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code Regarding Temporary Low-Traffic Storage Yards

Action: *Introduction of a Proposed Ordinance and Set a Hearing for June 29, 2009*

Staff presentation: Greg Moberg, Planning Services Supervisor

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

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

7. **Public Hearing—Inclusion into the Downtown Development Authority Boundaries for the Mesa County Public Library** [Attach 7](#)

In preparation for an eventual redevelopment as part of the City Center Catalyst Project, the Mesa County Public Library District (MCPLD) has requested inclusion into the DDA for all of their downtown Grand Junction properties. A portion of the MCPLD properties in the vicinity are already included in the DDA; several are not: 520 N. 5th Street, 517 Chipeta Avenue, 525 Chipeta Avenue, and 529 Chipeta Avenue. The request has been considered and approved by the DDA Board of Directors.

Ordinance No. 4359—An Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4359

Staff presentation: Heidi Hoffman Ham, DDA Executive Director

8. **Public Hearing—Amending the Code to Require 4” Sewer Line to Each Unit of a Multi Unit Structure or Multiple Units on a Property** [Attach 8](#)

City Staff would like to coordinate sewer line requirements for multi residential unit structures and properties with multiple residential units with those required by special districts in the area. Amending the City’s Code will provide consistency to City residents and give Planning and Development Review Staff more guidance and support of the requirements.

Ordinance No. 4360—An Ordinance Amending Section 38-35, Article II of Chapter 38 of the Grand Junction Code of Ordinances Pertaining to Sewer Line Connections

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4360

Staff presentation: John Shaver, City Attorney

9. **Public Hearing—Lang Industrial Park Annexation and Zoning, Located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway** [File #ANX-2009-072]

[Attach 9](#)

A request to annex and zone 4.86 acres located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway to I-1 (Light Industrial) zone district. The Lang Industrial Park Annexation consists of three (3) parcels.

a. Accepting Petition

Resolution No. 54-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Lang Industrial Park Annexation, Located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4361—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lang Industrial Park Annexation, Approximately 4.86 Acres, Located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway

c. Zoning Ordinance

Ordinance No. 4362—An Ordinance Zoning the Lang Industrial Park Annexation to I-1 (Light Industrial), Located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway

®Action: Adopt Resolution No. 54-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4361 and 4362

Staff presentation: Michelle Hoshide, Associate Planner

10. **Revocable Permit for a Sign, Located in the Dedicated Right-of-Way at 2452 F Road** [File # RVP-2009-108] [Attach 10](#)

Request for a Revocable Permit to allow an existing sign to remain in the dedicated right-of-way at 2452 F Road.

Resolution No. 55-09— A Resolution Concerning the Issuance of a Revocable Permit to Twenty Four Fifty Two, LLC Located at 2452 F Road

®Action: *Adopt Resolution No. 55-09*

Staff presentation: Judith Rice, Associate Planner

11. **Revocable Permit for Improvements and Structure in the Right-of-Way Located at 211 Hale Avenue** [File # RVP-2009-114] [Attach 11](#)

Request for a Revocable Permit to allow existing improvements and structure to remain in dedicated right-of-way in Hale Avenue.

Resolution No. 56-09—A Resolution Concerning the Issuance of a Revocable Permit to William R. Jarvis, DBA Hale Avenue, LLC, Located at 211 Hale Avenue

®Action: *Adopt Resolution No. 56-09*

Staff presentation: Ronnie Edwards, Associate Planner

12. **Construction Contract for the 29 Road and I-70B South Phase** [Attach 12](#)

The 29 Road and I-70B South Phase Project is a part of the overall 29 Road and I-70B Interchange and will construct the portion 29 Road from D Road to D ½ Road, along with a realigned section of D ½ Road just east of 29 Road.

Action: *Authorize the City Manager to Sign a Construction Contract for the 29 Road and I-70B South Phase with Oldcastle SW Group, Inc. dba United Companies of Mesa County in the Amount of \$1,815,206.48*

Staff presentation: Tim Moore, Public Works and Planning Director

13. **Construction Contract for the 29 Road and I-70B North Phase** [Attach 13](#)

The 29 Road and I-70B North Phase Project is a part of the overall 29 Road and I-70B Interchange and will construct sections of Teller Avenue, Melody Lane, Sparn Street, and Gunnison Avenue; just north of I-70B and west of 29 Road.

Action: *Authorize the City Manager to Sign a Construction Contract for the 29 Road and I-70B North Phase with Sorter Construction, Inc. in the Amount of \$1,349,422.85*

Staff presentation: Tim Moore, Public Works and Planning Director

14. **Acceptance of Ownership of a Portion of the I-70B North Frontage Road from the Colorado Department of Transportation** [Attach 14](#)

The City has requested that the Colorado Department of Transportation (CDOT) relinquish a portion of the North Frontage Road located between approximate Mileposts 8.25 and 8.75 to facilitate construction and maintenance by the City for improvements associated with the 29 Road & I-70B Interchange Project.

Resolution No. 57-09—A Resolution Accepting Ownership of a Portion of the I-70 Business Loop North Frontage Road from the Colorado Department of Transportation

®Action: Adopt Resolution No. 57-09

Staff presentation: Tim Moore, Public Works and Planning Director

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

16. **Other Business**

17. **Adjournment**

**Attach 1
Minutes of Previous Meetings**

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

June 1, 2009

The City Council of the City of Grand Junction convened into regular session on the 1st day of June 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Councilmember Teresa Coons was absent. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Pitts led in the Pledge of Allegiance followed by a moment of silence.

Citizen Comments

There were none.

Council Comments

There were none.

City Manager's Report

City Manager Laurie Kadrach addressed the City Council. She first spoke to the idea of providing a fuel rebate to the City's utilities customers. The rebate could be done in the form of a credit to customers on their July bill.

The next item was moving up capital projects, especially in the water and sewer systems. The City is relatively confident that the loans approved at the last meeting for water are possible. The City is less sure on the sewer loans. Work will continue on both.

A local preference bidding option was previously discussed. Local bidders are primarily the recipients of recent contracts. A letter from a local contractors association is expected asking for a formal policy.

Regarding the development process, a delay in the payment of fees and other developer friendly changes are being considered in order to help locals.

The Visitor Convention Bureau (VCB) is working on some new tourism programs that will benefit the community.

The prescription discount card addressed earlier will duplicate what the County is already doing so a communication plan getting the word out will be the City's focus. On the subject of Business Personal Property Tax, the State bill was not passed, so Staff is ready to discuss local options with the Council when Council is able to schedule it in.

Lastly, relative to the American Recovery and Reinvestment Act (ARRA) program. City Manager Kadrach listed the status of the various grant processes.

Council President Hill noted the scheduling for the discussion of the Business Personal Property Tax was discussed earlier.

Councilmember Todd was pleased about the development fee delays.

Councilmember Beckstein asked about the City still being covered when delaying the fees. Public Works and Planning Director Tim Moore advised that the fee delay will mostly be applied to single family homes; those fees like Transportation Capacity Payment (TCP), etc. that are usually due at the time the building permit is issued. The City will require those fees at certificate of occupancy instead. The City is working with the County Building Department and there may be a small chance that problems would arise from a delay in fees, but for the most part, there would be a worked-through process in place.

Councilmember Beckstein voiced her reasoning for needing clarification on this matter.

Councilmember Palmer asked if, by delaying Transportation Capacity Payment (TCP) fees, is the City increasing its financial obligation? Mr. Moore said there may be an issue with the larger commercial developments. Primarily, this new process would apply to single family homes. There are not as many commercial developments where this would be an issue.

Councilmember Kenyon expressed that he thought the City would have the authority to place a lien on any property where the fees are not paid.

City Attorney Shaver concurred, failure to issue the certificate of occupancy creates a first and foremost lien.

Councilmember Todd said the delay may put the developer more at risk.

Council President Hill noted the intent is for the City to help people in a down economy. He asked exactly which fees they are, and for confirmation that Mr. Moore can make that decision without Council action.

Mr. Moore confirmed that the former policy has been to collect these fees upfront, and the changes being brought to Council are to gain approval for the change in collection of the fees, and for the City Manager and the Public Works and Planning Director to have some discretion in making decisions on these fee processes.

Council President Hill asked Council if there is any objection to this change in policy by the Public Works and Planning Department. There was none.

Council President Hill asked if there were any more questions regarding the fuel rebate.

Councilmember Kenyon was in favor of the fuel rebate to customers.

Council President Hill inquired if more formal action is needed. City Manager Kadrich advised this is not a permanent rate change.

The consensus of Council was to go forward with the fuel rebates.

Councilmember Todd returned the conversation to the Business Personal Property Tax topic. She asked if the City can move forward without the County Commissioners. City Manager Kadrich advised it is assessed through the County property tax, so it will need to be done in partnership with the County.

CONSENT CALENDAR

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

1. Minutes of Previous Meetings

Action: Approve the Minutes of the May 18, 2009 and the May 20, 2009 Regular Meetings

2. Setting a Hearing Zoning the Lang Industrial Park Annexation, Located at 2764 C ³/₄ Road, 2765 and 2767 Riverside Parkway [File #ANX-2009-072]

A request to zone 4.86 acres, Lang Industrial Park Annexation, consisting of three (3) parcels located at 2765 and 2767 Riverside Parkway and 2764 C ³/₄ Road to I-1 (Light Industrial) zone district.

Proposed Ordinance Zoning the Lang Industrial Park Annexation to I-1 (Light Industrial), Located at 2765 and 2767 Riverside Parkway and 2764 C ³/₄ Road

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

3. Setting a Hearing for Inclusion into Downtown Development Authority from Mesa County Public Library

In preparation for an eventual redevelopment as part of the City Center Catalyst Project, the Mesa County Public Library District (MCPLD) has requested

inclusion into the DDA for all of their downtown Grand Junction properties. A portion of the MCPLD properties in the vicinity are already included in the DDA; several are not: 520 N. 5th Street, 517 Chipeta Avenue, 525 Chipeta Avenue, and 529 Chipeta Avenue. The request has been considered and approved by the DDA Board of Directors.

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Amending the Code Relating to DDA Permit Applications and Special Rules Regarding Mobile Vending Carts

DDA and City Staff have become aware of some inconsistent language in the Code regarding the permit application process, especially as it pertains to sidewalk vendors. Staff has prepared amendments to sections of Chapter 32 of the Code to reconcile any conflicting language and make the application process clearer for DDA and City Staff to administer.

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

John Shaver, City Attorney, presented this item. He outlined the two areas where the Code was not consistent, so the Code change is a requested housekeeping change to make it consistent and to clarify some areas.

There were no public comments.

The public hearing was closed at 7:31 p.m.

Ordinance No. 4357—An Ordinance Amending Portions of Article III of Chapter 32 Regarding the Downtown Development Authority (DDA's) Permit Application and Section 32-68 Pertaining to Mobile Vending Carts

Councilmember Todd moved to adopt Ordinance No. 4357 and ordered it published. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

Application for Justice Assistance Grant 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 (BJA) program of the US Department of Justice, to apply for an annual grant

in the amount of \$61,965. 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. The Bureau of Justice Assistance requires City Council review and to provide an opportunity for public comment, as part of the application process.

Troy Smith, Deputy Chief of Police, presented this item. He described the request and the purpose of the request. He noted that these funds are part of the State's regular allocation and not part of the Recovery Act funds. The application does require an opportunity for public comments.

Councilmember Palmer asked Deputy Chief Smith to describe the current CAD system. Deputy Chief Smith advised that the system is obsolete and is difficult to maintain. The new system will allow communication across the State.

There were no public comments as there was no public present in the audience.

Councilmember Palmer moved to authorize the City Manager to apply for these funds, and, if awarded, to manage/disperse \$61,965 in grant funds. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Agreement with AMEC Earth and Environment Inc. for Phase II of the Water and Energy Study

The Colorado Water Conservation Board has approved grant funding for an Energy Development Water Needs Assessment: analyzing water demands for various energy development scenarios in northwest Colorado. The City will act as a pass-through entity to contract for Phase II engineering services with AMEC Earth and Environment, Inc.

Terry Franklin, Utility and Street Systems Deputy Director, presented this item. He reviewed the history of this study. The study is to determine where the water will come from for the energy industry needs. This is the second phase of the study.

Councilmember Kenyon asked if the funds are grant monies. Mr. Franklin said yes, but the roundtable group cannot accept the money as they are not a legal entity, so the City will accept the funds and pass them through. Councilmember Kenyon supported moving forward.

Councilmember Kenyon moved to authorize the City Manager to sign an engineering services agreement with AMEC Earth and Environmental, Inc., in the amount of \$200,020. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Melrose Park Restroom Shelter Construction

This approval request is for the award of a construction contract to PNCI Construction, Inc., for a new restroom shelter at Melrose Park.

Jay Valentine, Assistant Financial Operations Manager, presented this item. He described the request and advised only one bid was received. It was under budget and is partially funded by CDBG.

Councilmember Kenyon asked for specifics on the project. Mr. Valentine described the building which will have a shelter. He then deferred to Rob Schoeber, Parks and Recreation Director, who said the existing facility is a restroom only. The other shelters in the park will remain but the other restroom facility will come down.

When pressed for specifics on the building itself, Mr. Schoeber advised the shelter measures 24' X 15', it will have picnic tables, and will be rented as other shelters are.

Councilmember Pitts asked if this item was included in this year's budget. Mr. Valentine said yes and the difference in the budget versus the bid will be recaptured into the budget.

Mr. Schoeber advised that there will be some concrete work that needs to be completed that is not included in this bid.

Councilmember Beckstein moved to authorize the City Purchasing Division to enter into a contract, in the amount of \$154,528 with PNCI Construction, Inc., for the completion of the Restroom Shelter at MelrosePark. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Council Assignments for 2009-2010

Council President Hill referred to the copy provided and asked that Councilmembers review the list and advise of any corrections. There were none except that Councilmember Palmer inquired if there are any future changes, will a new resolution will need to be adopted?

City Attorney Shaver said technically that should be the case or an alternate could be named now. Councilmember Palmer advised that the County is not sure about his EMS appointment as the County may have to take applications. He wanted that known.

Council President Hill advised, should that happen, the assignment can be adjusted.

Resolution No. 49-09—A Resolution Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions and Organizations

Councilmember Palmer moved to adopt Resolution No. 49-09. Councilmember Todd 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 7:55 p.m.

Stephanie Tuin, MMC
City Clerk

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

June 3, 2009

The City Council of the City of Grand Junction convened into regular session on the 3rd day of June 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Tom Kenyon, Gregg Palmer, Bill Pitts, and Linda Romer Todd. Councilmembers Bonnie Beckstein, Teresa Coons, and Council President Bruce Hill were absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Immediate Past and Acting Council President Gregg Palmer called the meeting to order. Isaac Bair of Boy Scout Troop 363 led in the Pledge of Allegiance.

Boy Scout Troop 363 was in attendance for their citizenship merit badge. Those in attendance came to the podium and introduced themselves.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Kenyon read items on the Consent Calendar, and then moved to approve items #1 through #2. Councilmember Todd seconded the motion. Motion carried by roll call vote.

1. **Setting a Hearing for the Bella Dimora Property Subdivision/Zoning Amendment, Located at Patterson Road, Grand Falls Drive and Valentino Way** [File #PP-2007-304]

A request for approval to amend and zone property located at Patterson Road, Grand Falls Drive and Valentino Way in The Legends and Legends East Subdivisions to PD, (Planned Development) with a default zone of R-8, (Residential – 8 du/ac) by approval of the Preliminary Development Plan as a Planned Development containing 114 dwelling units on 13.87 +/- acres.

Proposed Ordinance Amending the Existing Planned Development Zone by Including Additional Land with a Rezone of the Additional Land to Planned Development and Amending the Preliminary Plan with a Default R-8 (Residential – 8 DU/Ac) Zone District for the Development of 114 Dwelling Units for the Bella Dimora Subdivision, Located South of Patterson Road, North of Grand Falls Drive and Valentino Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 29, 2009

2. **Setting a Hearing Amending the Code to Require 4” Sewer Line to Each Unit of a Multi Unit Structure or Multiple Units on a Property**

City Staff would like to coordinate sewer line requirements for multi residential unit structures and properties with multiple residential units with those required by special districts in the area. Amending the City’s Code will provide consistency to City residents and give Planning and Development review Staff more guidance and support of the requirements.

Proposed Ordinance Amending Section 38-35, Article II of Chapter 38 of the Grand Junction Code of Ordinances Pertaining to Sewer Line Connections

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Amendments to the Code Regarding Wastewater and Industrial Pretreatment Programs

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 prepared and submitted amendments to the Code in February, 2009, to incorporate some of the changes required by the EPA audit. The EPA has requested some supplemental changes to the Code because of an oversight by the EPA during the audit.

The public hearing was opened at 7:05 p.m.

John Shaver, City Attorney, presented this item. He described the reason for the periodic amendments that follow the audits of the industrial pre-treatment program by the EPA. All the discharges from the Persigo Wastewater Treatment Plant are regulated by the EPA. The audit was very favorable. The ordinance changes some references to the Code of Federal Regulations and makes some changes to the pre-treatment permit. The changes are important but will not impact the operation significantly.

There were no public comments.

The public hearing was closed at 7:08 p.m.

Ordinance No. 4358—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 Kenyon moved to approve Ordinance No. 4358 and ordered it published. Councilmember Pitts 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 7:09 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Setting a Hearing on the Peiffer Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Peiffer Annexation - Located at 2454 Bella Pago Drive		
File #	ANX-2009-113		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 3, 2009		
Author Name & Title	Judith Rice, Associate Planner		
Presenter Name & Title	Judith Rice, Associate Planner		

Summary: Request to annex 2.10 acres, located at 2454 Bella Pago Drive. The Peiffer Annexation consists of one (1) parcel and includes a portion of Bella Pago Drive.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Peiffer Annexation and introduce the proposed Ordinance and set a hearing for August 3, 2009.

Attachments:

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

Background Information: See attached Staff Report/Background Information

<i>STAFF REPORT / BACKGROUND INFORMATION</i>					
Location:		2454 Bella Pago Drive			
Applicants:		Jenny N. Peiffer			
Existing Land Use:		Residential Single Family			
Proposed Land Use:		Residential Single Family			
Surrounding Land Use:	North	Vacant			
	South	Residential Single Family			
	East	Residential Single Family			
	West	vacant			
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)			
Proposed Zoning:		R-2 (Residential Single family 2 du/ac)			
Surrounding Zoning:	North	PD (Residential Planned Development)			
	South	County RSF-4 (Residential Single Family 4 du/ac)			
	East	R-4 (Residential Single Family 2 du/ac)			
	West	PD (Residential Planned Development)			
Growth Plan Designation:		Residential Low			
Zoning within density range?		X	Yes		No

STAFF ANALYSIS:

ANNEXATION:

This annexation area consists of 2.10 acres of land and is comprised of one (1) parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

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

The following annexation and zoning schedule is being proposed.

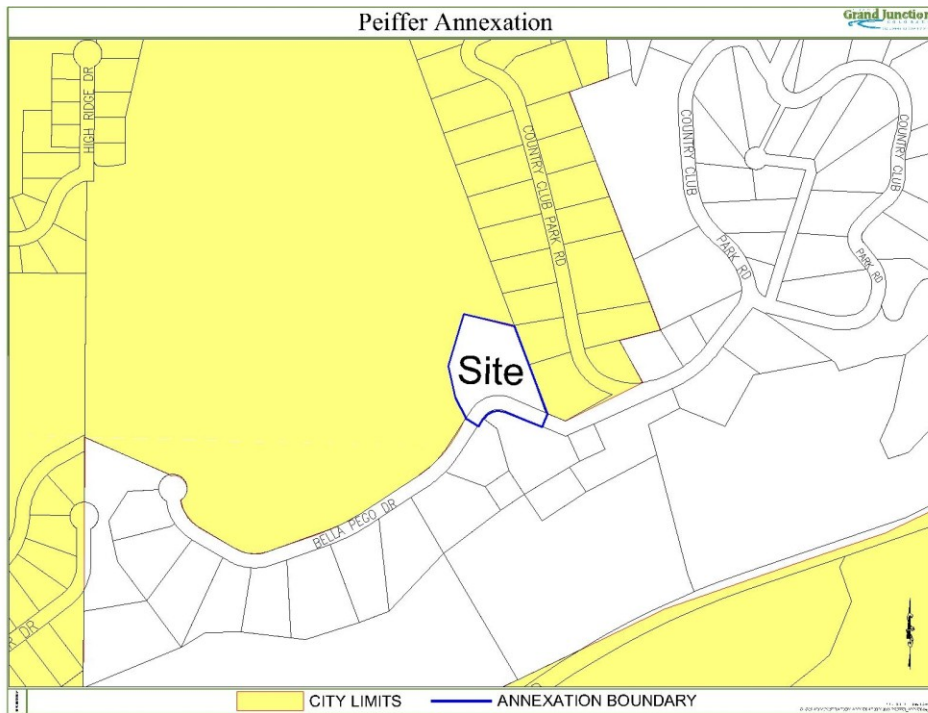
<i>ANNEXATION SCHEDULE</i>	
6/15/2009	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
6/23/2009	Planning Commission considers Zone of Annexation
7/13/2009	Introduction of a proposed Ordinance on Zoning by City Council
8/3/2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
9/4/2009	Effective date of Annexation and Zoning

PEIFFER ANNEXATION SUMMARY

File Number:	ANX-2009-113	
Location:	2454 Bella Pago Drive	
Tax ID Number:	2945-211-00-065	
# of Parcels:	1	
Estimated Population:	1	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	2.10 acres	
Developable Acres Remaining:	1.76 acres	
Right-of-way in Annexation:	.34 acres in Bella Pago Drive ROW	
Previous County Zoning:	RSF-4 (Residential Single Family 4 du/acre)	
Proposed City Zoning:	R-2 (Residential 2 du/acre)	
Current Land Use:	Residential Single Family	
Future Land Use:	Residential Low	
Values:	Assessed:	\$ 39,750
	Actual:	\$ 499,410
Address Ranges:	2453 – 2554 Bella Pago Drive	
Special Districts:	Water:	Ute Water
	Sewer:	201 Boundary
	Fire:	Grand Junction Fire District (Area E)
	Irrigation/ Drainage:	Redlands Water and Power Company
	School:	District 51
	Pest:	n.a.

