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

**Call to Order**

Pledge of Allegiance  
Invocation—A Moment of Silence

**Proclamations**

Proclaiming October 2009 as “Kids Voting Month” in the City of Grand Junction

Proclaiming the Week of October 4-10, 2009 as “National 4-H Week” in the City of Grand Junction

Proclaiming the Week of October 4-10, 2009 as “Fire Prevention Week” in the City of Grand Junction

**Citizen Comments**

**Council Comments**

**\*\*\* City Manager’s Report**

\*\*\* *Indicates New, Moved, or Changed Item*  
® *Requires Roll Call Vote*

**REVISED**

**\*\*\* CONSENT CALENDAR \*\*\***

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

*Action: Approve the Minutes of the September 14, 2009, and the September 16, 2009 Regular Meetings*

2. **Setting a Hearing on Correcting Legal Descriptions on Various Annexation and Zoning Ordinances and Resolutions** [Attach 2](#)

A discrepancy in the legal description of Barker Annexation No. 2 recently became known when a development application was filed for the proposed Carson Subdivision, which occupies the same area. An improvement survey was completed and submitted as part of the subdivision application and discrepancies in the property description were discovered. This Ordinance corrects the discrepancies found in the prior ordinances and resolutions.

Proposed Ordinance Amending Ordinance No. 3666 and Ordinance No. 3667 Annexing Territory to the City of Grand Junction, Colorado, Barker Annexation No. 2, Located at 172 Lantzer Avenue; 2934 Highway 50 and 2937 Jon Hall Drive

*Action: Introduction of a Proposed Ordinance and Set a Hearing for October 19, 2009*

Staff presentation: John Shaver, City Attorney

3. **Purchase of Type III Ambulance** [Attach 3](#)

Purchase of Type III Ambulance for the Grand Junction Fire Department (GJFD) to replace an existing unit.

*Action: Authorize the Purchasing Division to Award a Contract to Life Line Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, CO in the Amount of \$174,254 for the Purchase of a Type III Ambulance for the Grand Junction Fire Department*

Staff presentation: Ken Watkins, Fire Chief  
John Howard, EMS Division Chief

4. **Design/Build Persigo Waste Water Treatment Plant Shop Building** [Attach 4](#)

This approval request is for the contract award for the Design and Construction of a shop building to be located at the Persigo Waste Water Treatment Plant (WWTP).

*Action: Authorize the Purchasing Division to Enter into a Contract with PNCl Construction for the Design and Construction of a Shop Building in the Amount of \$107,252*

Staff presentation: Greg Trainor, Utility and Street Systems Director  
Jay Valentine, Assistant Financial Manager

5. **CDBG Subrecipient Contracts for 2008 CDBG-R (Stimulus) Funds and Projects within the Community Development Block Grant (CDBG) Program Year** [File #CDBG-2008-08, 2009-02,03, 04 and 07] [Attach 5](#)

The Subrecipient Contracts formalize the City’s award of a total of \$411,201 to various non-profit organizations allocated from the City’s 2008 CDBG-R and 2009 CDBG Program as previously approved by Council.

*Action: Authorize the City Manager to Sign the Subrecipient Contracts with Housing Resources of Western Colorado, HomewardBound of the Grand Valley, St. Mary’s Senior Companion Program and the Grand Junction Housing Authority for the City’s 2008 CDBG-R and 2009 Program Year Funds*

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

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

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

6. **Free Holiday Parking in the Downtown** [Attach 6](#)

The Downtown Partnership and Development Authority have requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in all of downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices areas and shared-revenue lots.

*Action: Vacate Parking Enforcement at all Designated, Downtown, Metered Spaces and Signed Parking from Thanksgiving to New Year’s Day, Except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices and in shared Revenue Lots. Free Metered Spaces will be Clearly Designated by Covering the Meters with the Well-known “Seasons Greetings-Free Parking” Red Plastic Bag*

Staff Presentation: Jodi Romero, Financial Operations Manager  
Heidi Hoffman Ham, DDA Director

7. **Public Hearing—Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-09** [Attach 7](#)

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

- East/West Alley from 3rd to 4th, between Glenwood Avenue and Kennedy Avenue\*
- East/West Alley from 9th to 10th, between Main Street and Rood Avenue\*
- East/West T Alley from 17th to 18th, between North Avenue and Glenwood Avenue\*
- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue\*\*

\* Phase A Alleys

\*\* Phase B Alley

Ordinance No. 4383—An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4383*

Staff presentation: Tim Moore, Public Works and Planning Director

8. **Gunnison Avenue Revocable Permit** [File #RVP-2009-101] [Attach 8](#)

Request for a Revocable Permit to allow the undeveloped right-of-way between 28 ½ Road and Harris Road to be used for outdoor storage, fencing and vehicular access.

Resolution No. 78-09—A Resolution Concerning the Issuance of a Revocable Permit to Brumbaugh Properties LLC and Grand Junction Concrete Pipe Company

®Action: *Adopt Resolution No. 78-09*

Staff presentation: Judith Rice, Associate Planner

9. **Public Hearing—RQ Annexation and Zoning, Located at 3131 D Road** [File # ANX-2009-144] [Attach 9](#)

Request to annex and zone 20.02 acres, located at 3131 D Road to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) districts. The RQ Annexation consists of one parcel and no right-of-way.

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

Resolution No. 80-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the RQ Annexation, Located at 3131 D Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4384—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, RQ Annexation, Approximately 20.02 Acres, Located at 3131 D Road

**c. Zoning Ordinance**

Ordinance No. 4385—An Ordinance Zoning the RQ Annexation to R-8 (Residential 8 DU/Acre) and CSR (Community Services and Recreation), Located at 3131 D Road

*®Action: Adopt Resolution No. 80-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4384 and Ordinance No. 4385*

Staff presentation: Judith Rice, Associate Planner

- 10. **Public Hearing—Taylor III Rezone, Located at 2711 G Road** [File #RZ-2008-293] [Attach 10](#)

Request to rezone 0.07 acres located at 2711 G Road, from PD (Planned Development) zone district to R-5 (Residential 5 du/acre) zone district.

Ordinance No. 4386—An Ordinance Rezoning a Portion of the Property Known as the Taylor III Rezone from PD (Planned Development) to R-5 (Residential 5 DU/Acre), Located at 2711 G Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4386*

Staff presentation: Judith Rice, Associate Planner

- 11. **Non-Scheduled Citizens & Visitors**
- 12. **Other Business**
- 13. **Adjournment**

**Attach 1**  
**Minutes**

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

**September 14, 2009**

The City Council of the City of Grand Junction convened into regular session on the 14<sup>th</sup> day of September 2009 at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

**Proclamations**

Proclaiming the Week of September 17 through September 23, 2009 as “Constitution Week” in the City of Grand Junction

Proclaiming September 18, 19, and 20, 2009 as “Colorado Pro Rodeo Finals Days” in the City of Grand Junction

Proclaiming September 28, 2009 as “Family Day – A Day to Eat Dinner with Your Children” in the City of Grand Junction

Proclaiming October 2009 as “Poverty Awareness Month” in the City of Grand Junction

Proclaiming October 3, 2009 as “Oktoberfest Day” in the City of Grand Junction

**Presentation**

Presentation to City of Grand Junction from the United States Tennis Association (USTA) for Honorable Mention as Best Tennis Town, by Terry Walters, Executive Director, USTA Intermountain Section

Mr. Terry Walters described the award and lauded Grand Junction for its history of tennis and particularly mentioned Lena Elliot’s efforts. He presented the plaque to Mayor Bruce Hill. The Honorable Mention award comes with \$2,000 of free equipment from the Association.

Lena Elliot thanked the City Council for their vision and for Canyon View Park.

## **Citizen Comments**

Lon Thomas, 1327 N. 7<sup>th</sup> Street, addressed the City Council regarding parking at the airport. Patriot Guard Riders secondary mission is greeting soldiers and patriots coming and going at the airport. In the past they never had to pay for parking at the airport. He asked that this practice be reinstated.

There were no other citizen comments.

## **Council Comments**

There were none.

## **CONSENT CALENDAR**

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

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

*Action: Approve the Minutes of the August 31, 2009 and the September 2, 2009 Regular Meetings*

### 2. **Setting a Hearing on the Taylor III Rezone, Located at 2711 G Road** [File #RZ-2008-293]

Request to rezone 0.07 acres located at 2711 G Road, from PD (Planned Development) zone district to R-5 (Residential 5 du/acre) zone district.

Proposed Ordinance Rezoning a Portion of the Property Known as the Taylor III Subdivision from PD (Planned Development) to R-5 (Residential 5 DU/Acre), Located at 2711 G Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2009*

### 3. **Setting a Hearing on Zoning the RQ Annexation, Located at 3131 D Road** [File #ANX-2009-144]

A request to zone the 20.02 acre RQ Annexation, consisting of one parcel located at 3131 D Road, to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) districts.



Proposed Ordinance Zoning the RQ Annexation to R-8 (Residential 8 DU/Acre) and CSR (Community Services and Recreation), Located at 3131 D Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2009*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

#### **Public Hearing—Fuoco Growth Plan Amendment, Located at 160 Hill Avenue** [File #GPA-2009-147]

Request approval of a Growth Plan Amendment for a 0.14 acre property located at 160 Hill Avenue from Residential High (12+ du/ac) to Commercial in anticipation of future commercial development.

The public hearing was opened at 7:35 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the request, the site and the location. He noted the applicant recently acquired the property with the desire to expand for additional storage for the Honda service shop. Mr. Peterson described the surrounding uses. The rezone will allow the entire block to be zoned the same. Mr. Peterson said the request meets the criteria of the Zoning and Development Code with the following findings: the amendment is consistent with the purpose and intent of the growth plan, and the review criteria in section 2.5 C of the Zoning and Development Code have all been met. The Planning Commission recommended approval at their August 25, 2009 meeting.

The applicant was present but did not wish to speak.

There were no public comments.

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

Resolution No. 77-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 0.14 Acres Located at 160 Hill Avenue from Residential High (12+ DU/AC) to Commercial (Fuoco Growth Plan Amendment)

Councilmember Todd moved to adopt Resolution No. 77-09. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**Public Hearing—Strategic Downtown Master Plan, Overlay Zone, 7<sup>th</sup> Street Historic District Overlay Zone** [File #PLN-2009-179]

The Strategic Downtown Master Plan was developed through a public process involving a steering committee of interested downtown merchants, property owners, and policy makers during 2007-2008. Recognizing that a strong downtown core supports the economic and community development of an entire region, the goal of the plan was to quantify current conditions, identify opportunities, and recommend specific actions for the decision-makers of the Downtown Partnership and the City of Grand Junction. The primary implementation strategy is through an overlay zone and amending the 7<sup>th</sup> Street Historic District Planned Development zoning ordinance.

Council President Hill explained that there are three items and there will be separate presentations for each. Council President Hill said the public can speak to any or all and they need not be concerned at what point they speak.

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

Kathy Portner, Neighborhood Services Manager, introduced the items before the City Council and order of presentation. First Heidi Hoffman Ham, Executive Director of the Downtown Development Authority (DDA), will present the resolution for consideration that would adopt the Downtown Master Plan. Kathy Portner, Neighborhood Services Manager, will then present the two overlay plans. She clarified that the notebook which was provided to the City Council is not part of the adoption. Specifically, the background information in the notebook does reference the South Downtown Plan which was not adopted.

Heidi Hoffman Ham, Executive Director of the Downtown Development Authority (DDA), provided an overview of the development of the Downtown Master Plan which encompasses the original square mile of Grand Junction. The DDA does not include all of that area. The study included demographics of the Original Square Mile (OSM). Psychographics were also part of the study. Ms. Ham described the various events that included public input in development of the Plan including its mission and goals. Ms. Ham described the goals and elaborated on each one. The last goal referenced catalyst projects and included the City Center Catalyst project as an example. The Plan is meant to complement and be incorporated into the Comprehensive Plan.

Kathy Portner, Neighborhood Services Manager, described an implementation plan which references the Comprehensive Plan which has yet to be adopted. It also ties into the City's Housing Strategy (yet to be adopted), the City Center Catalyst Project, the Downtown Master Plan Zoning Overlay, and the Historic District Zoning Overlay. She cautioned that the overlay in the residential areas will limit any future increase in density. The overlays add additional design and development guidelines. It is a tool to support the overall goals of the Strategic Plan.

Ms. Portner then described the process since the last time they presented the Plan before Council (February 2009). There was a neighborhood meeting specifically for 7<sup>th</sup> Street in June, 2009. There were subsequent meetings held where both 7<sup>th</sup> Street and the entire downtown overlay were discussed. Several subareas were identified for possible overlay zones. The Fuoco Growth Plan Amendment which was just approved, creates a need to make a change to the Plan to make it consistent.

Ms. Portner listed a number of area-wide guidelines and standards for the Original Square Mile (OSM) which include flexibility for the Public Works and Planning Director to make adjustments, walkability, and consistent signage. They are proposing Central Business District (CBD) guidelines and standards. The Plan discourages suburban looking development, like parking areas on the lot in front of the building. It also prescribed roof and parapet materials and treatment that supports the downtown architectural elements. There are many other elements addressed in the CBD Guidelines and Standards including height and scale, keeping them compatible with surrounding residential where appropriate.

Ms. Portner then addressed Residential Guidelines and Standards. The Overlay will restrict further rezones that increase density or intensity in those residential areas. The guidelines discourage demolition of older structures but do not prohibit it. Accessory structures and uses are also addressed. There are also Transitional Guidelines and Standards which include architectural considerations.

Council President Hill stopped the presentation in order to clarify that the resolution adopts the Strategic Downtown Master Plan. The second item, the ordinance, adopts the Downtown Overlay Zone which includes the downtown core and the residential. He suggested the Fuoco Growth Plan Amendment be used as an example of possible changes and to explain the transitional areas. Ms. Portner pointed out the various transitional areas. They are areas where non-residential uses have crept into the residential areas. The Plan recognizes that this area is already zoned and being used for something other than residential. The Plan attempts to apply guidelines to recognize those areas and does not preclude rezones in the area but would subject the properties to the guidelines.

Councilmember Todd questioned the restriction of increased density and intensity where they thought the desire was to increase density and intensity in the downtown area. Ms. Portner said the restriction would be applied to the residential area. The increases would be allowed and encouraged in the other areas. Councilmember Todd still questioned why areas that might be sandwiched between high density could not make a change. Kathy Portner agreed that would be a question that Council could consider.

Councilmember Palmer asked if projects such as the townhomes, would not be allowed. Ms. Portner said the townhomes are within the eight units per acre that would be allowed.

Councilmember Beckstein asked if the apartment complexes in existence would stay the same. Ms. Portner said they would.

Councilmember Coons asked about the flexibility for the Director to make reasonable changes to the Plan, she asked for definition of reasonable. She also asked what the rezone process would be. Ms. Portner said any rezone would go through the Planning Commission and City Council. As far as the Director's discretion, it would only be setbacks and design standards, not uses. All discretionary items would be site related. Those discretionary items would be appealable to the City Council.

Councilmember Palmer asked how the change in the process will change City Council's decision-making ability. Ms. Portner said it is very specific as to when the Director can make reasonable acceptations. The reason is there are more restrictions due to the overlay zones so they would like to add some discretion.

Councilmember Pitts asked about building heights. Ms. Portner said within the residential area, it will stay as it is in the residential zone districts. In the non-residential area the height could be up to 65 feet and up to 80 feet in the Central Business District.

Councilmember Todd asked if a facelift to a home would trigger the standards. Ms. Portner said an addition yes, but changes to windows and cosmetics, no. An addition would have to meet the design standards.

Council President Hill asked about a fee in lieu of a parking program. Ms. Portner said that would go through the DDA and City Council.

Council President Hill referred to discouragement of demolition of historical structures. Ms. Portner said the City issues demolition permits, so if a permit was applied for, a discussion would be had with the applicant regarding the requirements that any new structure would need to meet the architectural guidelines.

Council President Hill asked about the change of the map for the Fuoco property and what that means for others. Ms. Portner noted that Fuoco probably already has a plan for their development which may not meet the design guidelines. Ms. Portner said they did compare with the proposed Comprehensive Plan to ensure there were no conflicts. Also the areas of the transition proposed, parking lots would be allowed, but a landscaping berm would be recommended.

Council President Hill asked if the Comprehensive Plan will be the overriding document. City Attorney John Shaver said, in general, the particular neighborhood document is the controlling document. If that is not the Council's wish, they may clarify that tonight.

Councilmember Todd asked for more specifics on the design standards. Ms. Portner said they try to prevent new structures that do not fit in. Councilmember Todd expressed concerns about the City designing someone else's home.

Councilmember Kenyon asked if the Council wants the Comprehensive Plan to be the overriding document that should be included in the motion. City Attorney Shaver responded affirmatively.

Councilmember Coons asked if the purpose of the overlay is to try to clarify. Ms. Portner agreed it is to give more detail and clarity.

Council President Hill called a recess at 8:38 p.m.

The meeting reconvened at 8:50 p.m.

Ms. Portner had a zone district map displayed and reviewed the various zone districts within the subject area.

Ms. Portner then continued with her presentation, addressing the 7<sup>th</sup> Street Residential Historic District Overlay. The purpose is to maintain the character of the Historic District. The Overlay addressed a review process and the uses allowed. No zoning changes are being proposed. The Overlay lists all the existing uses and all will remain as allowed uses. In addition, the Overlay is proposing five other uses as a use by right. Those are residential sub units, accessory dwelling units, bed and breakfast with one to three rooms, a home occupation, and a home based daycare. Those would only require an administrative review. Any other uses would require City Council approval. The Overlay includes a process for review of alterations. Ms. Portner listed the number of Guidelines and Standards. The Historic Preservation Board would be a review agency and any appeals would go to the Planning Commission. There were a number of other suggestions to retain and enhance the area. Additions and alterations would have to maintain the architectural standards including roof pitch and overhang, primary entrances, and historical style of any entry feature. There are a number of styles in the District already so the consistency must be with the structure itself not the surrounding homes. No new primarily nonresidential structure would be allowed except for the two churches. Demolition would require a public hearing before the Historic Preservation Board. The First Baptist Church did lodge an objection to that provision. Parking is restricted to certain areas. Fencing and signage is also addressed.

Councilmember Palmer asked if there are already criteria for Historic Designation. Ms. Portner said the designation did have criteria but there are no criteria in place to maintain those restrictions.

Councilmember Coons asked, if a building were demolished, would the non-conforming uses be allowed to be rebuilt? Ms. Portner said they could rebuild that or an allowed use including a residential home.

Council President Hill asked about home based daycare versus those that currently exist. Ms. Portner explained the difference between home based and a commercial day care.

