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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

MONDAY, OCTOBER 18, 2010, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Pastor Jim Hale, Spirit of Life Christian
Fellowship

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

Recognitions

Recipient of Yard of the Month for October

Certificates of Appointments

To the Grand Junction Housing Authority

Council Comments

Citizen Comments

City Manager's Report

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the October 4, 2010 Special Meeting and Minutes of the October 4, 2010 Regular Meeting

2. **Setting a Hearing on the Bookcliff Vet Rezone, Located at 564 29 Road** [File #RZ-2010-118] [Attach 2](#)

A request to rezone 2.071 acres, located at 564 29 Road, from R-8 (Residential – 8 dwelling units per acre) to MXG-3 (Mixed Use General Form District – 3 stories).

Proposed Ordinance an Rezoning the Property Located at 564 29 Road (Bookcliff Vet) from R-8 (Residential-8 Dwellings Units per Acre) to MXG-3 (Mixed Use General Form District-3 Stories)

Action: Introduction of Proposed Ordinance and Set a Hearing for November 1, 2010

Staff presentation: Brian Rusche, Senior Planner

3. **Downtown Grand Junction Business Improvement District (DGJBID) 2011 Operating Plan and Budget** [Attach 3](#)

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2011 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve the Downtown Grand Junction Business Improvement District 2011 Operating Plan and Proposed Budget

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

4. **Horizon Drive Association Business Improvement District 2011 Operating Plan and Budget** [Attach 4](#)

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2011 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve the Horizon Drive Association Business Improvement District's 2011 Operating Plan and Budget

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

5. **Outdoor Dining Lease for Nepal Restaurant GJ, LLC dba Nepal Restaurant Located at 356 Main Street** [Attach 5](#)

The owners of the Nepal Restaurant GJ LLC are requesting an Outdoor Dining Lease for the property located at 356 Main Street. They have been conditionally approved for a Sidewalk Café Permit to serve food outside in an area measuring 176 square feet directly in front of the property. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Resolution No. 43-10—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Nepal Restaurant GJ, LLC

®Action: Adopt Resolution No. 43-10

Staff presentation: Heidi Hoffman Ham, DDA Executive Director

6. **US 6 West/State Highway 139 Access Control Plan** [Attach 6](#)

The City of Grand Junction has been working with CDOT, Mesa County, and the City of Fruita for the past year on an access control plan for US 6 from Loma to Redlands Parkway and a small portion of State Hwy 139 in Loma. The purpose of the access control plan is to provide the agencies with a comprehensive roadway access control plan for managing existing and future access points. The goal of the plan is to provide appropriate access to the highway, while maintaining the safety and efficiency. The completed plan has been through extensive public review with adjacent property owners and businesses.

Resolution No. 44-10—A Resolution Authorizing an Intergovernmental Agreement between the City of Grand Junction, Mesa County and the Colorado Department of Transportation (CDOT) Regarding US 6 Access Control Plan and State Highway 139

®Action: Adopt Resolution No. 44-10 and Authorize the City Manager to Sign an Intergovernmental Agreement Among the City of Grand Junction, Mesa County and the State of Colorado Department of Transportation for US Highway 6 (Mile Post 13.87 – US 6A to Mile Post 2.42 – I70B) and State Highway 139 (Mile Post 0.00 to Mile Post 2.29) Access Control Plan

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

7. **Sizemore Fence—7th Street Historic Residential District, Located at 706 N. 7th Street** [File #HDP-2010-134] [Attach 7](#)

A request for a Fence Permit (Planning Clearance) for Paul and Nicole Sizemore, 706 N. 7th Street in accordance with the adopted 7th Street Historic Residential District Planned Residential Development Zoning District for a proposed 3' wrought iron and 6' wood privacy fence.

Action: Authorize the Issuance of a Fence Permit (Planning Clearance) for Paul and Nicole Sizemore to Construct a 3' Wrought Iron and 6' Tall Wood Privacy Fence

Staff presentation: Scott D. Peterson, Senior Planner

8. **Public Hearing—Cris-Mar Enclave Annexation and Zoning, Located North and South of F Road and East of 29 Road** [File #ANX-2010-110] [Attach 8](#)

A request to annex 108.62 acres of enclaved property, located north and south of F Road and east of 29 Road, and to zone said property, less 21.94 acres of public right-of-way, to an R-5 (Residential 5 du/ac) zone district. The Cris-Mar Enclave Annexation consists of 265 parcels.

a. Annexation Ordinance

Ordinance No. 4438—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cris-Mar Enclave Annexation, Located North and South of F Road and East of 29 Road Consisting of Approximately 108.62 Acres

b. Zoning Ordinance

Ordinance No. 4439—An Ordinance Zoning the Cris-Mar Enclave Annexation to R-5 (Residential 5 DU/AC), Located North and South of F Road and East of 29 Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4438 and 4439

Staff presentation: Brian Rusche, Senior Planner

9. **Public Hearing—McConnell South 12th Street Right-of-Way Vacation, Located Adjacent to 1101 Winters Avenue** [File #VR-2010-093] [Attach 9](#)

A request to vacate an unused portion of South 12th Street right-of-way adjacent to 1101 Winters Avenue. This vacation relieves the City of maintenance of this unused portion of right-of-way and allows the applicant to install security fencing that will meet the Code requirements.

Ordinance No. 4440—An Ordinance Vacating Right-of-Way for South 12th Street, Located Adjacent to 1101 Winters Avenue (McConnell South 12th Street Vacation)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4440

Staff presentation: Lori V. Bowers, Senior Planner

10. **Public Hearing—Buescher Right-of-Way Vacation, Located Adjacent to 749 Golfmore Drive** [File #VR-2010-105] [Attach 10](#)

Applicant Louis Buescher is requesting to vacate a portion of unimproved G 1/2 Road right-of-way located adjacent to 749 Golfmore Drive in anticipation of a proposed single-family residence building addition.

Ordinance No. 4441—An Ordinance Vacating a Portion of G ½ Road for the Buescher Right-of-Way Vacation Located Adjacent to 749 Golfmore Drive

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4441

Staff presentation: Scott D. Peterson, Senior Planner

11. **Intergovernmental Transfer of Retired Police Vehicles from the Grand Junction Police Department to Mesa State College Police Academy**

[Attach 11](#)

The Western Colorado Peace Officers Academy, at the Mesa State College, is requesting the donation of two used/retired marked police vehicles. These two vehicles would be obtained from the “retired” pool of vehicles set to go to auction later this fall.

Action: Authorize the City Manager to Approve the Intergovernmental Transfer of Two Vehicles to Mesa State’s Western Colorado Peace Officers Academy (WCPOA)

Staff presentation: Troy Smith, Deputy Chief of Police

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

13. **Other Business**

14. **Adjournment**

Attach 1

Minutes from Previous Meetings

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

OCTOBER 4, 2010

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, October 4, 2010 at 11:30 a.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Sursuras, and President of the Council Teresa Coons. Councilmember Bonnie Beckstein was absent.

Council President Coons called the meeting to order.

Councilmember Coons moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(l) of the Open Meetings Law Relative to City Council Employees Specifically the City Manager and they will not be returning to open session. Councilmember Hill seconded the motion. The motion carried.

The City Council convened into executive session at 11:33 a.m.

Councilmember Beckstein entered at 11:34 a.m.

Stephanie Tuin, MMC
City Clerk

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

October 4, 2010

The City Council of the City of Grand Junction convened into regular session on the 4th day of October 2010 at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and Council President Teresa Coons. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Hill led the Pledge of Allegiance followed by an Invocation by Pastor Randy David, Pear Park Baptist Church.

Proclamations

Proclaiming October 3 – 9, 2010 as "Fire Prevention Week" in the City of Grand Junction

Proclaiming October 2010 as "National Arts and Humanities Month" in the City of Grand Junction

Recognitions

Starburst Award for Excellence presented to City of Grand Junction Parks and Recreation Department by Matt Robbins with Colorado Lottery for the Re-development of Rocket Park

Council President Coons invited Matt Robbins to address the Council. Mr. Robbins explained the use of lottery funds in the State and specifically in Mesa County and the City of Grand Junction. He complimented the work at Rocket Park and the play structure which is built for children of all abilities. He said this park improvement is a great example of the use of lottery funds. He thanked Parks and Recreation Director Rob Schoeber for the work of his department locally and throughout the State. Mr. Robbins presented the Starburst Award to Parks and Recreation Director Schoeber and thanked the City Council.

Council President Coons then read a Certificate of Appreciation to the Colorado Lottery and presented it to Mr. Robbins.

Recipient of Yard of the Month for October – rescheduled for October 18, 2010

Appointments

Councilmember Beckstein moved to appoint Robert Christian Mueller and C.B. McDaniel for five year terms expiring October 2015 to the Grand Junction Housing Authority. Councilmember Kenyon seconded the motion. Motion carried.

Council Comments

There were none.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Palmer read the Consent Calendar and then moved to approve that the Consent Calendar Items #1 through #10 be adopted. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the September 13, 2010 Regular Meeting

2. Setting a Hearing on Zoning the Cris-Mar Enclave Annexation, Located North and East of 29 Road and F Road [File #ANX-2010-110]

A request to zone the 108.62 acre Cris-Mar Enclave Annexation, located north and east of 29 Road and F Road, which consists of 265 parcels, less 21.94 acres of public right-of-way, to an R-5 (Residential 5 du/ac) zone district.

Proposed Ordinance Zoning the Cris-Mar Enclave Annexation to R-5 (Residential 5 DU/AC), Located North and East of 29 Road and F Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 18, 2010

3. Setting a Hearing on the McConnell South 12th Street Right-of-Way Vacation, Located Adjacent to 1101 Winters Avenue [File #VR-2010-093]

A request to vacate an unused portion of South 12th Street right-of-way adjacent to 1101 Winters Avenue. This vacation relieves the City of maintenance of this

unused portion of right-of-way and allows the applicant to install security fencing that will meet the Code requirements.

Proposed Ordinance Vacating Right-of-Way for South 12th Street, Located at 1101 Winters Avenue

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 18, 2010

4. **Setting a Hearing on the Buescher Right-of-Way Vacation, Located Adjacent to 749 Golfmore Drive** [File #VR-2010-105]

Applicant Louis Buescher is requesting to vacate a portion of unimproved G 1/2 Road right-of-way located adjacent to 749 Golfmore Drive in anticipation of a proposed single-family residence building addition.

Proposed Ordinance Vacating a Portion of G ½ Road for the Buescher Right-of-Way Vacation Located Adjacent to 749 Golfmore Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 18, 2010

5. **Setting a Hearing Accepting and Approving Alley Improvement District ST-10**

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

- East/West Alley from 11th to 12th, between Belford Avenue and North Avenue

Resolution No. 40-10—A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-10

Proposed Ordinance Approving the Assessable Cost of the Improvements Made In and for Alley Improvement District No. ST-10 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

Action: Adopt Resolution No. 40-10 and Set a Public Hearing for November 15, 2010

6. **Transfer of Control of the City of Grand Junction, Colorado Cable Television Franchise**

Bresnan Communications LLC (Franchisee) owns, operates, and maintains a cable television system in the City pursuant to a grant of a franchise (Franchise) made April 5, 2005. The Franchisee is the current lawful and duly authorized holder of the Franchise.

As such an application has been filed with the Federal Communications Commission (FCC) seeking consent to assignment or transfer of control of the cable television franchise.

The Franchisee and BBHI Holdings, LLC have requested that the City consent, as the franchise authority and as required by the Franchise and the FCC, to the assignment or transfer of control of the Franchise to BBHI Holdings, LLC.

City legal and finance staff have reviewed the application and recommend that the City Council approve the assignment or transfer of control of the cable television franchise.

Resolution No. 41-10—A Resolution Approving the Change of Control of the Franchisee (Bresnan Communications) of the City of Grand Junction, Colorado Cable Television Franchise Agreement

Action: Adopt Resolution No. 41-10

7. **Contract Award for Hawthorne Park Restroom Shelter**

This approval request is for the award of a construction contract to Emery Welsh Construction for the replacement of the restroom shelter at Hawthorne Park due to age, condition, accessibility, and safety concerns.

Action: Authorize the City Purchasing Division to Enter into a Contract, in the Amount of \$137,777.93 with Emery Welsh Construction, Inc. for the Completion of the Restroom Shelter at Hawthorne Park

8. **US 6 West/SH 139 Access Control Plan**

The City of Grand Junction has been working with CDOT, Mesa County, and the City of Fruita for the past year on an access control plan for US 6 from Loma to Redlands Parkway. The Plan also covers SH 139 in Loma. The completed plan has been through extensive public review with adjacent property owners and businesses and is ready for presentation to the Council to enter into an IGA jointly with CDOT, Mesa County, and the City of Fruita.

Action: Authorize the City Manager to Sign an Intergovernmental Agreement for US 6 West/SH 139 Access Control Plan between the City of Grand Junction, Mesa County, City of Fruita, and the State of Colorado Department of Transportation

9. **Memorandum of Agreement between the City of Grand Junction and the Colorado Plateau Mountain Bike Trail Association Inc. (COPMOBA)**

A Memorandum of Agreement to establish and define the relationship between the City of Grand Junction and COPMOBA regarding the construction of the Lunch Loop Skills Area Developmental Bike Park on City property.

Action: Authorize the City Manager and Parks and Recreation Director to Sign the Memorandum of Agreement

10. **Sale of Property – Lot Two of the Parkway Viaduct Subdivision Located Near 2507 Highway 6 and 50**

The City has entered into contract with Carville's Auto Mart Inc. for the sale of the real property located near 2507 Highway 6 and 50. The property was purchased by the City in 2005 for the construction of the Riverside Parkway. The property that is being sold is the remnant from that which was used for the Parkway construction.

Resolution No. 42-10—A Resolution Authorizing the Sale by the City of Grand Junction, Colorado, of Certain Real Property; Ratifying Actions Heretofore taken in Connection Therewith

Action: Adopt Resolution No. 42-10

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Prohibition of Medical Marijuana Commercial Activity

In the prior staff report references were made to City Council having considered this matter on August 30, 2010. The correct date is September 1, 2010. This report has been revised to reflect the correct date.

Attached to this report is a revised ordinance. The revisions to the ordinance are highlighted. Specifically those revisions are found on page 1, where the incorrect date of August 30th is amended to September 1, 2010 and on page 3. The first revision on page 3 is the inclusion of a citation to the Federal and State law regulating controlled substances. The second revision provides for an alternative spelling of marijuana.

On September 1, 2010 the City Council considered prohibition of the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturing operations in the City. Following consideration, the City Council requested the City Attorney to write an ordinance prohibiting the same. The ordinance is presented here for consideration.

Council President Coons reminded the audience that the ordinance being proposed only affects the commercial/retail delivery of medical marijuana and in no way affects the caregiver and patient relationship as protected by the State Constitution. She then set forth some rules of conduct for the meeting.