Annexation/Site Location Map

Figure 1



Aerial Photo Map

Figure 2



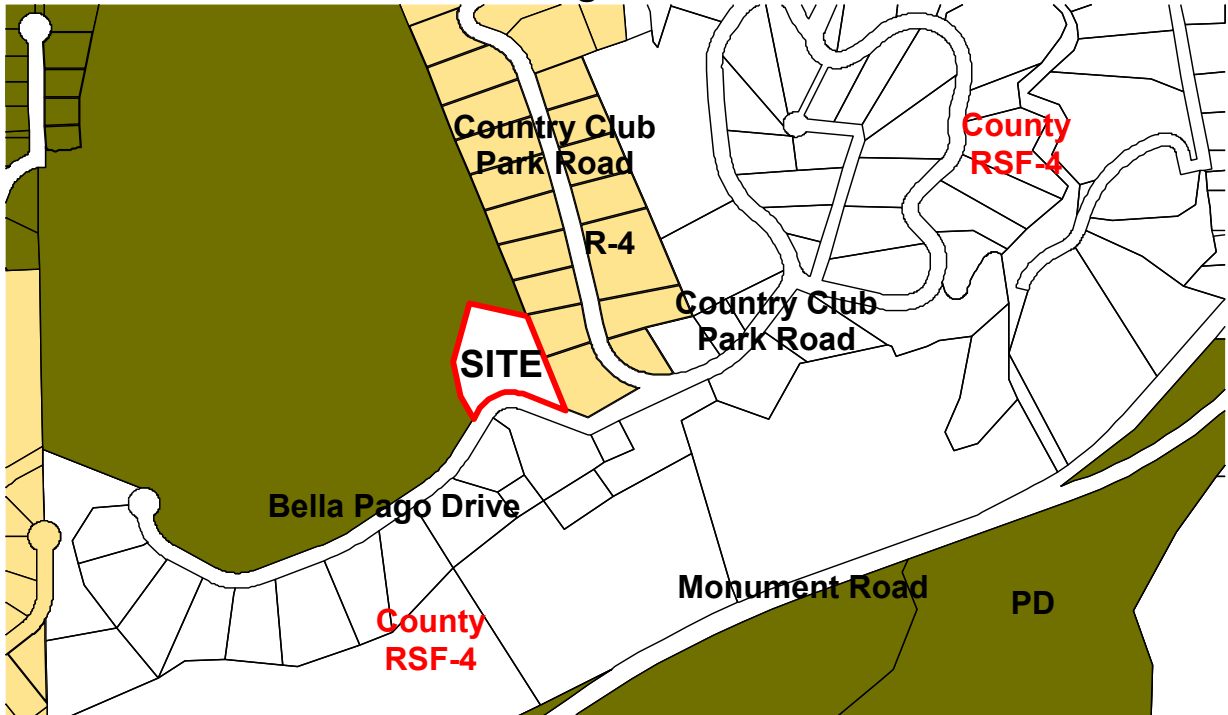
Future Land Use Map

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 15th of June, 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**

PEIFFER ANNEXATION

**LOCATED AT 2454 BELLA PAGO DRIVE AND INCLUDING A PORTION OF THE
BELLA PAGO DRIVE RIGHT-OF-WAY**

WHEREAS, on the 15th day of June, 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:

PEIFFER ANNEXATION

A certain parcel of land located in the East half of the Northwest Quarter (E 1/2 NW 1/4) and the West half of the Northeast Quarter (W 1/2 NE 1/4) of Section 21, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 21 and assuming the North line of the SE 1/4 NW 1/4 of said Section 21 to bear N89°48'35"E with all bearings contained herein relative thereto; thence N89°48'35"E a distance of 1277.50 feet along the North line of the SE 1/4 NW 1/4 of said Section 21 to the Point of Beginning; thence N16°55'21"E a distance of 190.91 feet along the Easterly line of Ridge Point-Filing 1, as same is recorded in Plat Book 14, Page 348, public records of Mesa County, Colorado, said line also being the Easterly line of Ridges Majority Annexation No. 3, Ordinance No. 2569, City of Grand Junction; thence S76°31'56"E a distance of 181.07 feet along the Southerly line of said Ridge Point-Filing 1, said line also being the Southerly line of said Ridges Majority Annexation No. 3; thence S20°28'32"E a distance of 331.58 feet along the Westerly line of Country Club Park Subdivision, as same is recorded in Plat Book 6, Page 15, public records of Mesa County, Colorado, said line also being the Westerly line of Country Club West Annexation, Ordinance No. 2828, City of Grand Junction; thence S22°25'35"W a distance of 50.00 feet to a point on the Northerly line of Bella Pago Subdivision, as same is recorded in Plat Book 10, Page 64, public records of Mesa County, Colorado; thence along the Northerly line of said Bella Pago Subdivision

the following three (3) courses: (1) N67°32'27"W a distance of 139.39 feet; (2) 89.91 feet along the arc of a 64.38 foot radius curve, concave Southeast, having a central angle of 80°01'01" and a chord bearing S72°27'03"W a distance of 82.78 feet; (3) S32°26'42"W a distance of 29.05 feet; thence N57°15'40"W a distance of 50.00 feet to a point on the Easterly line of said Ridge Point-Filing 1, said point also being on the Easterly line of said Ridges Majority Annexation No. 3; thence N28°20'59"W a distance of 81.73 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation; thence N12°07'21"W a distance of 116.24 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation No. 3 to the Point of Beginning.

Said parcel contains 2.10 acres (91,624.39 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 3rd day of August, 2009, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2009.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
June 17, 2009
June 24, 2009
July 1, 2009
July 8, 2009

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

PEIFFER ANNEXATION

APPROXIMATELY 2.10 ACRES

**LOCATED AT 2454 BELLA PAGO DRIVE AND INCLUDING A PORTION OF THE
BELLA PAGO DRIVE RIGHT-OF-WAY**

WHEREAS, on the 15th day of June, 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 3rd day of August, 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:

PEIFFER ANNEXATION

A certain parcel of land located in the East half of the Northwest Quarter (E 1/2 NW 1/4) and the West half of the Northeast Quarter (W 1/2 NE 1/4) of Section 21, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 21 and assuming the North line of the SE 1/4 NW 1/4 of said Section 21 to bear N89°48'35"E with all bearings contained herein relative thereto; thence N89°48'35"E a distance of 1277.50 feet along the North line of the SE 1/4 NW 1/4 of said Section 21 to the Point of Beginning; thence N16°55'21"E a distance of 190.91 feet along the Easterly line of Ridge Point-Filing 1, as same is recorded in Plat Book 14, Page 348, public records of Mesa County, Colorado, said line

also being the Easterly line of Ridges Majority Annexation No. 3, Ordinance No. 2569, City of Grand Junction; thence S76°31'56"E a distance of 181.07 feet along the Southerly line of said Ridge Point-Filing 1, said line also being the Southerly line of said Ridges Majority Annexation No. 3; thence S20°28'32"E a distance of 331.58 feet along the Westerly line of Country Club Park Subdivision, as same is recorded in Plat Book 6, Page 15, public records of Mesa County, Colorado, said line also being the Westerly line of Country Club West Annexation, Ordinance No. 2828, City of Grand Junction; thence S22°25'35"W a distance of 50.00 feet to a point on the Northerly line of Bella Pago Subdivision, as same is recorded in Plat Book 10, Page 64, public records of Mesa County, Colorado; thence along the Northerly line of said Bella Pago Subdivision the following three (3) courses: (1) N67°32'27"W a distance of 139.39 feet; (2) 89.91 feet along the arc of a 64.38 foot radius curve, concave Southeast, having a central angle of 80°01'01" and a chord bearing S72°27'03"W a distance of 82.78 feet; (3) S32°26'42"W a distance of 29.05 feet; thence N57°15'40"W a distance of 50.00 feet to a point on the Easterly line of said Ridge Point-Filing 1, said point also being on the Easterly line of said Ridges Majority Annexation No. 3; thence N28°20'59"W a distance of 81.73 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation; thence N12°07'21"W a distance of 116.24 feet along the Easterly line of said Ridge Point-Filing 1, said line also being the Easterly line of said Ridges majority Annexation No. 3 to the Point of Beginning.

Said parcel contains 2.10 acres (91,624.39 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2009 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 3
Setting a Hearing on the Maverik Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Maverik Annexation - Located at 2948 F Road and 603 29 1/2 Road		
File #	ANX-2009-023		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	April 14, 2009		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to annex 3.02 acres, located at 2948 F Road and 603 29 1/2 Road. The Maverik Annexation consists of 2 parcels and contains 0.62 acres of 29 1/2 Road right-of-way. A Growth Plan Amendment is part of this development and will come forward in July.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Maverik Annexation and introduce the proposed Ordinance and set a hearing for August 31, 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			
Location:	2948 F Road and 603 29 1/2 Road		
Applicants:	Owners: Tina Million, Glenn Lorton Jr., George & Verna Halstead Developer/Representative: Maverik, Inc – Don Lilyquist		
Existing Land Use:	Single Family Residential		
Proposed Land Use:	Single Family Residential / Commercial		
Surrounding Land Use:	North	Vacant	
	South	Convenience store / Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:	County RSF-4 (Residential Single Family 4 du/ac)		
Proposed Zoning:	City C-1 (Light Commercial)/R-4 (Residential 4 du/ac) – requesting Growth Plan Amendment to Commercial		
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4 du/ac)	
	South	County RSF-4 (Residential Single Family 4 du/ac) / City B-1 (Neighborhood Business)	
	East	County RMF-5 (Residential Multi-family 5 du/ac)	
	West	County RSF-4 (Residential Single Family 4 du/ac)	
Growth Plan Designation:	Residential Medium 4-8 du/ac		
Zoning within density range?	With GPA	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.02 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

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

The following annexation and zoning schedule is being proposed.

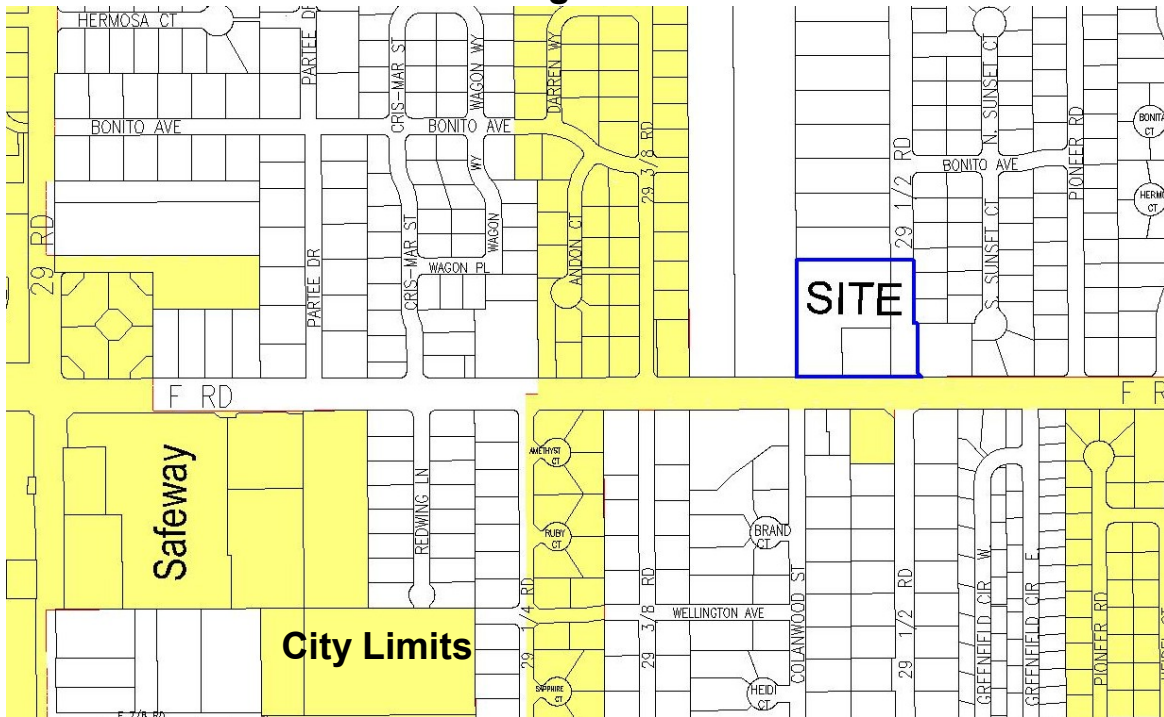
<i>ANNEXATION SCHEDULE</i>	
June 15, 2009	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
June 23, 2009	Planning Commission considers Growth Plan Amendment
July 13, 2009	City Council decision on Growth Plan Amendment
July 28, 2009	Planning Commission considers Zone of Annexation
August 17, 2009	Introduction Of A Proposed Ordinance on Zoning by City Council
August 31, 2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 2, 2009	Effective date of Annexation and Zoning

MAVERIK ANNEXATION SUMMARY

File Number:	ANX-2009-023	
Location:	2948 F Road and 603 29 1/2 Road	
Tax ID Number:	2943-053-00-065 / 2943-053-00-095	
# of Parcels:	2	
Estimated Population:	4	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	3.02 acres	
Developable Acres Remaining:	2.4 acres	
Right-of-way in Annexation:	27018.55 sq ft of 29 1/2 Road right-of-way	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	C-1/R-4	
Current Land Use:	Single Family Residential	
Future Land Use:	Single Family Residential / Commercial	
Values:	Assessed:	= \$17,790
	Actual:	= \$223,520
Address Ranges:	2946-2948 F Road (even only) / 601-605 29 1/2 Road (odd only)	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation District
	Fire:	City of Grand Junction Area B
	Irrigation/Drainage:	Palisade Irrigation / Grand Valley Drainage District
	School:	Mesa County School District #51
	Pest:	None

Annexation/Site Location Map

Figure 1



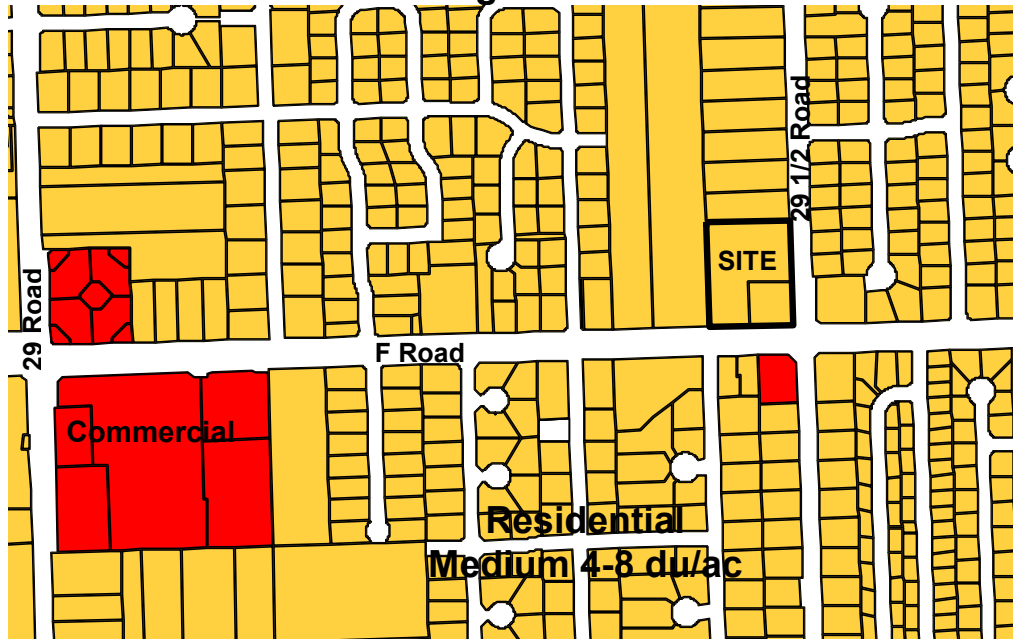
Aerial Photo Map

Figure 2



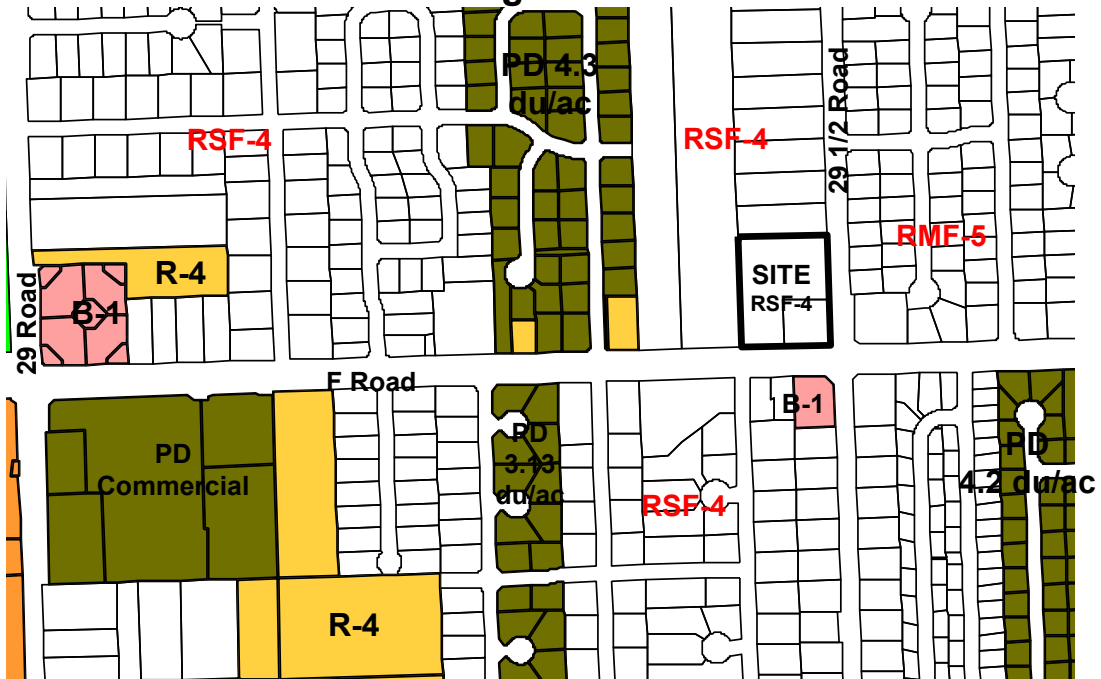
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

**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 15th of June, 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**

MAVERIK ANNEXATION

**LOCATED AT 2948 F ROAD AND 603 29 1/2 ROAD INCLUDING A PORTION OF THE
29 1/2 ROAD RIGHT-OF-WAY**

WHEREAS, on the 15th day of June, 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:

MAVERIK ANNEXATION

A certain parcel of land located in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 5, 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 Southeast corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 5 and assuming the West line of the SE 1/4 SW 1/4 of said Section 5 to bear N00°12'20"W with all bearings contained herein relative thereto; thence N00°12'20"W a distance of 50.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 5 to a point on the North line of Darla Jean Annexation No. 1 and No. 2, Ordinance No. 2774, City of Grand Junction, said point also being the Point of Beginning; thence S89°58'50"W a distance of 330.40 feet along a line being 50.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 5, said line also being the North line of said Darla Jean Annexation No. 1 and No. 2; thence N00°11'40"W a distance of 360.66 feet; thence N89°58'50"E a distance of 360.36 feet to a point on the West line of Ox-Bow West Subdivision, as same is recorded in Plat Book 12, Pages 140 through 141, public records of Mesa County, Colorado; thence S00°12'20"E a distance of 195.65 feet along a line being 30.00 feet East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5, said line also being the West line of said Ox-Bow West Subdivision; thence N89°59'40"E a distance of 10.00 feet along the Southerly line of said Ox-Bow West Subdivision; thence S00°12'20"E a distance of 149.98 feet along a line being 40.00 feet

East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5; thence S45°12'10"E a distance of 21.33 feet to a point on the North line of said Darla Jean Annexation No. 1 and No. 2; thence S89°59'30"W a distance of 55.09 feet along a line being 50.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said Section 5, said line also being the North line of Darla Jean Annexation No. 1 and No. 2 to the Point of Beginning.

Said parcel contains 3.02 acres (131,739.05 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 31st day of August, 2009, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2009.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
June 17, 2009
June 24, 2009
July 1, 2009
July 8, 2009

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MAVERIK ANNEXATION

APPROXIMATELY 3.02 ACRES

**LOCATED AT 2948 F ROAD AND 603 29 1/2 ROAD INCLUDING A PORTION OF
THE 29 1/2 ROAD RIGHT-OF-WAY**

WHEREAS, on the 15th day of June, 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 31st day of August, 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:

MAVERIK ANNEXATION

A certain parcel of land located in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 5, 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 Southeast corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 5 and assuming the West line of the SE 1/4 SW 1/4 of said Section 5 to bear N00°12'20"W with all bearings contained herein relative thereto; thence N00°12'20"W a distance of 50.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 5 to a point on the North line of Darla Jean Annexation No. 1 and No. 2, Ordinance No. 2774, City of Grand Junction, said point also being the Point of Beginning; thence S89°58'50"W a distance of 330.40 feet along

a line being 50.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 5, said line also being the North line of said Darla Jean Annexation No. 1 and No. 2; thence N00°11'40"W a distance of 360.66 feet; thence N89°58'50"E a distance of 360.36 feet to a point on the West line of Ox-Bow West Subdivision, as same is recorded in Plat Book 12, Pages 140 through 141, public records of Mesa County, Colorado; thence S00°12'20"E a distance of 195.65 feet along a line being 30.00 feet East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5, said line also being the West line of said Ox-Bow West Subdivision; thence N89°59'40"E a distance of 10.00 feet along the Southerly line of said Ox-Bow West Subdivision; thence S00°12'20"E a distance of 149.98 feet along a line being 40.00 feet East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5; thence S45°12'10"E a distance of 21.33 feet to a point on the North line of said Darla Jean Annexation No. 1 and No. 2; thence S89°59'30"W a distance of 55.09 feet along a line being 50.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said Section 5, said line also being the North line of Darla Jean Annexation No. 1 and No. 2 to the Point of Beginning.

Said parcel contains 3.02 acres (131,739.05 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2009 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 4
Setting a Hearing on Monument Village Commercial Center Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Monument Village Commercial Center Annexation - Located at 2152 Broadway		
File #	ANX-2009-116		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 1, 2009		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Lori V. Bowers, Senior Planner		

Summary: Request to annex 5.77 acres, located at 2152 Broadway. The Monument Village Commercial Center Annexation consists of one parcel and 1.54 acres of public right-of-way. Right-of-way includes a portion of 21 1/2 Road, also known as Monument Village Drive, all of Monument Lane and a portion of Rio Hondo Road.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the Monument Village Commercial Center Annexation and introduce the proposed Ordinance and set a hearing for August 3, 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				
Location:		2152 Broadway		
Applicants:		D & B Broadway Monument, LLC – owner and developer; Ciavonne Roberts and Associates – representative c/o Keith Ehlers		
Existing Land Use:		Vacant land		
Proposed Land Use:		Commercial subdivision		
Surrounding Land Use:	North	Residential subdivision		
	South	Residential large lot and City Fire Station #5		
	East	Church and large lot residential		
	West	Gas station and shopping center		
Existing Zoning:		PUD (County Planned Unit Development)		
Proposed Zoning:		B-1(Neighborhood Business)		
Surrounding Zoning:	North	PUD (County Planned Unit Development)		
	South	County RSF-4 and CSR (Community Services and Recreation)		
	East	County RSF-4 and R-2 (Residential – units per acre)		
	West	County C-1		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.77 acres of land and is comprised of one parcel and 1.54 acres of right-of-way. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

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

The following annexation and zoning schedule is being proposed.