Councilmember Kenyon asked about the meetings that have taken place with those affected. Ms. Portner listed the meeting in March for the OSM, a meeting specific for 7<sup>th</sup> Street in June, emails were sent out when the matter was to come before the City Council. The neighbors put a meeting together in August where Public Works and Planning Director Tim Moore attended. Then notice was again sent out when this public hearing was scheduled.

Councilmember Coons said she and the City Attorney also attended another small neighborhood meeting.

Council President Hill then opened the floor to public comment. He outlined that the City Council will take up each item separately but the public can speak to any and all at any point.

James Golden, 1615 White Avenue, is the attorney for James Purcell Heirs LLC, which owns five storefronts located on the south side of the 400 block of Main Street stated that street addresses of the properties and tenants are 411 Main Street, Off the Wall II, 413 Main Street, Western Anglers, 417 Main Street, Hart Music, 449 Main Street, Gelato Junction, and 455 Main, Trendes, a new tenant. The issue is the LLC, wants the Council to consider is the definition of the rights of the City versus the rights of the owners of the property relative to the public right-of-way known as Main Street. Mr. Golden noted that law prohibited a vacation of right-of-way where access would be restricted. He addressed State Law that prohibits vacation of part of Main Street which he felt his clients may be subject to a taking of rights by the other uses for those rights-of-way as proposed. He noted that the Plan may adversely affect the downtown and thus his clients. It was his contention that the proper process had not occurred under the DDA's Plan of Development to allow for the vacation of right-of-way.

Council President Hill said he felt Mr. Golden is addressing the Downtown Uplift project which was approved two weeks prior. His comments will be entered into the record.

Jan Logan, First Baptist Church, located at the corner of 7<sup>th</sup> and Grand Avenue, said the Church and the Board of Trustees are concerned about paragraph 9, Repairs and Renovations, that disallows demolition. Also, no new nonresidential structures shall be built in the District. They were concerned if they were ever to have to sell, she would like to see other uses allowed. It would impact any market value they would have on their building.

Sandra Alexander, 848 White Avenue, stated the consultant referred to demographics from the 2000 census, ten years old. Being a resident and owner for over 18 years, she thanked the Director for the current zoning of Residential Office (RO) and the plan for no zoning changes. She is pleased with the changes that have been made in the neighborhood and they value the flexibility the RO zoning allows them.

Sherry DeRose, 604 N. 7<sup>th</sup> Street, expressed her support for the Overlays, both Downtown and 7<sup>th</sup> Street. She thanked the City Staff. She commended the City for its forward thinking. Regarding the 7<sup>th</sup> Street Overlay, she understands there is some opposition. Jodie Behrman only represents a small number that oppose the Overlay. She believes in property rights and the Overlay takes that into consideration. She believes she has the right to use her property as a bed and breakfast. Some of those in opposition have rentals on their property. Bed and breakfasts are recognized uses in Historical Districts. She urged approval of the Overlay Districts.

Pat Olson, 445 N. 7<sup>th</sup> Street, was in opposition and had others who are opposed stand. He said the uses there have been the same for the last 25 years. He thought the Overlay should be written to look at each individual property. The Overlay is very broad and will open up other potential uses. He asked that the Overlay require a full public hearing for accessory uses and bed and breakfast uses.

Kathy Jordan, 440 N. 7<sup>th</sup> Street, said she has two more letters to distribute to the City Council. She listed the many ways the City and the Historic District have worked together for the District. She noted that the Historic Tours that take place annually use the money to contribute to the community. She hopes that spirit of partnership will continue and that the Overlay would be changed in regards to the uses by right specifically, the accessory units, the subunits, and the bed and breakfast uses.

Sharon Snyder, 639 N. 7<sup>th</sup> Street, distributed a packet of material and then objected to the administrative approvals. She disagreed with land use changes such as subunits being done administratively. She referred to a letter from George Tracy that noted changing the interiors will change the ambiance of the Historical District. Out of 31 properties, 17 owners filled out a survey, 89% felt that a public hearing should be required for land use change. She referred to previous applications that had been denied based on the 1984 Plan, although Staff has stated that the Plan was never officially adopted. The Overlay transfers decision making to Staff. She pointed out an error in the ordinance as to the boundaries of the District. They are not saying they don't think any other uses are appropriate; they want City Council to review and decide. She felt the Overlay is vague and sloppy. She listed a number of items that were not addressed in the Overlay. She asked that the City version be sent back to Staff.

Joe Hatfield, 407 N. 7<sup>th</sup> Street, said that as unique as the homes are they are still affected by the real estate market. He did not feel the Planning Department should restrict the

uses in order to help inflate prices. The previous owners of his home approached the City for a bed and breakfast and were told a public hearing would be required and they did not pursue the idea. He listed the results of the questionnaire, yet the Overlay still allows many of the uses. The results were ignored. He asked that the Plan be sent back to Staff.

Gordon Nicholson, 726 Ouray Avenue, said the Strategic Downtown Master Plan and the Overlay are critical to all the citizens. He asked that they be remanded back to Staff to incorporate the resident's input. There was only one representative appointed to the Task Force. There was no draft Master Plan presented at the neighborhood meetings as previously stated.

Jodie Behrman, 107 Park Drive, attorney representing several property owners, thanked Councilmember Coons for bringing up the meeting she and City Attorney Shaver attended. Ms. Behrman noted examples of clients who did not receive notice. In the notice there was no mention that land use would be addressed. Once they arrived, they found that they had no opportunity to address land use. She questioned the benefit of adopting a plan that the majority of residents do not want. The area has not changed in 25 years. She asked what public benefit adoption of the Overlay will provide.

Vicki Femley, 178 Glory View Drive, has lived in Grand Junction all her life. The Jordan House is one of the most photographed houses in Western Colorado. This is a tiny little area, so what harm would it be to redo the language for this tiny little area to protect it and send a clear message that the City recognizes this area for what it is. She asked Council to consider their request.

Donna Patton, 341 Gunnison, resides in the original square mile, asked about the RO zoning. She has a lot of RO on Gunnison, she asked if the intensity and density in RO could change.

Jim Smith, although he no longer lives on 7<sup>th</sup> Street, but did live there for 32 years, wants it to stay like it was.

Ted Jordan, Jr., grew up on 7<sup>th</sup> Street, which is a great neighborhood. Everybody goes to the Jordan house to talk. He loves it and does not want to see it change.

There were no other public comments.

The public hearing was closed at 10:13 p.m.

Council President Hill called a recess at 10:14 p.m.

The meeting reconvened at 10:21 p.m.



Councilmember Beckstein asked Ms. Portner to address some of the statements that were made. She addressed the question on the RO zoning, most of the areas shown are transitional areas which are mostly zoned RO. The Overlay would not preclude a zone change, it would be based on the Future Land Map that gets adopted but the design standards would stay the same. With the Historic District Boundary, the error was discovered and the corrected ordinance was provided to the City Clerk. Another question was whether duplexes would be allowed, the density might allow it but the only allowed uses by right are those already established and those five on the list. A duplex would require a more stringent process.

Councilmember Beckstein noted another concern about paved parking on 7<sup>th</sup> Street. Ms. Portner said the intent is that any parking would be screened from 7<sup>th</sup> Street.

Councilmember Coons stated one of the speakers indicated that the Overlay did not address screening, fencing, porches, etc. Were they addressed? Ms. Portner responded that fencing, porches, and landscaping are addressed; not required, but encouraged.

Councilmember Coons said the boundary issue was clarified, does it cross Grand, include the R-5 School and the two houses across the street, and would it be subject to the Overlay? Ms. Portner said it would be subject to the Overlay Plan for design standards.

Councilmember Palmer asked if the Director has flexibility, and are those specified? Ms. Portner said it is not specified but is only for the design standards, not the use, there is a provision for an appeal. She read the language from the proposed Overlay Plan.

Council President Hill voiced the concerns from the church. Ms. Portner said City Council would decide. Council President Hill asked about the statement that no new non-residential structures may be built in the District. Ms. Portner said there would be opportunity to apply for a rezone.

Councilmember Todd inquired about the Downtown Strategic Plan; how does that connect to the Comprehensive Plan? City Attorney John Shaver said it is a policy statement that would be incorporated into the overall Comprehensive Plan.

Councilmember Palmer asked about the Downtown Master Plan; does adoption of this Plan obligate the City to any financial obligation? City Attorney John Shaver stated from a legal perspective there is no financial appropriation attached.

Councilmember Todd said it has been stated many times by Council that they were not going to take any individual neighborhood plan before the Comprehensive Plan is adopted. This is having the cart before the horse. She would like to get the Comprehensive Plan adopted first.

Councilmember Kenyon stated he agreed with Councilmember Todd. He can see conflicts that are not resolvable; it is a little premature. He would like to finish the Comprehensive Plan and then evaluate and compare it to the vision and goals and see if there are conflicts and resolve those first.

Councilmember Pitts stated that he also agrees with Councilmember Todd, that it is premature; changes are still being made. There are issues that may affect the Comprehensive Plan which Councilmembers Todd and Kenyon have both mentioned.

Councilmember Palmer also agreed with Councilmembers Todd, Kenyon, and Pitts.

Councilmember Coons said she recognizes the issue regarding the Comprehensive Plan but disagrees about not moving forward. To date, they have included the Neighborhood Plans already adopted, she does not see anything in this Plan that will change drastically. She acknowledges special areas that need to be treated specially. Despite that they have had concerns from citizens, she personally participated in three meetings and there was a fourth one she was not able to attend. As a resident of the area she has spoken with many of the residents and she would like to see these issues resolved and let people move forward.

Councilmember Beckstein said if there was an issue with the Master Plan, it should have been directed to the Downtown Development Authority to stop it, but that direction was not given, and they were told to go forward. The direction was to take the Comprehensive Plan and bring back something specific to the downtown; starting over would be a waste of Staff and volunteer time. The Council has pushed for this, she will support this.

Council President Hill said the majority are not ready to adopt this until the Comprehensive Plan is resolved and to also give Staff a chance to resolve conflicts. He asked if it could be continued rather than voted down.

City Attorney John Shaver stated Council could take the matter under advisement, nothing compels an answer at this time. This might better coincide with adoption of the Master Plan. Option 2 would be to adopt the Plan conditionally and identify areas that need to be addressed which would trigger another hearing.

Councilmember Coons asked City Attorney Shaver if the adoption of the Plan does not necessarily adopt the Overlays, would they be considered separately? City Attorney Shaver said it does not. Councilmember Coons asked if the resolution discussion were to continue, would the Overlay discussion also need to continue? City Attorney Shaver stated that overall it would be recommended, although the 7<sup>th</sup> Street proposal could stand alone.

Councilmember Todd said she is not against what is before Council but more of the timing; she appreciates all the time that has gone into this, but disagrees with Councilmember Beckstein that Council directed them to bring it forward. She wants to make the greater decision first. This is not a waste of time to her.

Councilmember Pitts said in regard to the 7<sup>th</sup> Street Historical District, that this ordinance stands alone, he does not want to tie the 7<sup>th</sup> Street ordinance to the other items.

Council President Hill asked Councilmember Kenyon about his opinion. Councilmember Kenyon stated that he is 99% there with the Strategic Master Plan, his issue is with the Overlay Plan and how it dovetails with the Comprehensive Plan, specific to densities. He agrees that Ordinance No. 4384 can stand alone.

Councilmember Hill said the Overlay Plan cannot stand alone without a change as it refers to a section that does not exist. City Attorney Shaver explained how there could be a modification of Ordinance No. 4384. There could be an independent association such as a Home Owners Association (HOA) regardless of objections from other residents if there were sufficient votes to create an HOA.

Councilmember Kenyon said he is willing to send Ordinance No. 4384 back to Staff for clarification; the Plan could be done better, and the community wants more specificity and protection. If sent back, it could continue that process with the community.

Council President Hill asked would a HOA with more stringent uses override the Overlay Plan. City Attorney Shaver stated that another body such as private association would enforce its rules against the other. The City would not be involved.

Councilmember Todd said one could not be forced into an HOA that was not in existence when the home was purchased. City Attorney Shaver said it is difficult but can be done.

Councilmember Kenyon said it is difficult to form an HOA when there is a disagreement. The Historic District is important to the community, and he does not want to push it back on them.

Council President Hill asked if there was a motion.

Councilmember Pitts suggested a proposal to craft a separate ordinance that could pull out Ordinance No. 4384 from section 7.7 and make a decision on that portion.

Resolution No. 78-09—A Resolution Adopting the Strategic Downtown Master Plan as a Part of the Grand Junction Growth Plan

Ordinance No. 4383—An Ordinance Amending the Zoning and Development Code to add Section 7.7 Strategic Downtown Master Plan Zoning Overlay Design Standards and Guidelines

Councilmember Kenyon moved to continue Resolution No. 78-09 and Ordinance No. 4383 to a future date to be determined so that Council can continue to study and discuss this at workshop and answer the questions and evaluate where it fits into the Comprehensive Plan. Councilmember Todd seconded the motion.

Council President Hill asked for any Council discussion.

Councilmember Beckstein said the main focus of the Comprehensive Plan is the preservation of neighborhood identities and the original square mile. There are such neighborhoods and the DDA is trying to help preserve those specialized neighborhoods. The Comprehensive Plan will allow additional review as things change.

The vote was called. Motion carried by roll call vote 6 to 1 with Teresa Coons voting NO.

Council President Hill inquired about changing the wording in Ordinance No. 4384 as Councilmember Pitts suggested. City Attorney Shaver stated this could be changed and easily redrafted for consideration for Wednesday or any point in the future. There could be an argument that the neighbors may want to participate in that change.

Councilmember Coons asked if the ordinance is reframed and then brought back, would it be a public hearing? City Attorney Shaver said this is up to Council. The title would change and the first and third paragraphs would change. The residents may want to address the Council, but this is a good faith basis for standing alone.

Council President Hill stated his concern is there are elements in the Plan itself that refer to the other items.

Ordinance No. 4384—An Ordinance Amending Ordinance No. 2211 by Adoption of the 7<sup>th</sup> Street Residential Historic District Zoning Overlay Design Standards and Guidelines, Amending the Zoning and Development Code to Add Section 7.7

Councilmember Todd moved to continue Ordinance No. 4384 for further discussion to a date to be determined. Councilmember Kenyon seconded the motion.

Councilmember Kenyon stated he still has a couple of concerns with the 7<sup>th</sup> Street Plan: 1) that the residents come to Council and 2) the church concerns.

Council President Hill asked about the flexibility of bringing these issues into a workshop and then bring them back to a Council meeting.

City Attorney Shaver said his understanding of the intent is to integrate this Plan into the Comprehensive Plan.

Councilmember Coons asked about addressing the other issues brought up. City Attorney Shaver said they could and also decide if it should be integrated into the Comprehensive Plan.

Council President Hill stated the most desirable would be to bring these three back at a public hearing again, or roll it into the Comprehensive Plan process which is also a public hearing. He then clarified the motion.

Councilmember Todd stated that incorporation into the Comprehensive Plan conflicts with the goal of keeping a vision rather than having the detail.

Councilmember Pitts, asked again, why Ordinance No. 4384 is tied to the other two. Councilmember Todd said it is not in the motion, it is to continue it.

Councilmember Coons agreed that Ordinance No. 4384 should be continued as well.

Council President Hill called for the vote.

Motion carried by roll call vote 6 to 1 with Councilmember Beckstein voting NO.

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

There were none.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 11:15 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**September 16, 2009**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of September 2009 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, and Council President Bruce Hill. Absent was Councilmember Linda Romer Todd. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

**Presentations**

Annual Buffer Program Update: Margie Latta of Mesa Land Trust presented their Annual Update.

Ms. Latta reviewed the Mesa Land Trust and their purpose. The buffer program is going into their tenth year. This is the second year that all the partners are contributing financially. The Trust works with willing land owners that want to place a conservation easement onto their property. The Trust also seeks grant funds for conservation easement acquisition. They have acquired thirty easements since the year 2000.

This year the local newspaper has provided some coverage to the efforts of the Trust. Articles in the paper resulted in a flurry of inquiries to the Trust regarding conservation easements.

Ms. Latta displayed an aerial photo of the Palisade buffer with the conservation easements obtained identified. The Trust has made progress on acquisitions along the river. There are also a number of easements along the view shed of the interstate.

Next the Fruita buffer was displayed. The Trust has seven easements in that area.

Ms. Latta then reviewed the financial information and she thanked the City for their continued support. She listed all the various grants and how Grand Junction funding has been leveraged. She concluded by saying they will be ready to start the 2010 grant process next year.

Councilmember Palmer asked Ms. Latta to explain conservation easements. Ms. Latta said the restrictions on development are determined by the size of the property and the development rights on the property. A conservation easement is when a property owner

allows the Trust to buy some or all of the development rights. Occasionally a property owner will choose to keep some of the development rights.

Councilmember Palmer asked how using those development rights still leaves a buffer. Ms. Latta said that isn't what typically happens; on small parcels the owners usually don't want it further developed.

Councilmember Kenyon thanked Ms. Latta and the Trust for their tremendous work. He encouraged their continued efforts.

Councilmember Coons extolled the work of the Trust and how their efforts are benefiting the community. She inquired about rumors of lawsuits. Councilmember Kenyon clarified that there are questions on the appraised value of such easements on the eastern slope.

Ms. Latta said there were some unethical appraisals in the southeast portion of the State but that controversy has tapered off and it is mostly behind them. Some of their clients were audited. One of the ways that was addressed is an accreditation program which audits land trusts through the national organization. The Mesa Land Trust became accredited this year; only one of sixty land trusts accredited.

With that Ms. Latta thanked the City Council.

### **Citizen Comments**

There were none.

### **CONSENT CALENDAR**

Council President Hill read the Consent Calendar. Councilmember Coons moved to approve items #1 through #3. Councilmember Palmer seconded the motion. Motion carried by roll call vote with Councilmember Kenyon abstaining on item #3.

#### **1. Construction Contract for the Lower No Thoroughfare Trail Connector**

Lower No Thoroughfare Trail is one of the highest priorities for the Riverfront Commission and Urban Trails Committee, as it will provide a much safer and efficient trail connection between the Hwy 340/Broadway trail section and the very popular Monument Road bicycle corridor. Total project cost is estimated to be \$369,754, including approximately \$55,000 for inspection services and Staff time. A GOCO Trails Grant received through Mesa County (\$250,329) and contributions from the Colorado Riverfront Foundation (\$50,000) and Mesa County (\$160,000) will cover the total costs of the project and will be reimbursed to the City.