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

Cristin Groves, 699 Tranquil Trail, representing the shop owners and patients as a group, had a Powerpoint presentation to address the solution the City Council is proposing. She had another proposal to solve the problem. The group is called the Mesa County Constitution Advocates and is a 504 unincorporated non-profit with a core mission of educating Mesa County voters, civic leaders, and residents on the full issues surrounding medical marijuana.

There were concerns with safety and welfare in the community. She addressed some of the Council's previous concerns that felons and young people were running the shops but House Bill (HB) 1284 no longer allows either of those to occur. There was a concern about the regulations of caregivers and she had a photo of an example of a non regulated caregiver. Ms. Groves then outlined some of the State regulations, addressing the growing issues for caregivers, growing many plants does take a lot of space. She estimated there are 2,000 patients in Mesa County, if one patient gets six plants, doing the math it would take about 36,000 square feet to meet the grow needs.

Ms. Groves said a lot of people do get relief from medical marijuana.

Regarding the concern of the cost to the taxpayers, Ms. Groves listed the stores that have complied with HB 1284 that have already paid over \$200,000 to the State for licensing and enforcement. There is already a lot of enforcement coming from the State.

She agreed with Council's opinion that there should be a requirement for professional ability for centers to work with the patients. Also regulating who is buying through a central database.

She spoke to the use of Marinol and the cost. She agreed it would be great if marijuana was prescribed like other drugs but that could take many years. Barring that, regulated marijuana dispensaries is the next best option for patients who get relief from medical marijuana (MMJ). HB 1284 actually provides tougher restrictions than pharmacies.

The Constitutional Amendment 20 did not address the creation of sales outlets but neither does the constitutional right to bear arms provide language allowing gun shops.

The reason for the number of strains of MMJ is that different components help different conditions.

Councilmember Palmer objected that some of the quotes being used by the speaker in her Powerpoint are being taken out of context.

Ms. Groves apologized and continued. Regarding the regulations of the marijuana infused products she agreed that regulations need to be in place; centers would fall under those regulations but caregivers would not have to comply.

She agreed with inappropriate ads that were brought up as examples. She felt that City Council could put more regulations in place to address the concerns.

She asked that Council consider a regulatory ordinance and, if not, to extend the moratorium and the amortization period. If centers are banned, it will take awhile for the patients to find enough caregivers. She asked that it be extended to July 1, 2011. Many shops have leases (each shop has two leases, one for retail and one for growing). The centers have other contracts with phone companies, internet companies, security companies, etc. There will also be over 100 jobs lost.

Ms. Groves had an extensive list of additional regulations that she suggested for adoption in Grand Junction. The purpose of the presentation is to ensure the City

Council that Mesa County Constitution Advocates are listening to concerns and to make sure the industry is regulated safely. That concluded the presentation for the group.

Dr. Craig Jones, 735 Bookcliff, a doctor in the community, said in his experience patients have a better healing process when able to use MMJ so he supported the availability.

Shannon Gass, 542 29 Road, Director CCHPAA (Cannabis Consumer Health and Patient Advocacy Association), which supports medical cannabis. The organization works with health agencies and Spectrum Laboratories and is pursuing how real medical cannabis can be established. There are too many that are unaware of the benefits through non-smokable cannabis. He is in the advocacy business for those who want marijuana for medical reasons. He watched with concern when all the pot shops started popping up. He questioned who is making an effort to ensure medical cannabis production and distribution is conducted in a safe, appropriate, and orderly manner to protect the welfare of the community.

Kenneth Wheeler, P.O. Box 3695, said he has listened to and agrees with the other speakers and would like to comment on the word commercial. America is a commercial entity and to prohibit commercial activity is un-American. He believes it is protected under the United Nations Bill of Rights. If the centers are closed, then people will go to the black market to get their medicine. All medical marijuana is grown in Colorado. Black market marijuana comes from Mexico.

Sherrel Carlson, 3066 D Road, said she is a marijuana infused product provider. Since the last meeting, they have checked into food handling cards for Marijuana Infused Products (MIPs) and the Health Department is not prepared to regulate these activities so the infused product providers have taken it upon themselves to comply with regulations already in place for other such products. She is not opposed to regulations. Naturals, where she works, is compiling a naturalistic team to consist of a naturalistic doctor, a dietician, and an herbalist on the team. If the centers are prohibited there will be no outlet for the tinctures as State Law requires they be dispensed through centers.

James Fritz, 53146 KE ½ Road, from Molina, said he is running as a congressional candidate and was opposed to the caregiver model and the lack of regulations. He owns a dispensary and to grow the marijuana plant takes knowledge. He thinks marijuana should be legalized. Getting it regulated through the Food and Drug Administration (FDA) will raise the cost.

Mark Bonella, P.O. Box 4545, 860 4th Avenue, which is his business address, said he supports the ordinance; he is a father and does not want it to be easier to get marijuana. He doesn't want children to have easier access. He doesn't believe the voters voted for this. It was compassion for the terminally ill who needed relief that allowed the bill to be passed. It is not for recreational use. He does not believe there are 2,000 terminally ill patients in Mesa County. He disagreed that it is about patients, it is about the money. He asked who will pay for the regulation and enforcement? As a taxpayer he doesn't want it. There is not enough need for medical marijuana.

Council President Coons called a recess at 8:22 p.m. The meeting reconvened at 8:31 p.m.

James Thomas, 552 Gunnison Avenue, thanked the first speaker (Cristin Groves) for being thorough and articulate; she said everything he wanted to say.

Dorothy Hahn, 3156 Lakeside Drive, agrees with Mr. Bonella and wanted to add that this will cost the people of Grand Junction a lot in many ways, and not just monetarily.

Jim Cihlar, 141 N. 3rd Street, said this is a new topic and education is needed. His concern is that wiping out the dispensaries will wipe out transparency. With dispensaries, they can be tracked, regulated, etc. The ordinance will eliminate the ability to learn, regulate, and monitor in order to have a better handle on this issue. The industry can be regulated and enforcement can occur but that can't happen without dispensaries.

Cathie Jorgensen, 954 24 Road, was supportive of the ordinance and said she thinks the caregivers can provide to those who need it. There will always be illegal drugs. There are dangers with marijuana and she provided information previously at the August 18, 2010 Forum. The ordinance is a step in the right direction.

Glen Younger, 2176 H Road, 1142 Main Street (office), stated that those that have invested and have assets in the community want the City Council to make the right decision. They do not want pot shops in the community. He has had experience with hundreds of defendants. He has sympathy for medical use, but does not have sympathy for anybody who wants easier access. It is not good for the community. Those that need it can go somewhere else to get it. He asked to think of the families and the young people and get them away from drugs.

Council President Coons closed the public hearing at 8:43 p.m. and then asked City Attorney John Shaver to make his presentation.

John Shaver, City Attorney, said according to the Charter, any ordinance must come forward in two readings with a public hearing. The ordinance relies very heavily on Colorado Law, specifically HB 1284, (CRS 12-43.3-101 is the codification number). Based on previous direction, City Attorney John Shaver drafted the ordinance. Primary caregivers may still serve in the capacity of providing medical marijuana to up to five patients who have a medical marijuana card. Nothing in the Constitution prohibits the caregivers from providing a marijuana infused product. The ordinance provides that no center, no grow operation, or medical marijuana infused products manufacturer can operate in the City of Grand Junction if the ordinance is adopted. The date for the businesses to cease operation in the ordinance is January 1, 2011. Grow locations must also comply with any zoning regulations.

Councilmember Palmer asked about a refund of State application fees and other contractual relationships such as phone and lease contracts. City Attorney Shaver responded that the amortization period can be lengthened to address the contract situation but the City Council has no authority over the State refunding any fees.

Councilmember Beckstein asked for some clarification of a caregiver and how that led to the creation of the dispensaries.

City Attorney Shaver said that prior to HB 1284, there were no definitions and the development of dispensaries came from the interpretation of the Constitutional Amendment. The new State law allows for a regulatory process, either more regulation or doing nothing, and letting the State regulation suffice.

Councilmember Susuras said that there was a statement made that centers are regulated “just like” pharmacies. He asked the City Attorney if he agrees. City Attorney Shaver said he would not say “just like,” but certainly there are some correlations and similarities.

Council President Coons asked if caregiver/grow operations have to comply with zoning regulations and would zoning regulations prohibit location within certain distances from school and churches? City Attorney Shaver said the purpose of the zoning regulation is to address any nuisances such as light and noise. Council President Coons asked about proximity to schools and churches. City Attorney Shaver said the City does not address that because of the protection of the Constitution. How far would such regulations go? Will they restrict just growing or also use and possession? Council President Coons asked if there is a requirement that, in a caregiver relationship, do they have to provide names of their patients. City Attorney Shaver responded only for law enforcement, that is, to confirm the possession of a card. As far as the number and names of the five patients, there is no legal basis to regulate that.

Councilmember Hill said City Attorney Shaver’s response indicates this ordinance goes as far as possible as allowed under the Constitution. City Attorney Shaver agreed noting there is a difference between a Constitutional right and Constitutionally protected activity. This is a protected activity so there are things one has to do to exercise that right. Councilmember Hill said a database is not allowed to track who and the amount purchased; the database is only allowed for law enforcement purposes.

City Attorney Shaver answered yes, tracking those sales would be difficult, plus there may be Constitutional issues even when using the information for enforcement.

Council President Coons said she thought there was to be new legislation to create a medical marijuana database. City Attorney Shaver said he has heard that, but it will be a difficult bill to pass due to the Constitutional issues.

Councilmember Beckstein said through a pharmacist, there is a national regulation prohibiting over sales of cold medicine and narcotics, so couldn't a monitoring system be set up to control the amount of MMJ purchased like cold medicine and narcotics? City Attorney Shaver said there might be Constitutional issues however there is a limit on the amount that can be in possession.

Councilmember Pitts said he appreciated the Powerpoint presentation and the presentation by the CCHPAA. However, there is no proven evidence of medical benefit, and the drug used by children in the school districts has increased. He is amazed at the number of patients in the community. Being in business is a risk regardless of what it is. Regarding the policing of the centers, he does not think those issues can be enforced. It is still an illegal drug. He is no longer opposed to the January deadline. He supports the ordinance as written.

Councilmember Susuras appreciated those who spoke. Councilmember Susuras read the following for his statement:

"When Amendment 20 was adopted to the Colorado State Constitution in 2000, the marijuana proponents understandably saw a business opportunity. They took a calculated risk in this business decision. I say that because Amendment 20 does not specifically authorize retail marijuana centers. Assuming these business people read Amendment 20, they had to know that it gave power to the Colorado State Legislature to further define and clarify the scope and application of the rights guaranteed in the Amendment, and this is just what the Colorado State Legislature accomplished with House Bill 1284 and Senate Bill 10-109. And I'm sure that the legislation in the future will take additional action on this issue. The State legislature placed the responsibility directly with the local county and municipal elected officials. The State legislature gave our City Council the authority to opt out, regulate or place the issue of marijuana centers on the local ballot. But the State legislature did protect the carded patients constitutional rights to have and use marijuana for their debilitating medical condition, personally or through a licensed caregiver, knowing that Amendment 20 to this Colorado State Constitution allows a card issued patient with a debilitating medical condition to have in their possession a specific amount of growing and useable marijuana to relieve the symptoms of their debilitating disease. I recognize my duty to the State Constitution that the cardholder has that right to have in their possession six marijuana plants and two ounces of useable marijuana product or, if they choose, may use the services of a licensed caregiver to grow the six marijuana plants on their behalf and provide the carded patient with marijuana products as they are needed for their debilitating medical condition. To me it's a stretch of the imagination to think that Amendment 20 authorizes the existence of retail marijuana retail centers. City Attorney John Shaver has prepared, at our request, City Ordinance 4437 which states that the City of Grand Junction chooses to opt out in the case of the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana

infused product manufacturing. I believe the ordinance to be well written and I support it as it stands.”

Councilmember Hill said it has come down to what the law says. The Constitution does not protect this retail activity, it speaks to caregivers and patients and the relationship between the doctor and patient. The medical aspect for the use of marijuana for someone who has a debilitating illness, probably supported the concept. This relationship still exists. The Amendment is silent on the retail activity and he supports the ordinance.

Councilmember Palmer agreed with Councilmembers Hill and Susuras. With these hard issues he looks at the law; nowhere does he see the intention of retail centers in the Amendment. He does not want to deny legitimate users who need it, but they can possess it, they can grow it, and they can obtain a caregiver. He supported a time out, but he doesn't see other Councilmembers supporting that. He thinks the law needs to catch up. He is sensitive to those who want to use medical marijuana and this ordinance will not change that. He will support the ordinance.

Councilmember Kenyon said he appreciated the Mesa County Advocates presentation, much of their presentation brings home the point of the ordinance. They cannot control the caregivers, never have been, and never will be able to. The quality cannot be tested nor does the City have the regulatory authority to test the quality. Hopefully, the legislature will be able to solve some of these questions. He lauded how the Mesa County Advocates group articulated how and the willingness to solve some of those issues. He will support the ordinance, but knows there is still a lot of work to be done.

Councilmember Beckstein agreed with the others, but the crux is what is best for the community and the safety of the community and not just the criminal aspect. To react in fear is not responsible. Her concerns are still not being handled by the State, such as the health aspect, although some say they will self regulate, not all will. The State has to catch up and she has a grave concern about abuses and putting the youth at risk. She supports the ordinance.

Council President Coons said she could argue that the Amendment did not prohibit dispensaries. There are certainly issues with the use of marijuana. Certainly there are issues with kids abusing and using both illegal and legal substances, and as a society, that issue needs to be dealt with. Personally, she does not believe banning dispensaries will solve those problems. Prohibition has not solved abuse in the past. She is concerned with how dispensaries have developed. The dispensary model is moving more toward a pharmacy model but that will take a long time. She believes legislation for the tracking of use and purchase will be introduced and it can happen. She appreciates the suggestions for regulation but they will take some time. Several Councilmembers said this is a changing field, her problem with instituting a ban is putting existing business out of business, and should minds be changed putting those

back up and running would be difficult. Council President Coons would rather work hard to develop regulations, and she will therefore vote no.

Ordinance No. 4437—An Ordinance Prohibiting the Operation of Medical Marijuana Businesses and Amending the Grand Junction Municipal Code by the Addition of a New Section Prohibiting Certain Uses Relating to Marijuana

Councilmember Susuras moved to approve Ordinance No. 4437 and ordered it published. Councilmember Pitts seconded the motion. Motion carried by roll call vote with Council President Coons voting NO.

Non-Scheduled Citizens and Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 9:30 p.m.