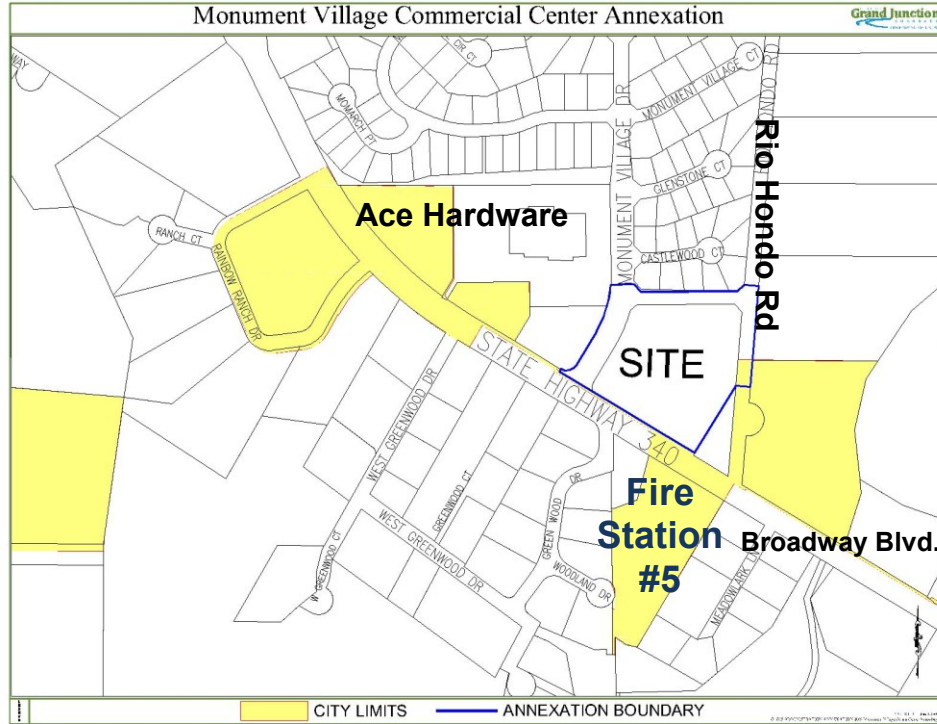
<i>ANNEXATION SCHEDULE</i>	
June 15, 2009	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
June 23, 2009	Planning Commission considers Zone of Annexation
July 13, 2009	Introduction of a proposed Ordinance on Zoning by City Council
August 3, 2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
September 4, 2009	Effective date of Annexation and Zoning

MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION SUMMARY

File Number:		ANX-2009-116
Location:		2152 Broadway
Tax ID Number:		2947-231-20-003
# of Parcels:		one
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		5.77
Developable Acres Remaining:		4.23
Right-of-way in Annexation:		1.54 acres / 21 1/2 Road (aka Monument Village Dr.); Monument Lane; Rio Hondo Road
Previous County Zoning:		County Planned Unit Development (PUD)
Proposed City Zoning:		B-1 (Neighborhood Commercial)
Current Land Use:		Vacant land
Future Land Use:		Commercial subdivision
Values:	Assessed:	\$160,300
	Actual:	\$552,770
Address Ranges:		To be determined with development
Special Districts:	Water:	Ute
	Sewer:	City 201
	Fire:	Grand Junction
	Irrigation/ Drainage:	Redlands Water and Power
	School:	District 51
	Pest:	Grand River Mosquito District

Annexation/Site Location Map

2152 Broadway



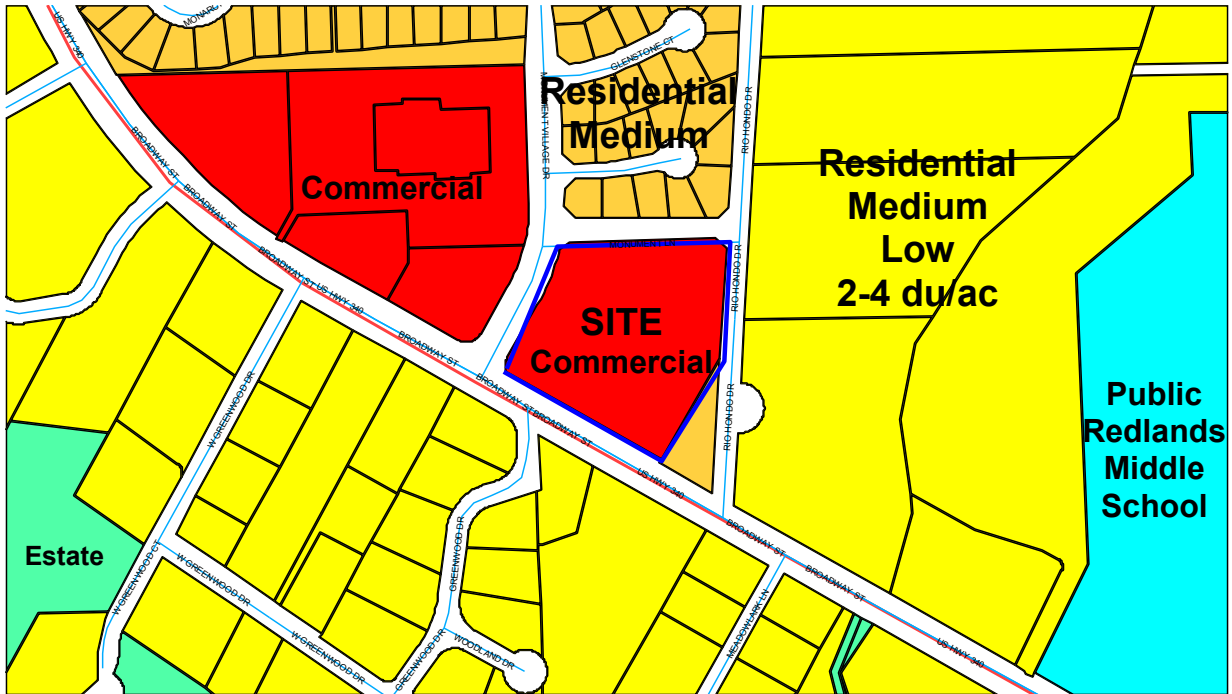
Aerial Photo Map

2152 Broadway



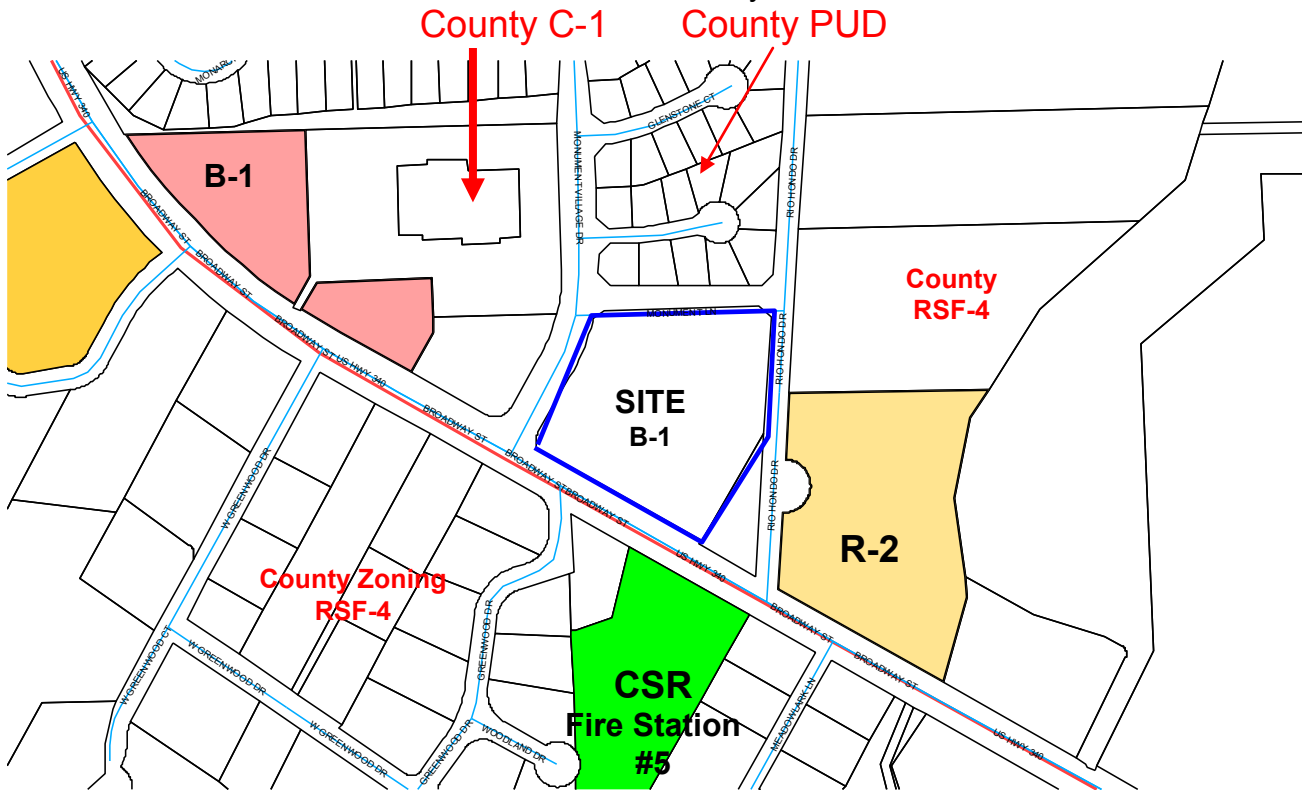
Future Land Use Map

2152 Broadway



Existing City and County Zoning Map

2152 Broadway



**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 15th of June, 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**

MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION

**LOCATED AT 2152 BROADWAY AND INCLUDES PORTIONS OF RIGHTS-OF-WAY
OF MONUMENT VILLAGE DRIVE, RIO HONDO ROAD AND ALL OF MONUMENT
LANE**

WHEREAS, on the 15th day of June, 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:

Monument Village Commercial Center Annexation

A certain parcel of land located in the North Half (N 1/2) of Section 23, Township Eleven South (11S), Range One Hundred One West (101W) of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southeast corner of Block 1 of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, public records of Mesa County, Colorado and assuming the Easterly line of Block 1 of said Monument Village Commercial Center to bear S31°49'46"W with all bearings contained herein relative thereto; thence N59°06'25"W a distance of 549.53 feet along the Northerly Right of Way of Colorado State Highway 340; thence N30°53'25"E a distance of 10.24 feet along the Northerly line of Ace Hardware Annexation No. 2, Ordinance No. 3831, City of Grand Junction to a point on the Southerly line of Monument Village Shopping Center Filing 2, as same is recorded in Plat Book 15, Pages 59 through 60 inclusive of the Mesa County, Colorado public records; thence along the Easterly line of Lot 2 of said Monument Village Shopping Center Filing 2 the following three (3) courses: (1) 62.83 feet along the arc of a 40.00 foot radius curve, concave Northwest, having a central angle of 89°59'39" and a chord bearing N75°58'15"E a distance of 56.57 feet; (2) N30°58'06"E a distance of 135.67 feet; (3) 171.78 feet along the arc of a 357.69 foot radius curve, concave Northwest, having a central angle of 27°30'55" and a chord bearing N17°12'52"E a distance of 170.13 feet; thence N89°46'42"E a distance of 80.12 feet to a point on the Westerly line of Lot 1 of Monument Village Filing No. 6, as same is recorded in Plat Book 18, Page 85 of the Mesa County, Colorado public

records; thence along the South line of said Monument Village Filing No. 6 the following three (3) courses: (1) S43°42'08"E a distance of 36.28 feet; (2) N89°46'42"E a distance of 335.90 feet; (3) N47°21'37"E a distance of 33.73 feet to a point on the West Right of Way of Rio Hondo Road, as same is recorded in Book 945, Page 602 of the Mesa County, Colorado public records; thence S85°03'29"E a distance of 50.00 feet to a point on the said East Right of Way of Rio Hondo Road; thence S04°56'31"W a distance of 350.32 feet along the East Right of Way of said Rio Hondo; thence N85°03'29"W a distance of 50.00 feet to a point on the West Right of Way of said Rio Hondo; thence S31°49'46"W a distance of 273.88 feet to the Point of Beginning.

Said parcel contains 5.77 acres (251,451.33 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 3rd day of August, 2009, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the ____ day of ____, 2009.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
June 19, 2009
June 26, 2009
July 3, 2009
July 10, 2009

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION

APPROXIMATELY 5.77 ACRES

**LOCATED AT 2152 BROADWAY AND INCLUDES PORTIONS OF RIGHTS-OF-WAY
OF MONUMENT VILLAGE DRIVE AND RIO HONDO ROAD AND ALL OF MONUMENT
LANE**

WHEREAS, on the 15th day of June, 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 3rd day of August, 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:

MONUMENT VILLAGE COMMERCIAL CENTER ANNEXATION

A certain parcel of land located in the North Half (N 1/2) of Section 23, Township Eleven South (11S), Range One Hundred One West (101W) of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southeast corner of Block 1 of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, public records of Mesa County, Colorado and assuming the Easterly line of Block 1 of said Monument Village Commercial Center to bear S31°49'46"W with all bearings contained herein relative thereto; thence N59°06'25"W a distance of 549.53 feet along the Northerly Right of Way of Colorado State Highway 340; thence N30°53'25"E a distance of 10.24 feet along the Northerly line of Ace Hardware Annexation No. 2, Ordinance No. 3831, City of

Grand Junction to a point on the Southerly line of Monument Village Shopping Center Filing 2, as same is recorded in Plat Book 15, Pages 59 through 60 inclusive of the Mesa County, Colorado public records; thence along the Easterly line of Lot 2 of said Monument Village Shopping Center Filing 2 the following three (3) courses: (1) 62.83 feet along the arc of a 40.00 foot radius curve, concave Northwest, having a central angle of 89°59'39" and a chord bearing N75°58'15"E a distance of 56.57 feet; (2) N30°58'06"E a distance of 135.67 feet; (3) 171.78 feet along the arc of a 357.69 foot radius curve, concave Northwest, having a central angle of 27°30'55" and a chord bearing N17°12'52"E a distance of 170.13 feet; thence N89°46'42"E a distance of 80.12 feet to a point on the Westerly line of Lot 1 of Monument Village Filing No. 6, as same is recorded in Plat Book 18, Page 85 of the Mesa County, Colorado public records; thence along the South line of said Monument Village Filing No. 6 the following three (3) courses: (1) S43°42'08"E a distance of 36.28 feet; (2) N89°46'42"E a distance of 335.90 feet; (3) N47°21'37"E a distance of 33.73 feet to a point on the West Right of Way of Rio Hondo Road, as same is recorded in Book 945, Page 602 of the Mesa County, Colorado public records; thence S85°03'29"E a distance of 50.00 feet to a point on the said East Right of Way of Rio Hondo Road; thence S04°56'31"W a distance of 350.32 feet along the East Right of Way of said Rio Hondo; thence N85°03'29"W a distance of 50.00 feet to a point on the West Right of Way of said Rio Hondo; thence S31°49'46"W a distance of 273.88 feet to the Point of Beginning.

Said parcel contains 5.77 acres (251,451.33 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2009 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 5

**Setting a Hearing on Vacating a Portion of the West Ridges Boulevard Right-of-Way
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Vacating a portion of the West Ridges Boulevard Right-Of Way west of 2335, 2335 ½, and 2337 Rattlesnake Court		
File #	VR-2009-012		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 3, 2009		
Author Name & Title	Michelle Hoshide, Associate Planner		
Presenter Name & Title	Michelle Hoshide, Associate Planner		

Summary: Request to vacate an undeveloped portion of the West Ridges Boulevard right-of-way which is unnecessary for future roadway circulation and will allow the adjacent property owners to use and maintain.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for June 29, 2009.

Attachments:

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

Background Information: See attached report

BACKGROUND INFORMATION			
Location:	A portion of the West Ridges Boulevard Right-Of-Way located west of 2335 ½, 2335, 2337 Rattlesnake Court		
Applicant:	Janet and Joseph Raczak, Martin and Ulrike Magdalenski and Daniel and Deborah Olson		
Existing Land Use:	Right-Of-Way		
Proposed Land Use:	Residential		
Surrounding Land Use:	North	Redlands Mesa Golf Course Hole #10	
	South	Redlands Mesa Golf Course	
	East	Residential	
	West	Golf Club House	
Existing Zoning:	N/A		
Proposed Zoning:	PD		
Surrounding Zoning:	North	PD	
	South	PD	
	East	PD	
	West	PD	
Growth Plan Designation:	N/A		
Zoning within density range?	X	Yes	No

Staff Analysis:

1. Background

The applicants, Janet and Joseph Raczak, Martin and Ulrike Magdalenski and Daniel and Deborah Olson have made a request to vacate a portion of the existing West Ridges Boulevard Right-Of-Way that runs adjacent to their properties located at 2335, 2335 ½, 2337 Rattlesnake Court. The request to vacate this portion of Right-Of-Way will remove excess Right-Of-Way from West Ridges Boulevard.

This vacation will allow the recipients to obtain responsibility of maintenance of the Right-Of-Way and remove responsibility of maintenance from the City.

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 proposed vacation of this portion of Right-Of-Way will not impact the Grand Valley Circulation Plan, Growth Plan or policies adopted by the City of Grand Junction. There are no future plans to develop this portion of the Right-Of-Way as a road; therefore, it is our obligation as a city to relinquish the land back to the original owner.

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

No parcel will be landlocked as a result of the vacation.

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

All surrounding parcels use alternative Right-Of-Way for access. Access will not be restricted to any parcel as a result of this vacation.

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

The vacation will not cause any adverse impacts on the health, safety or welfare of the general community and the quality of public facilities. Services provided to any parcel of land will not be reduced if this portion of Right-Of-Way is vacated. A 10' easement will be retained to ensure no adverse impacts on the public results from the vacation of this Right-Of-Way.

- 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.*

A 10' utility easement has been reserved and retained to ensure that the existing telephone, electric and cable lines and other public facilities and services will not be inhibited.

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

The vacation will allow the City to transfer maintenance responsibility to the deeded recipients of the Right-Of-Way.

FINDINGS OF FACTS/CONCLUSION

After reviewing the West Ridges Boulevard Right-of-Way Vacation application, VR-2009-012 for the vacation of public Right-Of-Way, the following finding of facts and conclusions have been determined:

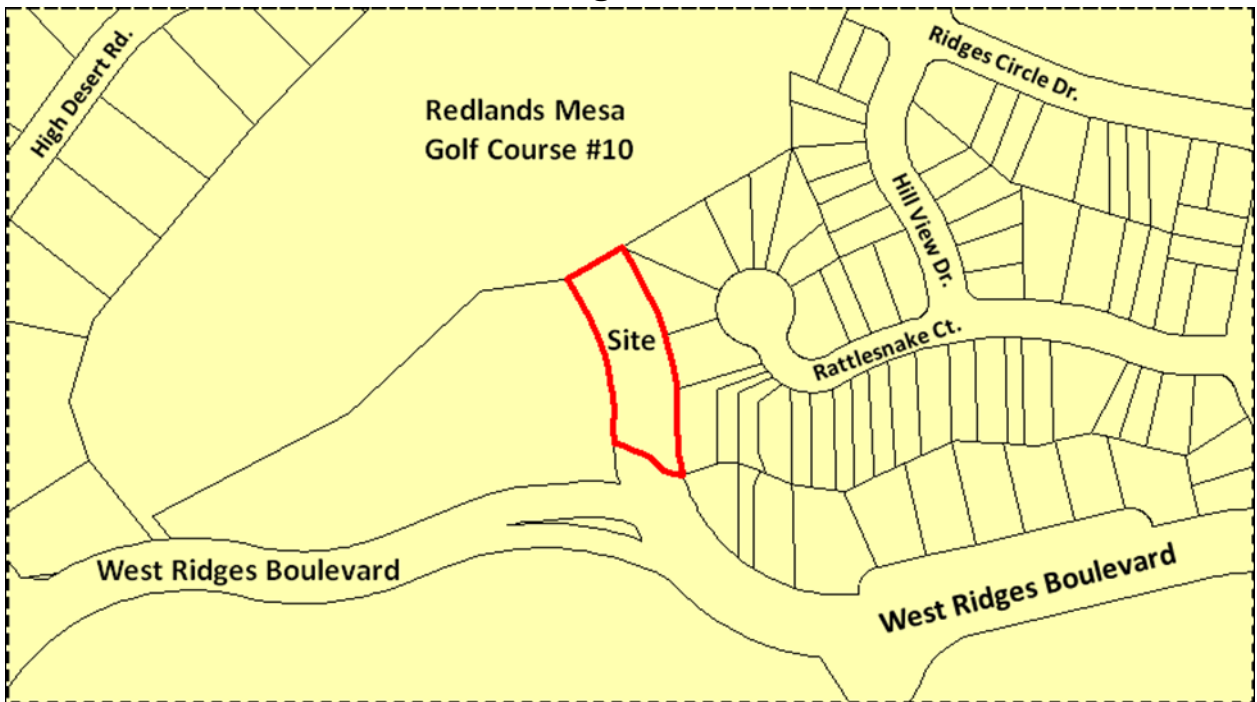
- 1.) The request is consistent with the goals and policies of the Growth Plan
- 2.) The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
- 3.) The City shall reserve and retain a 10 foot easement.

PLANNING COMMISSION RECOMMENDATION:

On May 26, 2009, Planning Commission forwarded a recommendation of approval of the requested Right-Of-Way vacation, VR-2009-012, to the City Council with the findings and conclusions listed above.