*Action: Authorize the City Manager to Sign a Construction Contract with Skyline Contracting Inc., of Grand Junction, Colorado for the Lower No Thoroughfare Canyon Trail Construction Project in the Amount of \$314,674.00*

2. **Amendment to FAA Grant for the Airport to Fund the Aviation Ramp**

AIP-41 is a \$1,750,000.00 Grant for additional funding of the General Aviation Ramp Reconstruction Project at the east end of the ramp. Total funding for this project with this grant is \$11,325,667.00. This grant will complete the funding of this project. The Supplement Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

*Action: Authorize the Mayor and City Attorney to Sign the Original FAA AIP-41 Grant Documents for General Aviation Ramp Reconstruction at the Grand Junction Regional Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-41*

3. **Appointment of Council Member Tom Kenyon to Colorado Municipal League Policy Committee**

Resolution No. 79-09—A Resolution Appointing Council Member Tom Kenyon to Represent the City on the Colorado Municipal League Policy Committee

*Action: Adopt Resolution No. 79-09*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Tiara Rado Golf Course Irrigation Replacement**

This project will replace the 40 year old irrigation system at Tiara Rado Golf Course that is deteriorating and in some cases beyond repair. This approval request is for the irrigation contractor (\$1,152,776) and material purchase (\$519,904.50) for a total cost of \$1,672,680.50.

The second phase of this project (pond construction and dirtwork) will be bid in October. If approved, the City will realize future cost savings through reduced irrigation repairs, reduced pump repairs and decreased electrical costs. It is also anticipated that one full time position will be reduced at the course (through retirement in 2010) and will not be replaced as a result of the more efficient irrigation system.

Rob Schoeber, Parks and Recreation Director, presented this item. He advised this project has been on the “to do” list for several years and due to some creative thinking the Department has a proposal that he believes will be well received. The irrigation system is forty years old and is failing in many different areas. The project presented is Phase I; besides the obvious benefits there will be water savings, increased water storage



capacity, and better wildlife habitat. The hope is that there will be no interruption of play during the work. That is the reason for seeking a specialty contractor for the job. Although the project overall is \$1.6 million, over \$500,000 will be spent locally on the materials.

Jay Valentine, Assistant Financial Operations Manager, explained the reasoning for loaning the golf course the funding to take advantage of the current construction environment which will be paid back with interest so the general fund will be investing in this project.

Mr. Schoeber advised the plan is that the course will stay open, but an effort will be made to notify the golfers as the back nine will be closed over winter during the construction.

Council President Hill asked for the term of the loan. Mr. Valentine said fifteen years is the estimate but the Finance Department is looking at other funding to buy down a part of the loan. Mr. Valentine said there will be other savings in energy, in maintenance, and a retirement will take place so Staff will be reduced. The new system will allow for a Staff reduction.

Council President Hill asked about Phase II. Mr. Valentine said they will be back before the City Council for that approval.

Councilmember Kenyon asked if, at the same time, they will improve the cart paths.

Doug Jones, Golf Course Superintendent, said they do plan to address that as well as spreading some of the dirt around in needed areas. He also detailed how the water rights will be rearranged.

Councilmember Palmer moved to authorize the City Purchasing Division to enter into a construction contract with Formost Construction, Murrieta, CA in the amount of \$1,152,776 and authorize the City Purchasing Division to purchase the irrigation materials from Grand Junction Pipe in the amount of \$519,904.50. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

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

Sharon Pellam, 422 Rose Hill Road, approached the City Council.

City Attorney Shaver advised that the Pellams are the property owners adjacent to the No Thoroughfare Trail. He received a letter from the Pellam's attorney and he called and left a message. It is his intention to discuss the matter with the Pellam's attorney.

Ms. Pellam said they purchased the property about two years ago and had the property surveyed. After they purchased the property, they received a letter that the City wanted to

speak to the Pellams. They were told the City owned that property. The Pellams researched the deed and the only exception was a right-of-way for the Redlands Canal. They again met with the City. Apparently the Redlands Canal gave the property to the Riverfront Foundation which then sold the property to the City. The City then advised the Pellams to move their fence. She wondered why they were contacted if there wasn't a question. This action will force the Pellams to put in a new access and move their fence.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 7:50 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: September 21, 2009  
Author: Mary Lynn Bacus,  
Paralegal  
Title/ Phone Ext: 244-1505  
Proposed Schedule:  
Monday, October 5, 2009  
2nd Reading (if applicable):  
Monday, October 19, 2009

**Attach 2**  
**Setting a Hearing Correcting Legal**  
**Description on Various Annexations**  
**and Zoning Ordinances and Resolutions**  
**CITY COUNCIL AGENDA ITEM**

**Subject:** Correcting Legal Descriptions on Various Annexation and Zoning Ordinances and Resolutions

**File # (if applicable):** ANX-2004-127

**Presenters Name & Title:** John Shaver, City Attorney

**Executive Summary:** A discrepancy in the legal description of Barker Annexation No. 2 recently became known when a development application was filed for the proposed Carson Subdivision, which occupies the same area. An improvement survey was completed and submitted as part of the subdivision application and discrepancies in the property description were discovered. This Ordinance corrects the discrepancies found in the prior ordinances and resolutions.

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Property descriptions that are concise and accurate help achieve ordered and balanced growth in the community.

**Action Requested/Recommendation:**

Introduction of Proposed ordinance and Set a Hearing for October 19, 2009

The proposed Resolution will be considered at the second reading of the proposed Ordinance because the sole purpose of the amendments is to correct an error in the legal description found in each document.

**Board or Committee Recommendation:** N/A

**Background, Analysis and Options:**

In August of 2004 the City Council annexed land to the City by Resolutions No. 69-04 and No. 85-04 and by Ordinance No. 3666. The Resolutions and Ordinance described an area known as the Barker Annexation No. 1 and No. 2, located at 2934 Hwy 50, 172 Lantzer Avenue and 2937 Jon Hall Drive. The City Council also approved rezoning the annexation to RSF-4 by Ordinance No. 3667 in September of 2004.

**Financial Impact/Budget:**

There is no impact to the 2009 budget of the City.

**Legal issues:** The proposed Resolution serves to amend Resolutions 69-04 and 85-04 and the proposed Ordinance amends Ordinance Nos. 3666 and 3667, to correct the legal description of the Barker Annexation No. 2.

**Other issues:** N/A

**Previously presented or discussed:** N/A

**Attachments:**

Proposed Ordinance amending Ordinances 3666 and 3667

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

**AN ORDINANCE AMENDING ORDINANCE NO. 3666 AND ORDINANCE NO. 3667  
ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO**

**BARKER ANNEXATION NO. 2**

**LOCATED AT 172 LANTZER AVENUE; 2934 HIGHWAY 50 AND  
2937 JON HALL DRIVE**

Recitals:

In August of 2004, the City Council annexed land to the City by Ordinance No. 3666. That ordinance described an area known as the Barker Annexation No. 2.

In September of 2004, the City Council approved the rezoning of the Barker Annexation No. 1 and No 2 to RSF-4 by Ordinance No. 3667

An improvement survey plat was completed on May 15, 2009 and submitted with a development application for the proposed Carson Subdivision. This survey indicated a small portion of land that had not been included in the legal description for Barker Annexation No. 2.

This ordinance amends both Ordinance No. 3666 and Ordinance No. 3667 and by adoption thereof serves to amend the legal description of the Barker Annexation No. 2.

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

Ordinance No. 3666 and Ordinance No. 3667 are hereby amended to wit:

A certain parcel of land lying in Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, State of Colorado, County of Mesa and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 32 and assuming the North line of the SE 1/4 NW 1/4 of said Section 32 bears N 89°51'18" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°51'18" E along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 494.71 feet to a point being the Southwest corner of Lot 2, Sunset Park, as same is recorded in Plat Book 9, Page 93, Public Records of Mesa County, Colorado; thence N 00°087'57" W along the West line of said Lot 2, a distance of 160.06 feet, more or less, to a point on the North right of

way for Jon Hall Drive, as same is shown on said Sunset Park; thence N 89°51'27" E along said North right of way, a distance of 82.00 feet; thence S 00°08'57" E along the East line of said Lot 2, a distance of 160.06 feet, more or less, to the Southeast corner of said Lot 2; thence S 89°51'18" W along the North line of the SE 1/4 NW 1/4 of said Section 32, a distance of 15.94 feet to a point being the Northeast corner of that certain parcel of land described in Book 2276, Pages 610 and 611, Public Records of Mesa County, Colorado; thence S 00°42'37" E along the East line of said described parcel, a distance of 832.82 feet; thence N85°21'15"E a distance of 88.97 feet; thence S00°07'52"E a distance of 37.86 feet; thence N83°28'46"W a distance of 70.32 feet; thence S83°48'56"W a distance of 85.03 feet, more or less, to a point on the North right of way for Highway 50; thence N66°42'51"W a distance of 54.60 feet, thence S 00°00'00" E a distance of 59.07 feet; thence S 63°44'41" E a distance of 1374.64 feet; thence S 18°28'17" W a distance of 4.04 feet; thence N 63°44'41" W a distance of 1636.81 feet; thence N 00°22'37" W along the East line, and the Southerly projection thereof, of that certain parcel of land described in Book 2736, Page 236, Public Records of Mesa County, Colorado, a distance of 241.53 feet; thence N 62°34'37" W, along the North line of said described parcel, a distance of 110.00 feet; thence S 00°22'37" E a distance of 200.48 feet, more or less, to a point on the North right of way for Highway 50; thence N 66°35'00" W, along said North right of way, a distance of 16.45 feet; thence N 00°12'09" W a distance of 273.21 feet; thence N 26°21'53" W a distance of 294.96 feet to a point being the beginning of a 50.00 foot radius curve, concave East, whose long chord bears N 01°16'42" E with a long chord length of 87.50 feet; thence 106.55 feet Northerly along the arc of said curve, through a central angle of 122°06'00", said line being the West right of way for Lantzer Avenue, as same is shown on Neff Subdivision, as same is recorded in Plat Book 9, Page 133, Public Records of Mesa County, Colorado; thence N 00°13'42" W, along said West right of way, a distance of 192.16 feet, more or less, to a point on the North line of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 32; thence N 89°47'10" E, along said North line, a distance of 159.10 feet, more or less, to the Point of Beginning.

INTRODUCED for FIRST READING and PUBLICATION on this \_\_\_\_ day of October, 2009.

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

Attest:

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Bruce Hill  
Mayor and President of the Council

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Stephanie Tuin  
City Clerk



Date: September 1, 2009

Author: Susan J. Hyatt

Title/ Phone Ext: 1513

Proposed Schedule: October 5, 2009

2nd Reading

(if applicable): \_\_\_\_\_

**Attach 3**  
**Purchase of a Type III Ambulance**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Purchase of a Type III Ambulance
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Ken Watkins, Fire Chief John Howard, EMS Division Chief

**Executive Summary:**

Purchase of Type III Ambulance for the Grand Junction Fire Department (GJFD) to replace an existing unit.

**How this action item meets City Council Comprehensive Plan Goals and Policies:**

This purchase will maintain the number of ambulances currently in service.

- Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

**Action Requested/Recommendation:**

Authorize the Purchasing Division to Award a Contract to Life Line Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, CO in the Amount of \$174,254 for the Purchase of a Type III Ambulance for the Grand Junction Fire Department

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

The Fleet Replacement fund has budgeted and accrued the sufficient funds necessary for this purchase. Savings will be realized through reduced maintenance costs as this new unit will replaces an aging unit with increasing maintenance requirements. Further savings will be achieved by re-using the box of this ambulance when it comes due for replacement. By re-using the box, the City will only have to replace the chassis of the

ambulance and not the whole unit. The older ambulance chassis can then be equipped with a truck bed for use in other City departments.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Background, Analysis and Options:**

A Request for Proposals (RFP) was sent to 11 ambulance manufacturers and dealers capable of providing an ambulance that would meet specifications to include; chassis, vehicle construction components, radios and computers. Four proposals were received with none being from a local dealer.

After evaluation by representatives from the Fire Department, Fleet, and Purchasing, the following two proposals were found to have met the specifications:

<b>Company</b>	<b>City/State</b>	<b>Dollar Amount</b>
Life Line/Rocky Mountain Emergency Vehicles	Denver, CO	\$174,254
Braun Emergency Vehicle/Max Fire Apparatus	Castle Rock, CO	\$189,580

Life Line has been determined to be the best overall value for the Fire Department and is also the manufacturer of five current department ambulances.

**Attachments:**

N/A





Date: 09/18/09  
 Author: Duane Hoff Jr.  
 Title/ Phone Ext: 244-1545  
 Proposed Schedule:  
10/5/09  
 2nd Reading (if applicable):  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attach 4**  
**Design/Build Persigo Waste Water Treatment Plant Shop Building**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Design/Build Persigo Waste Water Treatment Plant Shop Building
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Greg Trainor – Utility and Street Systems Director Jay Valentine – Assistant Financial Manager

**Executive Summary:**

This approval request is for the contract award for the Design and Construction of a shop building to be located at the Persigo Waste Water Treatment Plant (WWTP).

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

**Goal 8:** Create attractive public spaces and enhance the visual appeal of the community through quality development.

All of the equipment will be stored indoors creating a much more attractive, clean and organized appearance at the Persigo WWTP. Through the construction of the building; trees, shrubs and various landscaping will also be added.

**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Having the equipment indoors will not only extend the life of the equipment, but also allows for a quicker response time to service the public.

**Action Requested/Recommendation:**

Authorize the Purchasing Division to Enter into a Contract with PNCI Construction for the Design and Construction of a Shop Building in the Amount of \$107,252.

**Board or Committee Recommendation:**

N/A

## Background, Analysis and Options:

Currently the Persigo Jetter trucks are kept in the maintenance shop. This makes utilizing the shop for large fabrication jobs difficult in the winter months. The new shop for Persigo will be used for storage of equipment (e.g. trailer mounted pump, tractor, mower, generators and Jetter trucks) that must be inside to prevent freezing. Additionally, storing the equipment inside will extend the life and increase the reliability of the equipment for use in emergency sewer backups, thus, reducing response time.

A formal Request for Proposal was issued via BidNet (an on-line site for government agencies to post solicitations), advertised in The Daily Sentinel, and sent to a source list of local contractors including the Western Colorado Contractors Association (WCCA) and Associated Builders and Contractors (ABC). Seven proposals were found to be responsive and responsible, in the following amounts:

<b>Company</b>	<b>City, State</b>	<b>Metal Structures</b>	<b>Wood Structure</b>	<b>Additions (description on next page)</b>	<b>Total</b>
PNCI Construction	Grand Junction, CO	\$103,677		\$3,575	\$107,252
Ironton-Stone, LLC	Castle Rock, CO	\$110,895			\$110,895
Vostatek Construction	Clifton, CO	\$161,309	\$97,817		\$161,309
Ford Construction	Grand Junction, CO	\$161,522			\$161,522
Northway Construction	Carbondale, CO	\$175,256			\$175,256
Gateway Construction	Grand Junction, CO	\$179,900			\$179,900
C&H Construction/ISOM Assoc.	Avon, CO	\$195,537			\$195,537

PNCI Construction Inc, is a Grand Junction based company having been at their present location for the last 5 years and currently employing 24 people. Their company specializes in general contracting, construction management and design build projects.

PNCI also has a history of successfully performing City construction projects since 2004. Staff has no reservations regarding PNCI Construction's qualifications or capability to complete this project.

The proposals were evaluated based on the following evaluation criteria:

- Responsiveness of submittal for the RFP
- Understanding of the project and objectives
- Necessary resources
- Required skills

- Demonstrated business integrity
- Fees

During this evaluation the lowest project proposal amount was not chosen due to the materials being used (wood framing with metal siding). This would not have the value or longevity of a metal on metal structure. The next lowest project proposal amount offers metal framing with metal siding for the construction. The price difference between the two types of structures is minimal compared to the value, low maintenance, and longevity obtained by the metal on metal structure.

Total pricing with additions:

<b>Company</b>	<b>Description of Addition</b>	<b>Amount</b>
PNCI	Metal Structure	\$103,677
Add on	8' drywall	\$2,825
Add on	Garage Door Remotes	\$75
Add on	Garage Door Safety Eyes	\$675
<b>Grand Total</b>		<b>\$107,252</b>

**Financial Impact/Budget:**

2009 Original Budget of \$75,000 for this project is in the 902 Sewer Fund, the remaining \$32,252 is available from funds appropriated in 902 Capital Projects accounts for projects that are not going to be used.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

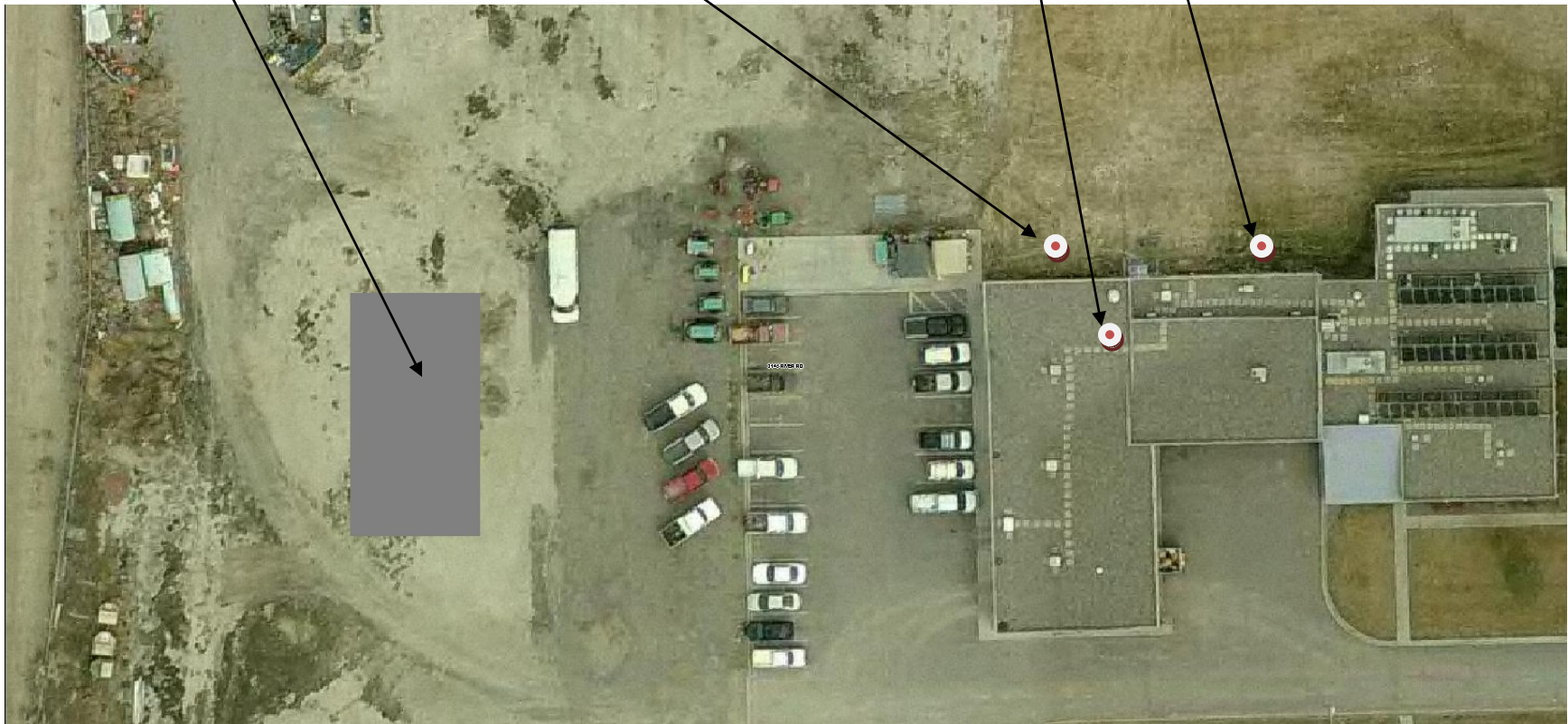
Site Plan

New storage shed 40 x 60

Existing drain line

electrical

gas line



The North East corner of the shop will be 100' west of back of curb and 175' west of the existing shop.