Stephanie Tuin, MMC
City Clerk



Date: October 1, 2010

Author: Brian Rusche

Title/ Phone Ext: Senior Planner,
ext 4058

Proposed Schedule:
October 18, 2010

CITY COUNCIL AGENDA ITEM

Attach 2 **Setting a Hearing on the Bookcliff Vet Rezone**

Subject: Bookcliff Vet Rezone, Located at 564 29 Road
File #: RZ-2010-118
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to rezone 2.071 acres, located at 564 29 Road, from R-8 (Residential – 8 dwelling units per acre) to MXG-3 (Mixed Use General Form District – 3 stories).

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

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

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

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

This is the first property to be considered for a Mixed Use Form Based zoning district, implementing the designation of Mixed Use Opportunity Corridor and consistent with the above goals.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for November 1, 2010.

Board or Committee Recommendation:

Planning Commission recommended approval of the Bookcliff Vet Rezone to the zoning designation of MXG-3 (Mixed Use General Form District – 3 stories) on October 12, 2010.

Financial Impact/Budget:

Municipal services are already provided to this property.

Legal issues:

None.

Other issues:

A Neighborhood Meeting was held on Monday, August 9, 2010.

Previously presented or discussed:

No.

Background, Analysis and Options:

See attached.

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Comprehensive Plan Map / Existing City and County Zoning Map
4. Blended Residential Map
5. Photo of Existing Site
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		564 29 Road		
Applicants:		Bookcliff Land and Building LLC		
Existing Land Use:		Abandoned vet clinic		
Proposed Land Use:		Office		
Surrounding Land Use:	North	Multi-family Residential		
	South	Single-family and Multi-family Residential		
	East	Multi-family Residential		
	West	Single-family Residential		
Existing Zoning:		R-8 (Residential 8 du/ac)		
Proposed Zoning:		MXG-3 (Mixed Use General Form District – 3 stories)		
Surrounding Zoning:	North	County RMF-8 (Residential Multi-Family 8 du/ac)		
	South	County RMF-8 (Residential Multi-Family 8 du/ac) PD (Planned Development) – Arbors Subdivision		
	East	County RMF-8 (Residential Multi-Family 8 du/ac)		
	West	County RSF-4 (Residential Single Family 4 du/ac)		
Growth Plan Designation:		Residential Medium (4 – 8 du/ac) Mixed Use Opportunity Corridor (29 Road)		
Zoning within density range?		X	Yes	No

Staff Analysis:

The property was annexed into the City on November 5, 2007 (ANX-2007-232). Upon annexation the subject parcel was zoned R-8 (Residential – 8 dwelling units per acre). The previous use of the property as a veterinary clinic had been abandoned at the time of annexation.

A neighborhood meeting was held on Monday, August 9, 2010. No neighbors were in attendance, only the prospective tenant and his associates. The owner’s representative explained that the prospective tenant would like to utilize the existing structure for an accounting office. Cleanup of the property, which has been unused for some time, was underway. Only minor improvements to the existing structure were necessary for the prospective business. The planner discussed the concept of the Mixed Use Opportunity Corridor as well as the form district provisions, which were adopted in 2010.

Areas within a Mixed Use Opportunity Corridor that are currently zoned for residential purposes may be rezoned for more intense use (including nonresidential uses), provided that Form Districts are utilized and the depth of the lot is at least 150 feet (Grand Junction Municipal Code Section 21.02.140.c.2). The property is approximately 300 feet in depth, excluding right-of-way.

The request to rezone the property to MXG-3 (Mixed Use General Form District – 3 stories) would allow the existing structure to be used for offices, which is currently not permitted within the R-8 zone.

The building types permitted within the Mixed Use General (MXG) districts include general, apartment, townhouse, and civic. The standards for each building type would apply to new structures built upon the property.

Section 21.02.140(a) of the Grand Junction Municipal Code (GJMC) states:

In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

- 1) Subsequent events have invalidated the original premises and findings; and/or

Response: The adoption of the Comprehensive Plan in 2010 created a Mixed Use Opportunity Corridor along 29 Road. The original premise upon annexation of the property in 2007 was that commercial uses were not allowed along the corridor, only at selected locations specifically designated as commercial. The designation as a mixed use corridor dramatically changes the potential for the property.

- 2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: When the property was annexed into the City, it was zoned R-8 in anticipation of residential development. This development has not occurred. While the previous commercial use was abandoned, the structure(s) remained. The adoption of the Comprehensive Plan created an opportunity for mixed uses along the 29 Road corridor. An interested party then approached the City about reestablishing a commercial use of the property.

- 3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Response: There are public utilities already connected to the existing commercial building. Public utilities, including potable water provided by the Ute Water Conservancy District are adjacent to the subject parcel that can be utilized and have the capacity to facilitate new construction under the proposed form based zoning.

Community facilities, such as a convenience store, a large grocery store, restaurant and other neighborhood facilities and uses are within walking distance of the subject parcel.

- 4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: This is the first property to be considered for a Mixed Use Form Based zoning district. Areas within a Mixed Use Opportunity Corridor that are currently zoned for residential purposes may be rezoned for more intense use (including nonresidential uses), provided that Form Districts are utilized and the depth of the lot is at least 150 feet (Grand Junction Municipal Code Section 21.02.140.c.2).

In addition, the proposed MXG-3 form based zone would permit multi-family development, along with commercial uses, meaning the potential is still available to develop housing on the site.

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

Response: The proposed zoning will implement several goals of the Comprehensive Plan:

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

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

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

The location of the subject property is within an identified Mixed Use Opportunity Corridor.

In addition to the rezone criteria of Section 21.02.140(a), Section 21.02.140(c)(2) states that during consideration of the application of a Form District, the City Council shall consider the following:

- i) The extent to which the rezoning furthers the goals and policies of the Comprehensive Plan; and

Response: The proposed zoning will implement several goals of the Comprehensive Plan:

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

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

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

- ii) The extent to which the proposed rezoning would enhance the surrounding neighborhood by providing walkable commercial, entertainment and employment opportunities, as well as alternative housing choices.

Response: There are 120 apartments along Dawn Drive alone, which spans a quarter-mile (1/4 mi) walk from the subject property. While the MXG-3 would permit a variety of uses, including offices, that may not be in demand by the adjacent residents, the potential is still present. In addition, the potential for the property is complemented by the location of other commercial uses to the north, including Graff Dairy (1/10 mile north) and the Patterson Marketplace (Safeway) at 29 Road and Patterson (F Road).

After reviewing the criteria for a zoning amendment, I find that the above criteria have been met for this request. Section 21.02.140(a) requires that at least one (1) criterion be met. Therefore, I recommend approval of the MXG-3 Zone District.

Alternatives: The following zone districts would also be consistent with the Comprehensive Plan designation(s) for the subject property:

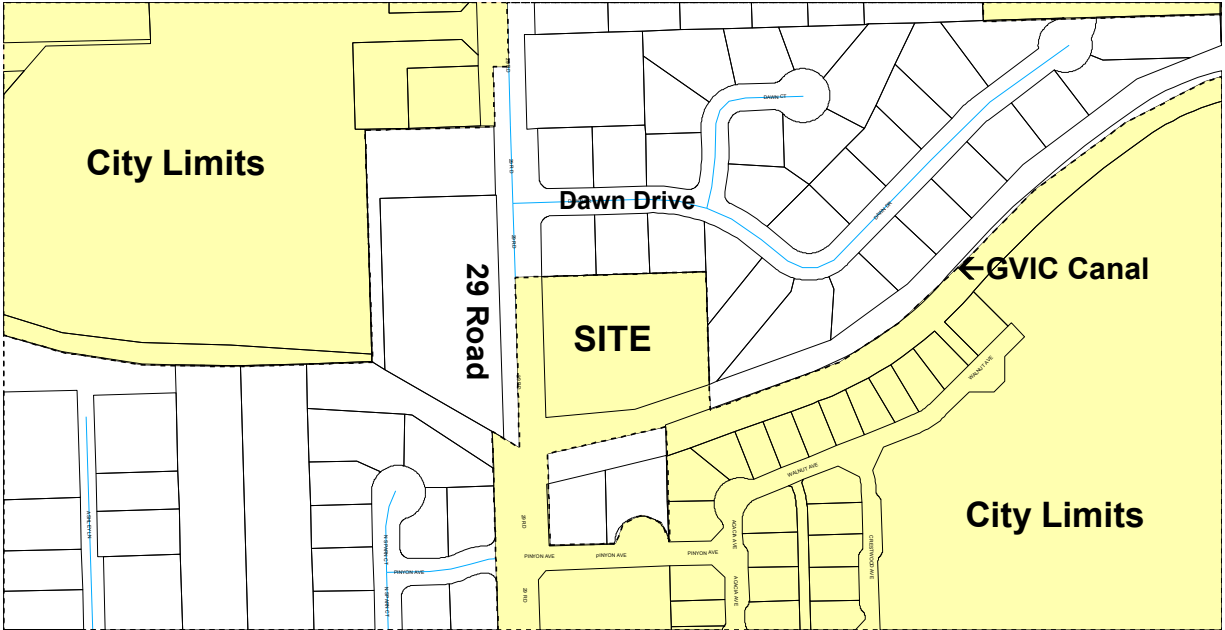
MXG-5 (Mixed Use General Form District – 5 stories).
MXG-8 (Mixed Use General Form District – 8 stories).

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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the rezone to the City Council, finding that a rezone to the MXG-3 (Mixed Use General Form District – 3 stories) district to be consistent with the Comprehensive Plan and Section 21.02.140 of the Grand Junction Municipal Code