Site Location Map

Figure 1



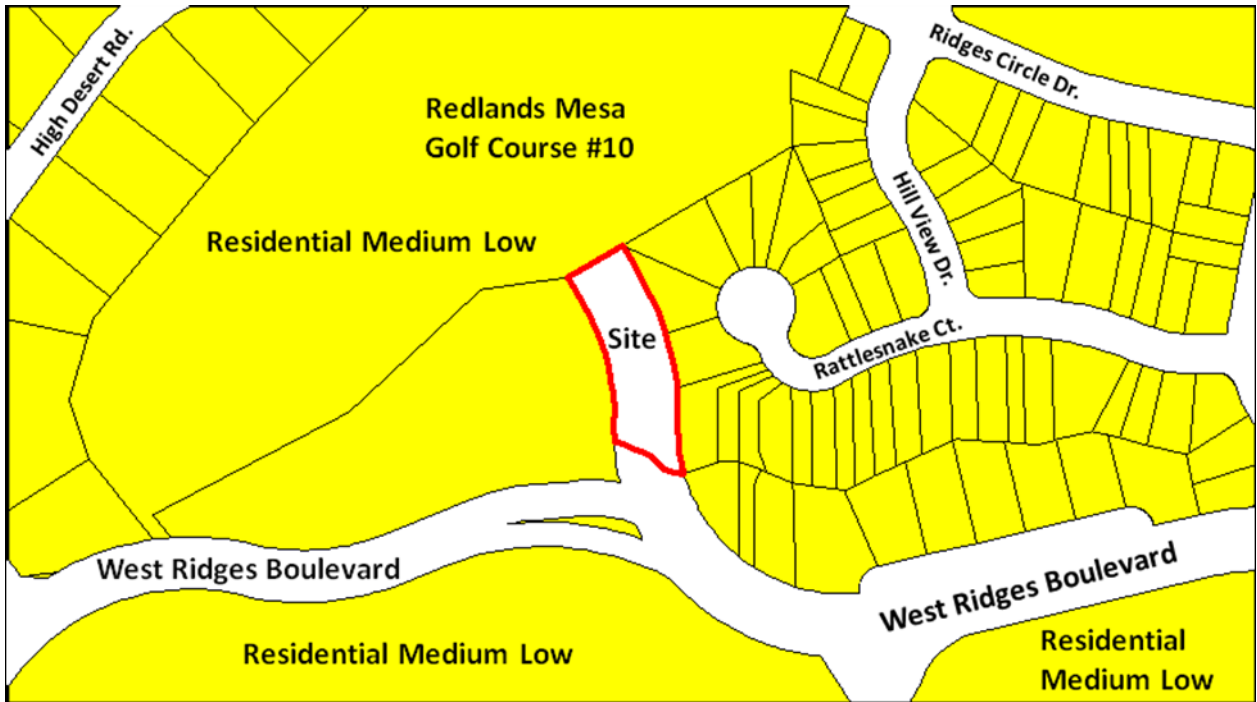
Aerial Photo Map

Figure 2



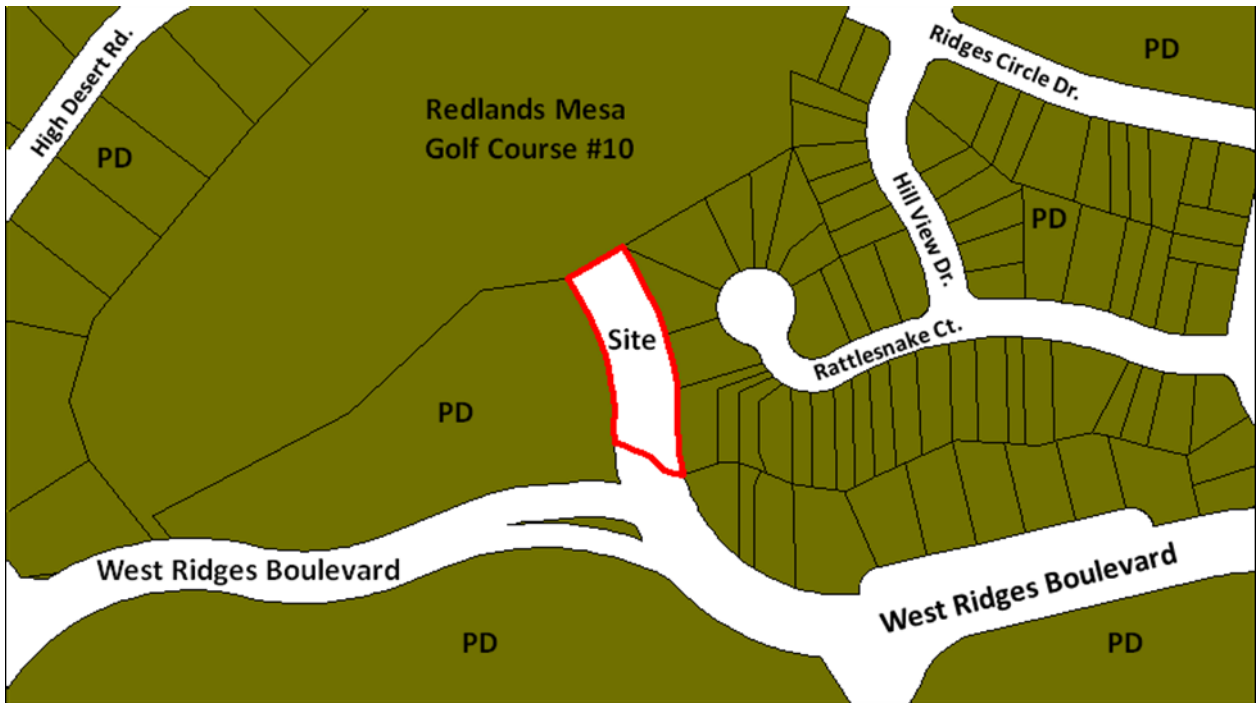
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, CO

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF THE WEST RIDGES BOULEVARD
RIGHT-OF-WAY LOCATED WEST OF 2335, 2335 ½ AND
2337 RATTLESNAKE COURT**

RECITALS:

A request to vacate a portion of the West Ridges Right-Of-Way west of 2335, 2335 ½ and 2337 Rattlesnake Court. This request has been made by Joseph and Janet Raczak, Daniel and Deborah Olson, and Martin and Ulrike Magdalenski. The City shall reserve and retain a perpetual 10 foot Utility Easement on, along, over, under, through and across the eastern portion of the Right-Of-Way to be vacated.

The City Council finds that the request to vacate the herein described portion of the West Ridges Boulevard Right-Of-Way with the reservation to retain an 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 May 26, 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 Utility Easement on, along, over, under, through and across 10 feet of the area of the hereinafter described Right-Of-Way.

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

The described Right-Of-Way in the attached Exhibit A which is incorporated herein as if fully rewritten is hereby vacated and a 10 foot perpetual Utility Easement is hereby reserved and retained 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, equivalent other public utility providers and appurtenant facilities.

Introduced for first reading on this _____ day of _____, 2009

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

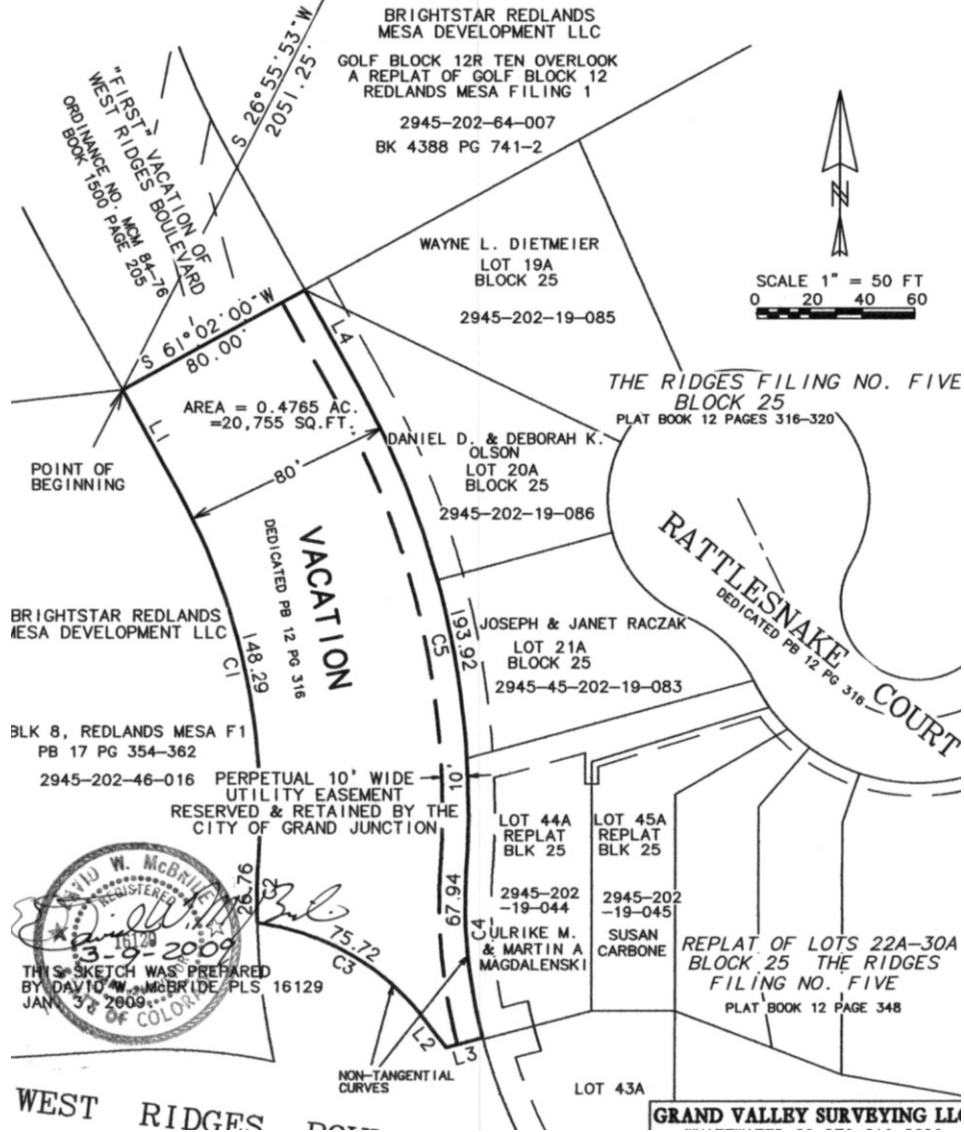
Exhibit A

CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO
SE 1/4 NW 1/4 SECTION 20, T 1 S, R 1 W, U.M.

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD	CHORD BEARING
C 1	32° 40' 44"	260.00'	148.29'	146.29'	S 12° 37' 37" E
C 2	5° 17' 12"	290.00'	26.76'	26.75'	S 01° 02' 34" W
C 3	44° 38' 09"	97.19'	75.72'	73.82'	S 59° 43' 12" E NON-TANG.
C 4	18° 32' 08"	210.00'	67.94'	67.64'	N 05° 33' 17" W NON-TANG.
C 5	32° 40' 44"	340.00'	193.92'	191.30'	N 12° 37' 37" W

LINE	BEARING	DISTANCE
L 1	S 28° 58' 00" E	43.04'
L 2	S 37° 24' 08" E	15.34'
L 3	N 75° 10' 39" E	14.28'
L 4	N 28° 58' 00" W	43.04'

POINT OF COMMENCEMENT
MCSM #1194
N 1/4 COR SECTION 20
BASIS OF BEARINGS
N 89° 49' 07" W
2,615.83'
MCSM #553
NE CORNER SECTION 20



THIS SKETCH WAS PREPARED BY DAVID W. McBRIDE, PLS 16129 JAN 30 2009 OF COLORADO

WEST RIDGES
GRAND VALLEY SURVEYING LL

Attach 6
Setting a Hearing on a Zoning and Development Code Amendment
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Zoning and Development Code Amendment Regarding Temporary Low-Traffic Storage Yards		
File #	TAC-2009-105		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	June 3, 2009		
Author Name & Title	Greg Moberg, Planning Services Supervisor		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: The City of Grand Junction requests approval to amend Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial), and I-2 (General Industrial) zone districts.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for Monday, June 29, 2009.

Attachments:

1. Staff report
2. Proposed Ordinance.

Staff Analysis:

Background

Over the last six months the Planning Division has had several requests to allow temporary low-traffic storage yards, on properties within the City, for more than four (4) months. The requests have been in the C-2 and I-1 zone districts and were for storage associated with the oil and gas industry. As the economy began to weaken, drilling within the area began to diminish and the number of new gas wells began to shrink. With the creation of fewer gas wells, the need to store surplus equipment has become an issue for the industry. The proposed storage sites will generate less than thirty (30) average daily trips (the City's definition of a "low-traffic storage yard), however each request needed to occupy a site for more than four (4) months. Currently the Code limits a temporary use permit to a maximum of four (4) months. The Planning Division did approve two temporary use permits that allowed both uses to move onto properties while applications to approve the uses permanently were processed.

Currently Permitted

Temporary uses are allowed to locate within the City providing the use meets the regulations outlined in Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code . These regulations include standards and restrictions that ensure safety and minimize adverse impacts that the use may have on City infrastructure and neighboring properties. These regulations include the following:

1. An authorized use (i.e. an allowed use listed in Table 3.5 and not a use allowed by conditional use permit) is allowed on property located within any nonresidential zone.
2. Multiple temporary uses are not allowed on a single property and the temporary use cannot be detrimental to the public health, safety and general welfare.
3. The temporary use must be compatible with existing land uses, cannot cause traffic to exceed the capacity of affected streets and must have adequate off-street parking.
4. Access to public right-of-way must comply with City requirements, required setbacks must be adhered to and signage is limited to a maximum of thirty-two (32) square feet.
5. Prior to allowing a temporary use at least thirty (30) calendar days must have passed since any previous temporary use was located on the property and the use is limited to a maximum of four (4) months.

Proposed Amendments

The amendments being proposed permits temporary low-traffic storage yards in the C-2, I-1, and I-2 zone districts. The proposal would allow temporary low-traffic storage yards in these zone districts for up to one (1) year with the opportunity to request an

additional one (1) year extension. All other allowed temporary uses would remain limited to the existing 120 and 30 day requirements.

CONSISTENCY WITH GROWTH PLAN:

The proposed amendments are consistent with the goals and policies of the Growth Plan, including, but not limited to the following:

Goal 1: To achieve a balance of open space, agricultural, residential and nonresidential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

Policy 1.9: The City and County will direct the location of heavy commercial and industrial uses with outdoor storage and operations in parts of the community that are screened from view from arterial streets. Where these uses are adjacent to arterial streets, they should be designed to minimize views of outdoor storage loading and operations areas.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 17: To promote a healthy, sustainable, diverse economy.

Policy 17.1: The City and County will support efforts to attract and retain moderate-sized, clean and stable industries that provide appropriate and diverse employment opportunities for community residents.

Policy 17.2: The City and County may consider incentives to attract prospective industrial employers and encourage expansions of existing industries that are consistent with the goals and policies of the Urban Area Plan.

PLANNING COMMISSION RECOMMENDATION:

During its regular June 9, 2009 meeting, the Planning Commission reviewed the proposed amendments and found that the requested amendments furthered the intent and purpose of the Growth Plan by ensuring that the Zoning and Development Code is maintained in a manner that addresses development issues in an efficient and effective manner. The Planning Commission then made a recommendation of approval to the City Council for adoption of the proposed amendments.

CITY OF GRAND JUNCTION, CO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 2.2 D.2. AND SECTION 4.3 L. OF THE ZONING AND DEVELOPMENT CODE REGARDING TEMPORARY LOW-TRAFFIC STORAGE YARDS

RECITALS:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (Code) on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan are being implemented.

The City of Grand Junction wishes to amend and update Section 2.2 D.2. and Section 4.3 L. of the Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial) and I-2 (Heavy Industrial) zone districts.

The City Council finds that the request to amend the Code is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further the goals and policies of the Growth Plan and recommended approval of the proposed revisions to the Zoning and Development Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

Amend Section 2.2 D.2. as follows [beginning with subsection (12)]:

- (12) ~~At least thirty (30) calendar days have passed since any temporary use on the parcel or lot; and~~ **A temporary low-traffic storage yard may be permitted in a C-2, I-1, or I-2 zone district for up to one (1) year from the date of issuance. One (1) extension of one (1) year may be granted by the Director upon showing of good cause. Any additional extensions may be granted by the Planning Commission. The Planning Commission must find good cause for granting an extension(s).**
- (13) ~~The All other temporary uses will shall not exceed four (4) months~~ **120 calendar days and shall not be allowed until**

- a minimum of thirty (30) calendar days have passed since any previous temporary use on the parcel or lot.
- (14) Prior to the issuance of a temporary use permit, the Director may require the applicant to post security with the City as required to cover expected costs of enforcement, monitoring, clean-up and site restoration.

Amend Section 4.3 L. as follows:

L. Temporary Uses and Structures.

1. The temporary use permit is a mechanism by which the City may allow a use to locate within the City on a ~~short-term~~ **temporary** basis and by which seasonal or transient uses can **may also** be allowed.
2. Prior to conducting or establishing a temporary use or temporary structure, approval of a temporary use permit by the ~~Community Development Department~~ **Public Works and Planning Department** is required.
3. Any allowed use **or structure** in nonresidential zones may be **approved for a temporary use permit**, provided that:
 - a. ~~Compatibility with Surrounding Area.~~ The allowance of a temporary use and/or temporary structure shall not be detrimental to the public health, safety and general welfare. ~~and~~ The use shall be consistent with the purpose and intent of this Code and the specific zoning district in which it will be located and the use shall be compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use. ~~The use, value and qualities of the neighborhood surrounding the temporary use shall not be adversely affected by the use or activities associated with it;~~
 - b. Factors such as location, noise, odor, light, dust control and hours of operation may be **specifically** considered ~~in addition to any others~~ when determining compatibility;
 - c. The location and/or intensity of the temporary use and/or temporary structure is such that adverse effects on adjacent parcels will be minimized, as determined by the Director; and
 - d. **Erosion, sedimentation, and other pollution of surface and subsurface water is adequately controlled; and**
 - de. Particular attention shall be ~~paid~~ **given** to the type and volume of traffic generated and/or ~~the~~ impacted ~~by that~~ the temporary use/temporary structure **will have** ~~and its effect~~ on traffic circulation in the neighborhood. **The Director shall determine that increased traffic does not unduly impact the neighborhood. A finding that traffic does unduly impact the neighborhood shall be a basis for denial of a permit.**

Introduced for first reading on this _____ day of _____, 2009.

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

Attach 7

**Public Hearing—Inclusion into the Downtown Development Authority
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Request from Mesa County Public Library District for Inclusion into Downtown Development Authority Boundaries		
File #			
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 11, 2009		
Author Name & Title	Heidi Hoffman Ham, DDA Executive Director		
Presenter Name & Title	Heidi Hoffman Ham, DDA Executive Director		

Summary:

In preparation for an eventual redevelopment as part of the City Center Catalyst Project, the Mesa County Public Library District (MCPLD) has requested inclusion into the DDA for all of their downtown Grand Junction properties. A portion of the MCPLD properties in the vicinity are already included in the DDA; several are not: 520 N. 5th Street, 517 Chipeta Avenue, 525 Chipeta Avenue, and 529 Chipeta Avenue. The request has been considered and approved by the DDA Board of Directors.

Budget: N/A

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage and Final Publication of Proposed Ordinance.

Attachments:

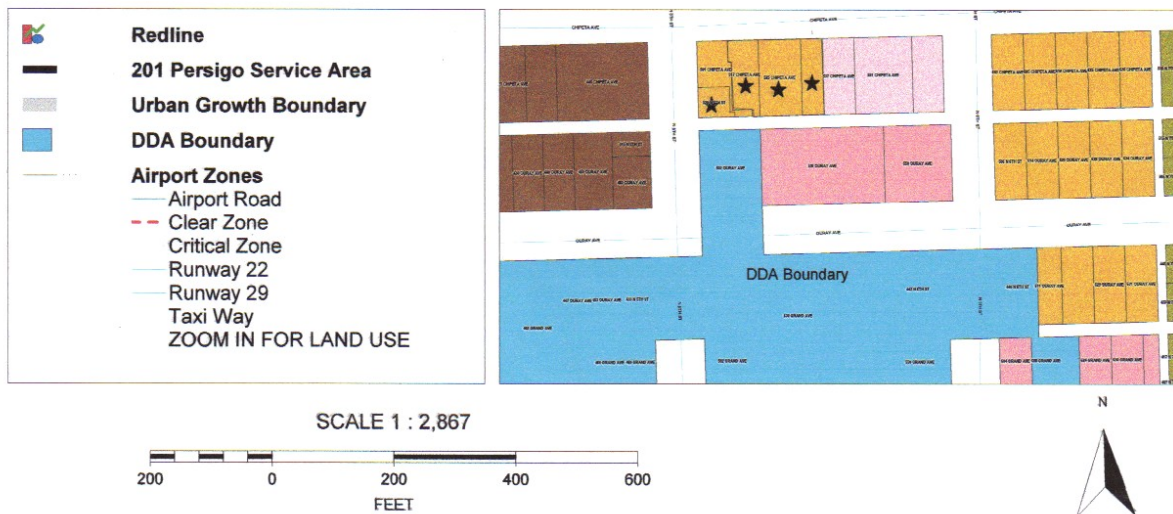
Map of property
Letter from Eve Tallman, Library Director
Minutes of DDA meeting approving the request
Ordinance to Amend DDA Boundaries

Background Information:

The GJDDA boundaries were set upon creation of the DDA and, in order to be added to the Authority, an entity must present a letter to the DDA Board requesting inclusion. If approved, this request is forwarded on to the City Council for consideration. This property is owned by the MCPLD and is part of the area being considered for redevelopment as part of the City Center Catalyst Project. In order to prepare for this planning effort, the MCPLD is assuring that all parcels are uniform in their taxing requirements. The DDA appreciates that MCPLD has requested to include the entire

property into the boundaries Authority and approved this request at its May 14, 2009, meeting.

City of Grand Junction GIS Zoning Map ©





Heidi Ham, Executive Director
Downtown Development Authority
248 S. 4th Street
Grand Junction, CO 81501

May 12, 2009

Dear Heidi:

Mesa County Public Library District intends to include all of its downtown properties as part of the Downtown Development Authority (DDA). Listed below are all nine Library properties to be consolidated and mapped accordingly.

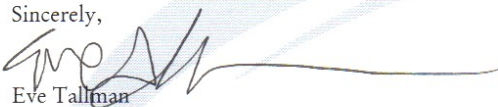
Mesa County Public Library District Downtown Properties

502 Grand Avenue	2945-142-32-001
530 Grand Avenue	2945-142-41-991
443 N. 6 th Street	2945-142-41-993
502 Ouray Avenue (and 514)	2945-142-32-991
536 Ouray Avenue (and 546)	2945-142-32-993
520 N. 5 th Street	2945-142-32-998
517 Chipeta Avenue	2945-142-32-999**
525 Chipeta Avenue (and 527)	2945-142-32-992**
529 Chipeta Avenue	2945-142-32-990

City and County-owned properties are not included as Library property. Property located at 501 Chipeta Avenue is owned by Mesa Motors Inc., 949 Main Street, Delta, Colorado 81416. Two properties not included in earlier discussions, shown with a double asterisk (**), are to be included within the DDA boundary. Three properties have double lots; please note the additional address number provided on the list above.

Thank you for your assist and let me know if you need more information before proceeding in the re-classification of downtown properties within the DDA boundary.

Sincerely,


Eve Tallman
Library Director

530 Grand Avenue . P.O. Box 20000-5019 . Grand Junction, CO 81502-5019
CENTRAL LIBRARY . 970.243.4443 . Fax 970.243.4744 . www.mcpld.org

Clifton Branch 970.434.6936 • Collbran Branch 970.487.3545 • DeBeque Branch 970.283.8625
Fruita Branch 970.858.7703 • Gateway Branch 970.931.2428 • Orchard Mesa Branch 970.243.0181 • Palisade Branch 970.464.7557

GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY
BOARD MINUTES

Thursday, May 14, 2009

248 S. 4th Street, Grand Junction, CO

7:30 a.m.

PRESENT: Scott Howard, Bill Wagner, Harry Griff, Peggy Page, Bonnie Beckstein, Scott Holzschuh, Bill Keith, Steve Thoms

STAFF: Heidi Hoffman Ham, Diane Keliher, Kathy Dirks, Felicia Sabartinelli

GUESTS: Angela Harness, Rich Englehart, John Shaver

CALL TO ORDER: Steve called the meeting to order at 7:31 a.m.

APPROVAL OF MINUTES: Harry made a motion to approve the April 9 minutes; Peggy seconded; motion carried. Harry made a motion to approve the April 23 minutes with two corrections: 1. That PJ attended that meeting, and 2. there needs to be dollar amounts stated for the façade grants. Scott Holzschuh seconded; minutes were approved with changes.

CHAIRMAN REPORT – Steve announced that the Colorado Avenue ribbon cutting is May 29 at 10 a.m. Art & Jazz was a fabulous event with great art work and great music. Steve thanked Scott Howard for the use of the Rockslide deposit safe and commented on the high quality of artists. Also, Cinco de Mayo proved that events can be done on Colorado Avenue with modifications. They did a good job, but the weather was extremely bad.

EXECUTIVE DIRECTOR REPORT – Heidi reported that we are waiting on a few parts to arrive and the heat will be ready for the Scheisswohl Building. Swamp coolers will be serviced on Monday, May 18. Chris Brown is opening a used bike retail store in the vacant units once they are remodeled. Heidi and John are still working on the condo process.

Breezeway demolition should be back underway today. There will be a change order to remove an unanticipated piece of reinforced concrete that has been uncovered. The wall with mill tailings will have to have new stucco. The RFP for construction should go out next week.

LIBRARY REQUEST TO ADD PROPERTY TO DDA – Mesa County Library would like to make sure all of their properties are in the DDA boundary in preparation for the City Center Catalyst Project. Harry made a motion to add all Mesa Co. Library properties to the DDA boundary; Scott Howard seconded; PJ noted that he would like to have them included in the BID as well; motion passed. Heidi will encourage the Library to apply for BID membership.