Elevations of the ground is North East corner 4515.88 / North West 4515.86 / South East 4515.74 / and South West 4515.79

The existing shop drain line EL is 4516.29, this is too high for the shop to drain to. We will eliminate the floor drains and have a flat floor.

Date: October 1, 2009  
Author: Kristen Ashbeck  
Title/ Phone Ext: Sr Planner/1491  
Proposed Schedule: Approval  
10/5/09; Execute Agreements  
following approval  
2nd Reading : NA

**Attach 5**  
**CDBG Subrecipient Contracts for 2008**  
**CDBG-R (stimulus) funds and Projects**  
**within the Community Development Block Grant**  
**CITY COUNCIL AGENDA ITEM**

**Subject:** CDBG Subrecipient Contracts for 2008 CDBG-R (stimulus) funds and Projects within the Community Development Block Grant (CDBG) Program Year

**File #s :** CDBG 2008-08; 2009-02; 2009-03; 2009-04; 2009-07

**Presenters Name & Title:** Kristen Ashbeck, Senior Planner / CDBG Administrator

**Executive Summary:**

The Subrecipient Contracts formalize the City's award of a total of \$411,201 to various non-profit organizations allocated from the City's 2008 CDBG-R and 2009 CDBG Program as previously approved by Council.

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

The projects funded through the 2009 CDBG grant year allocation will include steps towards the City's Comprehensive Plan Goals as listed below:

Goal 5: Broad Mix of Housing Types: Project 2009-04 will help provide additional affordable housing units for low and moderate income seniors.

Goal 12: Goods and Services that Enhance a Healthy, Diverse Economy: All other CDBG projects discussed below provide services that enhance our community including improved community and learning facilities, improved transportation for homeless persons, and improved senior services.

**Action Requested/Recommendation:**

Authorize the City Manager to sign the Subrecipient Contracts with Housing Resources of Western Colorado, HomewardBound of the Grand Valley, St. Mary's Senior Companion Program and the Grand Junction Housing Authority for the City's 2008 CDBG-R and 2009 Program Year funds.

**Board or Committee Recommendation:** NA

## **Background, Analysis and Options:**

### CDBG 2008-09 (CDBG-R) and CDBG 2009-07 Garden Village Learning Center:

CDBG funds will be used to construct a new 2,000 square foot learning center on the grounds of the Garden Village Apartment complex that is owned and operated by Housing Resources. The learning center will be used as a community center for the residents of Garden Village as well as provide accessible office and classroom space for self improvement classes such as budgeting, financial management and homebuyer education. The classes may also be available to residents of other low-income housing complexes in Grand Junction. The classes and available equipment in the learning center would provide families with the tools they need to better educate themselves and graduate to more gainful employment and more independent living situations.



CDBG 2009-02 HomewardBound of the Grand Valley: HomewardBound operates the Community Homeless Shelter at 2853 North Avenue. CDBG funds will assist with purchase of a 12-15 passenger van that will be used to transport overflow shelter guests to other facilities in the community that provide shelter for the overflow persons as well as for daily operational needs of the shelter such as to pick up laundered bedding and purchase supplies.

CDBG 2009-03 St. Mary's Senior Companion Program: Utilizing senior volunteers, the program provides weekly transportation services for elderly or disabled city residents who can no longer drive. Funding is for reimbursement for gas and mileage for 12 additional volunteers.

### CDBG 2009-04 Walnut Park Apartments:

GJHA owns and operates the Walnut Park Apartments located at 2236 North 17<sup>th</sup> Street. The complex provides affordable housing for seniors. The units were built prior to the 1990 American with Disabilities Act (ADA) and, until recently, GJHA has been given waivers for the units. GJHA is now being required to make at least 10% of the units accessible. The current floorplan of the units is not conducive to remodeling to

provide the accessibility so GJHA is proposing to add 14 units on the site that will meet the ADA requirements.



CDBG funds cannot be used to construct the new units themselves so CDBG funds will be used for eligible costs of site and infrastructure work to include rerouting underground utilities in the areas where the new units will be placed, demolition and site preparation, construction of parking areas for the anticipated new units and potentially construction management and development fees.

**Financial Impact/Budget:**

Revised 2008 CDBG funds to include CDBG-R and 2009 CDBG funds

**Legal issues:** NA

**Other issues:** None

**Previously presented or discussed:**

City Council discussed and approved the allocation of CDBG funding to these projects at its May 18, 2009 meeting.

**Attachments:**

1. Exhibit A, Subrecipient Contract – Housing Resources of Western Colorado for 2008 CDBG-R Funds
2. Exhibit A, Subrecipient Contract – Housing Resources of Western Colorado for CDBG 2009 Funds
3. Exhibit A, Subrecipient Contract – HomewardBound of the Grand Valley
4. Exhibit A, Subrecipient Contract – St. Marys Senior Companion Program
5. Exhibit A, Subrecipient Contract – Grand Junction Housing Authority

**2008 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) FUNDS  
WITH  
HOUSING RESOURCES OF WESTERN COLORADO**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay to Housing Resources of Western Colorado ("HRWC") \$91,783 from its 2008 Program Year CDBG-R Entitlement Funds subject to the Subrecipient Agreement for construction of a new 2,000 square foot learning center on the grounds of the Garden Village Apartment complex at 2601 Belford Avenue that is owned by GVAH, L.P., and operated by Housing Resources of Western Colorado, general partner. The Learning Center also known as "Project" or "the Project" will be used as a community center for the residents of Garden Village as well as provide accessible office and classroom space for self improvement classes such as budgeting, financial management and homebuyer education. The classes may also be available to residents of other low-income housing complexes in Grand Junction. The classes and available equipment in the Learning Center will provide families with the tools they need to better educate themselves and graduate to more gainful employment and more independent living situations.
2. HRWC certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to low/moderate income families in Grand Junction, Colorado.
3. The entire project consists of site/foundation preparation, community center/classroom construction, interior finish and site finish. The site and existing building are owned by GVAH Limited Partnership (of which HRWC is the managing general partner) and HRWC will continue to operate the housing complex and the Learning Center. It is understood that the City's grant of \$91,783 in CDBG funds shall be used only for the construction of the items listed above, primarily for the construction costs of the foundation and building shell. Costs associated with the other elements of the Project or costs over the \$91,783 grant amount will be paid for by other funding sources obtained by HRWC.
4. The Project shall commence upon the full and proper execution of the 2008 Subrecipient Contract and the completion of any appropriate land use and environmental review . The Project shall be completed on or before December 31, 2010.
5. At a minimum, HRWC estimates that it will provide services to the 230 residents of the Garden Village Apartments as well as an unknown amount of residents from other low income housing complexes in Grand Junction when the Learning Center project is completed and in full operation.

\_\_\_\_\_ HRWC



\_\_\_\_\_ City of Grand Junction

6. The City of Grand Junction shall monitor and evaluate the progress and performance of HRWC to assure that the terms of this contract are met in accordance with City and other applicable monitoring and evaluating criteria and standards. HRWC shall cooperate with the City relating to such monitoring and evaluation.
7. HRWC shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the Project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted once the Project is complete.
8. During a period of five (5) years following the date of completion of the Project the use or planned use of the property improved may not change unless: A) the City determines the new use meets the National Objective(s) of the CDBG Program, and B) HRWC provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If HRWC decides, after consultation with affected citizens that it is appropriate to change the use of the property to a use which the City determines does not qualify in meeting a CDBG National Objective, HRWC shall reimburse the City a prorated share of the City's \$91,783 CDBG-R contribution. At the end of the five-year period following the Project closeout date, there shall be no City restrictions on use of the property.
9. HRWC understands that the funds described in the Contract are received by the City from the US Department of Housing and Urban Development under the Community Development Block Grant Program. HRWC shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically stated in this Contract. HRWC shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
11. A formal project notice will be sent to HRWC once all funds are expended and a final report is received.

\_\_\_\_\_ HRWC

\_\_\_\_\_ City of Grand Junction

**2009 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) FUNDS  
WITH  
HOUSING RESOURCES OF WESTERN COLORADO**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay to Housing Resources of Western Colorado ("HRWC") \$8,217 from its 2009 Program Year CDBG Entitlement Funds subject to the Subrecipient Agreement for construction of a new 2,000 square foot learning center on the grounds of the Garden Village Apartment complex at 2601 Belford Avenue that is owned by GVAH, LP and operated by Housing Resources of Western Colorado, General Partner. The Learning Center also known as "Project" or "the Project" will be used as a community center for the residents of Garden Village as well as provide accessible office and classroom space for self improvement classes such as budgeting, financial management and homebuyer education. The classes may also be available to residents of other low-income housing complexes in Grand Junction. The classes and available equipment in the Learning Center will provide families with the tools they need to better educate themselves and graduate to more gainful employment and more independent living situations.
2. HRWC certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to low/moderate income families in Grand Junction, Colorado.
3. The entire project consists of site/foundation preparation, community center/classroom construction, site finish and interior finish. The site and existing building are owned by GVAH Limited Partnership (of which HRWC is the managing general partner), and HRWC will continue to operate the housing complex and the Learning Center. It is understood that the City's grant of \$8,217 in CDBG funds shall be used only for the construction of the items listed above; but primarily the interior finish of the Project. Costs associated with the other elements of the project or costs over the \$8,217 grant amount will be paid for by other funding sources obtained by HRWC.
4. The Project shall commence upon the full and proper execution of the 2009 Subrecipient Contract and the completion of any appropriate land use and environmental review. The Project shall be completed on or before December 31, 2010.
5. At a minimum, HRWC estimates that it will provide services to the 230 residents of the Garden Village Apartments as well as an unknown amount of residents from other low income housing complexes in Grand Junction when the Learning Center project is completed and in full operation.

\_\_\_\_\_ HRWC

\_\_\_\_\_ City of Grand Junction

6. The City of Grand Junction shall monitor and evaluate the progress and performance of HRWC to assure that the terms of this contract are met in accordance with City and other applicable monitoring and evaluating criteria and standards. HRWC shall cooperate with the City relating to such monitoring and evaluation.
7. HRWC shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the Project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted once the Project is complete.
8. During a period of five (5) years following the date of completion of the Project the use or planned use of the property improved may not change unless: A) the City determines the new use meets National Objectives(s) of the CDBG Program, and B) HRWC provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If HRWC decides, after consultation with affected citizens that it is appropriate to change the use of the property to a use which the City determines does not qualify in meeting a CDBG National Objective, HRWC shall reimburse the City a prorated share of the City's \$8,217 CDBG contribution. At the end of the five-year period following the Project closeout date, there shall be no City restriction on use of the property.
9. HRWC understands that the funds described in the Contract are received by the City from the US Department of Housing and Urban Development under the Community Development Block Grant Program. HRWC shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically stated in this Contract. HRWC shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
11. A formal project notice will be sent to HRWC once all funds are expended and a final report is received.

\_\_\_\_\_ HRWC

\_\_\_\_\_ City of Grand Junction

**2009 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH HOMEWARDBOUND OF THE GRAND VALLEY**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement HomewardBound of the Grand Valley, \$26,000 from its 2009 Program Year CDBG Entitlement Funds for purchase of a high capacity passenger van. HomewardBound operates the Community Homeless Shelter at 2853 North Avenue. CDBG funds will assist with the purchase of a 12-15 passenger van that will be used to transport overflow shelter guests to churches in the community that provide shelter for the overflow persons.
2. HomewardBound of the Grand Valley certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(e), Public Services – Youth Services.
3. The entire project consists of purchase of a 12-15 passenger van for the use and benefit of the clients of the Community Homeless Shelter. It is understood that the City's grant of \$26,000 in CDBG funds shall be used only for the purchase of the van. Costs associated with any other elements of the HomewardBound programs shall be paid for by other funding sources obtained by Partners. HomewardBound shall provide a copy of evidence of insurance for the vehicle with the first subrecipient drawdown request.
4. This project shall commence upon the full and proper execution of the 2009 Subrecipient Agreement and the completion of all appropriate environmental, Code, permit review approval and compliance. The project shall be completed on or before September 1, 2010.
5. The budget for the entire project is as follows:

<u>Project Activity</u>	<u>Estimated Cost</u>	<u>Source of Funds</u>
Purchase of 12-15 Passenger Van	\$26,000	\$26,000 CDBG Funds*

\* The City will grant \$26,000 towards the purchase of a van. If cost exceeds grant amount, the balance will be paid for with other funds secured by HomewardBound of the Grand Valley.

6. HomewardBound of the Grand Valley estimates that it will transport 1-2 van loads of persons on approximately 70 days during the winter months in the coming year that will be provided shelter in different locations.

\_\_\_\_\_ HomewardBound of the Grand Valley  
\_\_\_\_\_ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of HomewardBound of the Grand Valley to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. HomewardBound of the Grand Valley shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. HomewardBound of the Grand Valley shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted once the project is completed.
9. During a period of five (5) years following the date of completion of the project the use or planned use of the property improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) HomewardBound of the Grand Valley provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If HomewardBound of the Grand Valley decides, after consultation with affected citizens that it is appropriate to change the use of the property to a use which the City determines does not qualify in meeting a CDBG National Objective, HomewardBound of the Grand Valley must reimburse the City a prorated share of the City's \$26,000 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions on use of the property shall be in effect.
10. HomewardBound of the Grand Valley understands that the funds described in the Agreement are received by the City from the US Department of Housing and Urban Development under the Community Development Block Grant Program. HomewardBound of the Grand Valley shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. HomewardBound of the Grand Valley shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to HomewardBound of the Grand Valley once all funds are expended and a final report is received.

\_\_\_\_\_ HomewardBound of the Grand Valley  
\_\_\_\_\_ City of Grand Junction

**2009 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS WITH  
ST. MARY'S FOUNDATION FOR THE SENIOR COMPANION PROGRAM**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement St. Mary's Foundation \$12,000 for the Senior Companion Program ("Program" or "the Program") from its 2009 Program Year CDBG Entitlement Funds for reimbursement of mileage expenses for program volunteers. The general purpose of the Program and this project is to enable frail elderly persons to keep their independence as long as possible. Volunteer Senior Companions help their clients with grocery shopping, medical appointments, other errands out of the home and general housekeeping.
2. The Senior Companion Program certifies that it will meet the CDBG National Objective of low and moderate income clientele benefit (570.201(e)). It shall meet this objective by providing the above-referenced services to low and moderate income persons in Grand Junction, Colorado.
3. The Senior Companion Program enables low to moderate income active seniors to assist other low income frail, elderly persons so that those persons can continue living at home rather than in an assisted living facility. It is understood that the City's grant of \$12,000 in CDBG funds shall be used to reimburse volunteers for mileage expenses incurred for traveling to and from their client's home and for travel to provide other services to the clients.
4. This project shall commence upon the full and proper execution of the 2009 Subrecipient Agreement and the completion of all appropriate environmental, Code, permit review and approval and compliance. The project shall be completed on or before December 31, 2010.
5. The revenue for the annual mileage reimbursement is as follows:

United Way of Mesa County	\$ 19,500
Service Clubs and Community Donations	\$ 14,500
Private Foundations	\$ 11,000
Community Development Block Grant (CDBG)	\$ 12,000
<b>TOTAL MILEAGE BUDGET</b>	<b>\$ 57,000</b>
6. The Senior Companion Program served 271 homebound elderly seniors with 40 volunteers in FY 07-08 and estimates that the total number of clients served in FY 09-10.

\_\_\_\_\_ St. Mary's Foundation  
\_\_\_\_\_ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Senior Companion Program to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Senior Companion Program shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Senior Companion Program shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. The Senior Companion Program understands that the funds described in the Agreement are received by the City from the US Department of Housing and Urban Development under the Community Development Block Grant Program. The Senior Companion Program shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Senior Companion Program shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
11. A formal project notice will be sent to the Senior Companion Program once all funds are expended and a final report is received.

\_\_\_\_\_ St. Mary's Foundation  
\_\_\_\_\_ City of Grand Junction



**2009 SUBRECIPIENT CONTRACT FOR  
CITY OF GRAND JUNCTION  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
WITH THE GRAND JUNCTION HOUSING AUTHORITY**

**EXHIBIT "A"  
SCOPE OF SERVICES**

1. The City agrees to pay subject to the Subrecipient Agreement the Grand Junction Housing Authority ("GJHA") \$100,000 from its 2009 Program Year CDBG Entitlement Funds for site improvements and construction management fees and services for 12 new apartment units located at the existing Walnut Park Apartments complex at 2236 North 17<sup>th</sup> Street in Grand Junction, Colorado ("Property" or "the Property"). The general purpose of the payment is to provide 12 apartments for low and moderate income elderly/disabled persons.
2. The Grand Junction Housing Authority certifies that it shall meet the CDBG National Objective of low/mod limited clientele benefit (570.208(a)(2)). It shall meet this objective by providing the above-referenced services to elderly/disabled persons in Grand Junction, Colorado.
3. The payment is for the construction of 12 new apartment units in six buildings as infill on some of the open areas on the existing apartment complex site at 2236 North 17<sup>th</sup> Street. The Property is owned by the Grand Junction Housing Authority, which will continue to operate the new facilities on the site. It is understood that the City's grant of \$100,000 in CDBG funds shall be used only for the costs and improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Grand Junction Housing Authority.
4. This project shall commence upon the full and proper execution of the 2009 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before March 30, 2011.
5. The items to be funded by CDBG are:
  - Re-route underground utilities for ADA units
  - Demolition and site preparation
  - Parking
  - City development impact fees
  - Architect's construction management fees
  - Site Finish such as Landscaping, Sidewalks as needed
6. If operation of the facility ceases before December 31, 2016, the Grand Junction Housing Authority shall repay the City at the rate of \$1500 per month for each month the housing project is not serving clientele to December 31, 2016.