Site Location Map

564 29 Road



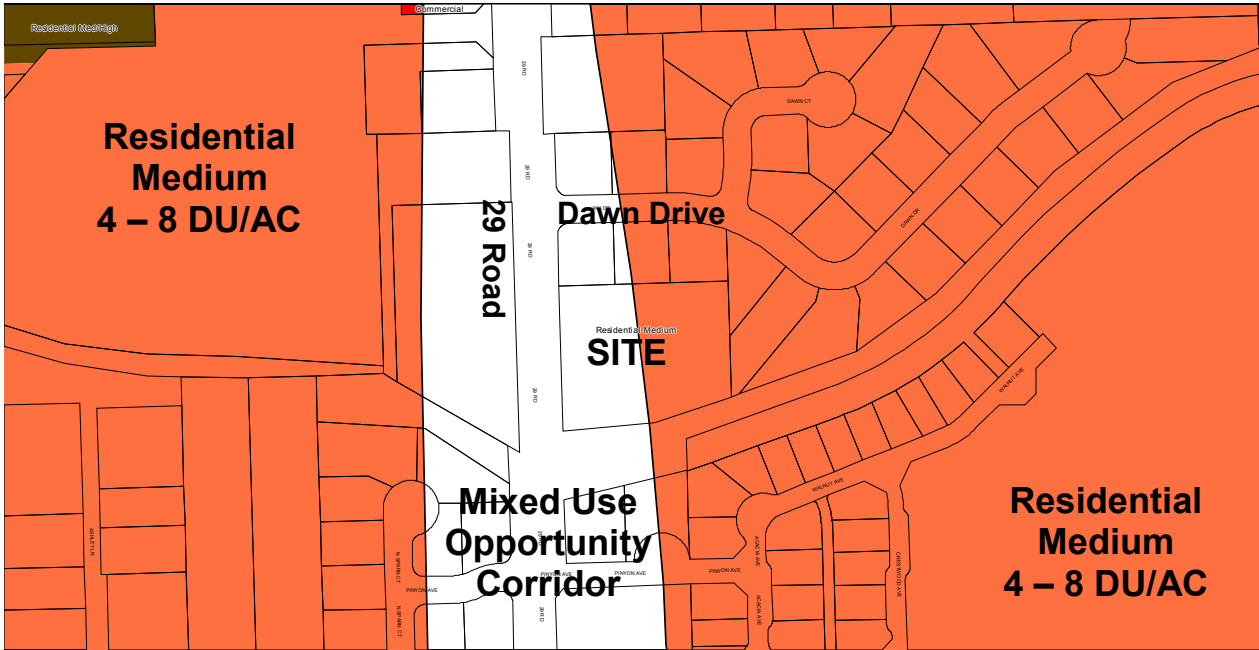
Aerial Photo Map

564 29 Road



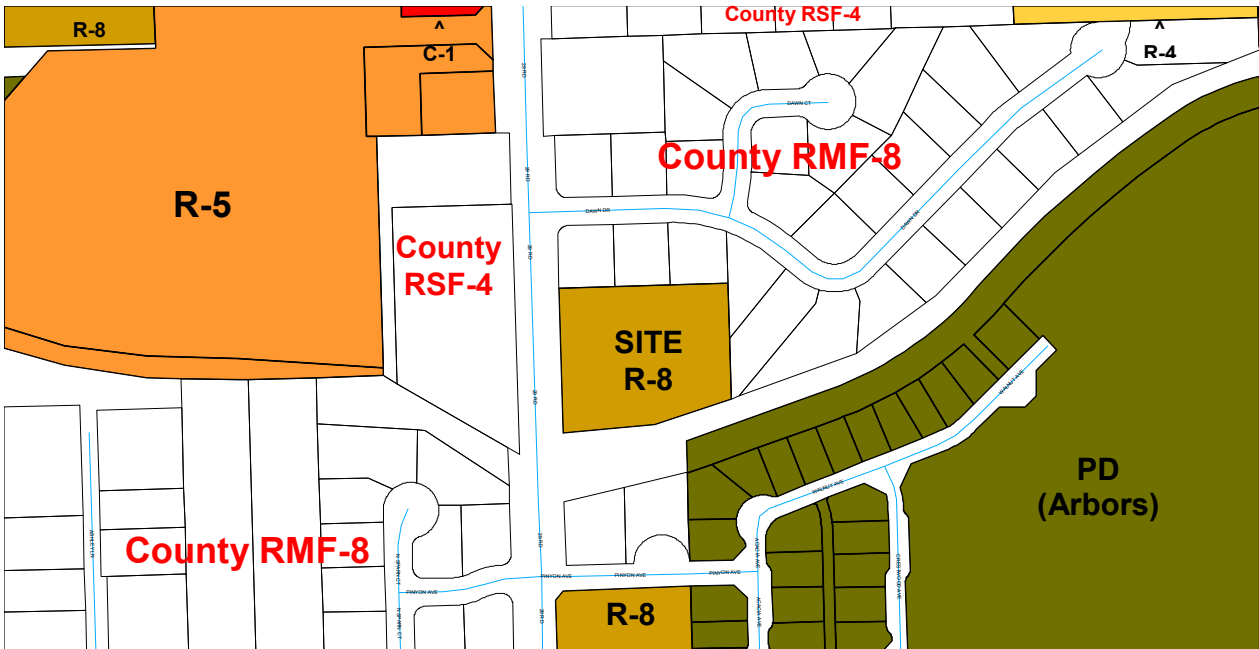
Comprehensive Plan Map

564 29 Road



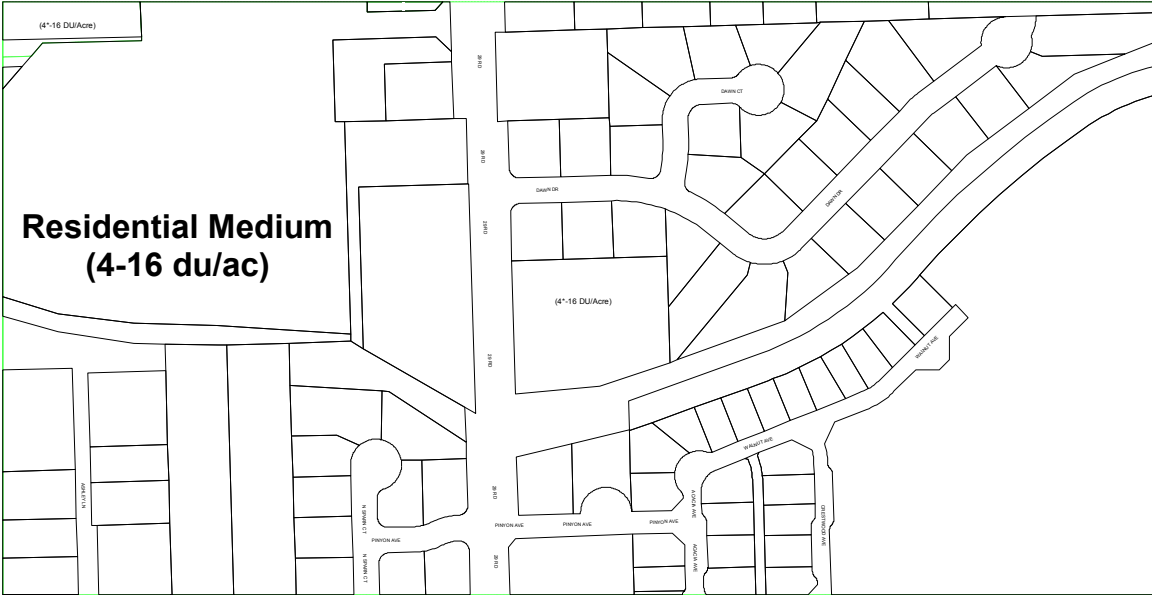
Existing City and County Zoning Map

564 29 Road



Blended Residential Map

564 29 Road



Site Photo

564 29 Road



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING THE PROPERTY

LOCATED AT 564 29 ROAD (BOOKCLIFF VET)

FROM

R-8 (RESIDENTIAL – 8 DWELLING UNITS PER ACRE)

TO

MXG-3 (MIXED USE GENERAL FORM DISTRICT – 3 STORIES)

Recitals.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of rezoning the property at 564 29 Road from R-8 (Residential – 8 dwelling units per acre) to the MXG-3 (Mixed Use General Form District – 3 stories) zone district for the following reasons:

The zone district is consistent with the designation of the property as a Mixed Use Opportunity Corridor as shown on the future land use map of the Comprehensive Plan, and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After the public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds that the MXG-3 zone district should be established.

The Planning Commission and City Council find that the MXG-3 zone district is in conformance with the stated criteria of Title 21, Section 02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned to MXG-3 (MIXED USE GENERAL FORM DISTRICT – 3 STORIES):

A parcel of land located in the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section 8, Township 1 South, Range 1 East, of the Ute Meridian and being more particularly described as follows:

Commencing at the Northwest corner of the SW ¼ NW ¼ of Section 8, whence the Southwest corner of said SW ¼ NW ¼ of Section 8 bears South 00 degrees 04 minutes 07 seconds East, a distance of 1317.71 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 00 degrees 04 minutes 07 seconds East, a distance of 450.00 feet, along the West line of said SW ¼ NW ¼ of Section 8; thence North 89 degrees 55 minutes 53 seconds East, a distance of 50.00 feet to a point at the Southwest corner of Sunrise Gardens Subdivision, as shown on plat recorded in Plat

Book 12, Page 135, the POINT OF BEGINNING; thence North 89 degrees 55 minutes 53 seconds East, a distance of 303.00 feet, along the South line of said sunrise Gardens Subdivision, to a point at the intersection of said South line of said subdivision and the most Southerly West line of said Sunrise Gardens Subdivision; thence South 00 degrees 04 minutes 07 seconds East, a distance of 257.84 feet, along said most Southerly West line of said Sunrise Gardens Subdivision to a point on the centerline of the Grand Valley Irrigation Company Canal; thence Southwesterly along said Northerly canal boundary the following three (3) courses: (1) South 72 degrees 49 minutes 02 seconds West, a distance of 152.54 feet; (2) South 81 degrees 07 minutes 59 seconds West, a distance of 113.91 feet; (3) North 90 degrees 00 minutes 00 seconds West, a distance of 44.64 feet, to a point on the East right-of-way line of 29 Road, as described in deed to Mesa County, recorded at Book 1425, Page 769, Mesa County records; thence North 00 degrees 04 minutes 07 seconds West, a distance of 320.10 feet, along said East right-of-way line to the POINT OF BEGINNING.

Said parcel containing an area of 2.071 acres, as described.

ALSO KNOWN AS TAX PARCEL NUMBER 2943-082-00-037

Introduced on first reading this ___ day of _____, 2010 and ordered published.

Adopted on second reading this _____ day of _____, 2010.

ATTEST:

City Clerk

Mayor



Date: 9/16/2010
 Author: Heidi Hoffman Ham
 Title/ Phone Ext: Exec. Dir.
GJDDA/256-4134
 Proposed Schedule: Oct. 18,
2010
 2nd Reading
 (if applicable): _____

CITY COUNCIL AGENDA ITEM

Attach 3
Downtown Grand Junction Business
Improvement District Operating Plan and Budget

Subject: Downtown Grand Junction Business Improvement District (DGJBID) Operating Plan and Budget
File # (if applicable):
Presenters Name & Title: Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2011 Operation Plan and Budget. It has been reviewed by Staff and found to be reasonable.

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

N/A

Action Requested/Recommendation:

Approve the DGJBID 2011 Operating Plan and Proposed Budget

Board or Committee Recommendation:

The DGJBID Board reviewed and approved the 2011 Proposed Budget at their meeting on August 26, 2010.

Background, Analysis and Options:

In 2005, the City Council created the Downtown Grand Junction Business Improvement District, approved their 2006 Operating Plan and Budget, conducted a mail ballot election to create a Special Assessment, and then turned over the board to the DDA. The State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget for the next fiscal year by September 30. The municipality shall approve or disapprove the operating plan and budget within thirty

days of receipt but no later than December 5 so the BID can file their Special Assessment with the County Treasurer by December 10.

Financial Impact/Budget:

The finances of the DGJBID do not have an impact on the City's budget except for an in-lieu contribution for the City properties within the District of \$14,000.

Legal issues:

N/A

Other issues:

The special assessment for the BID has been held flat for the third year in a row, as reflected in the estimated revenue for this fund. Interest revenue has been modified to a very conservative level, and contributions from government agencies have remained relatively flat.

DTA expenses cover general and event-specific marketing efforts (including website, print media, radio, television), as well as street banners, billboards, videography, photography, Downtowner meetings, and gift certificates. The allocation of a lump sum to the DTA by the BID board represents the specific request from the DTA based on the events and marketing for that year; the DTA board is then charged to manage that budget. The BID budget is a relatively young budget since the district started in 2006. Both the BID Board and the DTA Board oversee the budget on a quarterly basis to ensure that it remains accurately focused on the mission of the BID.

Previously presented or discussed:

The 2011 Budget and Operating Plan are very similar in scope and focus to previous years. It focuses entirely on the mission of the BID, which is promotion of the downtown area through marketing and events.

Attachments:

2010 Annual Report
2011 Proposed Budget

Downtown Business Improvement District 2010 Annual Report and 2011 Proposed Budget

With the successful passage of the Downtown Business Improvement District in November 2005, the Downtown Partnership (DDA/DTA) was able to embark on an expanded program of advertising and promotion. The BID covers an area of nearly 50 square blocks and has over 600 property owners and businesses representing a mix of retail, restaurants, professional services and commercial activities. The BID was formed with the intention of performing the following functions:

Downtown Marketing and Promotions

- Public relations to project a positive community and business image
- Collaborative advertising with other agencies (VCB, Chamber, etc)
- Biweekly email to members and quarterly membership meetings
- Revision of website to reflect changing needs of merchants, visitors
- Holiday/seasonal advertising campaigns in print, radio, television, billboards
- Expansion of downtown gift certificate marketing
- Continued support of marketing efforts for Art on the Corner program
- Extensive social media campaigns

Staff works closely with representatives from Colorado Public Radio, the Avalon Theatre, the Museum of Western Colorado, Western Colorado Botanical Gardens, the Visitor and Convention Bureau, Two Rivers Convention Center, and local nonprofit groups to market and support downtown activities. Other beneficial communication efforts have included promotion of new and expanding businesses, special events, and development of the Downtown Uplift project.

Special Events

The Art & Jazz Festival, Farmers' Market, Independence Day Parade, Car Show, Spooktacular, and Parade of Lights events have all continued to grow in attendance and participation. These popular events bring thousands of people into Downtown Grand Junction to enjoy the unique atmosphere and spend additional dollars in the downtown shopping district.

Budget and Administration:

The 2011 Proposed Budget supports the operating plan and goals for the BID. The DTA Board continues to administer the majority of the funds for events and marketing under close supervision of the BID Board, including a comprehensive quarterly report and approved budget.

GJ BID Operating Budget (Fund 711)

	2009 Actual	2010 Budget	2010 Estimated	2011 Proposed
Start Fund Balance	138,708	127,504	127,504	128,885
Revenues				
Special Assessments	131,953	130,000	129,503	130,000
Interest Income	4,876	3,500	878	1,000
Govt Reimbursements				
<i>DDA</i>	20,000	20,000	20,000	25,000
<i>City</i>	11,219	13,466	13,466	14,000
<i>County</i>	4,500	0	0	0
Revenues Sub Total	172,548	166,966	163,847	170,000
Expenses				
Salaries	57,034	41,683	57,034	60,000
PT/Contract Labor	450	9,360	4,400	4,500
Benefits	14,259	10,421	10,421	10,962
Treasurer's Fees	2,643	3,100	2,611	3,000
FF&E	3,644	5,000	2,500	2,500
Other	722	2,500	1,500	1,500
Interfund Transfers	3,500	8,000	8,000	8,000
DTA Expenses	101,500	76,000	76,000	80,000
Expenses Sub Total	183,752	156,064	162,466	170,462
Net Difference	-11,204	10,902	1,381	-462
Fund Balance	127,504	138,406	128,885	128,423



Date: 10/7/2010

Author: Stephanie Tuin

Title/ Phone Ext: City Clerk,
Ext.1511

Proposed Schedule: Oct. 18,
2010

2nd Reading

(if applicable): _____

CITY COUNCIL AGENDA ITEM

Attach 4

Horizon Drive Association Business Improvement District 2011 Operating Plan and Budget

Subject: Horizon Drive Association Business Improvement District 2011 Operating Plan and Budget

File # (if applicable):

Presenters Name & Title: Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2011 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

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

N/A

Action Requested/Recommendation:

Approve Horizon Drive Association Business Improvement District's 2011 Operating Plan and Budget

Board or Committee Recommendation:

The Horizon Drive BID Board approved their 2011 Operating Plan Budget on September 8, 2010

Background, Analysis and Options:

In 2004, the City Council created the Horizon Drive Association Business Improvement District, approved their 2005 Operating Plan and Budget and appointed their board. The State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget for the next fiscal year by September 30. The municipality shall approve or disapprove the operating plan and budget within thirty

days of receipt but no later than December 5 so the BID can file their mill levy certification with the County Assessor by December 10.

Financial Impact/Budget:

N/A

Legal issues:

In compliance.

Other issues:

N/A

Previously presented or discussed:

This is an annual submittal.

Attachments:

1. Proposed 2011 Operating Plan and Budget for the Horizon Drive Association Business Improvement District
2. Certification of Valuations



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District
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Horizon Drive Business Improvement District
Service & Operating Plan 2011

INTRODUCTION

During the year 2010, the Horizon Drive District continued its commitment to invest in the growth and longevity of the District. The District's accomplishments include:

1. Completed the Horizon Drive/I-70 Gateway Beautification Project, in partnership with the City of Grand Junction
2. Formalized relationship with City for on-going maintenance of the Gateway
3. Identified Mission Statement and Vision Commitment for the District
4. Conducted national search and engaged District Representative
5. Identified the goals and priorities of the District
6. Resolved revenue/taxation questions with State

Although the Board voted in September 2009 to temporarily lower the District's mil levy for 2009 tax revenues, thereby reducing its expected revenues in 2010, the District has been able to continue to operate the District with the funds previously collected and remain within budget by conservatively limiting expenditures for administrative staff, offices and other non-capital expenses. Although the District filled an administrative/representative position in November 2009, in 2010 the expense related to that position remained below budget projections while still insuring the District received day-to-day administrative services and requested representation.

In accordance with the Board's stated objectives, the District adopts the following general Service & Operating Plan for 2011:

GOALS

1. Develop relationships with District Stakeholders
2. Improve the physical appearance and image of the District
3. Expand the boundaries of the District
4. Implement a comprehensive communications plan

SERVICES AND IMPROVEMENTS OFFERED BY THE DISTRICT

- Represent the District in decisions that may impact the area.
- Be accessible to the constituents for questions on various issues.
- Enhance the District with long range planning of improvements.

- The District is allowed to make and contemplate a broad range of public improvements including, but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuaries, fountains, identification signs, traffic safety devices, bicycle paths, off street parking facilities, benches, restrooms, information booths, public meeting facilities, and all incidentals, including relocation of utility lines.

GOVERNANCE OF THE DISTRICT

- The Board of Directors is appointed by the Grand Junction City Council.
- The Board of Directors appoints management staff in accordance with District Bylaws.

POWERS OF THE DISTRICT

- The power to levy taxes against taxable commercial property.
- To consider and, if deemed necessary, provide services within the District including but not limited to:
 - Management and planning
 - Maintenance of improvements, by contract if necessary
 - Promotion or marketing
 - Organization, promotion and marketing of public events
 - Activities in support of business recruitment, management and development
 - Snow removal or refuse collection / recycling
 - Design assistance
- To acquire, construct, finance, install and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates, tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the District, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to sue and to be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.