SPECTRUM SOUND PROPOSAL – This item will be tabled until the next meeting.

PARTNERSHP OFFICE LEASE – This item will also be tabled. Bill W. reported that there are quite a few options still to discuss regarding the new location of the Downtown Partnership office before bringing a proposal to the Board. Steve emphasized that he would like to get this issue finalized as soon as possible.

RESOLUTION TO AUTHORIZE DEBT – In order to begin the bonding process, the Board

needs to request that City Council authorize the issuance. If the Council authorizes it, the final bonding documents will need approval from the DDA. There was discussion regarding the amount and timing of repayment to the City's reserve fund. Peggy made a motion to adopt the resolution to authorize debt; Harry seconded; motion passed.

INFORMATION – Peggy mentioned that Sgt. Stoneburner has been more visible on Main Street and that she asked him to watch for Downtown employees that are parking on Main Street for more than 2 hours. Bonnie feels very strongly that a police sergeant should not be involved in parking enforcement when there is other police department staff designated for that task. It was decided to remind employers that these spaces are for customers rather than employees.

MAIN STREET PROJECT UPDATE – Ted Ciavonne and Trent Prall presented four alternatives for the Main Street Project that reflect the public process to date. The Board was able to ask questions and give suggestions on the alternatives, which will next be presented to the merchants and property owners in the affected blocks. A public open house will follow on May 27.

ADJOURN – Peggy made a motion to adjourn; Bill K. seconded; the Board adjourned at 9:15 a.m.

APPROVED _____

DATE _____

SENT TO CITY CLERK _____

DATE _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO
APPROVING EXPANDING THE BOUNDARIES FOR THE GRAND JUNCTION, COLORADO
DOWNTOWN DEVELOPMENT AUTHORITY**

The Grand Junction, Colorado, Downtown Development Authority (the Authority) has adopted a Plan of Development for the boundaries of the Authority and the plan and boundaries were initially approved by the Grand Junction, Colorado, City Council (the Council) on December 16, 1981.

Since that time, several individuals, pursuant to Section 31-25-822, 12A C.R.S., as amended, and Article X of the Authority's Plan of Development have petitioned for inclusion within the boundaries of the Authority, and the boundaries of the Authority have been expanded by the Council by Ordinances No. 2045, 2116, 2382, 2400, 2425, 2470, 2820, 2830, 4305 and 4326;

The Board of Directors of the Authority has reviewed and approved a current petition from the Mesa County Public Library District, requesting inclusion into the Authority's boundaries for its properties at 520 N. 5th Street, 517 Chipeta Avenue, 525 Chipeta Avenue, and 529 Chipeta Avenue and requests Council approval to expand the Authority's boundaries to include all properties.

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

1. The Council finds the existence of blight within the Authority within the meaning of C.R.S. 1973, Section 31-25-802(1.5), as amended.
2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Downtown Development Authority Plan of Development as shown on the attached Exhibit 1, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the city of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district, and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority.
3. Property located at 520 N. 5th Street, 517 Chipeta Avenue, 525 Chipeta Avenue, and 529 Chipeta Avenue, as described on the attached Exhibit 1, shall be incorporated into the Downtown Development Authority boundaries. The expansion of the Authority's boundaries, as shown in the attached Exhibit 1, are hereby approved by the Council and incorporated into the Plan of Development as previously amended, and the Authority is authorized to undertake development projects as described in the Plan.
4. The City Council is requested to ask the County Assessor to certify the valuation for assessment of the new property included as of the date of the last certification, and the City Finance Director is requested to certify the sales tax receipts for the properties for the twelve (12) months prior to the inclusion of such property.

5. If any provision of this ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

Introduced on first reading this 1st day of June, 2009.

PASSED and ADOPTED this ____ day of _____, 2009.

Attest:

President of the Council

City Clerk

EXHIBIT 1

Expanding the boundaries of the Grand Junction Downtown Development Authority.

The boundaries of the Authority shall be expanded to include the following properties:

1. Address
520 N. 5th Street

Parcel Number
2945-142-32-998

Legal Description
BEG SW COR LOT 1 BLK 60 GRAND JUNCTION SEC 14 1S 1W N 49FT 6IN E
52FT S 38FT 3IN E 7FT 6IN S TO ALY W TO BEG
2. Address
517 Chipeta Avenue

Parcel Number
2945-142-32-999

Legal Description
BEG NE COR LOT 4 BLK 60 GRAND JUNCTION SEC 14 1S 1W W 50FT S 35
FT E 5.5FT S 78FT E 32FT S 12FT TO ALY E TO SE COR SD LOT 4 N TO
BEG
3. Address
525 Chipeta Avenue

Parcel Number
2945-142-32-992

Legal Description
LOTS 5 & 6 & W 19FT OF LOT 7 BLK 60 GRAND JUNCTION SEC 14 1S 1W –
0.20AC
4. Address
529 Chipeta Avenue

Parcel Number
2945-142-32-990

Legal Description
E 6FT OF LOT 7 ALL LOT 8 & W 5TH LOT 9 BLK 60 CITY OF GRAND
JUNCTION SEC 14 1S 1W – 0.10AC

**Attach 8
Public Hearing—Amending the Code to Require 4” Sewer Line
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Amending the Code to Require 4” Sewer Lines to Each Residential Unit of a Multi Unit Structure or Multiple Residential Units on a Property		
File #			
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 11, 2009		
Author Name & Title	Mary Lynn Kirsch		
Presenter Name & Title	John Shaver, City Attorney		

Summary: City Staff would like to coordinate sewer line requirements for multi residential unit structures and properties with multiple residential units with those required by special districts in the area. Amending the City’s Code will provide consistency to City residents and give Planning and Development Review Staff more guidance and support of the requirements.

Budget: NA

Action Requested/Recommendation: Hold a public hearing and consider final passage and final publication of proposed ordinance.

Attachments:

Ordinance with proposed revisions

Background Information: Special sanitation districts in the Grand Junction area have specific requirements for multi residential unit structures and properties with more than one residential structure. City staff would like to amend the Code to be more consistent with special district requirements. Property owners of multiple living units would benefit in several ways because there would be little chance of sewer back up in adjacent units if the service becomes plugged since there are no shared lines. Additionally, if the residential units are condominiumized in the future each owner would have his own sewer service

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 38-35, ARTICLE II OF CHAPTER 38 OF THE
GRAND JUNCTION CODE OF ORDINANCES PERTAINING TO SEWER LINE
CONNECTIONS**

RECITALS:

The City Code of Ordinances requires owners/builders of condominiumized residential units and properties with more than one primary residence to install separate lines for each unit.

Special sanitation districts in the Grand Junction area have specific sewer line requirements for multi residential unit structures and properties with more than one residential structure.

City staff would like to amend the Code to be more consistent with special district requirements and to clarify the requirements for property owners and builders who own all of the residential units in a multi unit structure. Amending the code would also give Planning and Development review staff more guidance and support with the requirements.

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

Section 38-35 of Article II of Chapter 38 of the Code is amended as shown below. (Additions are shown in CAPITAL LETTERS and deletions are shown as ~~strikethroughs~~):

Sec. 38-35. Connection mandatory where public sewer available.

(a) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City or County and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City or County are hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 120 days after date of official notice to do so, provided that such public sewer is within 400 feet (122 meters) of the property line.

(b) AN OWNER OF A MULTIPLE RESIDENTIAL UNIT BUILDING OR PROPERTY WHICH HAS MORE THAN ONE RESIDENTIAL UNIT ON THE PROPERTY SHALL BE REQUIRED TO CONNECT ONE 4" SEWER LINE TO EACH UNIT OF THE BUILDING OR PROPERTY, SO THAT EACH UNIT IS SERVICED BY A SEPARATE SEWER LINE. A MULTIPLE UNIT BUILDING IS DEFINED AS ANY SINGLE BUILDING

CONTAINING MORE THAN ONE SINGLE FAMILY RESIDENTIAL UNIT. EXAMPLES OF THESE COULD BE A FOUR-PLEX, THREE-PLEX, DUPLEX, APARTMENT HOUSE, TOWNHOME OR CONDOMINIUM.

(c) STRUCTURES WHICH HAVE FIVE RESIDENTIAL UNITS OR MORE MAY CONNECT 4" SERVICE LINES TO A MANIFOLD PIPE HAVING A MINIMUM DIAMETER OF 6".

ALL OTHER PROVISIONS OF CHAPTER 38 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this 3rd day of June, 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2009.

President of the Council

Attest:

City Clerk

Attach 9
Public Hearing—Lang Industrial Park Annexation and Zoning
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Lang Industrial Park Annexation and Zoning - Located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway		
File #	ANX-2009-072		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 3, 2009		
Author Name & Title	Michelle Hoshide, Associate Planner		
Presenter Name & Title	Michelle Hoshide, Associate Planner		

Summary: A request to annex and zone 4.86 acres located at 2764 C ¾ Road, 2765 and 2767 Riverside Parkway to I-1 (Light Industrial) zone district. The Lang Industrial Park Annexation consists of three (3) parcels.

Budget: N/A

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

Attachments:

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

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2764 C ¼ Road, 2765 and 2767 Riverside Parkway		
Applicants:		Owners: Darren Davidson Representative: Jeffery Fleming		
Existing Land Use:		Vacant		
Proposed Land Use:		Industrial		
Surrounding Land Use:	North	Union Pacific Railroad Company		
	South	Vacant		
	East	Residential Single Family		
	West	Industrial		
Existing Zoning:		RSF-R (Residential Single Family Rural)		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1(Light Industrial)		
	South	I-1(Light Industrial)		
	East	I-2 (General Industrial)		
	West	I-1(Light Industrial)		
Growth Plan Designation:		Industrial		
Zoning within density range?	X	Yes		No

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.

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

LANG INDUSTRIAL PARK ANNEXATION SUMMARY

File Number:	ANX-2009-072	
Location:	2764 C ¾ Road, 2765 and 2767 Riverside Parkway	
Tax ID Number:	2945-241-00-018, 2945-241-00-019, 2945-241-00-020	
Parcels:	3	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	4.86	
Developable Acres Remaining:	4.86	
Right-of-way in Annexation:	none	
Previous County Zoning:	RSF-R (Residential Single Family Residential)	
Proposed City Zoning:	I-1 (Light Industrial)	
Current Land Use:	Vacant	
Future Land Use:	Industrial	
Values:	Assessed:	=\$42,050
	Actual:	=\$145,000
Address Ranges:	2764 C ¾ Road, 2765 and 2767 Riverside Parkway	
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	Grand Junction Fire Rural
	Irrigation:	Grand Valley Irrigation/ Grand Valley Drainage
	School:	District 51
	Pest:	Grand Valley Pest Control District and Grand Valley Mosquito District

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the I-1 (Light Industrial) zone district is consistent with the Growth Plan. The existing County zoning is RSF-R (Residential Single Family Rural). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The proposed I-1 (Light Industrial) zone district conforms to and furthers the goals and policies of the Growth Plan as the Future Land Use designation is Industrial for this property. The proposed zone is also compatible with uses to the north, south and west.

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

Response: Adequate public facilities and services are available to accommodate the I-1 zone district. A 12" Ute water line and a 15" Central Grand Valley Sanitary sewer line are located within the Riverside Parkway.

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

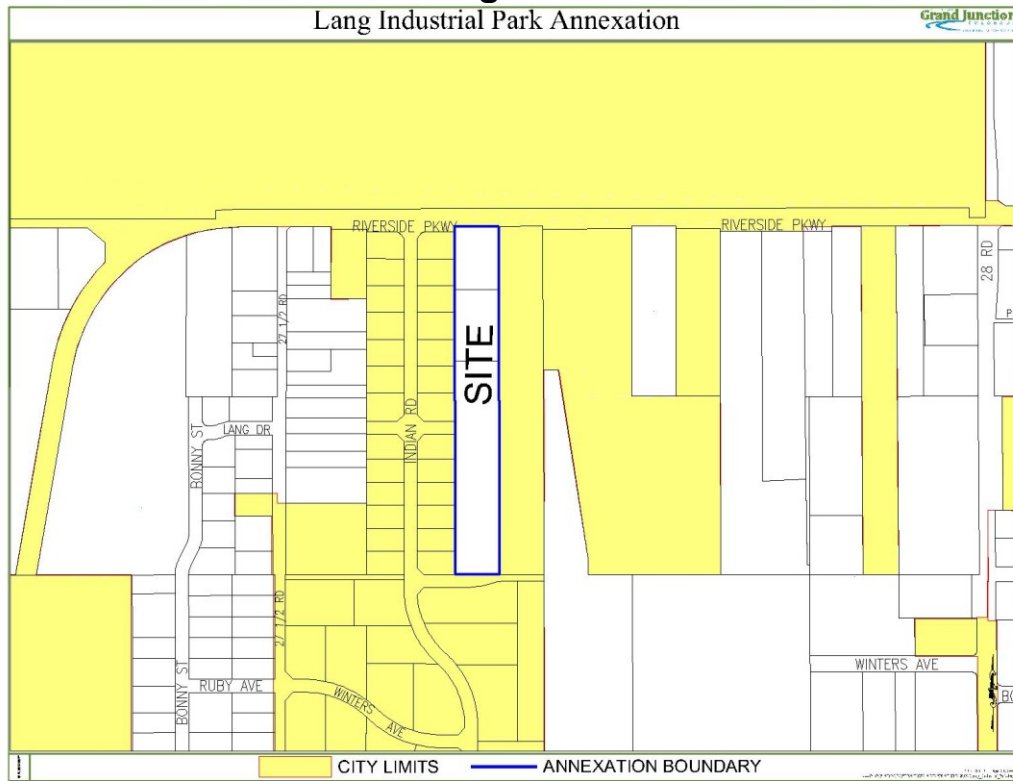
- a. I-O (Industrial/ Office Park)
- b. I-2 (General Industrial)

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council on May 12, 2009, finding the zoning to the I-1 (Light Industrial) zone district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Annexation/Site Location Map

Figure 1



Aerial Photo Map

Figure 2



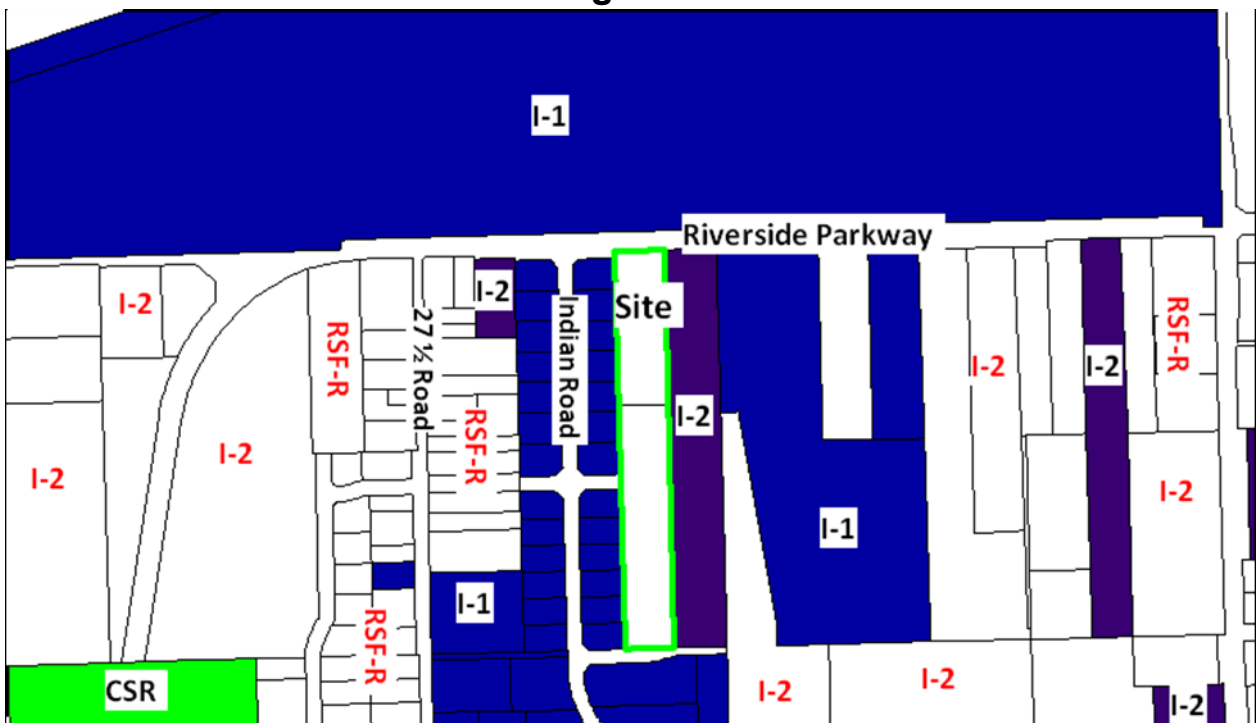
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

LANG INDUSTRIAL PARK ANNEXATION

LOCATED AT 2764 C ³/₄ ROAD, 2765 AND 2767 RIVERSIDE PARKWAY

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 4th 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, a hearing on the petition was duly held after proper notice on the 15th of June, 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

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 ³/₄ ROAD, 2765 AND 2767 RIVERSIDE PARKWAY

WHEREAS, on 4th 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 15th 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:

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.

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

INTRODUCED on first reading on the 4th day of May, 2009 and ordered published.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE LANG INDUSTRIAL PARK ANNEXATION TO I-1
(LIGHT INDUSTRIAL)**

LOCATED AT

2764 C ¾ ROAD, 2765 AND 2767 RIVERSIDE PARKWAY

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Lang Industrial Park Annexation to the I-1 (Light Industrial) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 (Light Industrial) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned I-1 (Light Industrial)

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.

INTRODUCED on first reading the 1st day of June, 2009 and ordered published.

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

ATTEST:

President of the Council

City Clerk

Attach 10
Revocable Permit for a Sign

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Revocable Permit for a Sign – Located in the Dedicated Right-of-Way at 2452 F Road		
File #	RVP-2009-108		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent	<input checked="" type="checkbox"/>	Individual
Date Prepared	June 3, 2009		
Author Name & Title	Judith Rice, Associate Planner		
Presenter Name & Title	Judith Rice, Associate Planner		

Summary: Request for a Revocable Permit to allow an existing sign to remain in the dedicated right-of-way at 2452 F Road.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution issuing the Revocable Permit.

Attachments:

1. Staff Report/Background Information
2. Site Location Map
3. Aerial Photo Map
4. Aerial Photo Close-up
5. 1986 Aerial Photo
6. Future Land Use Map
7. City Zoning Map
8. Site Plan
9. Proposed Resolution
10. Revocable Permit
11. Agreement
12. Exhibit A

BACKGROUND INFORMATION					
Location:		2452 F Road (a.k.a. Patterson Road)			
Applicant:		Twenty Four Fifty Two, LLC			
Existing Land Use:		Commercial Bank, Office, School			
Proposed Land Use:		Commercial Bank, Office, School			
Surrounding Land Use:	North	Vacant Land			
	South	Retail Book Store			
	East	Commercial Offices			
	West	Bank, Mesa Mall			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		C-1 (Light Commercial)			
Surrounding Zoning:	North	C-1 (Light Commercial)			
	South	C-1 (Light Commercial)			
	East	C-1 (Light Commercial)			
	West	C-1 (Light Commercial)			
Growth Plan Designation:		Commercial			
Zoning within density range?		X	Yes		No

Staff Analysis:

1. Background

The earliest record of a freestanding sign in the front of the building along F Road at this location is in 1986. Sign permits from 1986 through 2005 show the location of the freestanding sign within the property boundary. Given that the current configuration of F Road is also shown in the 1986 aerial photos (Figure 4), it is concluded that the property line and right-of-way were depicted incorrectly on each of the sign permits. In 2008, a permit for a face change to the freestanding sign was submitted and it was discovered that the sign is located in the F Road right-of-way.

The current property owners are requesting a revocable permit for this existing sign to remain in the right-of-way.

No new construction is proposed, only a face change.

2. Section 2.17.C of the Zoning and Development Code

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.

The existing sign will provide the community with a list of various tenants who occupy the building. There is no location on the property for the sign along the F Road frontage.

- b. There is a community need for the private development use proposed for the City property.

The sign provides direction for the community to find the services provided at the site.

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The City property is a wide, turf-covered area suitable for the existing sign. No additional construction is proposed, only a sign face change. The right-of-way area currently contains Ute Water lines, of which one lies directly west of the sign. Ute Water had no objection to the sign's current location. There are no other uses or conflicting uses in the right-of-way area.

- d. The proposed use shall be compatible with the adjacent land uses.

The free standing sign is compatible with adjacent commercial uses.

- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

Upon review by the Development Engineer and the Planner, it has been determined that the sign does not negatively impact adjacent accesses, traffic circulation or neighborhood character. In fact, the sign assists with traffic circulation by identifying the building tenants.

- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other

Adopted plans and the policies, intents and requirements of this Code and other City policies.

The request is in conformance with the goals, objectives and policies of the Growth Plan and the intents and requirements of this Code and other City policies.

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

This request complies with all submittal requirements and the criteria of Chapter Two, Section 2.17.C of the Zoning and Development Code and the SSID Manual.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Bank Building Tenant Sign Revocable Permit application, RVP-2009-108, for the issuance of a revocable permit for an existing sign, staff makes the following findings of fact and conclusions:

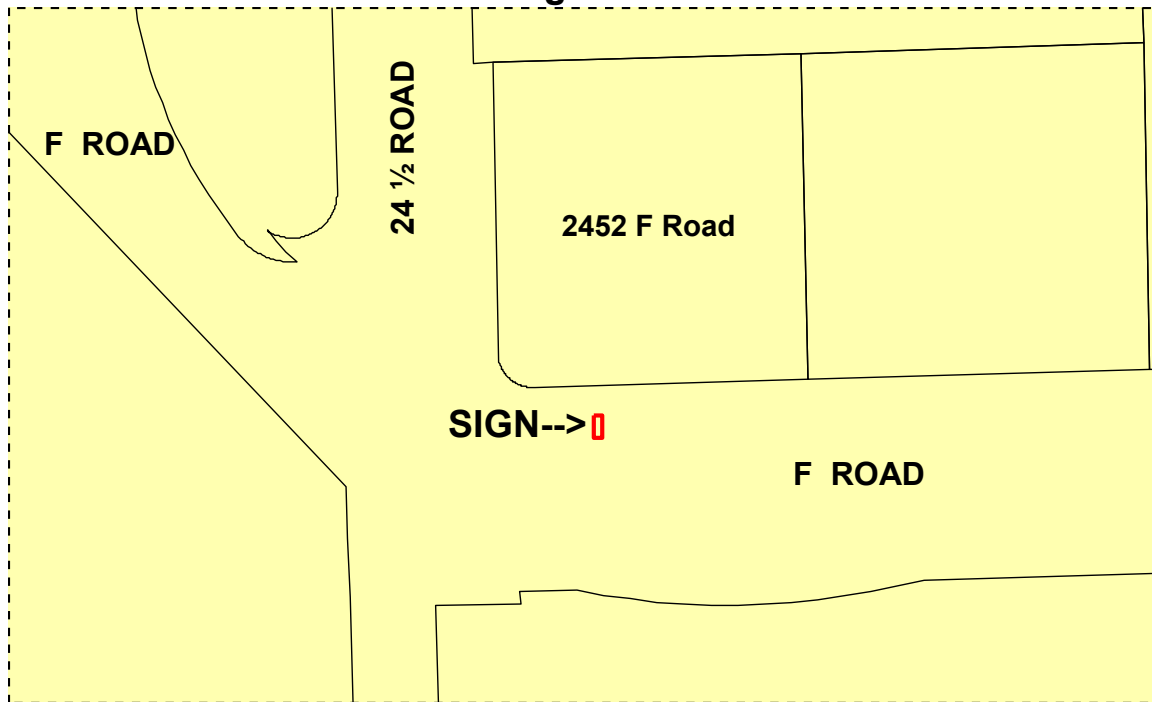
1. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.
2. The revocable permit request is in conformance with the goals and policies of the Growth Plan.