\_\_\_\_\_ Grand Junction Housing Authority

\_\_\_\_\_ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Grand Junction Housing Authority to assure that the terms of this contract are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Grand Junction Housing Authority shall cooperate with the City relating to such monitoring and evaluation.

8. The Grand Junction Housing Authority shall submit a progress report to the City on a monthly basis. This report shall detail, in accordance with generally accepted accounting principles, the monthly and year-to-date expenses and revenues for the project. It shall also describe the services provided and the number of clientele served on a monthly and year-to-date basis. A year-end report detailing all services provided shall also be submitted by March 30<sup>th</sup> of each year until 2016. All required reports shall be sent to Kristen Ashbeck, CDBG Administrator, 2333 West Avenue, Building C, Grand Junction, Colorado 81501.

9. The Grand Junction Housing Authority understands that the funds described in the Contract are received by the City of Grand Junction from the US Department of Housing and Urban Development under the Community Development Block Grant Program. The Grand Junction Housing Authority shall meet all City of Grand Junction and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Contract. The Grand Junction Housing Authority shall provide the City of Grand Junction with documentation establishing that all local and federal CDBG requirements have been met.

10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

11. A formal project (Close Out) notice will be sent to the Grand Junction Housing Authority after the City receives a final year-end report for project year 2016. The final report shall be prepared by the Grand Junction Housing Authority and be submitted to the City on or before March 30, 2017 unless a later date is agreed to in writing by the Grand Junction Housing Authority and the City.

\_\_\_\_\_ Grand Junction Housing Authority

\_\_\_\_\_ City of Grand Junction



Date: September 28<sup>th</sup>, 2009

Author: Jodi Romero

Title/ Phone Ext: 1515

Proposed Schedule: Monday

October 5<sup>th</sup>, 2009

2nd Reading

(if applicable): \_\_\_\_\_

\_\_\_\_\_

**Attach 6**  
**Free Holiday Parking in the Downtown**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Free Holiday Parking in the Downtown
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Jodi Romero, Financial Operations Manager Heidi Hoffman Ham, Downtown Development Authority Director

**Executive Summary:**

The Downtown Partnership and Development Authority have requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in all of downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices areas and shared-revenue lots.

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

**Plan Goal 4:** Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

Free Holiday Parking supports the efforts of the downtown associations in marketing the downtown area as a retail and entertainment destination during the Holiday shopping season.

**Action Requested/Recommendation:**

Vacate parking enforcement at all designated, downtown, metered spaces and signed parking from Thanksgiving to New Year’s Day, except loading, no parking, handicapped, and unbagged meter spaces surrounding government offices and in shared revenue lots. Free metered spaces will be clearly designated by covering the meters with the well-known “*Seasons Greetings-Free Parking*” red plastic bag.

**Board or Committee Recommendation:**

The Parking Management Advisory Group supports free holiday parking in the downtown area.

**Background, Analysis and Options:**

Holiday Parking remains a very popular program with a majority of the downtown merchants. Although there is inherent risk regarding use of the free spaces by employees, the merchants feel the benefits of providing free parking outweigh that risk. After several years of implementing a variety of Holiday Parking methods, the system utilized the last several years seems to have worked best. While allowing the vast majority of parking to be free and unrestricted, it is critical to maintain available parking for short-term visitors to government offices (approximately 120 out of 1,100 metered spaces) with continued enforcement of the short-term meters surrounding the Post Office (4<sup>th</sup> & White), the Federal Building (4<sup>th</sup> & Rood), the City Hall/County Administration block (5<sup>th</sup> & Rood to 6<sup>th</sup> & White), and the State Building (6<sup>th</sup> & Colorado). Additionally the shared-revenue lots at the State Building and the United Methodist Church (5<sup>th</sup> & Grand) as always are excluded from Free Holiday Parking and will continue to be enforced.

**Financial Impact/Budget:**

Because free holiday parking has been approved for several years now, the revenue from fines is projected with the holiday parking already in consideration, and therefore, there is not a corresponding impact to the budget.

**Legal issues:**

None.

**Other issues:**

None.

**Previously presented or discussed:**

N/A

**Attachments:**

None.



Date: September 22, 2009  
Author: Michael Grizenko  
Title/ Phone Ext: 256-4021  
Proposed Schedule: 2nd Reading  
(if applicable): 10/5/2009

**Attach 7**  
**Assessment for Alley Improvement District No. ST-09, Phase A and Phase B**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Assessment for Alley Improvement District No. ST-09, Phase A and Phase B
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Tim Moore, Public Works and Planning Director

**Executive Summary:**

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

- East/West Alley from 3rd to 4th, between Glenwood Avenue and Kennedy Avenue\*
- East/West Alley from 9th to 10th, between Main Street and Rood Avenue\*
- East/West T Alley from 17th to 18th, between North Avenue and Glenwood Avenue\*
- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue\*\*

\* Phase A Alleys  
\*\* Phase B Alley

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

Local improvement districts provide a service to citizens seeking to improve their neighborhood and enhance the look and appeal of the City as a whole.

Meets **Goal 8:** Create attractive public spaces and enhance the visual appeal of the community through quality development.

**Policy B:** Construct streets in the City Center, Village Centers, and Neighborhood Centers to include enhanced pedestrian amenities.

**Action Requested/Recommendation:**

Conduct a Public Hearing and Adopt Proposed Assessing Ordinance on Second Reading for Alley Improvement District ST-09, Phase A and Phase B.

**Board or Committee Recommendation:**

N/A

**Background, Analysis and Options:**

People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. These alleys were petitioned for reconstruction by more than 50% of the property owners. Assessment rates for alleys are based on percentages of total assessable costs the City will contribute for three property uses: 85% per abutting foot for residential single-family uses, 75% per abutting foot for residential multi-family uses, and 50% per abutting foot for non-residential uses.

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

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

The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by

November 13, 2009. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

**Financial Impact/Budget:**

Alley	Footage	Cost	Assessments	Net to City	% paid by property owner
E/W 3rd-4th, Glenwood to Kennedy	860	\$ 58,576	\$ 20,634	\$ 37,943	35%
E/W 9th-10th, Main to Rood	800	\$ 58,576	\$ 17,305	\$ 41,272	30%
T 17th-18th, North to Glenwood	1,263.78	\$ 109,831	\$ 32,148	\$ 77,682	29%
E/W 11th-12th, Hill to Teller	907.2	\$ 63,901	\$ 27,987	\$ 35,914	44%
<b>Totals</b>	<b>3830.98</b>	<b>\$ 290,884</b>	<b>\$ 98,073</b>	<b>\$ 192,811</b>	<b>34%</b>
2009 Alley Budget		\$ 400,000			
Cost to construct 2009 Phases A & B		\$ 290,884			
Balance		\$ 109,116			

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

The First Reading of this proposed Assessing Ordinance was conducted at the August 31, 2009 City Council meeting.

**Attachments:**

1) Summary Sheets, 2) Maps, 3) Assessing Ordinance

**SUMMARY SHEET**  
**ALLEY IMPROVEMENT DISTRICT**  
**3RD STREET TO 4TH STREET**  
**GLENWOOD AVENUE TO KENNEDY AVENUE**

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
***Sherwood Park Apartments Inc	205	16.64	3,411.20
Ronald D. & Terry Louise Vincent	70	33.28	2,329.60
***MMH Property Joint Venture	275	16.64	4,576.00
John A. Hart & Doris L. Hart Revocable Trusts	85	33.28	2,828.80
***4th & Kennedy Avenue LLC	100	33.28	3,328.00
***4th & Kennedy Avenue LLC	125	33.28	4,160.00
<b>ASSESSABLE FOOTAGE TOTAL</b>	<b>860</b>		<b>20,633.60</b>

Estimated Cost to Construct	\$ 58,576.28
Cost to Owners	<u>\$ 20,633.60</u>
Estimated Cost to City	\$ 37,942.68

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

\*\*\* Indicates property owners voting in favor are 4/6 or 67% and 82% of the assessable footage.



# SUMMARY SHEET

## ALLEY IMPROVEMENT DISTRICT 9th STREET TO 10TH STREET MAIN STREET TO ROOD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
***Steven W. Stewart	50	16.64	832.00
Brent D. & Christina A. Dullack	50	9.98	499.00
Laurel A. Ripple & Benjamin C. Yager	50	9.98	499.00
Nick A. Pirelli	25	9.98	249.50
***Sistie Miranda	50	9.98	499.00
***Phyllis A. Wickham	50	9.98	499.00
***Grand Junction Federal Credit Union	75	33.28	2,496.00
***Pregnancy Center of Grand Junction	75	33.28	2,496.00
Bradley C. Hibberd	50	9.98	499.00
***Thomas B. & Christine E. Orehek	75	16.64	1,248.00
***Grand Junction Federal Credit Union	25	33.28	832.00
***Eugene Grasmick	50	33.28	1,664.00
***Grand Junction Federal Credit Union	75	33.28	2,496.00
***Pregnancy Center of Grand Junction	50	33.28	1,664.00
Bethphage, Inc.	50	16.64	832.00
ASSESSABLE FOOTAGE	TOTAL	800	17,304.50

Estimated Cost to Construct	\$ 58,576.28
Cost to Owners	<u>\$ 17,304.50</u>
Estimated Cost to City	\$ 41,271.78

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

\*\*\* Indicates property owners signing in favor of improvements are 10/15 or 67% and 72% of assessable footage.



# SUMMARY SHEET

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

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
***Lutheran Church of Messiah of GJ	62.5	16.64	1,040.00
Michael D. & Margaret A. Harvey	50	9.98	499.00
The Brophy Family Trust	53.6	33.28	1,783.81
***Lutheran Church of Messiah of GJ	50	33.28	1,664.00
***Lutheran Church of Messiah of GJ	87.5	33.28	2,912.00
***Lutheran Church of Messiah of GJ	100	33.28	3,328.00
***Lutheran Church of Messiah of GJ	50	33.28	1,664.00
***Lutheran Church of Messiah of GJ	<u>453.6</u>	33.28	<u>15,095.81</u>
ASSESSABLE FOOTAGE                      TOTAL	907.2		27,986.62

Estimated Cost to Construct	\$ 63,901.39
Cost to Owners	<u>\$ 27,986.62</u>
Estimated Cost to City	\$ 35,914.77

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

\*\*\* Indicates owners signing in favor of improvements are 6/8 or 75% and 89% of the assessable footage.

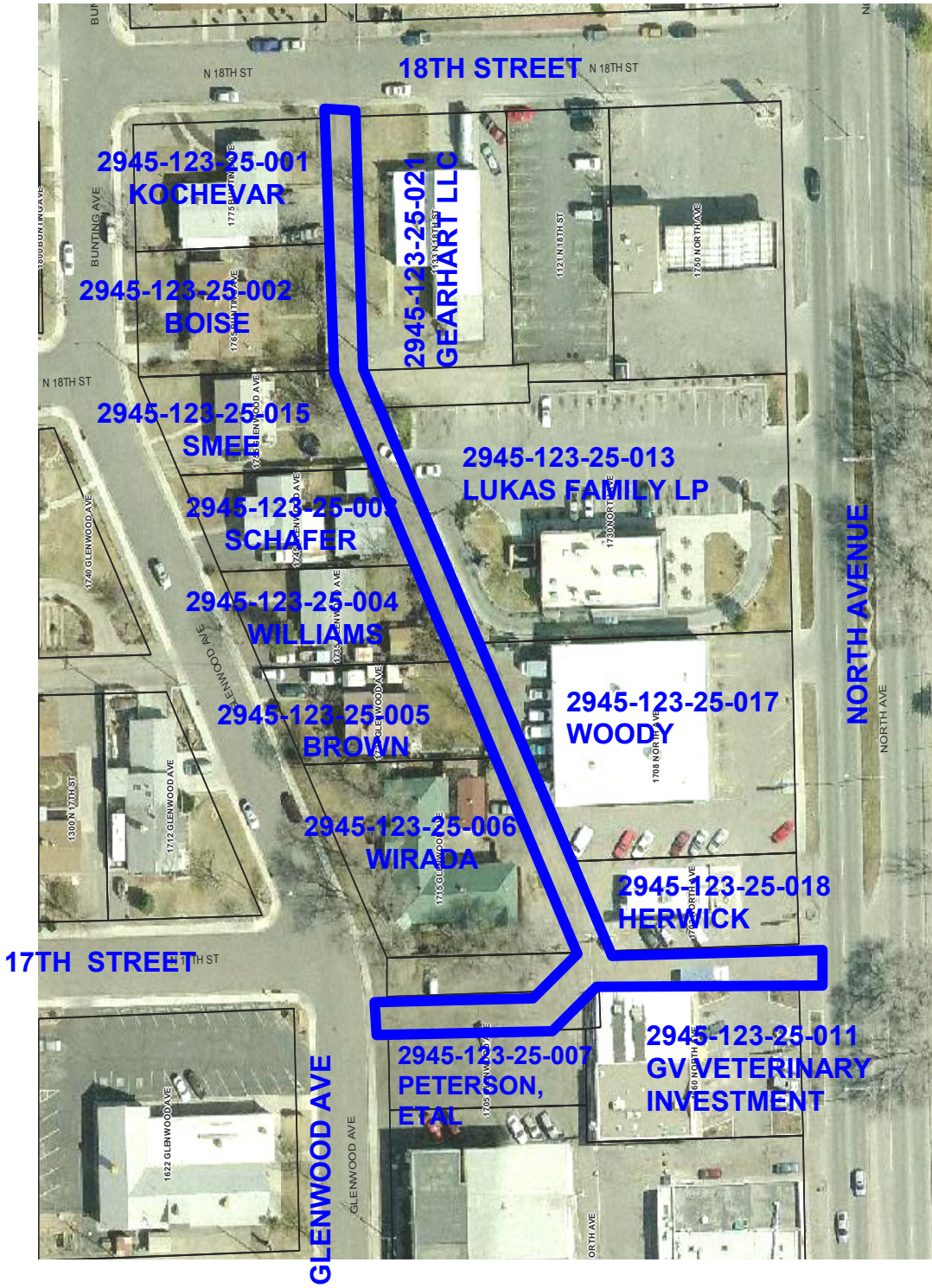
**ALLEY IMPROVEMENT DISTRICT  
3RD STREET TO 4TH STREET  
GLENWOOD AVENUE TO KENNEDY AVENUE**



# ALLEY IMPROVEMENT DISTRICT 9TH STREET TO 10TH STREET MAIN STREET TO ROOD AVENUE



**ALLEY IMPROVEMENT DISTRICT  
17TH STREET TO 18TH STREET  
NORTH AVENUE TO ROOD AVENUE**



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



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

**AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-09, PHASE A AND ALLEY IMPROVEMENT DISTRICT ST-09, PHASE B IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.**

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on September 2, 2009, and the last publication thereof appearing on September 4, 2009); and

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

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

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable



cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$103,957.32; and

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

<b>ALLEY 3RD STREET TO 4TH STREET, GLENWOOD AVENUE TO KENNEDY AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-113-16-002	Lot 2, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$3,615.87
2945-113-16-003	West 70 feet of Lot 3, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$2,469.38
2945-113-16-008	Lot 3 except the West 70 feet thereof, Block 12, and the West 125 of Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, together with the vacated alley between said Lots 3 & 4 of said Subdivision, City of Grand Junction	\$4,850.56
2945-113-16-009	Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 125 feet thereof, City of Grand Junction	\$2,998.53
2945-113-16-010	The West 100 feet of Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$3,527.68
2945-113-16-011	Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 100 feet thereof, City of Grand Junction	\$4,409.60

**ALLEY 9TH STREET TO 10TH STREET, MAIN STREET TO ROOD AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-144-15-003	Lots 4 & 5, Block 108, City of Grand Junction	\$ 881.92
2945-144-15-004	Lots 6 & 7, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-006	Lot 10, Block 108, City of Grand Junction	\$ 264.47
2945-144-15-008	Lots 13 & 14, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-009	Lots 15 & 16, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-005	Lots 8 & 9, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-010	Lots 30 to 32, inclusive,, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-013	Lots 22 to 24, inclusive, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-015	Lots 17 to 19, inclusive, Block 108, City of Grand Junction	\$1,322.88
2945-144-15-014	Lots 20 & 21, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-016	Lot 29, Block 108, City of Grand Junction	\$ 881.92
2945-144-15-018	South 40' of Lots 1 through 3, inclusive, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-017	Lots 27 & 28, Block 108, City of Grand Junction	\$1,763.84
2945-144-15-975	Lots 25 & 26, Block 108, City of Grand Junction	\$1,763.84
2945-144-15-977	Lots 11 & 12, Block 108, City of Grand Junction	\$ 881.92

**ALLEY 17TH STREET TO 18TH STREET, NORTH AVENUE TO GLENWOOD AVENUE**

<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-123-25-001	Lot 8, Block 7, Elmwood Plaza Refiling	\$1,171.19
2945-123-25-002	Lot 7, Block 7, Elmwood Plaza Refiling	\$ 702.43
2945-123-25-003	Lot 5, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-004	Lot 4, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-005	Lot 3, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-006	Lots 1 & 2, Block 7, Elmwood Plaza Refiling	\$2,024.19
2945-123-25-007	Lot 5, Block 4, Parkplace Heights together with north 10 feet of vacated alley per Book 1111, Page 739, except alley right of way per Book 1133, Page 903	\$4,447.35
2945-123-25-011	Lot 6, Block 4 Parkplace Heights together with south 10 feet of vacated alley per Book	\$4,868.20

	1111, Page 739	
2945-123-25-013	East 42 feet of Lot 14 and all of Lot 13, Block 7, Elmwood Plaza Refiling	\$4,907.35
2945-123-25-015	Lot 6, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-017	The East 116.5 feet of the following: the west 61 feet of Lot 14 & all of Lot 15, except the west 5 feet of said Lot 15, Block 7, Elmwood Plaza Refiling	\$4,575.76
2945-123-25-021	Lot 1, Mitchell Replat	\$4,684.75
2945-123-25-018	West 48 feet of Lot 15, Block 7 Elmwood Plaza Refiling, except the west 5 feet thereof.	\$4,267.43

<b>ALLEY 11TH STREET TO 12TH STREET, HILL AVENUE TO TELLER AVENUE</b>		
<b>TAX SCHEDULE NO.</b>	<b>LEGAL DESCRIPTION</b>	<b>ASSESSMENT</b>
2945-141-18-005	Lots 25, 26 and the East 1/2 of Lot 27, Block 23, City of Grand Junction	\$ 1,102.40
2945-141-18-006	Lots 23 & 24, Block 23, City of Grand Junction	\$ 528.94
2945-141-18-009	Lot 18, Block 23, City of Grand Junction	\$ 1,890.84
2945-141-18-981	Lots 33 & 34, Block 23, City of Grand Junction	\$ 1,763.84
2945-141-18-998	The West 11.5 feet of Lot 29 and all of Lots 30 through 32, Block 23, City of Grand Junction	\$ 3,086.72
2945-141-18-014	Lots 19 through 22, inclusive, Block 23, City of Grand Junction	\$ 3,527.68
2945-141-18-951	The West half of Lot 27, Lot 28 and the East 13.5 feet of Lot 29, Block 23, City of Grand Junction	\$ 1,763.84
2945-141-18-959	Lots 1 through 17, inclusive, Block 23, City of Grand Junction	\$ 16,001.56

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

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

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of

final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

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

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

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

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

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of

Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

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

Introduced on First Reading this 31<sup>st</sup> day of August, 2009.