PROPOSED 2011 BUDGET

<i>Estimated fund balance 9/30/2010</i> ¹	\$548,991.79	
Less reserves for remaining 2010	(20,000.00)	
Estimated fund balance 12/31/2010		\$528,991.79
2011 estimated tax revenue	\$254,301.05	
2011 estimated interest income	\$5,000.00	
Total estimated revenues	\$259,301.05	
Temporary rate reduction ²	(89,422.42)	
Temporary rate reduction of		
1.2226 mils / TABOR (\$62,181.69)		
Subject to temporary rate reduction of		
0.5356 mils / REFUND (\$27,240.73)		
Net expected 2011 collectible revenues		\$169,878.63
Estimated 2011 expenditures		(200,600.00)
Marketing/production	\$20,000.00	
Clerical	\$48,000.00	
Insurance	\$3,000.00	
Telephone	\$1,000.00	
Bank charges	\$200.00	
Meeting Expense	\$500.00	
Postage	\$200.00	
Printing	\$500.00	
Professional develop.	\$50.00	
Office supplies	\$150.00	
Open House	\$2,000.00	
Website redevelopment	\$10,000.00	
Professional Services		
- Legal	\$3,000.00	
- Accounting	\$5,000.00	
Capital commitment:		
- District planning	\$50,000.00	
- City of GJ ³	\$57,000.00	
Reserve for long term planning, design and improvement projects		(493,270.42)
Estimated ending fund balance 12/31/2011		\$ <u>5,000.00</u>

¹ Cash balance in District accounts. Based on consultation with CPA, auditing CPA and attorney.

² Based on consultation with CPA, auditing CPA and attorney.

³ Last payment for I-70 gateway improvements.



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Budget: 2011

<i>Estimated fund balance 9/30/2010</i> ¹	\$548,991.79	
Less reserves for remaining 2010	(20,000.00)	
Estimated fund balance 12/31/2010		\$528,991.79
2011 estimated tax revenue	\$254,301.05	
2011 estimated interest income	\$5,000.00	
Total estimated revenues	\$259,301.05	
Temporary rate reduction ²	(89,422.42)	
Temporary rate reduction of 1.2226 mils / TABOR (\$62,181.69)		
Subject to temporary rate reduction of 0.5356 mils / REFUND (\$27,240.73)		
Net expected 2011 collectible revenues		\$169,878.63
Estimated 2011 expenditures		(200,600.00)
Marketing/production	\$20,000.00	
Clerical	\$48,000.00	
Insurance	\$3,000.00	
Telephone	\$1,000.00	
Bank charges	\$200.00	
Meeting Expense	\$500.00	
Postage	\$200.00	
Printing	\$500.00	
Professional develop.	\$50.00	
Office supplies	\$150.00	
Open House	\$2,000.00	
Website redevelopment	\$10,000.00	
Professional Services		
- Legal	\$3,000.00	
- Accounting	\$5,000.00	
Capital commitment:		
- District planning	\$50,000.00	
- City of GJ ³	\$57,000.00	
Reserve for long term planning, design and improvement projects		(493,270.42)
Estimated ending fund balance 12/31/2011		\$ <u>5,000.00</u>

¹ Cash balance in District accounts. Based on consultation with CPA, auditing CPA and attorney.

² Based on consultation with CPA, auditing CPA and attorney.

³ Last payment for I-70 gateway improvements.

**RESOLUTION
OF THE BOARD OF DIRECTORS
OF
THE HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT**

At a regular meeting of the Board of Directors (Board) of the Horizon Drive Association Business Improvement District (District), called pursuant to proper notice and held on September 8, 2010, the Board resolved to take the actions below:

A. At a special meeting held on September 23, 2009 (“Special Meeting”), the Board determined that the District had levied Two Hundred Six Thousand Six Hundred Five and 05/100 Dollars (\$206,605.05) in tax revenues in excess of the amounts allowed under TABOR and that the limitations on tax revenue provided for in TABOR are more restrictive than the limitations on tax revenue provided for in the 5.5% Limit.

B. At the Special Meeting, the Board resolved to observe the most restrictive tax revenue limitations provided for in the Colorado Taxpayer’s Bill of Rights, Colo. Const. Art. X, section 20, (TABOR), and in section 29-1-301, C.R.S. (5.5% Limit), unless and until the electors of the District approve an increase of the tax revenue limitations of TABOR, the 5.5% Limit, or both, or revisions to the limitations currently in place through the aforementioned TABOR and 5.5% Limit occur.

C. At the Special Meeting, the Board further resolved that the District effect a temporary mill levy rate reduction of three and one-half (3.5) mils for the 2009 tax year, collected in 2010, in order to refund the excess revenue as quickly as possible.

D. After consultation with counsel and a certified public accountant, the Board has determined that the final calculation of the amount refunded by the District for the 2009 tax year is One Hundred Seventy Nine Thousand Three Hundred Sixty Six and 31/100 Dollars (\$179,366.31).

E. In order to fulfill the refund objectives established at the Special Meeting, the District must effect a refund in tax year 2010, collected in 2011, by way of a temporary mil levy rate reduction, in the amount of Twenty Seven Thousand Two Hundred Thirty Eight and 74/100 Dollars (\$27,238.74).

F. In order to adhere to the tax revenue limitations established by the Board at the Special Meeting, the District must effect a temporary mil levy rate reduction for tax year 2010, collected in 2011, in the amount of Sixty Two Thousand One Hundred Eighty One and 69/100 Dollars (\$62,181.69).

THEREFORE, IT IS RESOLVED, that the District effect a temporary mill levy rate reduction of one and 2226/1000 (1.2226) mills for the 2010 tax year, collected in 2011, which will temporarily reduce the District's effective mill levy rate to three and 7774/1000 (3.7774) mills, and tax revenues to One Hundred Ninety Two Thousand One Hundred Nineteen and 36/100 Dollars (\$192,119.36) in order to comply with TABOR tax revenue limitations.

IT IS FURTHER RESOLVED, that it is in the District's best interests, and in keeping with the goals and objectives of the District to effect an additional temporary mill levy rate reduction of 5356/1000 (0.5356) mills for the 2010 tax year, collected in 2011, which will temporarily reduce the District's effective mill levy rate to three and 2418/1000 (3.2418) mills, and tax revenues to One Hundred Sixty Four Thousand Eight Hundred Seventy Eight and 63/100 Dollars (\$164,878.63) in 2011 in order to fully refund the excess revenue.

This Resolution is adopted effective the 1st day of September, 2010, by and among all members of the Board, as evidenced by their signatures below.

Clark Atkinson, President

Jan Roht, Vice President

Chuck Keller, Secretary

Bill Milius, Treasurer

Dale Reece

Lynne Sorlye

Brenda Brock



Date: October 11, 2010
 Author: Heidi Hoffman Ham
 Title/ Phone Ext: DDA Executive Director, 256-4134
 Proposed Schedule: _____
October 18, 2010
 2nd Reading (if applicable): _____

CITY COUNCIL AGENDA ITEM

Attach 5
Outdoor Dining Lease for Nepal Restaurant GJ LLC, dba Nepal Restaurant

Subject: Outdoor Dining Lease for Nepal Restaurant GJ LLC, dba Nepal Restaurant, 356 Main Street
File # (if applicable):
Presenters Name & Title: Heidi Hoffman Ham, DDA Executive Director

Executive Summary:

The owners of the Nepal Restaurant GJ LLC are requesting an Outdoor Dining Lease for the property located at 356 Main Street. They have been conditionally approved for a Sidewalk Café Permit to serve food outside in an area measuring 176 square feet directly in front of the property. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

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

***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.*

The addition of outdoor dining areas continues to support the vibrant atmosphere of the downtown area, particularly along the newly-renovated Main Street.

Action Requested/Recommendation:

Adopt the Resolution Approving the Outdoor Dining Lease for Nepal Restaurant GJ LLC, located at 356 Main Street.

Board or Committee Recommendation: N/A

Background, Analysis and Options:

Council approved the expansion of sidewalk dining with liquor service in July 2004. However, at that time, it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under their individual liquor license. Approval of this lease will allow for the applicant to apply for expansion of their premise through the proper State and City agencies. The Lease includes standards for appropriate access and control of the

premise and is in keeping with the standards that have been in place in other communities in Colorado and that have worked well in Grand Junction. The Lease would be in effect and prorated until the next renewal of the liquor license on May 15, 2011. The adjacent property owners have given their written consent for the ninety-degree corners on the design, as required in the permit.

Financial Impact/Budget:

There is no financial impact to the City.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way
Outdoor Dining Lease Agreement
Exhibit A – Depiction of Proposed Leased Area

RESOLUTION NO. __-10

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK
RIGHT-OF-WAY TO NEPAL RESTAURANT GJ LLC**

Recitals:

The City has negotiated an agreement for Nepal Restaurant GJ LLC to lease a portion of the sidewalk right-of-way located in front of 356 Main Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to Nepal Restaurant GJ LLC.

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

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the city-owned sidewalk right-of-way for a period of seven months at \$103 for the term, to Nepal Restaurant GJ LLC.

PASSED and ADOPTED this ____ day of _____, 2010.

President of the Council

Attest:

City Clerk

OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into as of October 18, 2010, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, hereinafter City and, Nepal Restaurant GJ LLC as Lessee, hereinafter Lessee.

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority the City Council and the Downtown Development Authority (DDA) desire to make certain areas of the sidewalk in the DSP available by lease to approximate land owners and/or lessees that want to make use of a portion of the sidewalk in the DSP for restaurant and/or alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. The City does hereby lease to Lessee approximately 176 square feet of the sidewalk in the DSP located in front of 356 Main Street, hereinafter the Leased Area; specifically the Leased Area is that portion of the sidewalk immediately in front of the Lessee's business. The Leased Area is depicted on the attached Exhibit A.
2. The term of this lease shall be for a period of one year beginning on October 18, 2010, and terminating on May 15, 2011, at which time the liquor license shall be up for renewal. Rent shall be calculated at \$1.00 per square foot per year. As rent for the Leased Area for the Lease Term, Lessee agrees to pay the City the total sum of \$103.00, which sum shall be payable in advance on or before October 18, 2010, at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501.

If the rent payment is not paid in full when due, a Lease shall not issue.

3. Lessee agrees to use the Leased Area for the sole purpose of selling and dispensing food and/or beverages to the public. The Leased Area shall be open to the public, weather permitting, during the Lessee's normal business hours but in no event shall food and/or beverage service be extended beyond 12:00 midnight. Food shall be available to be served in the Leased Area during all hours that it is open to the public and in accordance with the Lessee's liquor license.
4. Lessee further agrees to use the Leased Area for no purpose prohibited by the laws of the United States, the State of Colorado or ordinances of the City of

Grand Junction. Further, Lessee agrees to comply with all reasonable recommendations by DDA relating to the use of the Leased Area. Prior to alcohol service the Lessee shall modify its liquor licensed premises as required by the laws of the State and City. **Modification of the licensed premises, in accordance with Colorado law, is a precondition to the authority this lease.**

5. Lessee shall remove any improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Leased Area promptly upon expiration of this Lease. Failure to remove the same within ten (10) days of expiration shall result in ownership thereof transferring to the DDA.
6. Lessee agrees to keep the Leased Area in good repair and free from all litter, dirt and debris and in a clean and sanitary condition; to neither permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Leased Area or by any injury of accident occurring thereon. Further, Lessee does, by execution of this Lease, indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Leased Area. Lessee agrees to furnish certificate(s) of insurance as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy, maintenance and operation of the Leased Area. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.
7. All construction, improvements, furniture, fixtures and/or equipment on the Leased Area shall comply with the following:
 - a. Not be wider than the street frontage of the business nor extend to the extent that pedestrian traffic is impeded.
 - b. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Leased Area; this shall be construed to include perimeter enclosures, planters, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee.
 - c. The perimeter enclosure shall be angled at forty-five (45) degrees with a minimum of four (4) feet in length on the diagonal(s) with the exception that if the Lessee obtains written consent from the adjacent business, a ninety (90) degree angle will be permitted on the side(s) for which the Lessee has obtained such written consent.

- d. The perimeter of the Leased Area shall be enclosed by a black wrought-iron fence (perimeter enclosure) as approved by DDA, no less than thirty (30) inches in height. Openings in the fence shall not be less than 44 inches wide. If there is a gate which is not self-closing and bi-directional it must swing inward to prevent obstruction of the sidewalk.
 - e. No cooking shall be located on the Leased Area.
 - f. Lessee may place furniture, fixtures and equipment in the Leased Area so long as the same are not allowed to encroach into the public right of way or otherwise to endanger any passerby or patron and are secured to resist wind.
 - g. The Lessee shall allow its fixtures and perimeter fencing to remain in place at its own discretion and liability and shall accept and retain full responsibility and liability for any damage to such fixtures and perimeter fencing caused thereby.
 - h. Neither electric (alternating current) nor gaslights are allowed on the Leased Area. Candles and battery powered lights are allowed.
 - i. No signage, including banners, shall be allowed on the Leased Area. Signage shall be disallowed on furniture, which includes but is not limited to, chairs, benches, tables, umbrellas, planters and the perimeter fence on the Leased Area. Menu signs shall be allowed in accordance with provisions of the City of Grand Junction sign code and subject to review by the DDA.
8. The leased premises and improvements, additions and fixtures, furniture and equipment thereon shall be maintained and managed by Lessee.
 9. Lessee agrees to permit agents of the City and/or the DDA to enter upon the premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof.

Lessee further agrees that if the City shall determine to make changes or improvements to the DSP, which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to remove any structures necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes during a lease period.
 10. The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are above described and retains all title thereto.