STAFF RECOMMENDATION:

Staff is recommending that the City Council approve the requested revocable permit for the Bank Building Tenant Sign Revocable Permit application, RVP-2009-108.

Site Location Map

Figure 1



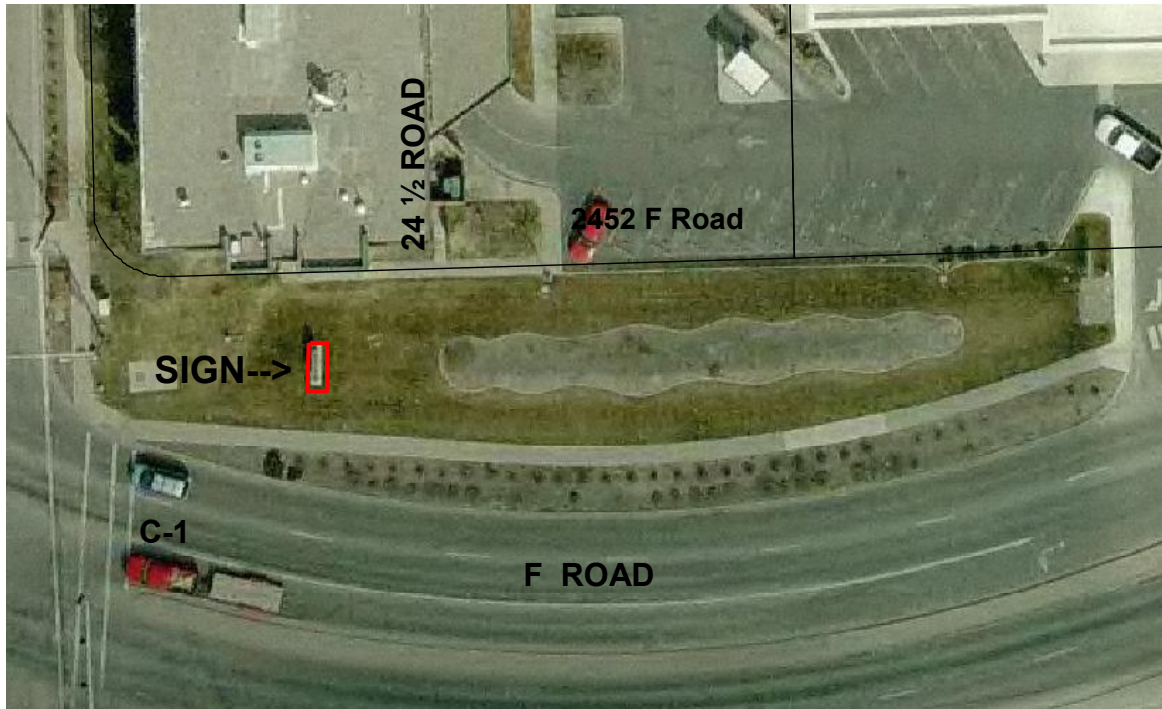
Aerial Photo Map

Figure 2



Aerial Photo Close-up

Figure 3



1986 Aerial Photo Map

Figure 4



Future Land Use Map

Figure 5



City Zoning Map

Figure 6

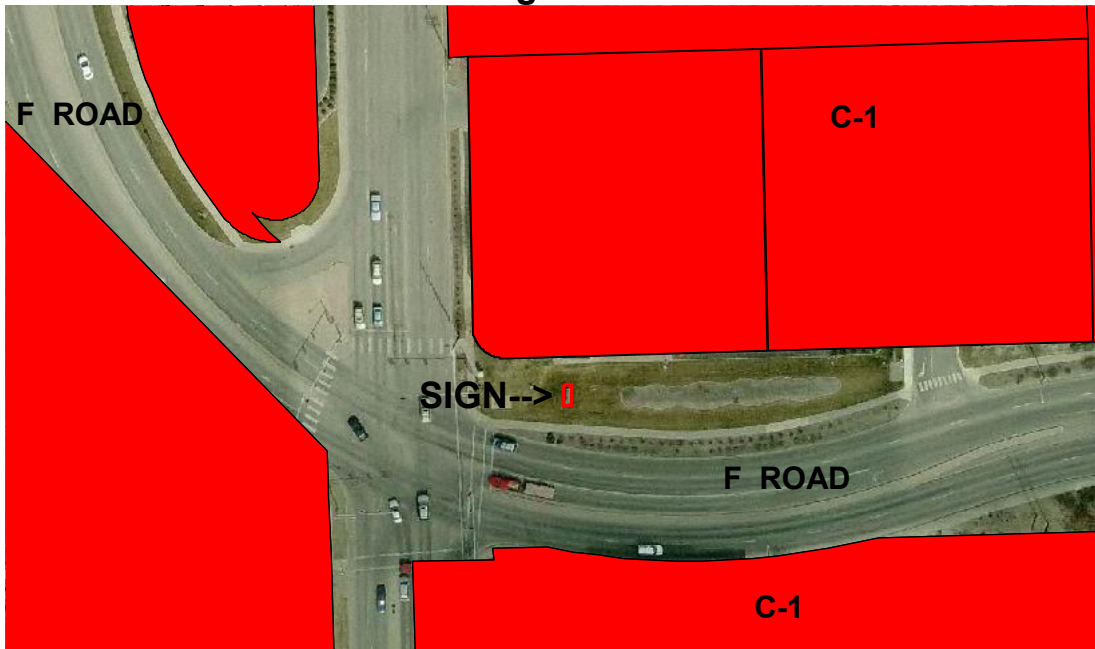
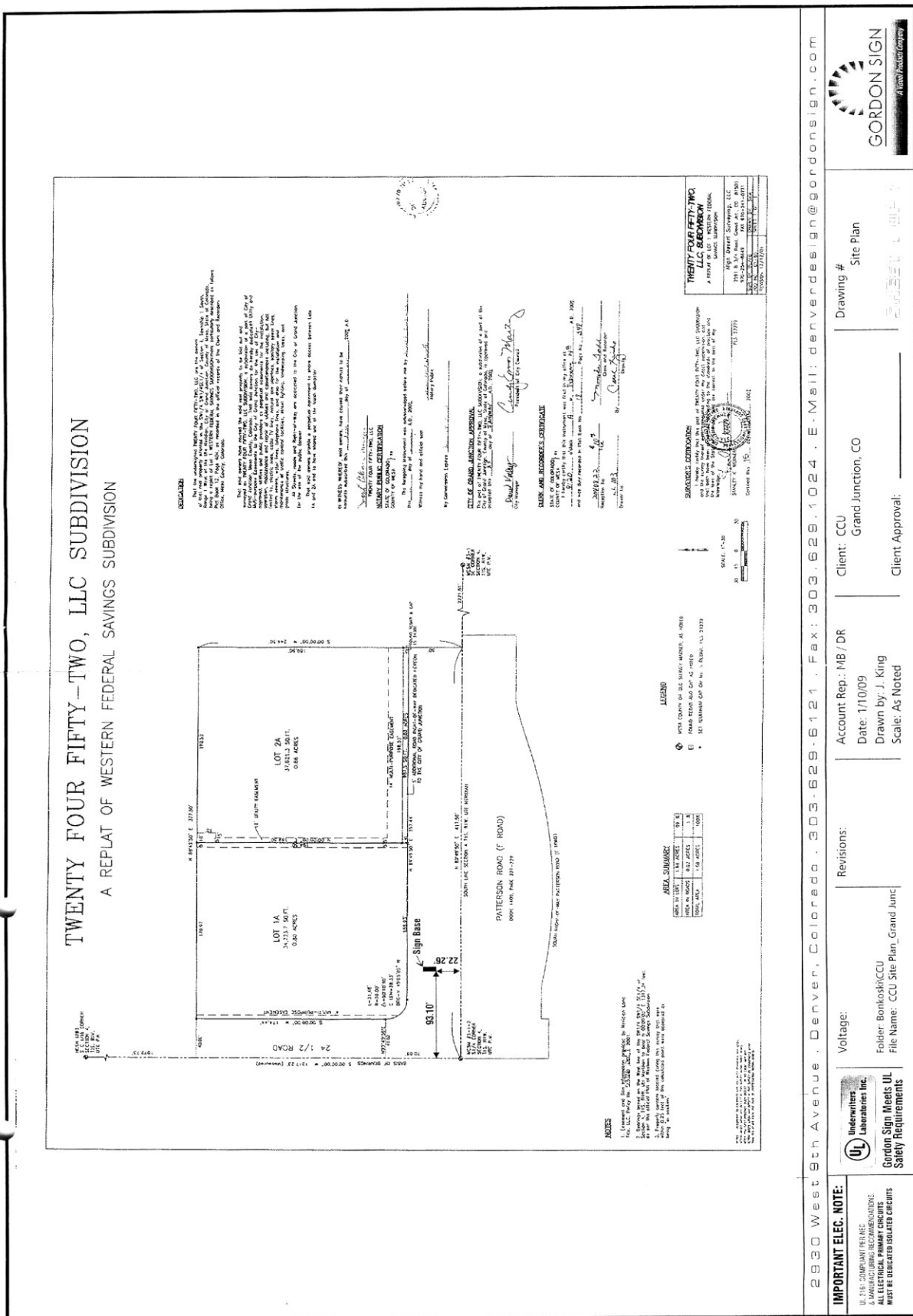


Figure 7



CITY OF GRAND JUNCTION, CO

RESOLUTION NO. __-09

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
TWENTY FOUR FIFTY TWO, LLC LOCATED AT 2452 F ROAD**

RECITALS:

A. Twenty Four Fifty Two, LLC, hereinafter referred to as the Petitioners, represent it is the owners of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1a Twenty Four Fifty-Two LLC Subdivision Sec 4 1s 1w - 0.80ac as recorded in the Mesa County Clerk & Records Office at Book18, Page 348 located in the City of Grand Junction, Mesa County, Colorado.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain an existing sign within the following described public right-of-way as shown in Exhibit A:

A tract of land in the Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ (S $\frac{1}{4}$) Section 4, whence the South Center (SC) 1/16th corner bears north 00 degrees 00 minutes 32 seconds West, a distance of 1317.23 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89 degrees 49 minutes 26 seconds East, a distance of 93.10 feet, along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; thence North 00 degrees 10 minutes 34 seconds West, a distance of 22.26 feet to the POINT OF BEGINNING; thence North 00 degrees 10 minutes 34 seconds West a distance of 15.00 feet; thence South 89 degrees 49 minutes 26 seconds West, a distance of 6.00 feet; thence South 00 degrees 10 minutes 34 seconds East, a distance of 15 feet; thence North 89 degrees 49 minutes 26 seconds East, a distance of 6.00 feet to the POINT OF BEGINNING.

Said Parcel having an area of 0.002 Acres, as described.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2009-108 in the office of the City's Public Works and Planning Department, Planning Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2009.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals.

1. Twenty Four Fifty Two, LLC, hereinafter referred to as the Petitioners, have requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioners to maintain a sign, as approved by the City, within the limits of the following described public right-of-way for Amber Way , to wit:

Permit Area as shown in Exhibit A:

A tract of land in the Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of section 4, Township 1 South, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, State of Colorado and being more particularly described as follows:

Commencing at the Southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ (S $\frac{1}{4}$) Section 4, whence the South Center (SC) 1/16th corner bears north 00 degrees 00 minutes 32 seconds West, a distance of 1317.23 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 89 degrees 49 minutes 26 seconds East, a distance of 93.10 feet, along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; thence North 00 degrees 10 minutes 34 seconds West, a distance of 22.26 feet to the POINT OF BEGINNING; thence North 00 degrees 10 minutes 34 seconds West a distance of 15.00 feet; thence South 89 degrees 49 minutes 26 seconds West, a distance of 6.00 feet; thence South 00 degrees 10 minutes 34 seconds East, a distance of 15 feet; thence North 89 degrees 49 minutes 26 seconds East, a distance of 6.00 feet to the POINT OF BEGINNING.

Said Parcel having an area of 0.002 Acres, as described.

2. Based on the authority of the Charter and § 2.17B of the Grand Junction Zoning and Development Code applying the same, the City, by and through the Public Works and Planning Director, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH HIS LAWFUL AUTHORITY, THE PUBLIC WORKS AND PLANNING DIRECTOR, DOES HEREBY ISSUE:

To the above-named Petitioners a Revocable Permit for the purposes of maintaining a residential driveway within the limits of the public right-of-way described; provided, however, that this Permit is conditioned upon the following:

1. The maintenance of the sign by the Petitioners within the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher

standard of care as may be required by the City to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City, on its behalf and on behalf of the County of Mesa, the State of Colorado and the Public Utilities, hereby reserves and retains a perpetual right to utilize all or any portion of the public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any or no reason.

3. The Petitioners, for themselves and for their successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused by maintaining the driveway by the Petitioners within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioners or any other party, as a result of the Petitioners' occupancy, possession or use of said public right-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioners agree that they shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit for maintaining the sign shall be issued only upon concurrent execution by the Petitioners of an agreement that the Petitioners and the Petitioners' successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioners shall, at the sole expense and cost of the Petitioners, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioners' last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the described public right-of-way available for use by the City, the County of Mesa, the State of Colorado, the Public Utilities or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. The Petitioners, for themselves and for their successors and assigns, agree that they shall be solely responsible for maintaining and repairing the condition of any and all plantings, improvements and/or facilities authorized pursuant to this Permit. The Petitioners shall not install any trees, vegetation or other improvements that create sight distance problems.

7. This Revocable Permit and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2009.

Written and recommended by:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioners:

Property Owner

Property Owner

AGREEMENT

Twenty Four Fifty Two, LLC, for themselves and for their successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for maintaining the sign. Furthermore, they shall indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit.

Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at their sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction, the County of Mesa, the State of Colorado, the Public Utilities or the general public.

The Permittees acknowledge the existence of good and sufficient consideration for this Agreement.

Dated this _____ day of _____, 2009.

By signing, the Signatories represent that they have full authority to bind the Permittees to each and every term and condition hereof and/or in the Permit.

Property Owner

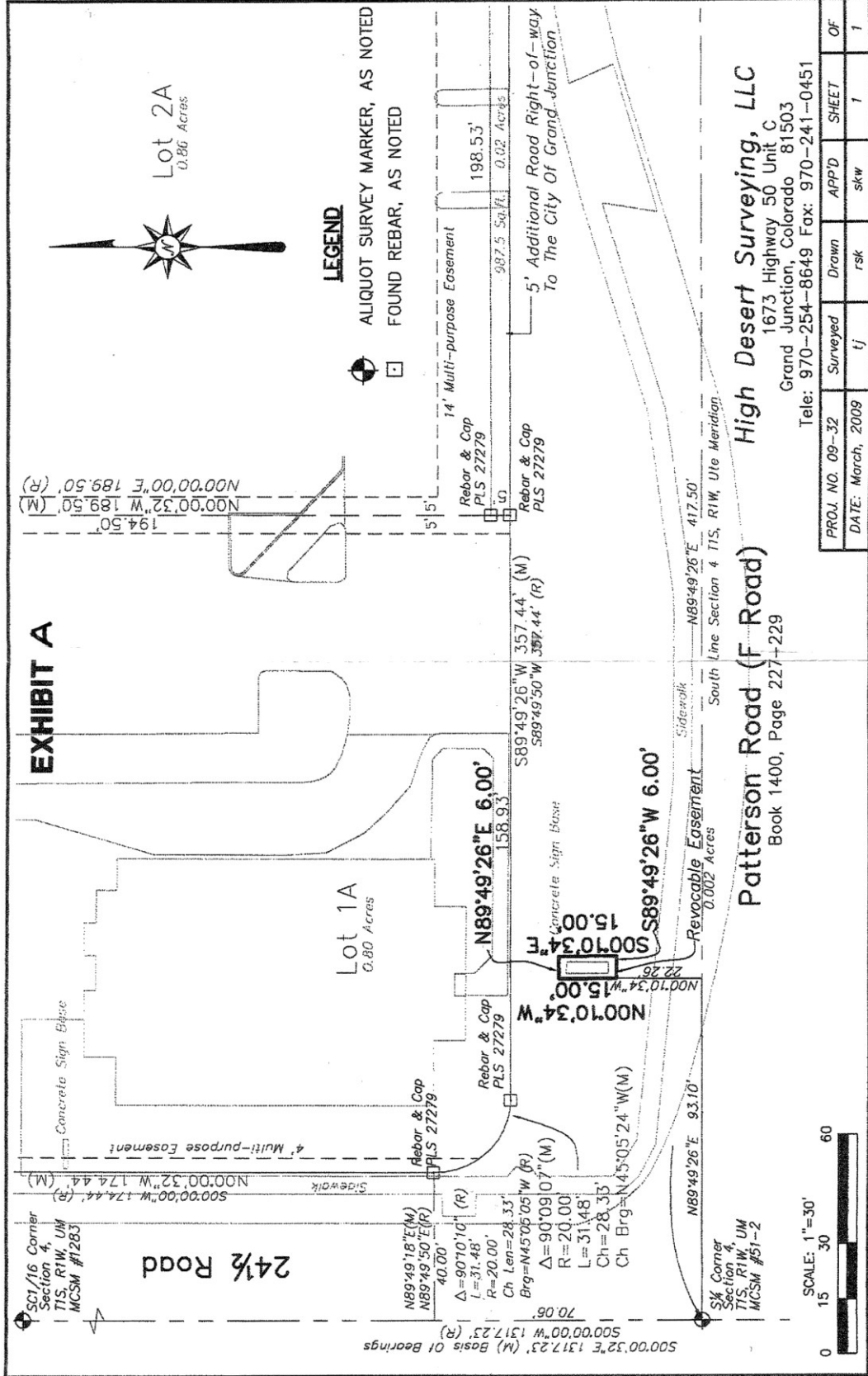
Property Owner

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2009, by _____

My Commission expires: _____
Witness my hand and official seal.

Exhibit A



Attach 11
Revocable Permit for Improvements and Structure
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Revocable Permit for Improvements and Structure in the Right-of-Way – Located at 211 Hale Avenue		
File #	RVP-2009-114		
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	May 22, 2009		
Author Name & Title	Ronnie Edwards, Associate Planner		
Presenter Name & Title	Ronnie Edwards, Associate Planner		

Summary: Request for a Revocable Permit to allow existing improvements and structure to remain in dedicated right-of-way in Hale Avenue.

Budget: N/A

Action Requested/Recommendation: Approval of a Resolution issuing the Revocable Permit.

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City Zoning Map
4. Landscape/Site Plan
5. Resolution
6. Revocable Permit
7. Agreement
8. Exhibit Map

Background Information: Please see attached Staff report.

BACKGROUND INFORMATION					
Location:		211 Hale Avenue			
Applicant:		William R. Jarvis, DBA Hale Avenue, LLC			
Existing Land Use:		Well Services and Outdoor Storage			
Proposed Land Use:		Impound Lot with Outdoor Storage			
Surrounding Land Use:	North	Vacant City-Owned Property			
	South	Single Family Residential			
	East	Riverside Parkway			
	West	Vacant			
Existing Zoning:		I-1 (Light Industrial)			
Proposed Zoning:		I-1 (Light Industrial)			
Surrounding Zoning:	North	I-1 (Light Industrial)			
	South	I-1 (Light Industrial)			
	East	I-1 (Light Industrial)			
	West	I-1 (Light Industrial)			
Growth Plan Designation:		Industrial			
Zoning within density range?		N/A	Yes		No

Staff Analysis:

1. Background

The property was part of the Mobleys Addition Annexation that occurred in 1890 and this parcel was platted with the O'Boyles Subdivision in 1906. Mesa County Assessor information states the existing office and shop building was built in 1981. The applicant's surveyor has provided a legal description stating the structure was built over the property line into City right-of-way 15.45 feet. With the construction of the Riverside Parkway, the connection to Hale Avenue was built outside dedicated right-of-way away from the structure and existing utility lines.

The applicant became aware of the encroachment with the proposed re-location of his towing business to this site. The applicant is requesting this revocable permit to bring the existing structure into conformance with City regulations. No expansion of the structure is being proposed.

2. Section 2.17.C of the Zoning and Development Code

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- h. There will be benefits derived by the community or area by granting the proposed revocable permit.

The public benefit is to allow the existing structure to remain in its present location and allow a local business to continue the use of the building and site along with landscaping improvements, which will provide a buffer from the Riverside Parkway.

- i. There is a community need for the private development use proposed for the City property.

The applicant is proposing an impound lot within the security fenced area. The towing business is utilized by the Police and Sheriff Departments for traffic related accidents, which meets a community need.

- j. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The right-of-way has been occupied by this structure for many years and the proposed use is comparable to what has been on this site. No expansion of Hale Avenue is anticipated in the near future, which would cause a conflict with existing conditions. The structure encroachment has not caused any adverse impact on the neighborhood and none is anticipated.

- k. The proposed use shall be compatible with the adjacent land uses.

The proposed use is compatible with the zoning to the north, south, east and west. The City owns the property to the north and east. The property to the north and west is vacant. Proposed screening and landscaping will make the site more compatible with the adjacent residential uses across the alley to the south.

- l. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

The proposed use is comparable to previous uses. No impacts are anticipated with existing access, traffic circulation and neighborhood stability and character. As previously stated, the structure will not affect the character of the neighbor as it has been in existence for many years.

m. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

The request is in conformance with goals, objectives and policies of the Growth Plan and the intents and requirements of this Code and other City policies. The proposed business is an allowable use in an I-1 zone district.

n. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.

The application meets the Revocable Permit criteria of Section 2.17.C of the Zoning and Development Code and requirements of the SSID Manual.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Hale Avenue Revocable Permit application, MSP-2009-114, for the issuance of a revocable permit for an existing structure, I make the following findings of fact and conclusions:

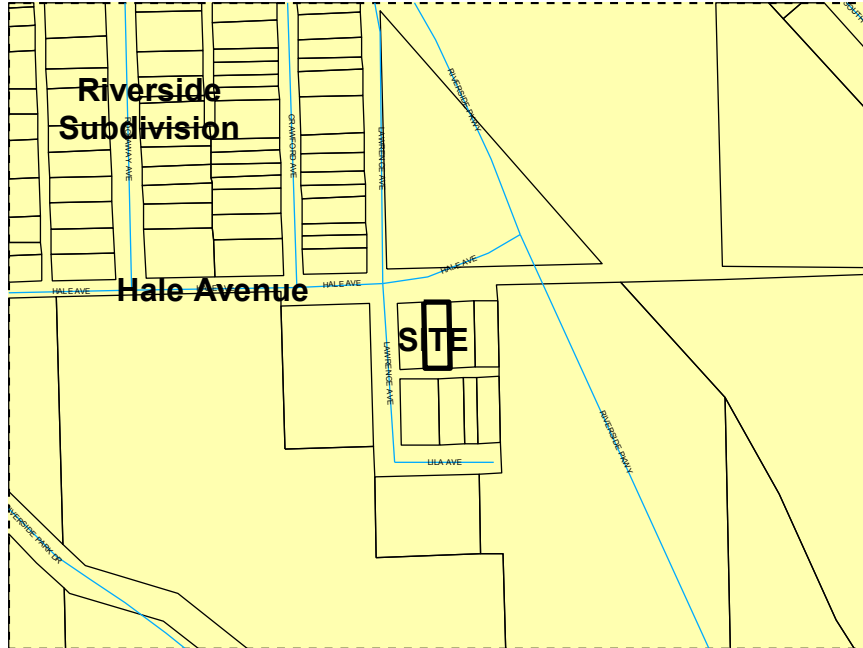
3. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.
4. The revocable permit request is in conformance with the goals and policies of the Growth Plan.