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

Attest:

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

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



Date: September 22, 2009

Author: Judith Rice

Title/ Phone Ext: Associate  
Planner / 4138

Proposed Schedule: October 5,  
2009

2nd Reading (if applicable): n/a

**Attach 8**  
**Gunnison Avenue Revocable Permit**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Gunnison Avenue Revocable Permit
<b>File #:</b> RVP-2009-101
<b>Presenters Name &amp; Title:</b> Judith Rice, Associate Planner

**Executive Summary:**

Request for a Revocable Permit to allow the undeveloped right-of-way between 28 ½ Road and Harris Road to be used for outdoor storage, fencing and vehicular access.

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

A Revocable Permit will allow two existing commercial enterprises to temporarily use an undeveloped portion of a City right-of-way.

**Action Requested/Recommendation:**

Approval of the Resolution Issuing the Revocable Permit.

**Board or Committee Recommendation:** None

**Background, Analysis and Options:** See Attached

**Financial Impact/Budget:** None

**Legal issues:** None

**Other issues:** None

**Previously presented or discussed:** None

**Attachments:**

Staff Report / Background Information  
Site Location Map / Aerial Photo Map  
Future Land Use Map / Existing City Zoning Map  
Resolution  
Revocable Permit  
Agreement

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		Undeveloped portion of Gunnison Avenue between 28 ½ Road and Harris Road			
<b>Applicant:</b>		Brumbaugh Properties, LLC and Grand Junction Concrete Pipe Company			
<b>Existing Land Use:</b>		Brumbaugh Properties: Chuck's Marina Boat Storage for Maintenance and Repair Grand Junction Pipe Company: Outdoor Storage and Vehicular Access			
<b>Proposed Land Use:</b>		Brumbaugh Properties: Chuck's Marina Boat Storage for Maintenance and Repair Grand Junction Pipe Company: Outdoor Storage and Vehicular Access			
<b>Surrounding Land Use:</b>	<b>North</b>	Grand Junction Concrete Pipe Company Office and Outdoor Storage Yard, Harris Road Public Right-of-Way			
	<b>South</b>	Chuck's Marina Boat Repair and Grand Junction Concrete Pipe Company Office and Outdoor Storage Yard			
	<b>East</b>	Grand Junction Concrete Pipe Company Office and Outdoor Storage Yard			
	<b>West</b>	Gunnison Avenue Right-of-Way			
<b>Existing Zoning:</b>		None, Public Right-of-Way			
<b>Proposed Zoning:</b>		None, Public Right-of-Way			
<b>Surrounding Zoning:</b>	<b>North</b>	C-2 (General Commercial), I-1 (Light Commercial), R-8 (Residential 8 du/acre), I-2 (General Industrial), Public Right-of-Way			
	<b>South</b>	I-1 (Light Commercial)			
	<b>East</b>	I-1 (Light Commercial), I-2 (General Industrial)			
	<b>West</b>	None, Public Right-of-Way			
<b>Growth Plan Designation:</b>		None, Public Right-of-Way			
<b>Zoning within density range?</b>		N/A	<b>Yes</b>	N/A	<b>No</b>

**Project Analysis:**

1. Background

Code Enforcement investigated the use of the undeveloped portion of Gunnison Avenue between 28 ½ Road and Harris Road and it was determined that the businesses at 474 28 ½ Road, Chuck's Marina (Brumbaugh Properties, LLC) and 2868 I-70 B, Grand Junction Concrete Pipe Company were using an undeveloped portion of the Gunnison Avenue public right-of-way for outdoor storage and vehicular access and



site circulation. Chuck's Marina was also using the alley just north of 474 28 ½ Road which runs north-south between Hill Avenue and Gunnison Avenue.

A Revocable Permit request would not be appropriate for the alley or for the section of undeveloped Gunnison Avenue directly in front of Chuck's Marina (from 28 ½ Road approximately 172 feet east). The alley provides access to residential properties to the north and should not be used for Chuck's Marina boat parking or storage. The portion of Gunnison Avenue directly in front of Chuck's Marina can be used for public parking for Chucks Marina and public access to the alley. It was determined, however, that a request for a Revocable Permit for the undeveloped area of Gunnison Avenue as depicted in the Map Figures of this report would be appropriate.

## 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.*

A revocable permit would allow use of undeveloped right-of-way land by these commercial entities until the City decides to develop this portion of Gunnison Avenue.

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

Viable commercial enterprises are needed for a healthy community. Allowing the temporary use of this undeveloped portion of Gunnison Avenue will help promote a healthy diverse economy.

- c. *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 area for which the Revocable Permit is being requested is suitable for outdoor commercial storage and vehicular access. This use is not in conflict with an Xcel Energy gas line and electric pole or a City sewer line located in this portion of Gunnison Avenue right-of-way. There are no other uses anticipated for this right-of-way area.

- d. *The proposed use shall be compatible with the adjacent land uses.*  
The proposed use is compatible with adjacent commercial and industrial 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.*

Continuing the proposed use will not negatively impact any area properties' access, circulation or the character of the neighborhood.

- 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.*

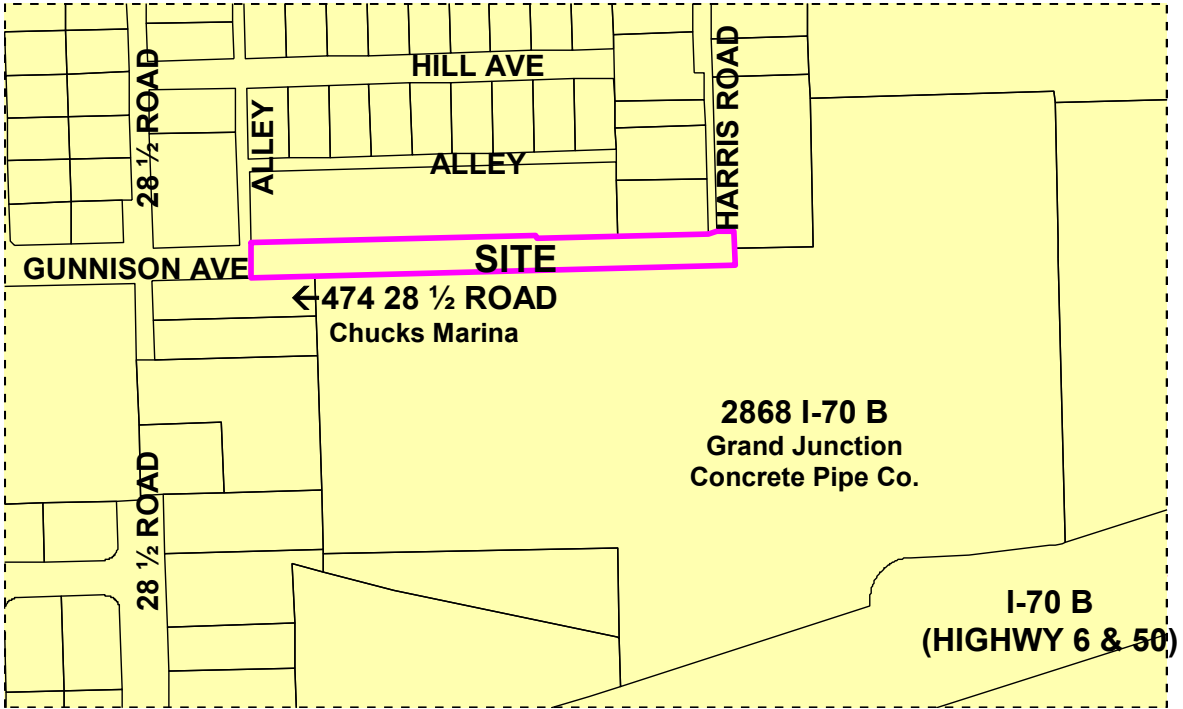
The proposed use furthers Growth Plan Policy 17.1 to retain stable industries that provide employment opportunities for community residents. In addition requirements for Code Section 2.17.C have been met.

- 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, the SSID Manual and Section 127 of the City Charter Section 127 of the City Charter.

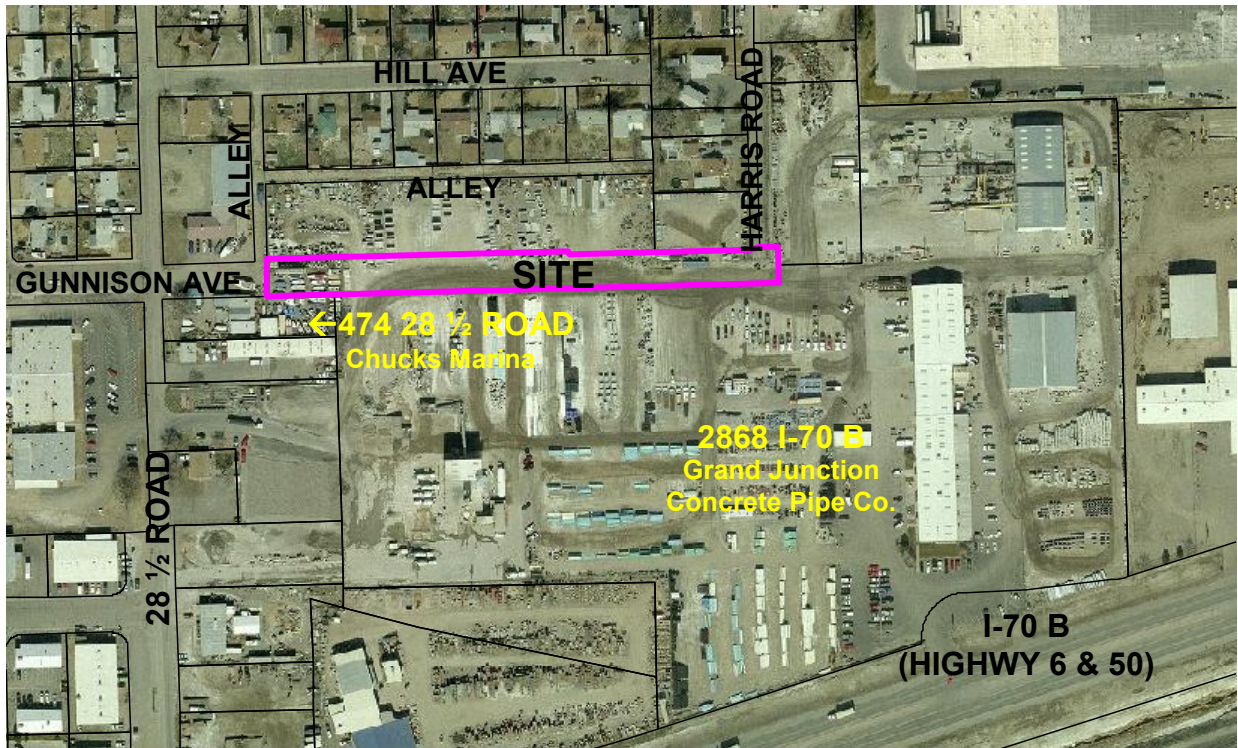
# Site Location Map

Figure 1



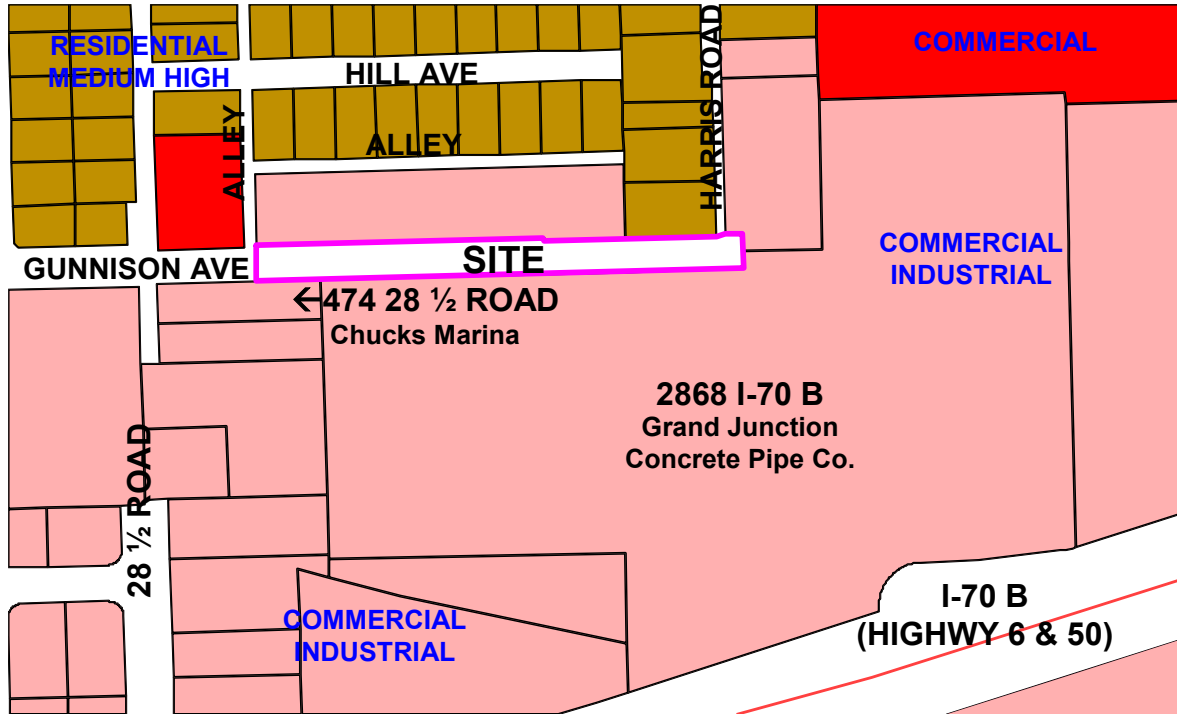
# Aerial Photo Map

Figure 2



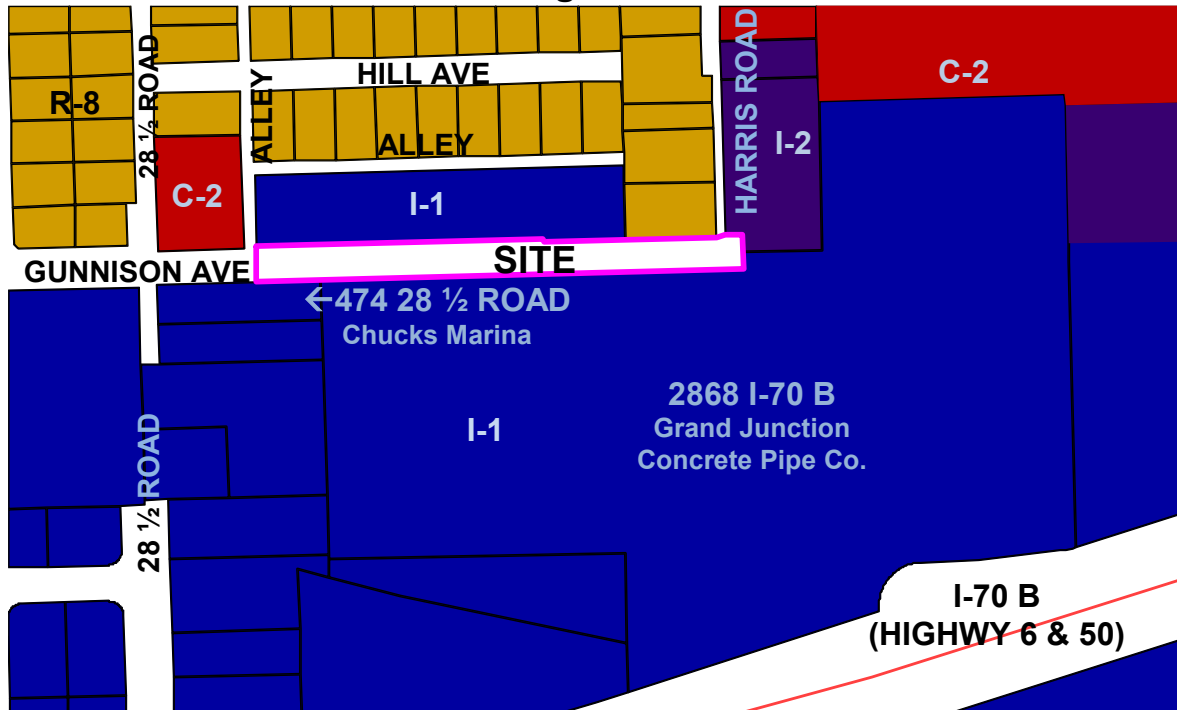
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



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

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO  
BRUMBAUGH PROPERTIES LLC AND GRAND JUNCTION CONCRETE PIPE  
COMPANY**

**Recitals.**

A. Brumbaugh Properties, LLC and Grand Junction Concrete Pipe Company, LLC, hereinafter referred to as the Petitioners, represent they are the owner of the following described real properties in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Brumbaugh Properties LLC

BEG 25FT S OF NW COR SW4NE4 SEC 18 1S 1E E 308.1FT S 75FT W 308.1FT N 75FT TO BEG EXC W 30FT FOR RD ROW PER B-2240 P-427/428 MESA CO RECORDS - 0.48AC and identified by Mesa County: Tax Schedule Number 2943-181-00-069.

Grand Junction Concrete Pipe Company

LOT 3 WAL-MART TWO SUB SEC 18 1S 1E & ALSO BEG 25FT S & 308.1FT E OF NW COR SW4NE4 SD SEC 18 E 509.65FT S 473.3FT M-L TO NE COR TR AS DESC B-978 P-565 CO CLKS OFF W TO A PT S OF BEG N TO BEG EXC N 5FT FOR ROW DESC B-1050 P-308 CO CLKS OFF and identified by Mesa County: Tax Schedule Number 2943-181-15-004.