11. Lessee agrees not to sublet any portion of the Leased Area, not to assign this lease without the prior written consent of the City being first obtained.
12. Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting property and agrees that on sale or other transfer of such ownership interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.
13. Lessee agrees to surrender and deliver up the possession of the Leased Area promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.
14. If legal action is taken by either party hereto to enforce any of the provisions of this Lease, the prevailing party in any legal action shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees.
15. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or any other breach.
16. Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Leased Area and its use. In performing under the Lease, Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.
17. Lessee and City agree that all correspondence concerning the Lease shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

Lessee:
Nepal Restaurant
356 Main Street
Grand Junction, CO 81501

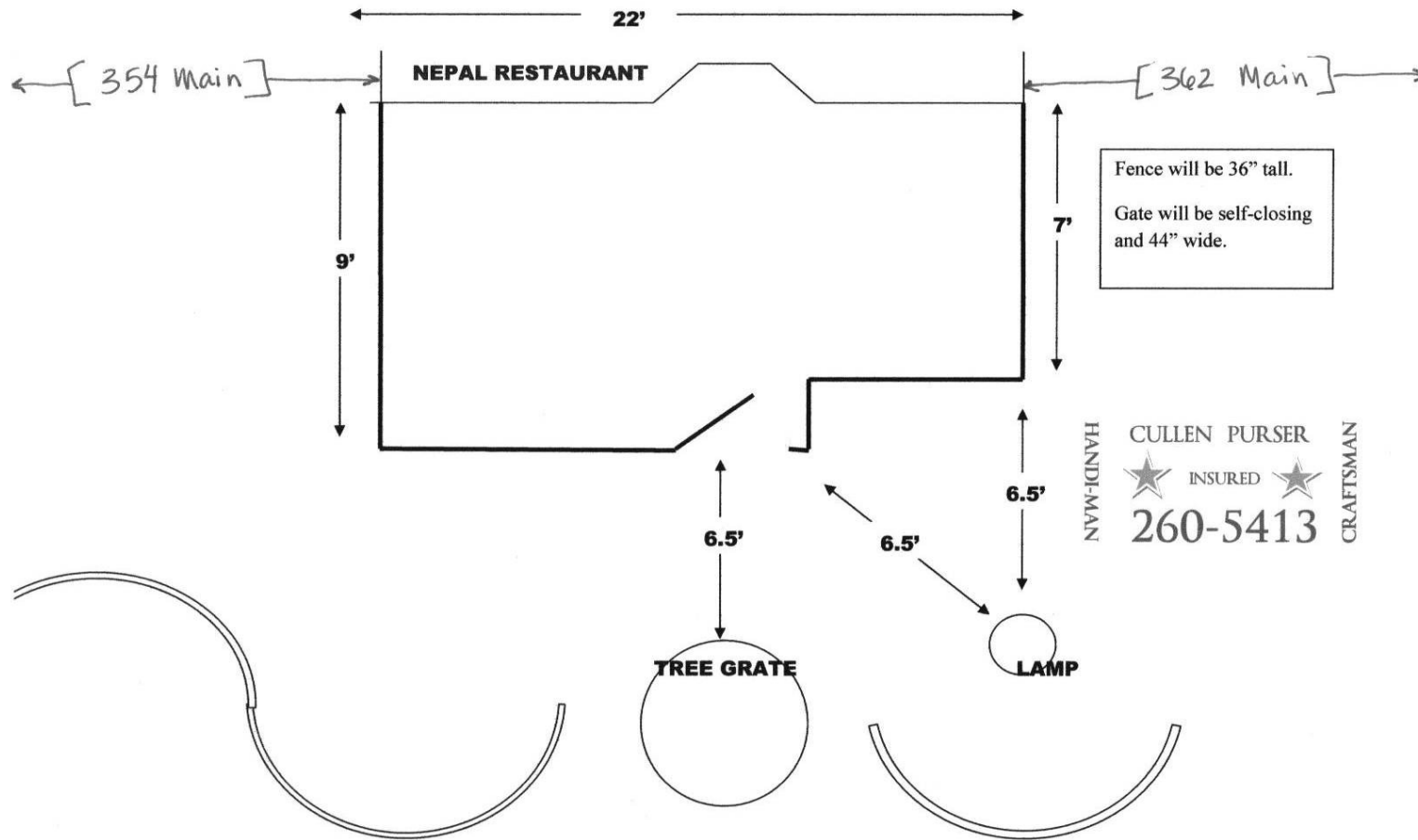
CITY OF GRAND JUNCTION

Laurie M. Kadrich, City Manager

LESSEE

Business Owner
Nepal Restaurant GJ LLC

EXHIBIT A Depiction of Proposed Lease Area





June 7, 2010

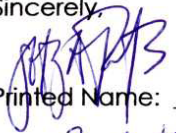
Downtown Partnership
248 South 4th Street
Grand Junction, CO 81501

RE: Adjacent Patio Permit Request to Parcel #2945-143-53-004 (362 Main Street,
Grand Junction, CO)

Dear Downtown Partnership:

As property owners of the above-referenced parcel, we have no objections to
the Sidewalk Dining Permit as requested by the owners of Nepal Restaurant.

Sincerely,


Printed Name: _____

Title: _____

Timberline Bank, Inc.

Grand Junction Downtown Partnership
248 South 4th Street, Grand Junction, CO, 81501
Phone (970) 245-9697 Fax (970) 243-1865
www.downtowngj.org



June 7, 2010

Downtown Partnership
248 South 4th Street
Grand Junction, CO 81501

RE: Adjacent Patio Permit Request to Parcel #2945-143-53-002 (354 Main Street,
Grand Junction, CO)

Dear Downtown Partnership:

As property owners of the above-referenced parcel, we have no objections to
the Sidewalk Dining Permit as requested by the owners of Nepal Restaurant.

Sincerely,

Printed Name: Richard Humphrey

Title: [Signature]

Humphrey Enterprises, LLC

Grand Junction Downtown Partnership
248 South 4th Street, Grand Junction, CO, 81501
Phone (970) 245-9697 Fax (970) 243-1865
www.downtowngj.org



Date: 10/13/10
 Author: Jody Kliska
 Title/ Phone Ext: Transportation
Engineer / 1591
 Proposed Schedule:
October 18, 2010
 2nd Reading
 (if applicable): _____

CITY COUNCIL AGENDA ITEM

Attach 6
US 6 West/State Hwy. 139 Access Control Plan

Subject: US 6 West/State Highway 139 Access Control Plan
File # (if applicable):
Presenters Name & Title: Tim Moore, Public Works and Planning Director

Executive Summary:

The City of Grand Junction has been working with CDOT, Mesa County, and the City of Fruita for the past year on an access control plan for US 6 from Loma to Redlands Parkway and a small portion of State Hwy 139 in Loma. The purpose of the access control plan is to provide the agencies with a comprehensive roadway access control plan for managing existing and future access points. The goal of the plan is to provide appropriate access to the highway, while maintaining the safety and efficiency. The completed plan has been through extensive public review with adjacent property owners and businesses.

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

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

In the absence of the US 6 Access Control Plan (ACP), the State Highway Access Code would be applied as each property on the corridor developed or re-developed. The ACP utilized the Comprehensive Plan to project the future transportation demands on the highway and analyze the effects of access on the safety and capacity of the highway. Meetings with individual property and business owners along the corridor have produced a plan that is customized to the needs of the adjacent properties, while meeting the intent of the Highway Access Code. Having the plan in place gives property owners and future developers a level of certainty about where and what type of access will be allowed.

Goal 9: *Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.*

The US 6 Access Control Plan proposes a balance of safety and capacity for all users and modes of transportation utilizing the highway. With the higher percentage of truck traffic on the highway and its function as a regional highway, managing access allows for continued traffic flow on the highway.

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

The ACP is a coordinated approach to regulating vehicular access to the state highway. Because land use development and the associated access control is a key component of economic development, this plan will work to simultaneously improve access safety and planning and provide for orderly, effective, and economically prudent development goals.

Action Requested/Recommendation:

Adopt proposed Resolution and Authorize the City Manager to Sign an Intergovernmental Agreement Among the City of Grand Junction, Mesa County and the State of Colorado Department of Transportation for US Highway 6 (Mile Post 13.87 – US 6A to Mile Post 2.42-170B) and State Highway 139 (Mile Post 0.00 to Mile Post 2.29) Access Control Plan.

Background, Analysis and Options:

The Colorado Department of Transportation (CDOT) Region 3, Mesa County, the City of Grand Junction, the City of Fruita and the Mesa County Regional Transportation Planning Office identified the need for an Access Control Plan along designated portions of United States Highway 6 (US 6) and State Highway 139 (SH 139). To the extent feasible, given existing conditions, this comprehensive access plan will bring these portions of highway into conformance with their respective access category and functional needs. The plan seeks to achieve the optimum balance between state and local transportation objectives, and preserve and support the current and future functional integrity of the highway.

This Access Control Plan will become a binding document to guide the agencies' decisions regarding the future access conditions along US 6 and SH 139. The *State Highway Access Code, Volume 2, Code of Regulations 601-1, March 2002* was followed in preparing this plan.

According to national studies¹, an effective access control plan can reduce the number of crashes by as much as 50%. When a motorist is presented with a complex driving situation due to an excessive number of accesses that are too close together, more collisions occur. Accidents generally occur either during a disruption in flow (meaning the vehicle ahead is decelerating due to a turn or other cause) or at a conflict point (where two vehicles' paths cross). For example, restricting allowable movements from a full movement access to a ¾ access (right-in, right-out with left-turn movement) or to a right-in and right-out access, potentially reduces the severity of an accident by reducing the number of left-turning vehicles. These vehicles can be redirected to adjacent signalized intersections, where under the protections of additional auxiliary lanes and a traffic signal, the vehicles can either turn left or make a U-turn to reach their desired destination. In order to create a safer but still efficient corridor, a balance must be made in determining the location, spacing, and allowable movements of each access, without

¹ *Access Management Manual: Committee on Access Management.* Washington D.C.: Transportation Research Board of the National Academies, 2003.

compromising access to the adjacent properties. A less complex and therefore safer driving situation is accomplished when the number of conflicts between vehicles is reduced.

When the number of accesses along a roadway is condensed, desired speeds are maintained and motorists can arrive more quickly at their destinations. Studies¹ have shown that location of driveways can reduce average travel speeds by up to 5 to 10 mph. However, travel time on a segment is decreased when the number of traffic signals is minimized and the spacing between the signals is more uniform. As vehicular speeds along a roadway become more stable, motorists can see an added benefit of maximum fuel efficiency. Additionally, improved traffic flow translates into better air quality due to a decrease in vehicle emissions.

Roads are important public resources that are costly to build and to improve or replace. Implementing an access control plan reduces the cost of maintaining the corridor. When access management principles are set aside, property owners experience an unpredictable development environment. Roadways that are overused will be widened and later widened again, creating an ever-changing landscape and recurring road construction. In a revenue-constrained environment, effective management of the transportation system is essential.

It is important to remember that the Access Control Plan is intended to represent a long range plan for the study roadways. Implementation of the full plan can occur as a single project, or over the long term in smaller increments as a phased approach. Figure 2 (attached) provides details about how the Access Control Plan may be implemented as a phased approach.

Implementation of the full plan at a single time is unlikely and would only occur as part of a transportation improvement project that included all of the study roadways. This would be a publicly funded project by any combination of local and CDOT funding. A future public project would include the access changes described in the Access Control Plan, which could be implemented at the time. There are currently no projects planned for the portions of US 6, except for intersection improvements at SH 139. There are also no other improvements currently planned on SH 139, except for the intersection improvements at SH 139 and US 6. This means there is not a project on the Long Range Transportation Plan, the Fiscally Constrained Plan, or the currently funded Statewide Transportation Improvement Plan. A corridor wide project in the near future is unlikely. Highway projects take many years to identify, fund, and construct. Under this scenario, it would be the government's responsibility to make the access changes to the highway. Even with a public corridor project, it would be unlikely that the entire plan could be implemented at one time because access must still be provided to each property on the corridor. For example, if a property has not redeveloped, it might not be feasible to relocate the driveway; or if the local street network has not been completed, alternative access may not be available. In cases like this, an interim access to the property would be maintained until such time as the ultimate access configuration could be achieved.

As traffic grows along the study roadways, the agencies will be faced with deciding how to implement the Access Control Plan. One approach may be to implement interim

roadway improvements that would delay the need to implement the ultimate recommendations of the Access Control Plan.

Once traffic volumes and/or safety issues indicate changes to access conditions are needed, the next phase of the implementation would be to identify locations where raised medians, traffic signals or other forms of traffic control are warranted. When intersections or access points have operational or safety concerns CDOT will look for ways to address these issues. These projects would most likely incorporate portions of the Access Control Plan, such as implementing turn restrictions or improving intersections in order to improve operations or increase safety along the corridor.

The most common trigger for the phased approach relates to when a property along US 6 or SH 139 develops, redevelops, or if a driveway experiences a traffic volume increase of 20 percent or more (per the *State Highway Access Code*). Under this scenario, a new CDOT access permit is required and CDOT would work with the property owner or the developer to make the access changes and highway improvements in the area directly impacted by the development/redevelopment. Coordination through the development process is critical to the ultimate success of the plan. If the ultimate Access Control Plan cannot be implemented when a property redevelops, the property should develop in such a way as to not prohibit the plan implementation. For example, buildings should be constructed in such a manner as to utilize a future access location shown on the plan. Even if project related traffic volumes do not warrant the full implementation of the plan, the local entities should develop a method to collect funds from the owner/developer with the understanding that the changes will be necessary in the future. This may encourage some development to occur now, but the local entity will have collected funds to help offset the cost of the future improvements. This is especially important in the case where a property simply redevelops, but does not increase the traffic generated by 20% or more. If the local entity does not implement the plan at the same time or collect funds for future implementation, it is unlikely the same property would redevelop again before the changes are necessary, creating a missed opportunity to implement the plan or collect contributions toward the improvements.

Another important aspect of the implementation process is how access is granted to new developments. Each property along the study roadways must be provided reasonable access. CDOT should work with the owner/developer to ensure projects are designed with consideration to where access will be permitted in the ultimate Access Control Plan. Access will be provided to the property as shown on the Access Control Plan unless it is not feasible to implement at the time of the development. Then, an interim access will be permitted, which will change once the ultimate access conditions can be achieved. Coordinating with the owner/developer throughout the project development process will ensure the final design of the property does not preclude the implementation of the final Access Control Plan configuration on the study roadways.

Financial Impact/Budget:

N/A.

Legal issues:

The City Attorney's office has reviewed and approved the intergovernmental agreement (IGA) for the access control plan. That agreement is by and among the City of Fruita, Mesa County, the State of Colorado and the City of Grand Junction and when signed by all parties will provide for coordinated regulation of vehicular access in accordance with the plan.

Previously presented or discussed:

The Access Control Plan in the City of Grand Junction was presented at the City Council meeting on Monday, October 4, 2010.