STAFF RECOMMENDATION:

Staff is recommending that the City Council approve the requested revocable permit for Hale Avenue Revocable Permit, MSP-2009-114.

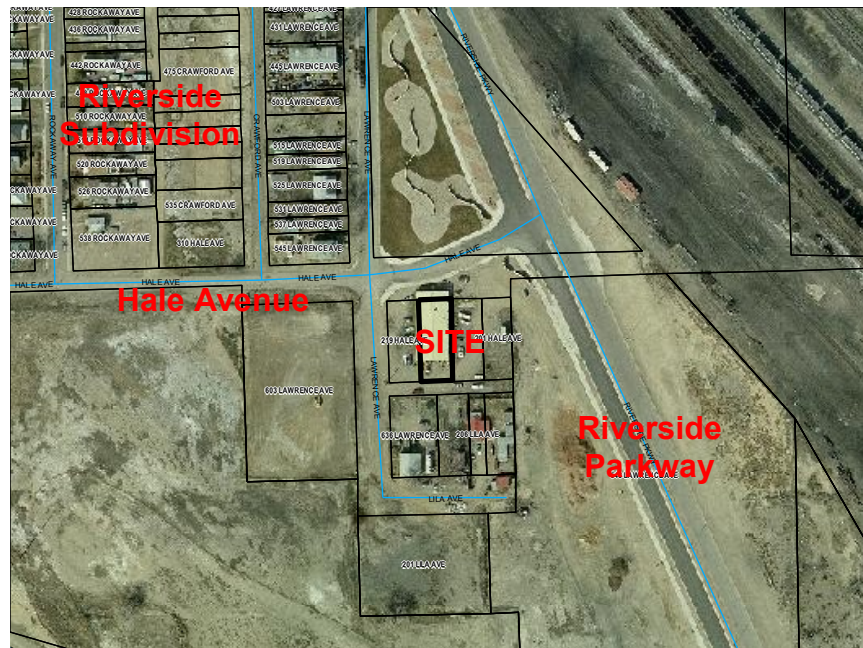
Site Location Map

Figure 1



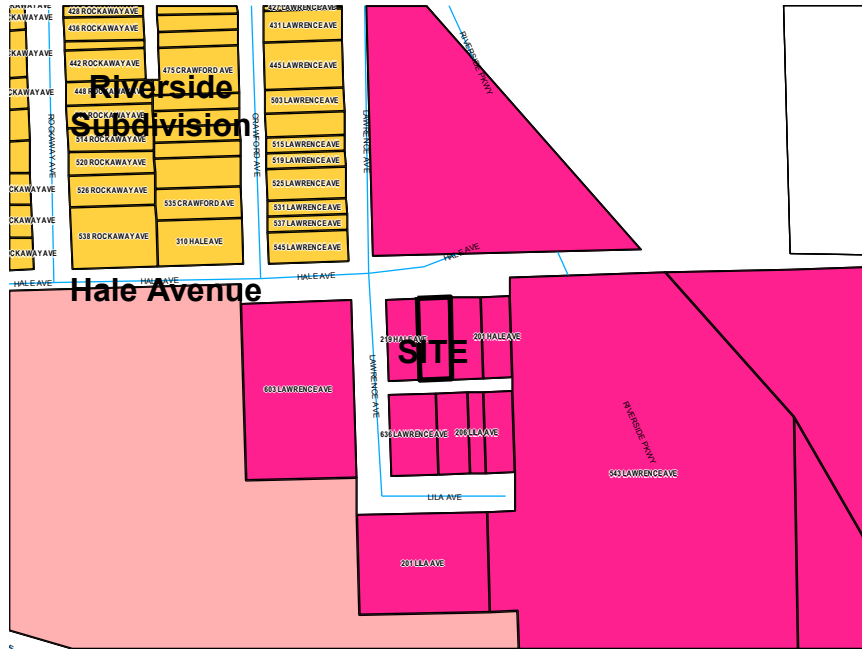
Aerial Photo Map

Figure 2



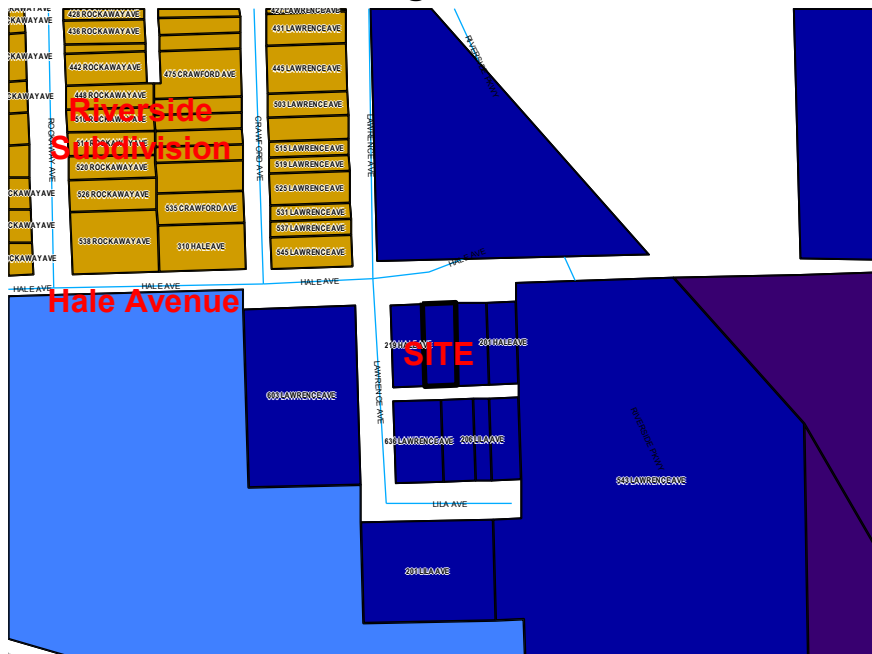
Future Land Use Map

Figure 3

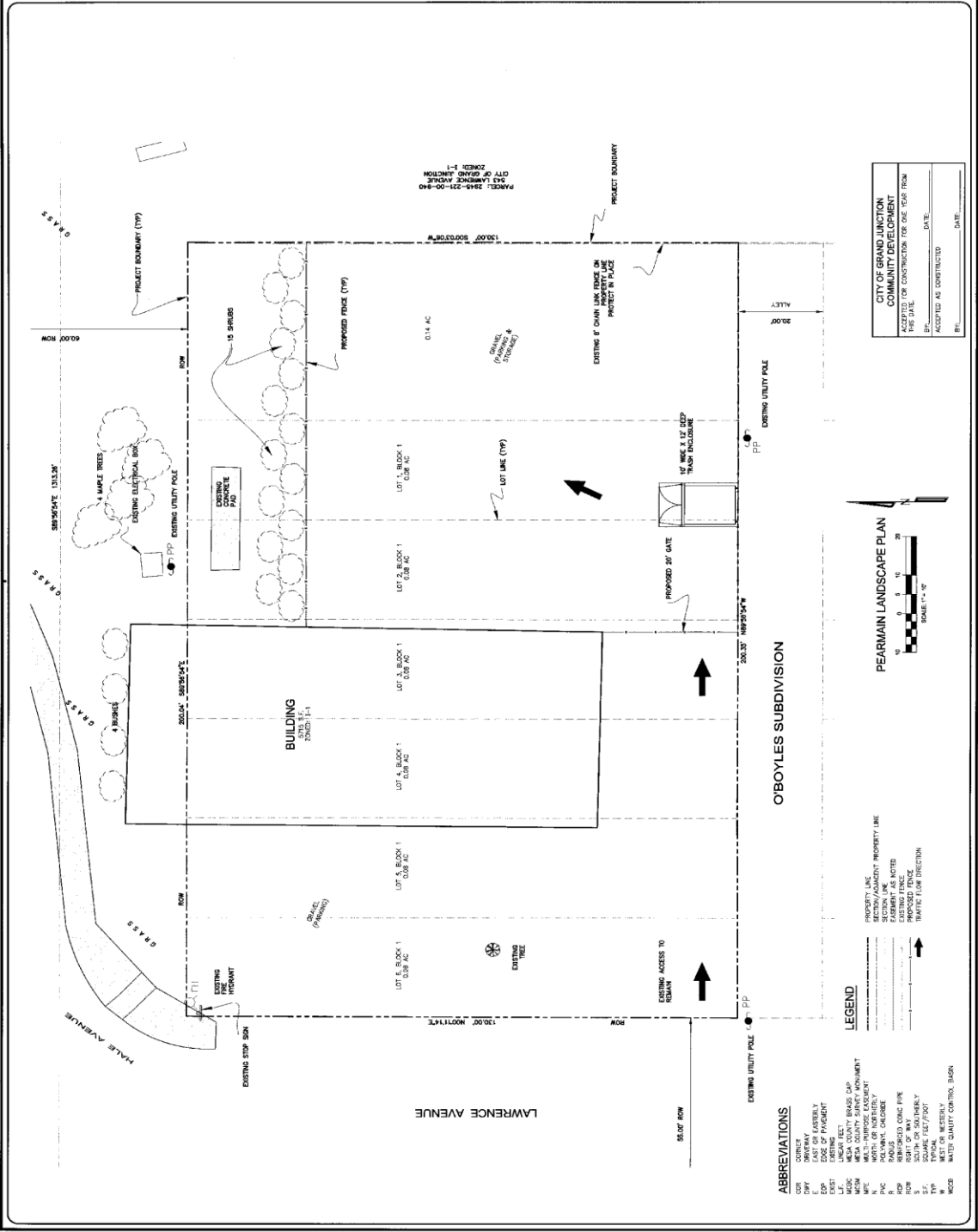


Existing City Zoning Map

Figure 4



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



CITY OF GRAND JUNCTION, CO

RESOLUTION NO.

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
WILLIAM R. JARVIS, DBA HALE AVENUE, LLC,
LOCATED AT 211 HALE AVENUE**

Recitals.

A. William R. Jarvis, DBA Hale Avenue, LLC, hereinafter referred to as the Petitioner, represents it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 3 and 4 of Block One of O'Boyle Subdivision, located in the City of Grand Junction, Mesa County, Colorado.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to retain existing improvements and structure within the following described public right-of-way:

A tract of land, being a part of Hale Avenue, situate in the Northeast Quarter of Section 22, T1S, R1W, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Northeast corner of Section 22, T1S, R1W, of the Ute Meridian, whence the Northwest corner of NE 1/4 NE 1/4 of said Section 22 bears N89°56'54"W a distance of 1313.26 feet, for a basis of bearings with all bearings being relative thereto; thence N89°56'54"W along part of the centerline of Hale Avenue a distance of 645.00 feet; thence S00°11'14"W a distance of 30.00 feet to the Northwest corner of Block 1, O'Boyles Subdivision, as recorded in Plat Book 2, at Page 43, Mesa County Records; thence S89°56'54"E along the right-of-way line of Hale Avenue a distance of 48.61 feet to the POB; thence N00°03'06"E a distance of 15.45 feet; thence S89°56'54"E a distance of 53.85 feet; thence S00°03'06"W a distance of 15.45 feet, to a point on the south right-of-way line of Hale Avenue; thence N89°56'54"W along said south right-of-way line a distance of 53.85 feet to the POB. The described tract contains 832 square feet.

C. Relying on the information supplied by the Petitioner and contained in File No. MSP-2009-114 in the office of the City's Public Works and Planning Department, Planning Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2009.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals.

1. William R. Jarvis, DBA Hale Avenue, LLC, hereinafter referred to as the Petitioner, has requested that the City of Grand Junction issue a Revocable Permit to allow the Petitioner to retain existing improvements, as approved by the City, within the limits of the following described public right-of-way for Hale Avenue , to wit:

Permit Area:

A tract of land, being a part of Hale Avenue, situate in the Northeast Quarter of Section 22, T1S, R1W, of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Northeast corner of Section 22, T1S, R1W, of the Ute Meridian, whence the Northwest corner of NE 1/4 NE 1/4 of said Section 22 bears N89°56'54"W a distance of 1313.26 feet, for a basis of bearings with all bearings being relative thereto; thence N89°56'54"W along part of the centerline of Hale Avenue a distance of 645.00 feet; thence S00°11'14"W a distance of 30.00 feet to the Northwest corner of Block 1, O'Boyles Subdivision, as recorded in Plat Book 2, at Page 43, Mesa County Records; thence S89°56'54"E along the right-of-way line of Hale Avenue a distance of 48.61 feet to the POB; thence N00°03'06"E a distance of 15.45 feet; thence S89°56'54"E a distance of 53.85 feet; thence S00°03'06"W a distance of 15.45 feet, to a point on the south right-of-way line of Hale Avenue; thence N89°56'54"W along said south right-of-way line a distance of 53.85 feet to the POB. The described tract contains 832 square feet.

2. Based on the authority of the Charter and § 2.17B of the Grand Junction Zoning and Development Code applying the same, the City, by and through the Public Works and Planning Department Director, has determined that such action would not at this time be detrimental to the inhabitants of the City.

NOW, THEREFORE, IN ACCORDANCE WITH HIS LAWFUL AUTHORITY, THE PUBLIC WORKS AND PLANNING DEPARTMENT DIRECTOR, DOES HEREBY ISSUE:

to the above-named Petitioner a Revocable Permit for the purposes of retaining improvements and existing structure within the limits of the public right-of-way described; provided, however, that this Permit is conditioned upon the following:

1. The retaining of the existing improvements and structure by the Petitioner within the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required by the City to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City, on its behalf and on behalf of the County of Mesa, the State of Colorado and the Public Utilities, hereby reserves and retains a perpetual right to utilize all or any portion of the public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any or no reason.

3. The Petitioner, for himself and for his successors and assigns, agree that he shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any improvements and/or facilities to be installed by the Petitioner within the limits of the public right-of-way (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City, County, State or Public Utility activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that he shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit for retaining of the existing improvements and structure shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to Petitioner's last known address), peaceably surrender said public right-of-way and, at his own expense, remove any encroachment so as to make the described public right-of-way available for use by the City, the County of Mesa, the State of Colorado, the Public Utilities or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. The Petitioner, for himself and for his successors and assigns, agree that he shall be solely responsible for maintaining and repairing the condition of any and all

plantings, improvements and/or facilities authorized pursuant to this Permit. The Petitioner shall not install any trees, vegetation or other improvements that create sight distance problems.

7. This Revocable Permit and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2009.

Written and Recommended by: The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioners:

William R. Jarvis, DBA Hale Avenue, LLC

AGREEMENT

William R. Jarvis, DBA Hale Avenue, LLC, for himself and for his successors and assigns, do hereby agree to abide by each and every term and condition contained in the foregoing Revocable Permit for retaining existing improvements and structure. Furthermore, he shall indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit.

Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at his sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction, the County of Mesa, the State of Colorado, the Public Utilities or the general public.

The Permittee acknowledges the existence of good and sufficient consideration for this Agreement.

Dated this _____ day of _____, 2009.

By signing, the Signatory represents that he has full authority to bind the Permittee to each and every term and condition hereof and/or in the Permit.

William R. Jarvis, DBA Hale Avenue, LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2009, by William R. Jarvis, DBA Hale Avenue, LLC.

My Commission expires: _____

Witness my hand and official seal.

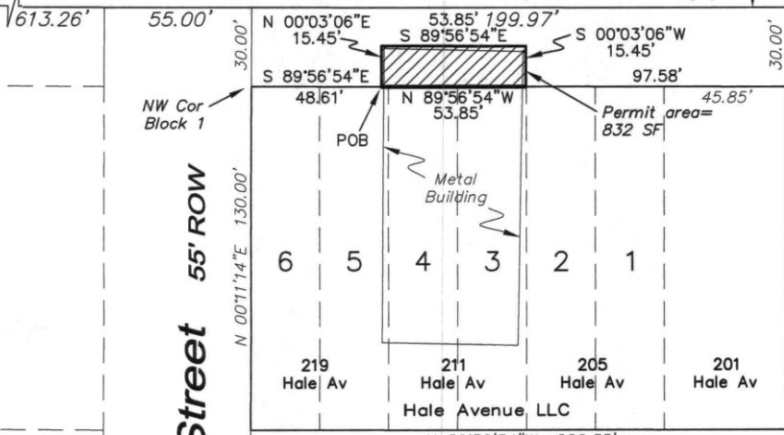
Notary Public

NW COR NE1/4 NE1/4
SECTION 22 T1S, R1W, UM
3 1/4" BRASS CAP
LS4307

NE COR NE1/4
SECTION 22
T1S, R1W, UM
Found MCBC #828-1

Hale Avenue 60' ROW

S 89°56'54"E 1313.26' (Basis of Bearings)



Lawrence Street 55' ROW

O'BOYLES SUBDIVISION
Plat Book 2, Page 43

Lila Avenue 60' ROW



This Permit is for the north part
of the existing metal building
protruding into Hale Avenue.

This document does not constitute a survey.

SCALE: 1"=50 US SURVEY FEET



REVOCABLE PERMIT

O'BOYLES SUBDIVISION
GRAND JUNCTION
MESA COUNTY, COLORADO

LANDesign

ENGINEERS • SURVEYORS • PLANNERS
326 Main Street, Suite 100
GRAND JUNCTION, COLORADO 81501 (970) 245-4099

PROJ. NO. 209007	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE: March, 2009	LED/AT	SLB	PRG	1	1

Attach 12
Construction Contract for the 29 Road and I-70B South Phase
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Construction Contract for the 29 Road and I-70B Interchange South Phase		
File #			
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 8, 2009		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The 29 Road and I-70B South Phase Project is a part of the overall 29 Road and I-70B Interchange and will construct the portion 29 Road from D Road to D ½ Road, along with a realigned section of D ½ Road just east of 29 Road.

Budget: The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted under Fund 201 for Program Years 2009 and 2010.

	City of Grand Junction Share of Project Budget	Total Project Budget including City and County Funds
Overall Project Budget (Fund 201-F0028)	\$ 16,000,000	\$ 32,000,000
Previous Project Costs		
Preliminary Engineering/1601 Process (2005/2006)	\$ 485,794	\$ 971,588
Final Design (2007/2008)	\$ 810,461	\$ 1,620,922
Right-of-Way and Easement Acquisition (2008/2009)	\$ 1,800,000	\$ 3,600,000
Construction of 29 Rd and I-70B Irrigation Phase (2008/2009)	\$ 184,404	\$ 368,807
Estimated Project Costs		
Construction Engineering Services	\$ 575,000	\$ 1,150,000
City and County Administration	\$475,000	\$ 950,000
Street Lighting and Utility Undergrounding	\$ 150,000	\$ 300,000
Construction	\$ 9,850,000	\$ 19,700,000
<i>South Phase Construction Contract</i>	\$ 907,603	\$ 1,815,206
<i>North Phase Construction Contract</i>	\$ 674,712	\$ 1,349,423
Total Previous and Estimated Project Costs	\$ 15,912,973	\$ 31,825,946

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **29 Road and I-70B South Phase** project with **Oldcastle SW Group, Inc. dba United Companies of Mesa County** in the amount of **\$1,815,206.48**.

Attachments: 29 Road and I-70B Interchange Phasing Plan Exhibit

Background Information:

Early in 2009 the anticipated schedule for the 29 Road and I-70B Interchange project was to begin construction in the summer of 2009, allow 18 months for construction, and thereby complete construction of the project by the end of 2010. In early April of 2009 it became clear that there would be a delay in obtaining the authorization to construct the bridge over the Union Pacific Railroad tracks. In light of this, the decision was made to separate the Interchange project into three bid packages called the South Phase, North Phase, and the Interchange Phase. The South and North phases will be built concurrently, from July through November 2009. The goal is now to get the Interchange Phase under construction at the beginning of 2010, with a construction duration of 12 months. In this manner, the anticipated completion date for the entire Interchange project remains the end of 2010.

Other benefits of constructing the project in three phases include:

- Buys time for dealing with the Union Pacific crossing issues, as well as applying for Stimulus Grant money, while keeping our goal of completing the project by the end of 2010.
- Takes advantage of the current favorable bidding environment.
- Smaller bid packages allow more local contractor's to become potential bidders.
- Minimizes disruption to the public and adjacent property owners. The streets constructed in the early phases will serve as detour routes during the Interchange phase.
- Facilitates continued progress during the 2009 construction season, including utility relocations.