B. The Petitioners have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, maintain and repair fencing, outdoor storage and vehicular access within the following described public right-of-way:

The full width of the undeveloped right-of-way for Gunnison Avenue along the north side of the properties heretofore described, between the easterly right-of-way of the north-south alley east of 28-1/2 Road to the eastern terminus of the undeveloped Gunnison Avenue right-of-way near Harris Road (see attached Exhibit A) containing approximately 49,200 square feet.

C. Relying on the information supplied by the Petitioners and contained in File No. RVP-2009-101 in the office of the City's Public Works and Planning Department, 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 Petitioners 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.

A. Brumbaugh Properties LLC and Grand Junction Concrete Pipe Company hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Brumbaugh Properties LLC

BEG 25FT S OF NW COR SW4NE4 SEC 18 1S 1E E 308.1FT S 75FT W 308.1FT N 75FT TO BEG EXC W 30FT FOR RD ROW PER B-2240 P-427/428 MESA CO RECORDS - 0.48AC and identified by Mesa County: Tax Schedule Number 2943-181-00-069.

Grand Junction Concrete Pipe Company

LOT 3 WAL-MART TWO SUB SEC 18 1S 1E & ALSO BEG 25FT S & 308.1FT E OF NW COR SW4NE4 SD SEC 18 E 509.65FT S 473.3FT M-L TO NE COR TR AS DESC B-978 P-565 CO CLKS OFF W TO A PT S OF BEG N TO BEG EXC N 5FT FOR ROW DESC B-1050 P-308 CO CLKS OFF and identified by Mesa County: Tax Schedule Number 2943-181-15-004.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair fencing, outdoor storage and vehicular access within the following described public right-of-way:

The full width of the undeveloped right-of-way for Gunnison Avenue along the north side of the properties heretofore described, between the easterly right-of-way of the north-south alley east of 28-1/2 Road to the eastern terminus of the undeveloped Gunnison Avenue right-of-way near Harris Road (see attached Exhibit A) containing approximately 49,200 square feet.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2009-101 in the office of the City's Community Development Department, 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, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioners a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioners' use and occupancy of 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 to avoid creating hazardous or dangerous situations and to

avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed 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 reason.

3. The Petitioners, for themselves and for their successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any 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 activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioners agree that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the 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 cost and expense of the Petitioners, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

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



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

Attest:

The City of Grand Junction,  
a Colorado home rule municipality

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

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

Acceptance by the Petitioners:

\_\_\_\_\_  
\_\_\_\_\_  
*Brumbaugh Properties LLC*

\_\_\_\_\_  
*Grand Junction Concrete Pipe Company*





**EXHIBIT A: REVOCABLE PERMIT  
UNDEVELOPED GUNNISON AVENUE RIGHT-OF-WAY**





Date: September 22, 2009

Author: Judith Rice

Title/ Phone Ext: Associate

Planner/4138

Proposed Schedule: October 5, 2009

2nd Reading (if applicable):  
October 5, 2009

**Attach 9**  
**Annexation and Zoning of the RQ Property**  
**Located at 3131 D Road**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Annexation and Zoning of the RQ Property Located at 3131 D Road
<b>File #:</b> ANX-2009-144
<b>Presenters Name &amp; Title:</b> Judith Rice, Associate Planner

**Executive Summary:**

A request to annex and zone 20.02 acres located at 3131 D Road to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) districts. The RQ Annexation consists of one parcel and no right-of-way.

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Annexation will allow appropriate residential use of this property within the City's urban setting.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Annexation and future development will help to sustain a healthy, diverse economy with in the City's urban setting.

**Action Requested/Recommendation:**

Adopt Resolution Accepting the Petition for the RQ Annexation and Hold a Public Hearing and Consider Final Passage and Publication of the Annexation and Zoning Ordinances.

**Board or Committee Recommendation:** At the September 8, 2009 hearing, the Planning Commission recommended the City Council approve an R-8 (Residential 8 du/acre) zone district for the north 14.0 acres and a CSR (Community Services and Recreation) zone district for the south 6.02 acres finding that the R-8 and CSR zone districts consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

**Background, Analysis and Options:** See attached.

**Financial Impact/Budget:** N/A

**Legal issues:** None

**Other issues:** None

**Previously presented or discussed:**

August 17, 2009, City Council, adopted a Resolution referring the petition for annexation to City Council, set a hearing date for annexation and exercised land use control.

September 14, 2009, City Council, introduced a proposed Zoning Ordinance and set a hearing date.

**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
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		3131 D Road		
<b>Applicants:</b>		River Trail II, Inc.		
<b>Existing Land Use:</b>		Residential Single Family and Agriculture		
<b>Proposed Land Use:</b>		Residential Single Family		
<b>Surrounding Land Use:</b>	<b>North</b>	Residential Single Family		
	<b>South</b>	Vacant, Colorado River		
	<b>East</b>	Residential Single Family and Agriculture		
	<b>West</b>	Residential Single Family and Agriculture		
<b>Existing Zoning:</b>		County RSF-R (Residential Single Family Rural) and AFT(Agriculture, Forestry and Traditional)		
<b>Proposed Zoning:</b>		R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation)		
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-5		
	<b>South</b>	County AFT (Agriculture, Forestry and Traditional)		
	<b>East</b>	R-8 (Residential 8 du/acre) and County RSF-R (Residential Single Family Rural)		
	<b>West</b>	R-4 (Residential 4 du/acre)		
<b>Growth Plan Designation:</b>		Residential Medium and Conservation		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

This annexation area consists of 20.02 acres of land and is comprised of one 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 RQ 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 owner's consent.

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
8/17/2009	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
9/8/2009	Planning Commission considers Zone of Annexation
9/1/2009	Introduction Of A Proposed Ordinance on Zoning by City Council
10/5/2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
11/6/2009	Effective date of Annexation and Zoning



RQ ANNEXATION SUMMARY		
<b>File Number:</b>		ANX-2009-144
<b>Location:</b>		3131 D Road
<b>Tax ID Number:</b>		2943-222-00-097
<b># of Parcels:</b>		One
<b>Estimated Population:</b>		One
<b># of Parcels (owner occupied):</b>		None
<b># of Dwelling Units:</b>		One
<b>Acres land annexed:</b>		20.02 acres
<b>Developable Acres Remaining:</b>		20.02 acres
<b>Right-of-way in Annexation:</b>		-0- acres
<b>Previous County Zoning:</b>		County RSF-R (Residential Single Family Rural) and AFT (Agriculture, Forestry and Traditional)
<b>Proposed City Zoning:</b>		R-8 (Residential 8 du/acre)
<b>Current Land Use:</b>		Residential and Agriculture
<b>Future Land Use:</b>		Residential Medium and Conservation
<b>Values:</b>	<b>Assessed:</b>	\$29,070
	<b>Actual:</b>	\$331,340
<b>Address Ranges:</b>		3131 D Road
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water District
	<b>Sewer:</b>	Central Grand Valley
	<b>Fire:</b>	Clifton Fire District
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation
	<b>School:</b>	School District 51
	<b>Pest:</b>	Upper Grand Valley Pest Control

**Staff Analysis:**

Zone of Annexation: The requested zone of annexation to R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts is consistent with the Growth Plan designation of Residential Medium and Conservation, respectively. The existing County zoning is County RSF-R (Residential Single Family Rural) and AFT (Agriculture, Forestry and Traditional). 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 14 acres of the property for which an R-8 zone is being requested is consistent with the surrounding County and City zones in the neighborhood. A County RSF-5 development lies north of the property. To the west and east are properties zoned R-4 and R-8 respectively. The proposed zone conforms to the Growth Plan's designation of Residential Medium. In addition, the R-8 zoning furthers the recommendation for the Pear Park Neighborhood Plan to develop the area for residential use.

The 6.02 acres for which a CSR zone is requested is consistent with the Growth Plan's Future Land Use Designation of Conservation and furthers the goal of the Pear Park Neighborhood Plan to conserve areas for wildlife and open space along the river corridor.

- 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 R-8 (Residential 2 du/acre) and CSR (Community Services and Recreation) zone districts. Water and sewer service is provided along D Road by 10 inch lines.

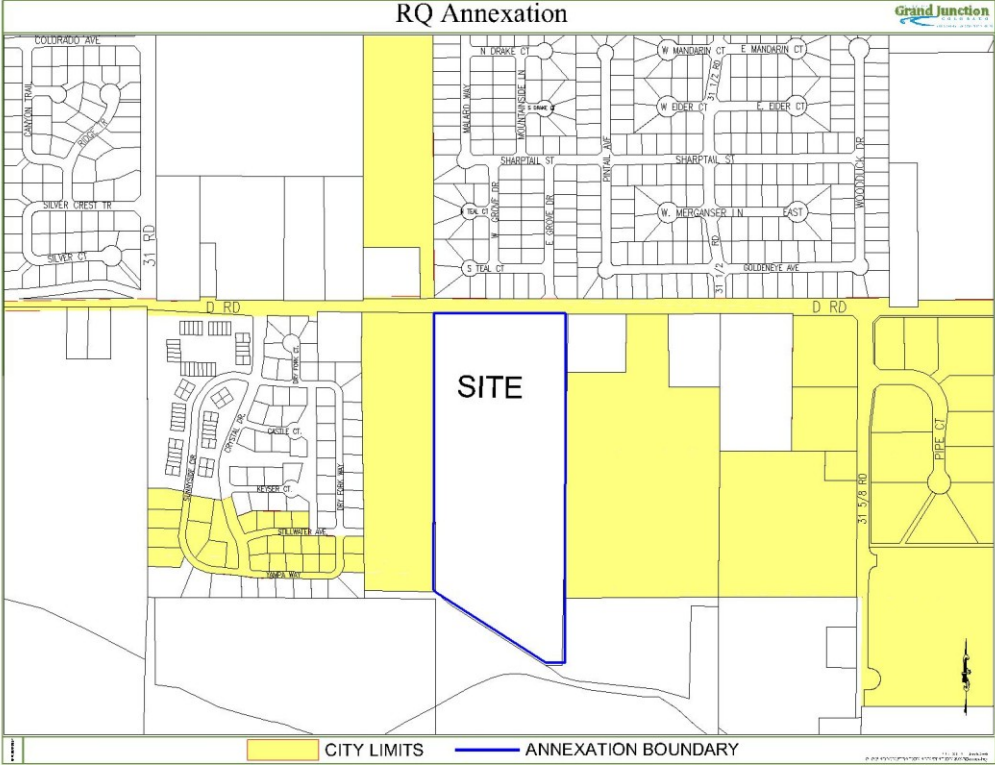
Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

1. The Residential Medium Future Land Use Designation also supports the following zone districts:
  - a. R-4 (Residential 4 du/acre)
  - b. R-5 (Residential 5 du/acre)
2. There are no other zoning districts that implement the Conservation Future Land Use Designation other than CSR.

If City Council chooses an alternative zone designation, specific alternative findings must be made.

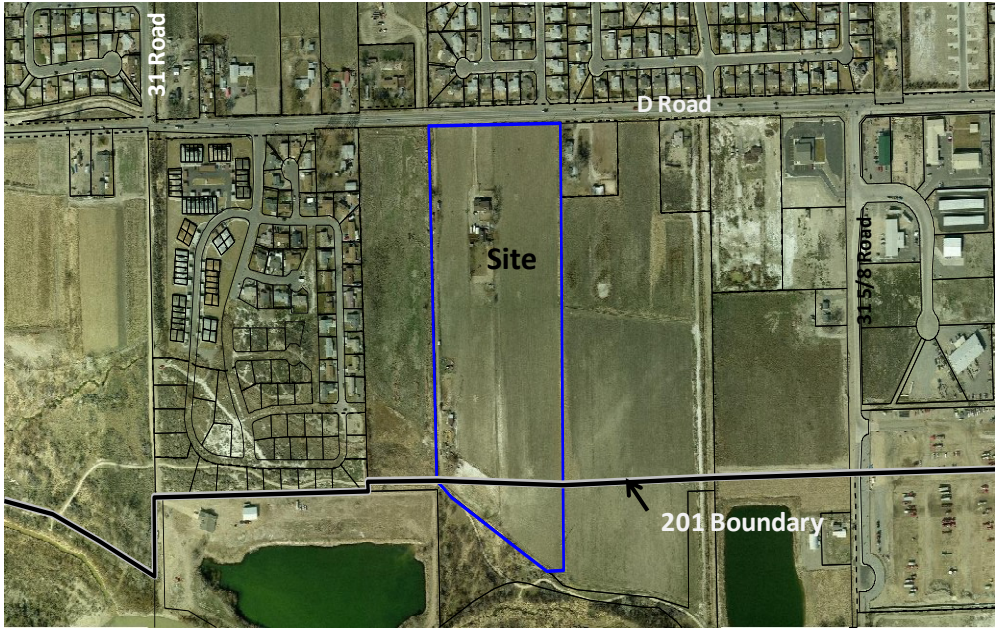
# Annexation/Site Location Map

Figure 1



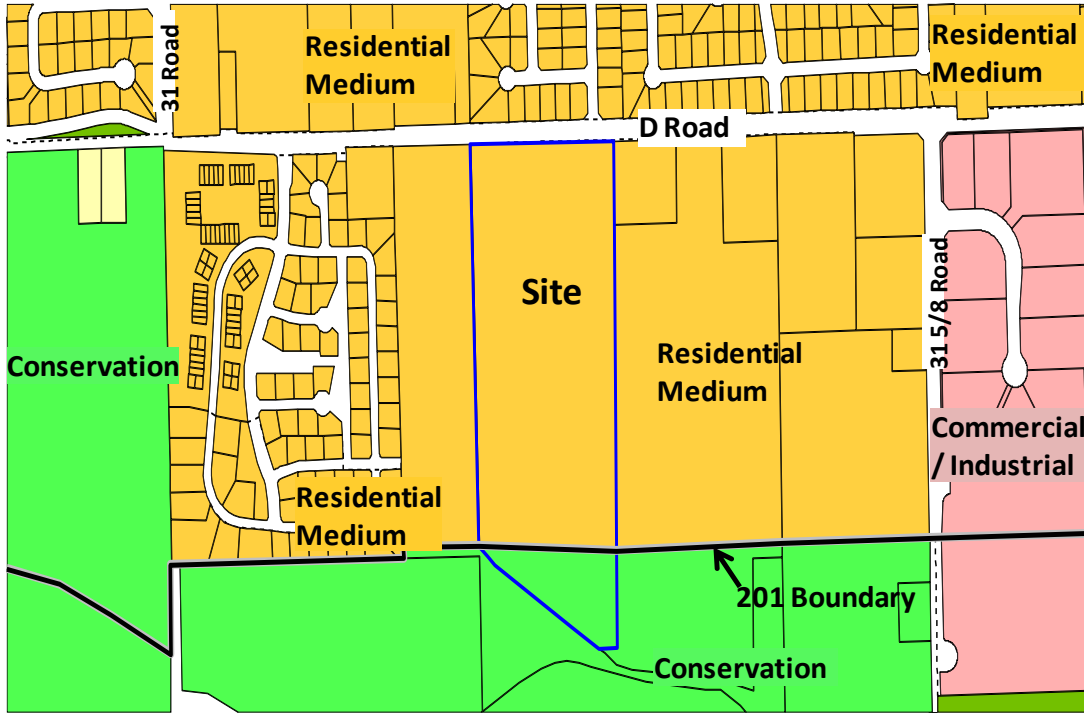
# Aerial Photo Map

Figure 2



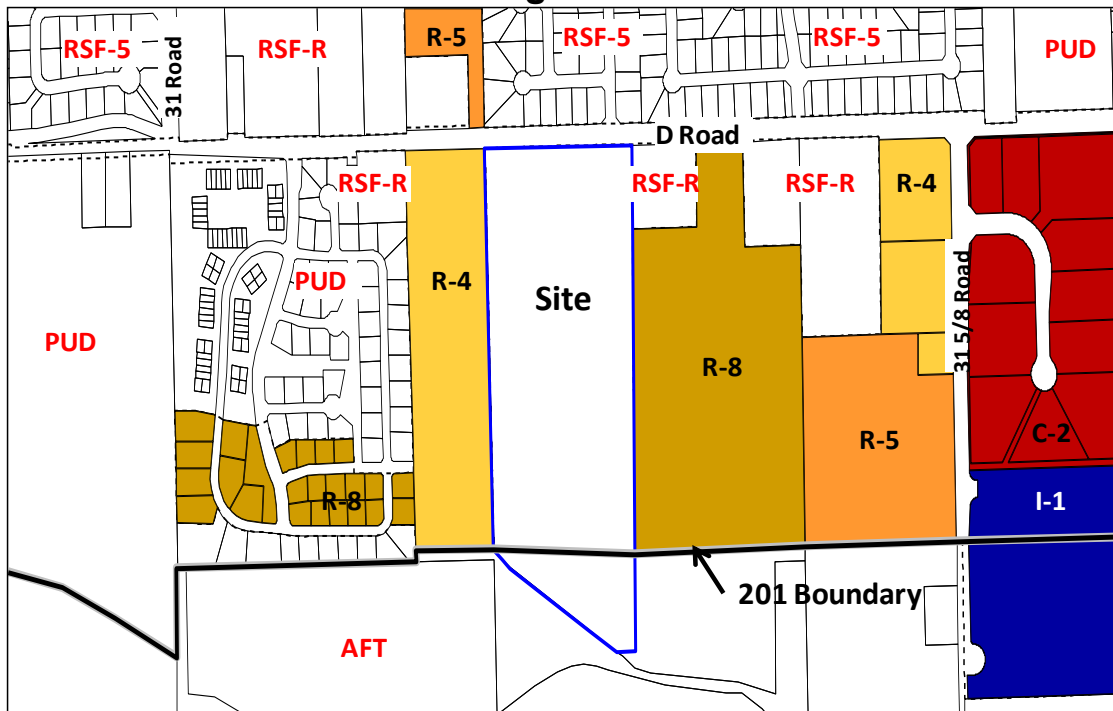
# Future Land Use Map

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**

**RQ ANNEXATION**

**LOCATED AT 3131 D ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 17th day of August, 2009, a petition was submitted 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:

**RQ ANNEXATION**

A certain parcel of land located in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 22, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 22 and assuming the North line of the NE 1/4 NW 1/4 of said Section 22 to bear S89°53'36"E with all bearings contained herein relative thereto; thence S00°13'57"W a distance of 30.00 feet along the West line of the NE 1/4 NW 1/4 of said Section 22 to the Point of Beginning; thence S89°53'36"E a distance of 602.17 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 22, said line also being the South line of Snidow Annexation No. 1, Ordinance No. 3344, City of Grand Junction; thence S00°13'57"W a distance of 1590.03 feet along the West line of River Trail Annexation, Ordinance No. 4023, City of Grand Junction; thence N89°53'45"W a distance of 83.41 feet; thence N57°27'33"W a distance of 598.24 feet; thence N42°32'44"W a distance of 19.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 22, said point also being the Southeast corner of Heron's Nest Annexation No. 2, Ordinance No. 4045, City of Grand Junction; thence N00°13'57"E along the West line of the NE 1/4 NW 1/4 of said Section 22 a distance of 1254.95 feet, said line also being the East line of said Heron's Nest Annexation No. 2 and also being the East line of Heron's Nest Annexation No. 1, Ordinance No. 4044, City of Grand Junction a distance of 1254.95 feet to the Point of Beginning.