Attachments:

1. Access Control Plan Drawings from Redlands Parkway to the Fruita Buffer Zone
2. Access Control Plan Tables
3. Implementation Process Diagram
4. Proposed Resolution
5. IGA

Access Control Plan Drawings









US 6 West Access Control Plan
US 6

Figure 19

Access Control Table

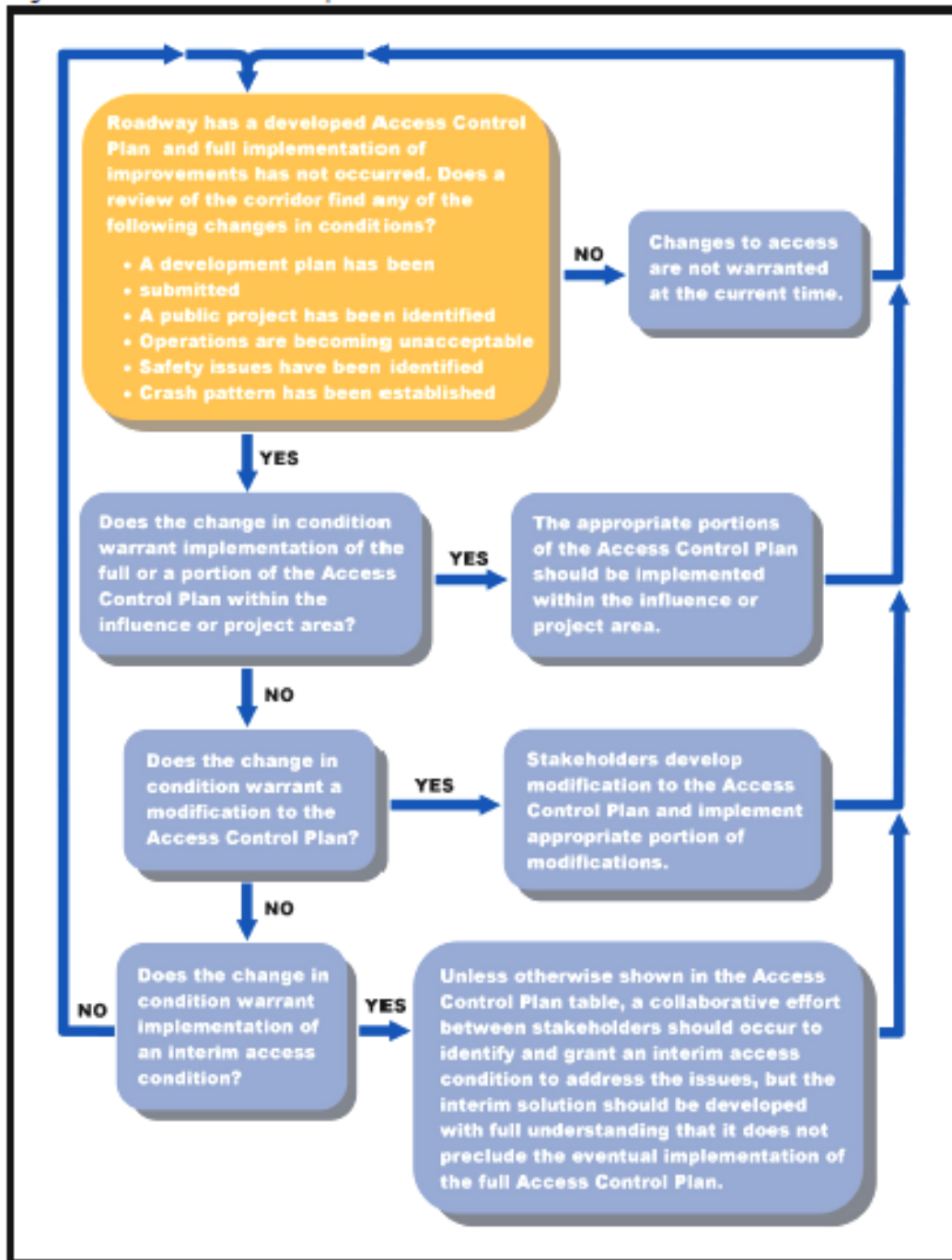
US 6 North					
#	Provides access to the property of:	Mile Post #	Existing Config.	Final Configuration	Comments
122	21 Road	25.01	Full Movement	Full Movement Access	Realign. Potential for signalization.
123	Merritt L. Sixbey Jr.	25.07	Full Movement	Access Closed	Access provided by 21 Road.
124	Merritt L. Sixbey Jr.	25.12	Full Movement	Access Closed	Access provided by US 6 North #125.
125	Property Line	25.13	None	Right-In Right-Out Access	Access combines US 6 North #124 and #126.
126	Johnnie E. Morris	25.16	Full Movement	Access Closed	Access provided by US 6 North #125.
127	Brad W. Statler	25.20	Full Movement	Access Closed	Access provided by US 6 North #128.
128	Property Line	25.25	None	Right-In Right-Out Access	Access combines US 6 North #127 and #129.
129	Elizabeth O'Brien	25.31	Full Movement	Access Closed	Access provided by US 6 North #128.
130	Four T Management	25.36	Full Movement	Right-In Right-Out Access	
131	Ditch/Utility	25.42	Full Movement	Right-In Right-Out Access	Potential 21 1/2 Road relocation. Maintain Ditch/Utility access.
131a	Relocated 21 1/2 Road	25.43	None	Full Movement Access	Potential for signalization. Combine with US 6 North #131
132	Greenstone LLC	25.46	Full Movement	Access Closed	Access provided by 21 1/2 Road. Emergency access may be maintained if needed for emergency services.
133	Greenstone LLC	25.54	Full Movement	Access Closed	Access provided by 21 1/2 Road.
134	Darrell Zipp - Outwest Drywall Supply Inc.	25.68	Full Movement	Access Closed	Access provided by 21 1/2 Road.
135	CRC Investments	25.85	Full Movement	Access Closed	Access provided by 21 1/2 Road.
136	21 1/2 Road	25.88	Full Movement	3/4 Access	Right-in, right-out access if 21 1/2 relocated to US 6 North #131a. If signal warranted
137	SST Energy Corporation - Pitre Holdings LLC	25.85	Full Movement	Access Closed	Access provided by 21 1/2 Road.
138	Valley Court	25.88	Full Movement	Full Movement Access	22 Road relocated to Valley Ct. Access may be located up to 500 feet east of the existing Valley Court access point if a traffic study including geometric, operational and weave analysis shows that the access location will function adequately as determined by the CDOT Region 3 Traffic Engineer (CDOT). The access shall not negatively impact I-70 or I-70 ramp operations nor create additional safety issues at the adjacent intersections as determined by CDOT. The intersection shall provide at a minimum for the turning movements shown on figure 21 for access U.S. 6 S 28a, U.S. S 28 b, and U.S. 6 N 138. A second access at the existing Valley Court access point may remain at the existing alignment if the traffic study also shows that the second access location will function adequately as determined by CDOT.
138a	22 Road	25.98	Full Movement	Access Closed	Closed when 22 Road relocated to Valley Ct. This second access at the existing Valley Court access point may remain at the existing alignment if the traffic study also shows that the second access location will function adequately as determined by CDOT. This second access shall not be signalized and shall be restricted to a maximum of a 3/4 movement. The second access may be restricted further at the determination of CDOT based upon geometric, safety, and operations of the access.
138b	WR Hall Access	26.00	None	Right-In	A right in only movement may be provided if a traffic study, including geometric, operational and weave analysis shows that the access location will function adequately as determined by the CDOT Region 3 Traffic Engineer (CDOT). The access shall not negatively impact I-70 or I-70 ramp operations nor create additional safety issues at the adjacent intersections as determined by CDOT.
138c	I-70 WB off ramp		Full Movement Signalized	Full Movement Signalized	
138 d	I-70 EB on ramp		Full Movement	Full Movement	Potential for signalization.
139	Cedar Lodge Partnership	0.20	Right-In Right-Out	Access Closed	Close with re-construction of US 6/I-70 interchange, recurring safety issues, or
140	Property Line	0.26	None	Right-In Right-Out Access	Combines US 6 North #139 & #141.
141	OCHS Brothers	0.28	Full Movement	Access Closed	Relocate to property line at US 6 #140.

Access Control Table

US 6 North					
#	Provides access to the property of:	Mile Post #	Existing Config.	Final Configuration	Comments
142	Sanford Court	0.34	Full Movement	3/4 Access	Further access modifications may be required pending interchange modifications.
143	Scarlet Road	0.52	Full Movement	Full Movement Access	
144	Stadler Peter Company Trustee	0.55	Full Movement	Right In Right Out Access	Access provided by Scarlet Road. Access closed upon redevelopment of property access via G Road.
145	Ely McGhghy	0.57	Full Movement	Access Closed	Relocate on G Road at east property line. Access may be provided via Scarlet Road if easement becomes available upon property redevelopment
146	G Road	0.60	Full Movement	Access Closed	
147	Michael G. Ferris	0.72	Full Movement	Access Closed	Access provided by G Road
148	Michael G. Ferris	0.82	Full Movement	Right-In Right-Out Access	
149	Michael G. Ferris	0.94	Full Movement	Access Closed	Access provided by US 6 North #148N
150	Michael G. Ferris	0.97	Full Movement	Access Closed	Access provided by US 6 North #148N
151	Ditch/Utility	1.01	Full Movement	Right-In Right-Out Access	Maintain special use access
152	Club Deal 113/114 Park Plaza	1.02	Full Movement	Access Closed	Access provided by 23 Road
153	23 Road	1.23	Full Movement Signalized	Full Movement Access	
154	James Edward Studebaker	1.25	Full Movement	Access Closed	Access provided by US 6 North #155
155	Property Line	1.26	None	Right-In Right-Out Access	Access combines US 6 North #154 & #156
156	Jose G. Munz	1.27	Full Movement	Access Closed	Access provided by US 6 North #155
157	Celtite Technik Inc.	1.31	Full Movement	Access Closed	Access provided by US 6 North #158
158	Property Line	1.34	None	Right-In Right-Out Access	Access combines US 6 North #157 & #159
159	Brothers Investments LLC	1.37	Full Movement	Access Closed	Access provided by US 6 North #158
160	SMR & 6 LLC	1.39	Full Movement	Access Closed	Access provided by US 6 North #161
161	Property Line	1.41	None	Right-In Right-Out Access	Access combines US 6 North #160 & #162 & #163
162	Western Mesa Development LLC	1.42	Full Movement	Access Closed	Access provided by US 6 North #161
163	Western Mesa Development LLC	1.51	Full Movement	Access Closed	Access provided by US 6 North #161
164	F 1/2 Road	1.61	None	Full Movement Access	Pending completion of F 1/2 Road
165	Ditch/Utility	1.62	Full Movement	Right-In Right-Out Access	Maintain Ditch/Utility Access. Combine with US 6 North #164 if F 1/2 Road constructed
166	CGO LLC	2.13	Full Movement	Access Closed	Access to be closed with construction of connection to Leland Avenue or 23 3/4 Road.
167	F Road	2.17	Full Movement	3/4 Access	
168	Peggy Himes	2.37	Full Movement	Access Closed	Access provided by F Road

Implementation Process Diagram

Figure 2: Access Control Plan Implementation Process



August 16 Presentation to Council Workshop

9/17/2010

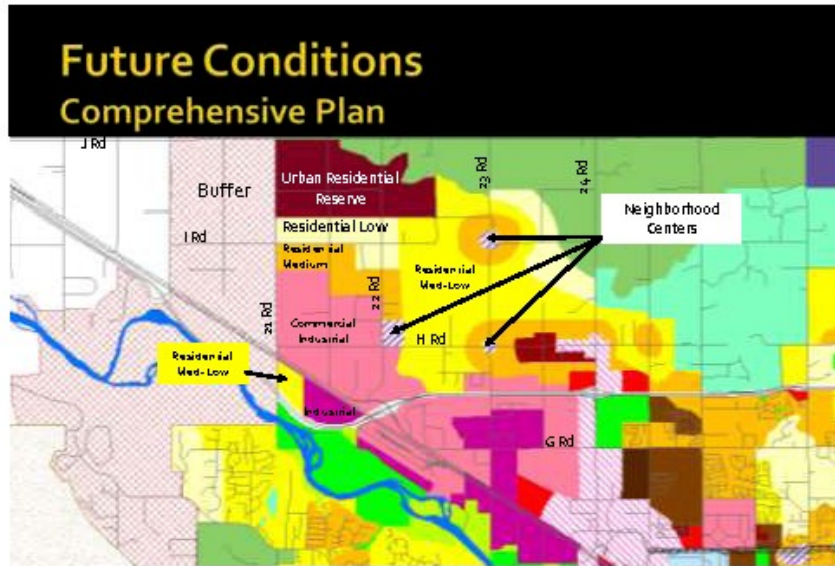
Loma to Redlands Parkway

US 6 Access Control Plan

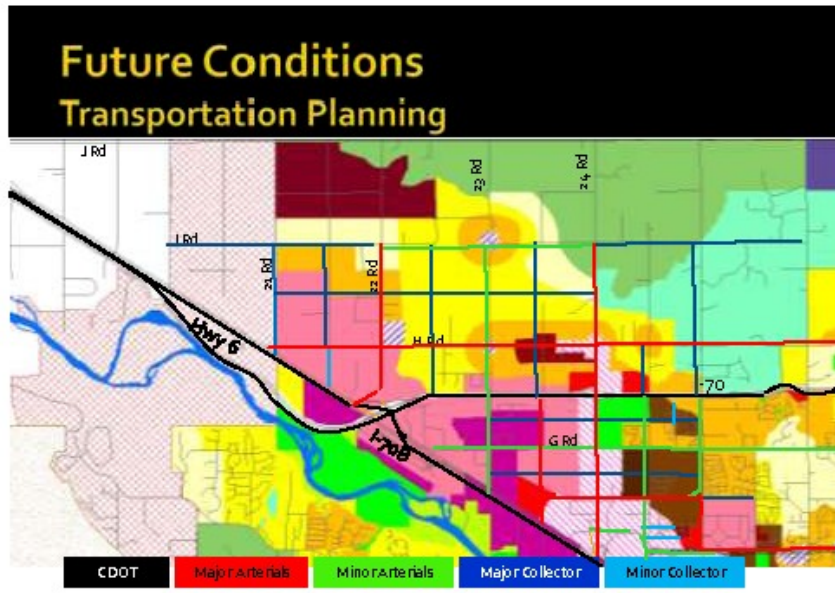


US 6 Loma to Redlands Parkway





•Significant Development Potential



•Key infrastructure – adopted GCCP

Redlands Parkway area



F 1/2 Road area



23 Road area



Scarlett-Sanford-G Road area



22 Road Area



21 1/2 Road area

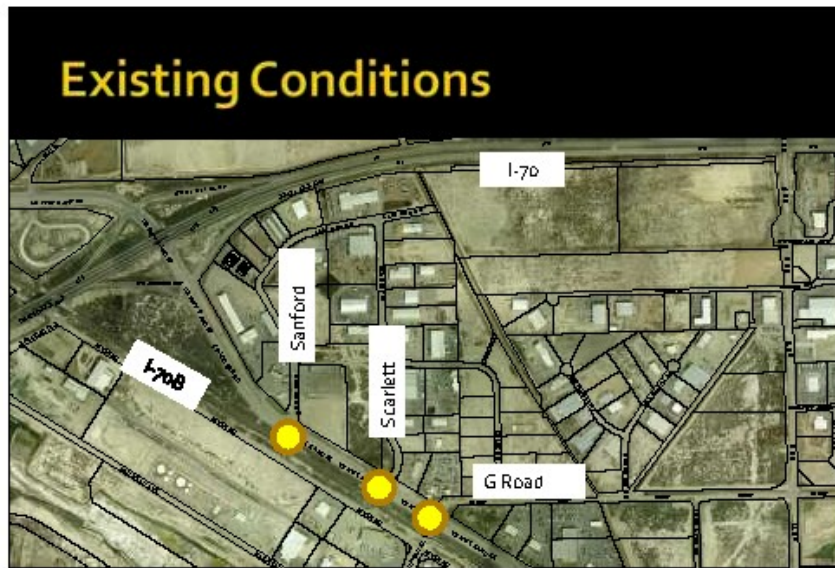


What Happens if No Plan?