The following bids were opened on Tuesday, June 2, 2009:

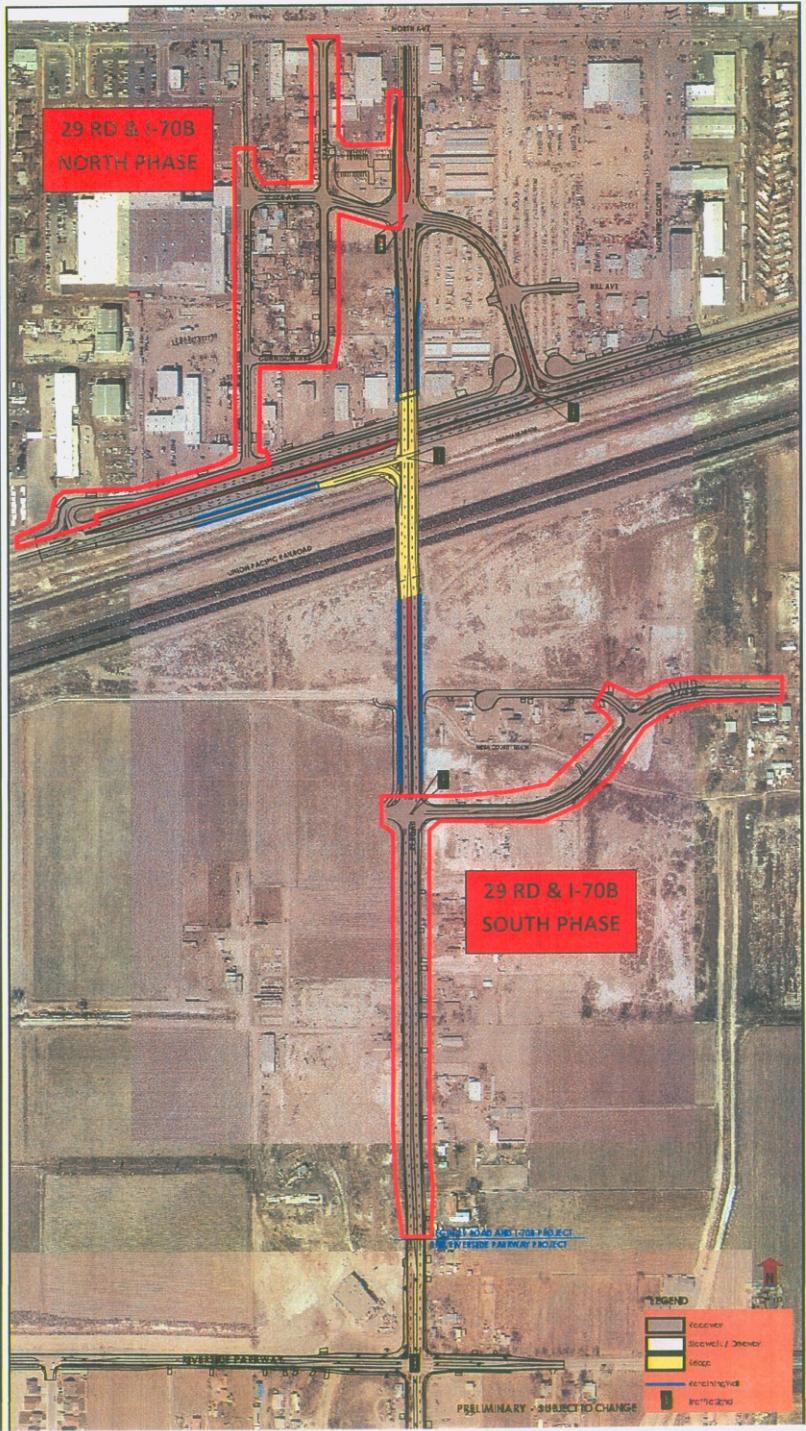
Bidder	From	Bid Amount
Oldcastle SW Group, Inc. dba United Companies of Mesa County	Grand Junction	\$1,815,206.48
Elam Construction, Inc.	Grand Junction	\$1,943,863.30
Sorter Construction, Inc.	Grand Junction	\$1,973,874.70
M.A. Concrete Construction, Inc.	Grand Junction	\$1,997,009.00
Skip Huston Construction, Inc.	Montrose	\$2,336,682.70
Engineer's Estimate		\$2,151,685.65

This project consists of 3,550 feet of roadway construction, 2,100 feet of storm drain pipe installation, and 1,910 feet of irrigation pipe installation. The attachment, 29 Road

and I-70B Interchange Phasing Exhibit, shows the limits of construction to be included in this South Phase construction contract.

The project is scheduled to start on Monday, June 29, 2009, with a completion by November 30, 2009.

29 Road and I-70B



Attach 13
Construction Contract for the 29 Road and I-70B North Phase
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Construction Contract for the 29 Road and I-70B Interchange North Phase		
File #			
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 8, 2009		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The 29 Road and I-70B North Phase Project is a part of the overall 29 Road and I-70B Interchange and will construct sections of Teller Avenue, Melody Lane, Sparr Street, and Gunnison Avenue; just north of I-70B and west of 29 Road.

Budget: The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted under Fund 201 for Program Years 2009 and 2010.

	City of Grand Junction Share of Project Budget	Total Project Budget including City and County Funds
Overall Project Budget (Fund 201-F0028)	\$ 16,000,000	\$ 32,000,000
Previous Project Costs		
Preliminary Engineering/1601 Process (2005/2006)	\$ 485,794	\$ 971,588
Final Design (2007/2008)	\$ 810,461	\$ 1,620,922
Right-of-Way and Easement Acquisition (2008/2009)	\$ 1,800,000	\$ 3,600,000
Construction of 29 Rd and I-70B Irrigation Phase (2008/2009)	\$ 184,404	\$ 368,807
Estimated Project Costs		
Construction Engineering Services	\$ 575,000	\$ 1,150,000
City and County Administration	\$475,000	\$ 950,000
Street Lighting and Utility Undergrounding	\$ 150,000	\$ 300,000
Construction	\$ 9,850,000	\$ 19,700,000
<i>South Phase Construction Contract</i>	\$ 907,603	\$ 1,815,206
<i>North Phase Construction Contract</i>	\$ 674,712	\$ 1,349,423
Total Previous and Estimated Project Costs	\$ 15,912,973	\$ 31,825,946

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **29 Road and I-70B North Phase** project with Sorter Construction, Inc. in the amount of \$1,349,422.85.

Attachments: 29 Road and I-70B Interchange Phasing Plan Exhibit

Background Information:

Early in 2009 the anticipated schedule for the 29 Road and I-70B Interchange project was to begin construction in the summer of 2009, allow 18 months for construction, and thereby complete construction of the project by the end of 2010. In early April of 2009 it became clear that there would be a delay in obtaining the authorization to construct the bridge over the Union Pacific Railroad tracks. In light of this, the decision was made to separate the Interchange project into three bid packages called the South Phase, North Phase, and the Interchange Phase. The South and North phases will be built concurrently, from July through November 2009. The goal is now to get the Interchange Phase under construction at the beginning of 2010, with a construction duration of 12 months. In this manner, the anticipated completion date for the entire Interchange project remains the end of 2010.

Other benefits of constructing the project in three phases include:

- Buys time for dealing with the Union Pacific crossing issues, as well as applying for Stimulus Grant money, while keeping our goal of completing the project by the end of 2010.
- Takes advantage of the current favorable bidding environment.
- Smaller bid packages allow more local contractor's to become potential bidders.
- Minimizes disruption to the public and adjacent property owners. The streets constructed in the early phases will serve as detour routes during the Interchange phase.
- Facilitates continued progress during the 2009 construction season, including utility relocations.

The following bids were opened on Tuesday, June 9, 2009:

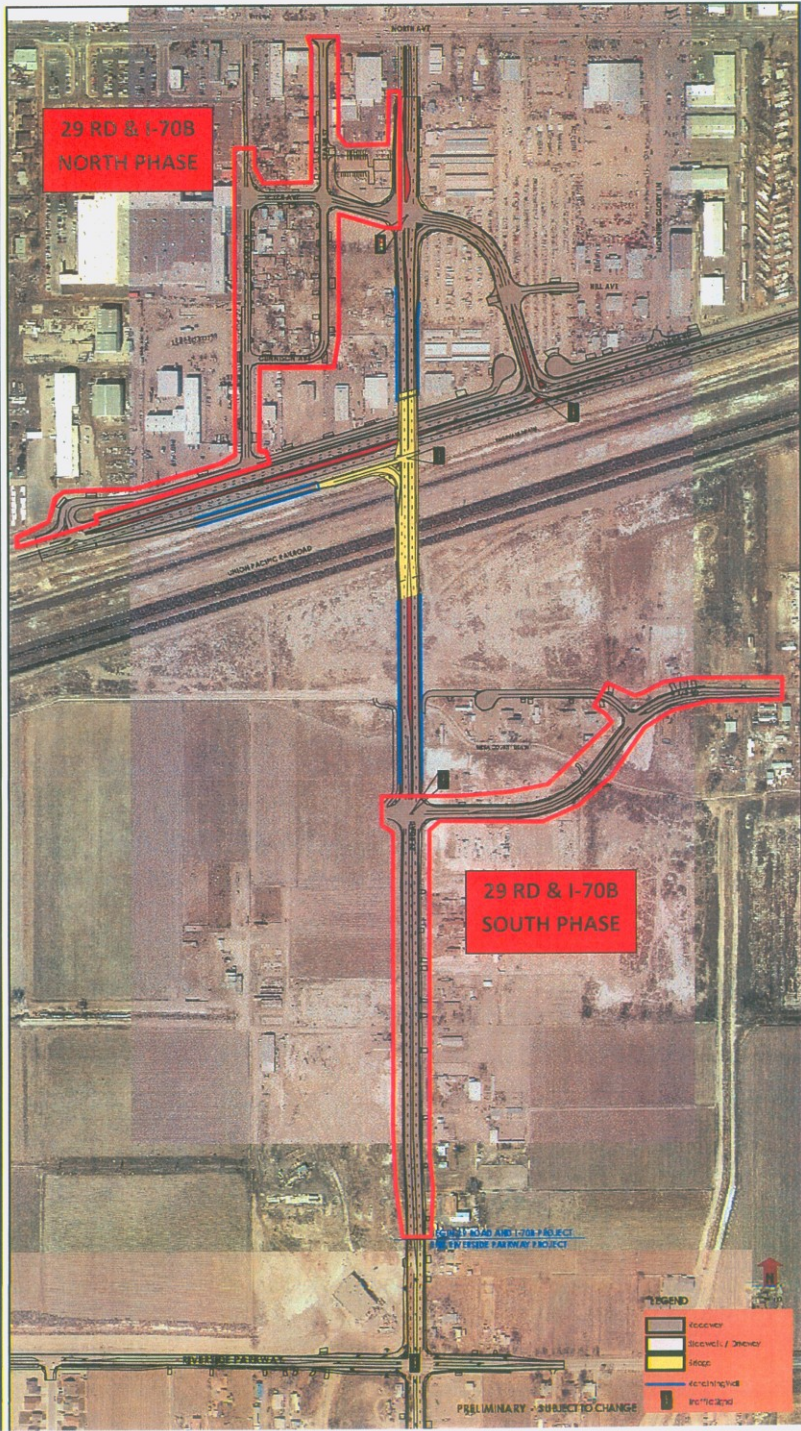
Bidder	From	Bid Amount
Sorter Construction, Inc.	Grand Junction	\$ 1,349,422.85
M.A. Concrete Construction, Inc.	Grand Junction	\$ 1,456,946.78
Mays Concrete, Inc.	Grand Junction	\$ 1,477,767.00
Oldcastle SW Group, Inc. dba United Companies of Mesa County	Grand Junction	\$ 1,479,397.00
Elam Construction, Inc.	Grand Junction	\$ 1,502,472.75
Heyl Construction	New Castle	\$ 1,524,041.15
Engineer's Estimate		\$1,763,646.60

This project consists of 4,400 feet of roadway construction, 1,330 feet of storm drain pipe installation, and 2,085 feet of irrigation pipe installation. The attachment, 29 Road

and I-70B Interchange Phasing Exhibit, shows the limits of construction to be included in this North Phase construction contract.

The project is scheduled to start on Monday, June 29, 2009, with a completion by November 30, 2009.

29 Road and I-70B



Attach 14

**Acceptance of Ownership of a Portion of the I-70B North Frontage Road
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Accepting Ownership of a Portion of the I-70B North Frontage Road from the Colorado Department of Transportation		
File #			
Meeting Day, Date	Monday, June 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	June 8, 2009		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City has requested that the Colorado Department of Transportation (CDOT) relinquish a portion of the North Frontage Road located between approximate Mileposts 8.25 and 8.75 to facilitate construction and maintenance by the City for improvements associated with the 29 Road and I-70B Interchange Project.

Budget: Not applicable.

Action Requested/Recommendation: Adopt a Resolution authorizing the City to accept ownership of the I-70 Business Loop North Frontage Road located between Mileposts 8.25 and 8.75.

Attachments: Proposed Resolution

Background Information: The 29 Rd and I-70B Interchange Project is a key component of the transportation network which will complete a critical link for 29 Road over the Union Pacific Railroad tracks. The project is currently estimated at \$32 million of which the City and the County are splitting the cost evenly.

The 29 Rd and I-70B Interchange project will require reconstruction of the North Frontage Road between Mileposts 8.25 and 8.75. Access points between the Frontage Road and I-70B will be consolidated, concrete curb and gutter will be installed, and the alignment of the Frontage Road will be modified to accommodate the new Interchange ramps and bridge structure. As a component of the Inter-Governmental Agreement (IGA) between the City and the Colorado Department of Transportation (CDOT) for this project, the City has requested that CDOT relinquish this portion of the Frontage Road.

This will facilitate construction and future maintenance of the Interchange improvements which will be the responsibility of the City. The area to be accepted from CDOT was recently annexed into the City limits.

RESOLUTION NO.

**A RESOLUTION ACCEPTING OWNERSHIP OF
A PORTION OF THE I-70 BUSINESS LOOP NORTH FRONTAGE ROAD
FROM THE COLORADO DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City has requested the Colorado Department of Transportation (CDOT) relinquish to the City a portion of the I-70 Business Loop North Frontage Road located between approximate Mileposts 8.25 and 8.75 to facilitate construction and maintenance by the City of improvements associated with the 29 Road and I-70 Business Loop Interchange Project; and

WHEREAS, by Resolution No. TC-1701 adopted March 13, 2009, CDOT's Transportation Commission authorized relinquishment to the City of said portion of the I-70B North Frontage Road.

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

1. The City is hereby authorized to accept, by Quitclaim Deed attached hereto as Exhibit "A", ownership of and full maintenance responsibilities for the I-70 Business Loop North Frontage Road located between Mileposts 8.25 and 8.75, said section of road more particularly known as CDOT Parcel No. 100-X under CDOT Project No. F 001-1(8).

2. The City is hereby authorized to accept conveyance of the aforescribed Parcel subject to the following terms and conditions set forth in CDOT Transportation Commission Resolution No. TC-1701:

- a. The City shall use said Parcel as right-of-way for a City street for public transportation purposes on a permanent basis and shall be solely and perpetually responsible for all future maintenance, repair and replacement of the same as a City street for public transportation purposes. In the event the City shall cease to use said Parcel as right-of-way for a City street for public transportation purposes, said Parcel shall revert to CDOT.
- b. Public Utilities shall have the right to continue to operate, maintain, repair, replace and reconstruct in perpetuity their facilities which may be located within said Parcel.
- c. The City shall not have any right or rights of access to and from any part of the right-of-way of Colorado State Highway No. I-70B,

a freeway established according to the laws of the State of Colorado, and from and to any part of the hereinabove described Parcel situated in the West ½ of Section 17 and the East ½ of Section 18, Township 1 South, Range 1 East of the Ute Meridian in Mesa County, Colorado, abutting upon said Highway. To effectuate the control of said access, the City Manager and City Clerk are hereby authorized to execute and deliver to CDOT the Special Warranty Deed for access attached hereto as Exhibit "B".

3. The City Manager be and is hereby authorized on behalf of the City to execute any and all documents necessary to carry out the intent of this Resolution.

PASSED and ADOPTED this _____ day of _____, 2009.

President of the City Council

ATTEST:

City Clerk

QUITCLAIM DEED

THIS DEED, made this _____ day of _____,
20 ____,
between

**DEPARTMENT OF TRANSPORTATION,
STATE OF COLORADO**

of the City and County of Denver and State of Colorado,
grantor,
and

**THE CITY OF GRAND JUNCTION,
a Colorado home rule municipality,**

whose legal address is 250 North 5th Street, Grand Junction,
Colorado 81501,
of the County of Mesa, State of Colorado, grantee,

WITNESS, that the grantor, for and in consideration of the sum of Ten Dollars and NO/100th, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in Mesa County, State of Colorado, described as follows:

See Attached **Exhibit "A"** dated September 10, 2008
for Project No. F 001-1(8) Parcel No. 100-X.

also known by street and number as: N/A
assessor's schedule or parcel number: N/A

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee, its successors and assigns forever, **SUBJECT, HOWEVER**, to the reservations, conditions, restrictions, limitations and reversionary provisions contained in Exhibit "B" attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

TRANSPORTATION,

DEPARTMENT OF
STATE OF COLORADO

Bernhardt K. Rasmussen
Chief Clerk for Right of Way

Pamela Hutton, P.E.
Chief Engineer

STATE OF COLORADO
City and County of Denver

The foregoing instrument was acknowledged before me this ____ day of _____, 20____

Witness my hand and official
seal. My commission expires:

Notary Public

WHEN RECORDED PLEASE RETURN TO:
**Colorado Department of
Transportation
ATTN: ROW Manager
222 South 6th Street, Rm 317
Grand Junction, CO 81501**

Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

Exhibit "A"

REAL PROPERTY
TO BE ACQUIRED
FROM
COLORADO DEPARTMENT OF TRANSPORTATION

PARCEL NO. 100-X

PROJECT NUMBER: F 001-1(8)

INTERSTATE 70 BUSINESS LOOP

PARCEL NUMBER: 100-X

PROJECT CODE: N/A

DATE: September 10, 2008

DESCRIPTION

A tract or parcel of land no. 100-X of the Department of Transportation, State of Colorado, Project No.

F 001-1(8) containing 2.437 acres, more or less, located in the Southwest Quarter of the Northwest Quarter of Section 17, and the Southeast Quarter of the Northeast Quarter of Section 18, Township 1 South, Range 1 East, of the Ute Meridian, in Mesa County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east line of Section 18 from which the N 1/16 Corner common to Sections 17 & 18, T. 1 S., R. 1 E. of the Ute Meridian, bears N. 0°01'34" W. a distance of 147.93 feet;

1. Thence N. 73°41'01" E. along northerly ROW line (Book 605 Page 241) Project F 001-1(18) a distance of 31.2 feet;
2. Thence continuing along said ROW line S 53°12'59" E. a distance of 60.0 feet;
3. Thence N 73°41'01" E. a distance of 587.80 feet;
4. Thence S 89°23'59" E. a distance of 30.6 feet;
5. Thence N 0°09'01" E along northerly ROW line (Book 605 Page 243) a distance of 9.3 feet;
6. Thence N 73°41'01" E. along northerly ROW line (Book 605 Page 243) a distance of 501.84 feet;
7. Thence S 16°19'01" E. along easterly ROW line (Book 605 Page 247) a distance of 39.41 feet;
8. Thence S 73°45'39" W. along southerly ROW line (Book 605 Page 245) a distance of 1343.03 feet;
9. Thence S 73°45'39" W. along southerly ROW line (Book 605 Page 237) a distance of 1343.03 feet;
10. Thence N 16°13'50" W. along southerly ROW line (Book 605 Page 237) (Book 605 Page 235) a distance of 35.73 feet;
11. Thence N 73°41'01" E. along northerly ROW line (Book 605 Page 237) a distance of 1402.05 feet;
12. Thence N 36°47'01" E. along northerly ROW line (Book 605 Page 239) a distance of 80.0 feet;

13. Thence continuing along said ROW line N. $73^{\circ}41'01''$ E. a distance of 31.2 feet to the point of beginning.

The above described parcel contains 2.437 acres more or less.

Basis of Bearings: All bearings are based on a line between the N 1/16 Corner of Section 17, Section 18, T. 1 S., R. 1 E. Ute Meridian (3 " brass cap stamped COUNTY SURVEY MARKER) and the W 1/4 Corner of Section 17, (3 inch brass cap stamped COUNTY SURVEY MARKER) as bearing S. $0^{\circ}10'30''$ E. a distance of 1322.29 feet.

For and on behalf of the

Department of Transportation
Mark C. Wagner, LSIT II
Room 317, 222 South 6th Street, Grand Junction, CO

Exhibit "B"

The foregoing grant by The Department of Transportation, State of Colorado (Grantor) to The City of Grand Junction, a Colorado home rule municipality (Grantee), of the hereinabove described parcel is made subject to the following reservations, conditions, restrictions, limitations and reversionary provisions:

1. The conveyance of the hereinabove described parcel is made subject to the condition that Grantee shall use said parcel as right-of-way for a City street for public transportation purposes on a permanent basis; Grantee shall be solely and perpetually responsible for all future maintenance, repair and replacement of the same as a City street for public transportation purposes. In the event Grantee shall cease to use said parcel as right-of-way for a City street for public transportation purposes, said real property shall revert to Grantor.
2. The conveyance of the hereinabove described real property is made subject to the right of any Public Utility to continue to operate, maintain, repair, replace and reconstruct in perpetuity their facilities which may be located within said parcel.
3. The conveyance of the hereinabove described parcel is made subject to the condition that Grantee shall not have any right or rights of access to and from any part of the right-of-way of Colorado State Highway No. I-70B, a freeway established according to the laws of the State of Colorado, and from and to any part of the hereinabove described parcel situated in the West $\frac{1}{2}$ of Section 17 and the East $\frac{1}{2}$ of Section 18, Township 1 South, Range 1 East of the Ute Meridian in Mesa County, Colorado, abutting upon said Highway.

SPECIAL WARRANTY DEED

THIS DEED, Made this _____ day of _____,
20____, between

**THE CITY OF GRAND JUNCTION,
a Colorado home rule municipality**

of the County of Mesa, State of Colorado, grantor, and the

**DEPARTMENT OF TRANSPORTATION,
STATE OF COLORADO,**

whose legal address is 4201 E. Arkansas Ave., Denver, CO
80222 of the City and County of Denver and State of
Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of TEN and 00/100 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Mesa, State of Colorado, described as follows:

See Attached **Exhibit "B"** dated September 16, 2008, for Project No. F
001-1(8)
Parcel No. 100X (Access).

also known by street and number as: N/A
assessor's schedule or parcel number: N/A

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, its successors and assigns forever. The grantor, for itself, its successors and assigns, does covenant, grant, bargain, and agree to and with the grantee, its successors and assigns, that at the time of the ensealing and

delivery of these presents, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except NONE.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof by, through or under grantor.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

CITY OF GRAND JUNCTION,
ATTEST:
home rule municipality

THE
a Colorado

By: _____

By: _____

STATE OF COLORADO

County of Mesa

The foregoing instrument was acknowledged before me this _____ day of _____, 2009 by _____ as _____ and attested to by _____ as _____ of The City of Grand Junction, a Colorado home rule municipality.

Witness my hand and official seal.
My commission expires:

Notary Public

EXHIBIT "B"
PROJECT NUMBER F 001-1(8)
PARCEL NO. 100-X
Project Code: N/A
Date: September 16, 2008
ACCESS DESCRIPTION

Each and every right or rights of access of the Grantor to and from any part of the right of way of Colorado State Highway No. I-70B, a freeway established according to the laws of the State of Colorado, and from and to any part of the property of the Grantor in the E 1/2 of Section 18, West 1/2 Section 17, Township 1 South, Range 1 East, of the Ute Meridian, in Mesa County, Colorado, abutting upon said Highway, along or across the access line or lines described as follows:

F 001-1(8)	100-X	Northerly
(Proj. No.)	(Parcel No.)	(Location of Line)

Beginning at a point on the West line of Section 17, T. 1 S., R. 1 E., Ute M., from which the N 1/16 corner West Line of Section 17 bears N. 0° 10' 30 " W., a distance of 147.39 feet;

Thence N. 81° 51' 14" W., a distance of 609.28 feet to the East end of a 114.0 foot opening
 Bearing
 S 73° 45' 39" W which is being excepted from this access limitation;

Also, beginning at a point on the East line of Section 18, T. 1 S., R. 1 E., Ute M., from which the N 1/16 corner East Line of Section 18 bears N. 0° 10' 30 " W., a distance of 147.39 feet;

Thence S. 70° 13' 37" W., a distance of 1391.56 feet to the East end of a 202.7 foot opening
 bearing
 S 73° 45' 35" W. which is being excepted from this access limitation;

Basis of Bearing: S. 0°10'30" E., along the west line of Section 17, T. 1 S., R. 1 E., Ute M., from the N sixteenth corner of Section 17 (brass cap) to the W quarter corner of Section 17 (brass cap).

Excepting from this grant, the right of the Grantor to have the following points of access at the locations set forth hereinafter, to be limited in use by the Grantor to the width and location hereinafter designated according to centerline stationing of the Grantee's project number.

WIDTH	CENTER OF ACCESS	OPENING OPPOSITE
202.7	Left 62.10	Station 211+68.53
114.0	Left 59.32	Station 232+05

For and on behalf of
 Colorado Department of Transportation
 Les Doehling
 4201 E. Arkansas Avenue
 Denver, CO 80222