Said parcel contains 20.02 acres (872,060 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of October, 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**

**RQ ANNEXATION**

**APPROXIMATELY 20.02 ACRES**

**LOCATED AT 3131 D ROAD**

**WHEREAS**, on the 17th day of August, 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 5th day of October, 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:

**RQ ANNEXATION**

A certain parcel of land located in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 22, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 22 and assuming the North line of the NE 1/4 NW 1/4 of said Section 22 to bear S89°53'36"E with all bearings contained herein relative thereto; thence S00°13'57"W a distance of 30.00 feet along the West line of the NE 1/4 NW 1/4 of said Section 22 to the Point of Beginning; thence S89°53'36"E a distance of 602.17 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 22, said line also being the South line of Snidow Annexation No. 1, Ordinance No. 3344, City of Grand Junction; thence S00°13'57"W a distance of 1590.03 feet along the West line of River Trail Annexation, Ordinance No. 4023, City of Grand Junction; thence N89°53'45"W a distance of 83.41

feet; thence N57°27'33"W a distance of 598.24 feet; thence N42°32'44"W a distance of 19.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 22, said point also being the Southeast corner of Heron's Nest Annexation No. 2, Ordinance No. 4045, City of Grand Junction; thence N00°13'57"E along the West line of the NE 1/4 NW 1/4 of said Section 22 a distance of 1254.95 feet, said line also being the East line of said Heron's Nest Annexation No. 2 and also being the East line of Heron's Nest Annexation No. 1, Ordinance No. 4044, City of Grand Junction a distance of 1254.95 feet to the Point of Beginning.

CONTAINING 20.02 Acres (872,060 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 17th day of August, 2009 and ordered published.

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

Attest:

Council

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

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



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE RQ ANNEXATION TO  
R-8 (RESIDENTIAL 8 DU/ACRE) AND CSR (COMMUNITY SERVICES AND  
RECREATION)**

**LOCATED AT 3131 D ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the RQ Annexation to the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts finding that they conform with the recommended land use categories 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 districts meet the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation) zone districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned R-8 (Residential 8 du/acre) and CSR (Community Services and Recreation).

A certain parcel of land located in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 22, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 22 and assuming the North line of the NE 1/4 NW 1/4 of said Section 22 to bear S89°53'36"E with all bearings contained herein relative thereto; thence S00°13'57"W a distance of 30.00 feet along the West line of the NE 1/4 NW 1/4 of said Section 22 to the Point of Beginning; thence S89°53'36"E a distance of 602.17 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 22, said line also being the South line of Snidow Annexation No. 1, Ordinance No. 3344, City of Grand Junction; thence S00°13'57"W a distance of 1590.03 feet along the West line of River Trail Annexation, Ordinance No. 4023, City of Grand Junction; thence N89°53'45"W a distance of 83.41 feet; thence N57°27'33"W a distance of 598.24 feet; thence N42°32'44"W a distance

of 19.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 22, said point also being the Southeast corner of Heron's Nest Annexation No. 2, Ordinance No. 4045, City of Grand Junction; thence N00°13'57"E along the West line of the NE 1/4 NW 1/4 of said Section 22 a distance of 1254.95 feet, said line also being the East line of said Heron's Nest Annexation No. 2 and also being the East line of Heron's Nest Annexation No. 1, Ordinance No. 4044, City of Grand Junction a distance of 1254.95 feet to the Point of Beginning.

CONTAINING 20.02 Acres (872,060 Sq. Ft.), more or less, as described.

**INTRODUCED** on first reading the 14th day of September, 2009 and ordered published.

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

ATTEST:

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

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



Date: 9/22/2009  
 Author: Judith Rice  
 Title/ Phone Ext: Associate  
Planner / 4138  
 Proposed Schedule: 9/14/2009  
 2nd Reading (if applicable):  
10/5/2009

**Attach 10**  
**Taylor III Rezone**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Taylor III Rezone
<b>File #:</b> RZ-2008-293
<b>Presenters Name &amp; Title:</b> Judith Rice, Associate Planner

**Executive Summary:**

Request to rezone 0.07 acres located at 2711 G Road, from PD (Planned Development) zone district to R-5 (Residential 5 du/acre) zone district.

**How this item relates to the draft Comprehensive Plan Goals and Policies:**

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Future plans for the entire 2711 G Road property include residential development which will facilitate meeting future demand for housing and an increase in neighborhood density. Rezone of the 0.07 area from PD to R-5 will provide consistency with the rest of the property’s zoning which is R-5.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Rezone of the 0.07 acres will facilitate residential use of this vacant property.

**Action Requested/Recommendation:**

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

**Board or Committee Recommendation:**

On September 8, 2009, the Planning Commission recommended to City Council approval of the requested rezone the 0.07 acre portion of 2711 G Road from PD (Planned Development) to R-5 (Residential 5 du/acre) district being consistent with the goals and policies of the Growth Plan and Section 2.6.A of the Zoning and Development Code.

**Background, Analysis and Options:**

See attached.

**Financial Impact/Budget:** None.

**Legal issues:** None.

**Other issues:** None.

**Previously presented or discussed:** September 14, 2009: Introduced the Rezone Ordinance and set hearing date.

**Attachments:**

Site Location Map / Aerial Photo Map  
Future Land Use Map / City Zoning Map  
Ordinance

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		2711 G Road		
<b>Applicants:</b>		Marion Jacobson		
<b>Existing Land Use:</b>		Vacant		
<b>Proposed Land Use:</b>		Vacant		
<b>Surrounding Land Use:</b>	<b>North</b>	Vacant		
	<b>South</b>	Commercial		
	<b>East</b>	Residential, Single Family		
	<b>West</b>	Residential, Multifamily		
<b>Existing Zoning:</b>		PD (Planned Development)		
<b>Proposed Zoning:</b>		R-5 (Residential 5 du/acre)		
<b>Surrounding Zoning:</b>	<b>North</b>	R-5 ( Residential 5 du/acre)		
	<b>South</b>	C-1 (Light Commercial)		
	<b>East</b>	PD (Planned Development)		
	<b>West</b>	PD (Planned Development)		
<b>Growth Plan Designation:</b>		Residential Medium (4 to 8 du/ac)		
<b>Zoning within density range?</b>		X	Yes	No

**ANALYSIS:**

1. Background

On July 22, 2009, the 0.07 acre portion of land, for which the rezone is being requested, was added to 2711 G Road from 1401 Racquet Way. The lot line adjustment re-plated Lot 1 (2711 G Road) of the Taylor II Subdivision adding the 0.07 acre strip of land and creating the Taylor III Subdivision.

Annexation of 1401 Racquet Way and 2711 G Road occurred in 1978 as part of the Nelson Stewart Annexation.

2711 G Road is zoned R-5 (Residential 5 du/acre). The newly added 0.07 acre strip of land, because it was previously part of 1401 Racquet Way, is zoned PD (Planned Development). In order provide consistent zoning for the 2711 G Road property, the Applicant is requesting that the 0.07 acre portion be rezoned from PD to R-5.

2. Consistency with the Growth Plan

The Growth Plan's Future Land Use designation is Residential Medium, 4 to 8 du/acre. Therefore the proposed R-5 zoning district is consistent with the Growth Plan.

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

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must occur only if:

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

The existing zoning of the 0.07 acres was not in error at the time of adoption. The area was part Lot 2 of the SS Subdivision which was zoned PD. A lot line adjustment has re-plated 2711 G Road to include the 0.07 acres. The property at 2711 G Road is zoned R-5.

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

The neighborhood consists of R-5 and R-4 zoned subdivisions and individual lots as well as Planned Development condominiums. The proposed zone of R-5 for the 0.07 acres would be consistent with the zoning of the rest of the property.

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

The neighborhood is residential in character and includes R-4, R-5, multifamily PD and single family PD zoning. The Growth Plan's Future Land Use designation is Residential Medium which is implemented by the proposed R-5 zoning.

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

Services can be made available for development of the property. There is an existing 18 inch Ute Water line along G Road. The property lies within the Persigo 201 sewer service boundary and there is an 8 inch sewer service line

260 feet to the west of the property along G Road. In addition, there is an 8 inch sewer line along the south boundary of the property. Other public facilities (electrical, cable, etc.) are available should development occur.

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

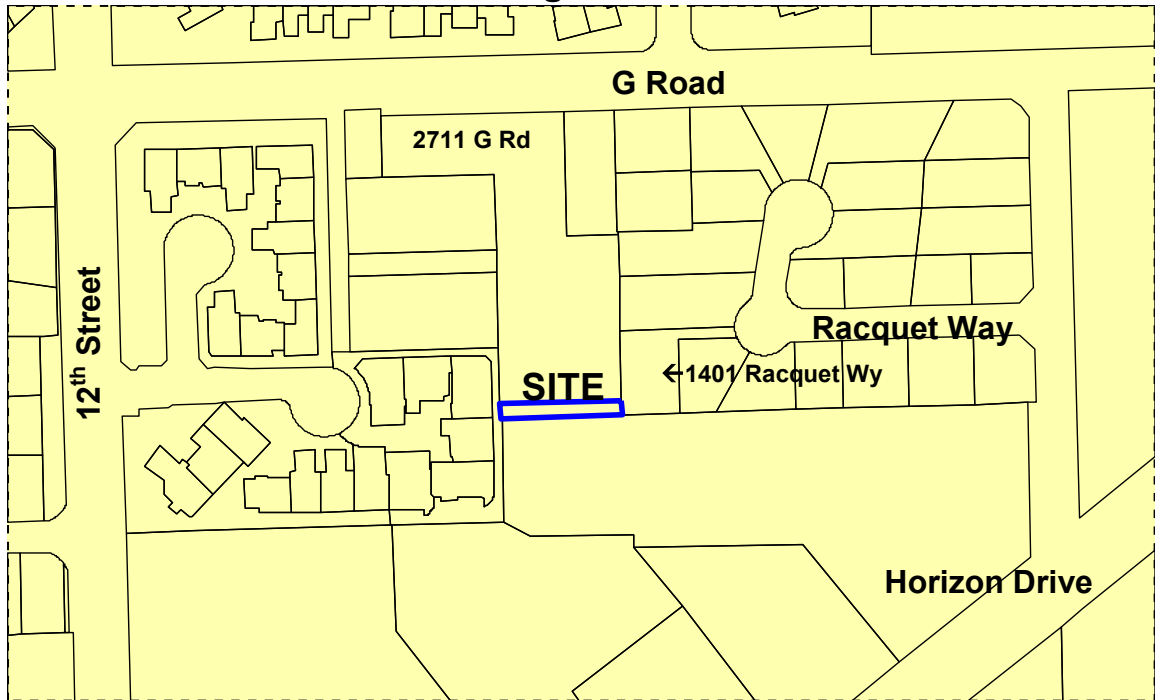
The rest of the parcel is zoned R-5. The applicant is requesting that the 0.07 acres be zoned R-5 in order provide consistent zoning for the 2711 G Road property.

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

The applicant indicates that eventually residential development will take place which will provide housing for the community.

# Site Location Map

Figure 1



# Aerial Photo Map

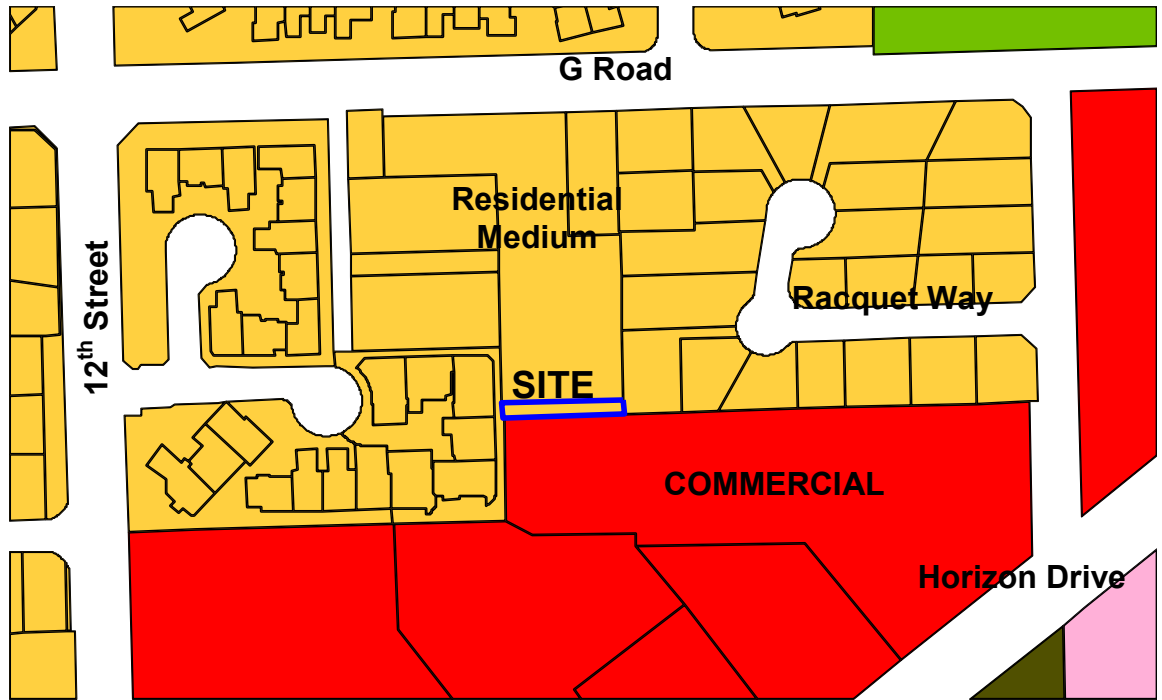
Figure 2





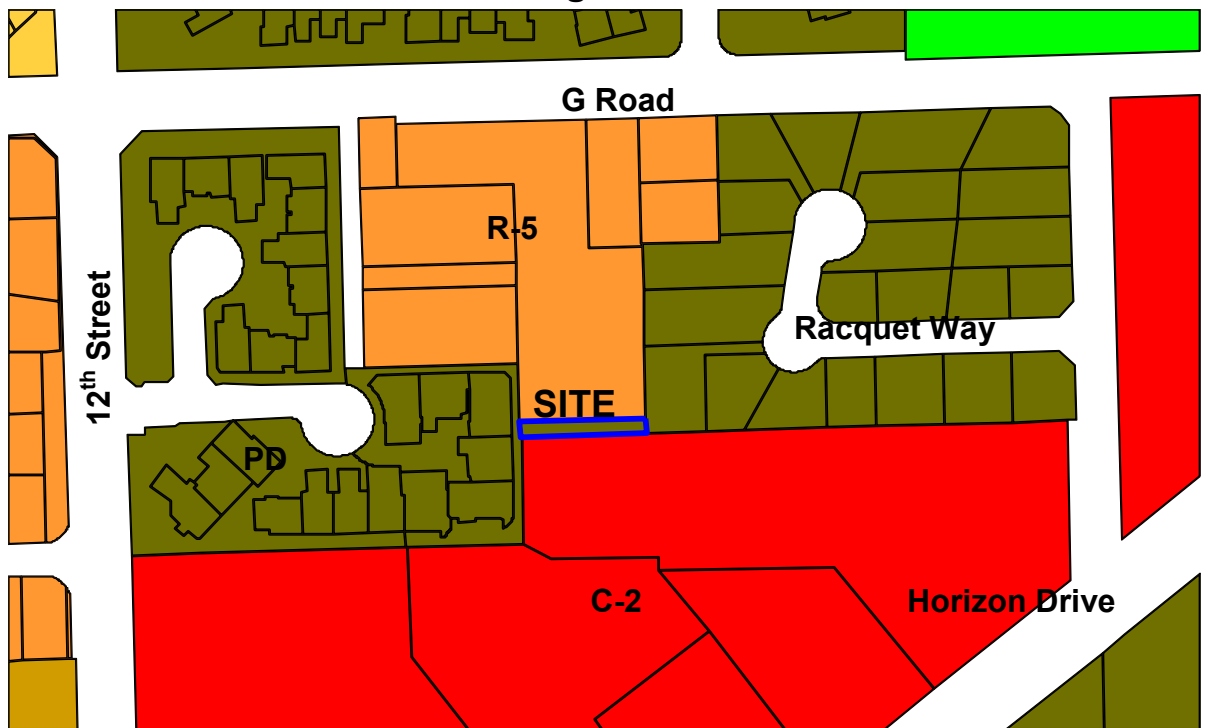
# Future Land Use Map

Figure 3



# City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING A PORTION OF THE PROPERTY KNOWN AS  
THE TAYLOR III REZONE  
FROM PD (PLANNED DEVELOPMENT) TO R-5 (RESIDENTIAL 5 DU/ACRE)**

**LOCATED AT 2711 G ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of rezoning a portion of the property located at 2711 G Road to the R-5 (Residential 5 du/acre) 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 districts meet the criteria found in Section 2.6 of the Zoning & Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-5 (Residential 5 du/acre) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning & Development Code.

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

The following portion of the property be zoned R-5 (Residential 5 du/acre):

Beginning at the Southeast Corner of Lot 1 Taylor III Subdivision, and considering the South Line of said Lot 1 to bear South 89°57'24" West and all bearings contained herein to be relative thereto;  
thence South 89°57'24" West along said South Line a distance of 167.97 feet to the Southwest Corner of said Lot 1;  
thence North 00°11'48" East along the West Line of said Lot 1 a distance of 19.77 feet;  
thence leaving said West Line North 89°55'25" East a distance of 167.15 feet to the East line of Said Lot 1;  
thence along said East Line South 00°19'26" West a distance of 19.87 feet to the Southeast Corner of said Lot 1, which is the Point of Beginning.

Said portion of the property contains 0.07 acres, more or less, as described.

Introduced on first reading this 14th day of September, 2009 and ordered published.

Adopted on second reading this \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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President of the Council

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City Clerk