- State Highway Access Code still applies
- Reactive
- Highway deteriorates over time

Criteria

- Capacity:** Hierarchy of roads
Interstate / State Hwy system / Local arterials / Local roads / Private property
- Mobility:** Half mile spacing of signals
- Traffic Safety:** Protected intersections with safe (and truck friendly) merges
- Access:** Reasonable access to signals
- Environment:** Minimize purchase of additional right of way
- Implementation:** Limited funding require short and long term solutions



Three intersections east of interchange-Neighborhood meetings

East Side

- Neighborhood Meetings:
 - December 10, 2009
 - February 3, 2010
- One-on-One Property Owner Meetings

Outcome: Resolved access issues on North Side of Highway.

Existing Conditions

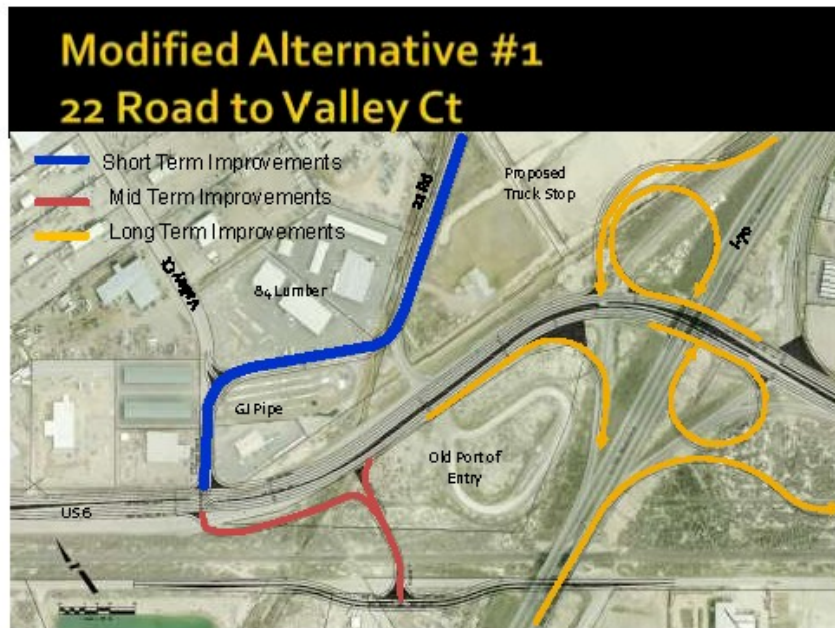


- Four Intersections of Concern west of interchange-
Neighborhood Meetings

West Side Meetings

- Neighborhood Meetings:
 - March 3, 2010
 - May 5, 2010
- One-on-One Property Owner Meetings

**Outcome – Solution to
River Road rail crossing,
met the access needs of the
most properties in the area**



RESOLUTION NO. __-10

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF GRAND JUNCTION, MESA COUNTY AND THE
COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) REGARDING US-6
ACCESS CONTROL PLAN AND STATE HIGHWAY 139**

RECITALS:

U. S. Highway 6 and State Highway 139 are important transportation resources for Western Slope communities. As growth continues, traffic volumes on the highways in the study segment are expected to grow significantly.

Recognizing the need to plan for future growth along the corridors to maintain the capacity and increase safety, the three agencies pooled resources and contracted an engineering consulting firm to conduct a study and develop a comprehensive roadway access control plan to manage existing and future access points.

The goal of the plan is to provide appropriate access to the highways, while maintaining the safety and efficiency of the facility.

The adopted plan will provide landowners who develop their property adjacent to the Highway with a predictable, known location, configuration and conditions for their access, as well as the location of future traffic signals on the Highway.

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

- a. The attached intergovernmental agreement will provide for the coordinated regulation of vehicular access for the section of United States Highway 6 (M.P. 13.87 US 6A to M.P. 2.42-I70B) and State Highway 139 (M.P. 0.00 to M.P. 2.29)
- b. That agreement is authorized and approved.

PASSED AND ADOPTED this ____ day of _____, 2010.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

ATTEST:

City Clerk

**INTERGOVERNMENTAL AGREEMENT
BY AND AMONG THE CITY OF FRUITA,
CITY OF GRAND JUNCTION, MESA COUNTY
AND
THE STATE OF COLORADO
BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION
UNITED STATES HIGHWAY 6 (M.P. 13.87 - US 6A to M.P. 2.42-
I70B) AND STATE HIGHWAY 139 (M.P. 0.00 to M.P. 2.29)
ACCESS CONTROL PLAN**

THIS AGREEMENT is entered into effective as of the _____ day of _____ 2010, by and among the City of Fruita and the City of Grand Junction, (hereafter referred to as the “Cities”), Mesa County (hereafter referred to as the “County”), and the State of Colorado, Department of Transportation (hereafter referred to as the “Department”), all of the parties being referred to collectively herein as the “Agencies” or solely as an “Agency”.

WITNESSETH:

WHEREAS, the Agencies are authorized by the provisions of Article XIV, Section 18(2)(a), Colorado Constitution, and Sections 29-1-201, et. seq., C.R.S., to enter into contracts with each other for the performance of functions which they are authorized by law to perform on their own; and

WHEREAS, each Agency is authorized by Section 43-2-147(1)(a), C.R.S., to regulate access to public highways within its jurisdiction and which jurisdictions is further defined for the Cities by this Agreement as being within their current City boundaries; and

WHEREAS, the coordinated regulation of vehicular access to public highways is necessary to maintain the efficient and smooth flow of traffic without compromising pedestrian and alternative modes of transportation circulation, to reduce the potential for traffic accidents, to protect the functional level and optimize the traffic capacity, to provide an efficient spacing of traffic signals, and to protect the public health, safety and welfare; and

WHEREAS, the Agencies desire to provide for the coordinated regulation of vehicular access for the section of United States Highway 6 from 12 Road (M.P. 13.87-US6A) west of Loma in unincorporated Mesa County, to 24 Road (M.P. 2.42-I70B) in the City of Grand Junction, and State Highway 139 from N ¼ Road (M.P. 2.42) north of Loma to I-70 (M.P. 0.00) south of Loma (hereafter referred to as the “Segments”), which certain portions are within the jurisdiction of the Agencies; and

WHEREAS, the Agencies desire to collaborate to assure all transportation modes including pedestrian, bicycle, and mass transit are given sufficient consideration and adequate funding support with each transportation improvement project that affects access within the identified project limits; and

WHEREAS, the Agencies and Department are partners in, and share responsibility for, the development and implementation of this access control plan and such partnership shall be represented to all parties affected by it; and

WHEREAS, the Agencies are authorized pursuant to Section 2.12 of the 2002 State Highway Access Code, 2 C.C.R. 601-1 (the "Access Code") to achieve such objective by written agreement among themselves adopting and implementing a comprehensive and mutually acceptable highway access control plan for the Segments for the purposes above recited; and

NOW THEREFORE, for and in consideration of the mutual promises and undertakings herein contained, the Agencies agree as follows:

1. This Agreement and the conclusions made in accordance with the Agreement shall constitute an approved Access Control Plan for the Segments, within the meaning of Section 2.12 of the Access Code.

2. The Agencies shall regulate access to the Segments in compliance with the Highway Access Law, Section 43-2-147, C.R.S. (the "Access Law"), the Access Code, and this Agreement including Exhibit A ("Appendix A: US 6 West/SH 139 Access Control Plan") – which Exhibit by this reference is hereby incorporated into this document as though fully set forth herein. Vehicular access to the Segments shall be permitted only when such access is in compliance with the Access Law, the Access Code, and this Agreement, including Exhibit A.

3. Accesses which were in existence and fully complied with the Access Law prior to the effective date of this Agreement may continue in existence until such time as a change in the access is required by the Access Law, the Access Code, or this Agreement or in the course of highway construction. When closure, modification, or relocation of access is required, the Agency(ies) having jurisdiction shall utilize appropriate legal process to affect such action.

4. Actions taken by any Agency with regard to transportation planning and traffic operations within the areas described in Exhibit A to this Agreement shall be in conformity with this Agreement.

5. Lots or parcels of real property created after the effective date of this Agreement that adjoin the Segment shall not be provided with direct access to the Segment unless the location, use, and design thereof conform to the provisions of this Agreement.

6. This Agreement is based upon and is intended to be consistent with the Access Law and the Access Code as now or hereafter constituted. An amendment to either the Access Law or the Access Code which becomes effective after the effective date of this Agreement and which conflicts irreconcilably with an express provision of this Agreement may be grounds for revision of this Agreement. Conflicts shall be submitted to the Agencies for their review and revision of this Agreement.

7. This Agreement does not create any current financial obligation for any Agency. Any future financial obligation of any Agency shall be subject to the execution of an appropriate encumbrance document, when required. Agencies involved in or affected by any particular or

site-specific undertaking provided for herein will cooperate with each other to agree upon a fair and equitable allocation of the costs associated therewith, but, notwithstanding any other provision of this Agreement, no Agency shall be required to expend its public funds for such undertaking without the express prior approval of its governing body or director as applicable. All financial obligations of the Agencies, if any shall be contingent upon sufficient funds therefore being appropriated, budgeted, and otherwise made available.

8. Should any one or more sections or provisions of this Agreement be determined by a court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Agreement, the intention being that the various provisions hereof are severable.

9. This Agreement supersedes and controls all prior written and oral agreements and representations of the Agencies concerning regulating vehicular access to the Segment. No additional or different oral representation, promise(s) or agreement shall be binding on any Agency. This agreement may be amended or terminated only in writing executed by the Agencies with express authorization from their respective governing bodies or legally designated officials. To the extent the Access Control Plan, attached as Exhibit A to this Agreement, is modified by a change, closure, relocation, consolidation or addition of an access, the Agencies may amend Exhibit A so long as the amendment to the Access Control Plan is executed in writing and amended in accord with the Access Law and Access Code. The Access Control Plan Amendment Process is stated in Exhibit B. Exhibit B is incorporated by this reference as if set forth.

10. By signing this Agreement, the Agencies acknowledge and represent to one another that all procedures necessary to validly contract and execute this Agreement have been performed, and that the persons signing for each Agency have been duly authorized by such Agency to do so.

11. No portion of this Agreement shall be deemed to constitute a waiver of any immunities the parties or their officers or employees may possess, nor shall any portion of this Agreement be deemed to have created a duty of care which did not previously exist with respect to any person not a party to this Agreement.

12. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be incidental beneficiaries only.

13. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one original Agreement. Facsimile signature shall be as effective as an original signature.

IN WITNESS WHEREOF, the Agencies have executed this Agreement effective as of the day and year first above written.

City of Fruita, Colorado

ATTEST:

Mayor, City of Fruita

City Clerk

APPROVED AS TO FORM:

City Attorney

City of Grand Junction, Colorado

ATTEST:

Mayor, City of Grand Junction

City Clerk

APPROVED AS TO FORM:

City Attorney

Mesa County, Colorado

ATTEST:

Commissioner, Mesa County

County Clerk

APPROVED AS TO FORM:

County Attorney

**State of Colorado
Department of Transportation**

ATTEST:

Chief Engineer Date

Chief Clerk

CONCUR:

Regional Transportation Director

“EXHIBIT – A”

ACCESS CONTROL PLAN

United States Highway 6 from 12 Road (M.P. 13.87 - US6A) west of Loma in unincorporated Mesa County, to 24 Road (M.P. 2.42 - I70B) in the City of Grand Junction, and State Highway 139 from N ¼ Road (M.P. 2.29) north of Loma to I-70 (M.P. 0.00) south of Loma

**City of Fruita, City of Grand Junction, Mesa County,
and the State of Colorado Department of Transportation**

I. PURPOSE

The purpose of this Access Control Plan (ACP) is to provide the Agencies with a comprehensive roadway access control plan for the pertinent segments of United States Highway 6 from 12 Road (M.P. 13.87 - US6A) west of Loma in unincorporated Mesa County, to 24 Road (2.42 - I70B) in the City of Grand Junction, and State Highway 139 from N ¼ Road (M.P. 2.29) north of Loma to I-70 (M.P. 0.00) south of Loma.

II. AUTHORITY

The development of this Access Control Plan was completed pursuant to the requirements of the Access Code, Section 2.12, and adopted by the foregoing Agreement.

III. RESPONSIBILITIES

It is the responsibility of each of the Agencies to this Agreement to ensure that vehicular access to the Segments shall only be in conformance with this Agreement. The cost of access improvements, closures, and modifications shall be determined pursuant to section 43-2-147(6) (b) C.R.S., the Agreement, and this Access Control Plan. All access construction shall be consistent with the design criteria and specifications of the Access Code.

IV. EXISTING AND FUTURE ACCESS

- A. The attached table provides a listing of each existing and future access point in the Segments. For each access point the following information is provided: location, description of the current access status, and the proposed configuration or condition for change (Access Plan). All access points are defined by the approximate Department mile point (in hundredths of a mile) along United States Highway 6 or State Highway 139. All access points are located at the approximate centerline of the access.
- B. All highway design and construction will be based on the assumption that the Segments will have a sufficient cross section to accommodate all travel lanes and sufficient right-of-way to accommodate longitudinal installation of utilities.

V. ACCESS MODIFICATION

Any proposed access modification including but not limited to an addition in access must be in compliance with this Agreement and the current Access Code design standards in Section 4 of the Code unless the Department approves a design waiver under the waiver subsection of the Code. Any access described in this section, which requires changes or closure as part of this

Agreement or if significant public safety concerns develop, including but not limited to, when traffic operations have deteriorated, a documented accident history pattern has occurred, or when consistent complaints are received, may be closed, relocated, or consolidated, or turning movements may be restricted, or the access may be brought into conformance with this Access Control Plan, when a formal written request documenting reasons for the change is presented by the Agency having jurisdiction, with Department concurrence, or in the opinion of the Department, any of the following conditions occur:

- a. The access is determined to be detrimental to the public's health, safety and welfare;
- b. The access has developed an accident history that in the opinion of the Agency having jurisdiction or the Department is correctable by restricting the access;
- c. The access restrictions are necessitated by a change in road or traffic conditions;
- d. There is an approved (by the Agency having jurisdiction) change in the use of the property that would result in a change in the type of access operation; or
- e. A highway reconstruction project provides the opportunity to make highway and access improvements in support of this Access Control Plan.
- f. The existing development does not allow for the proposed street and road network.

Access construction shall be consistent with the design and specifications of the current State Highway Access Code.

Initials

_____ **City Manager, City of Grand Junction**

_____ **City Attorney, City of Grand Junction**

_____ **City Manager, City of Fruita**

_____ **City Attorney, City of Fruita**

_____ **Chair, Mesa County**

_____ **County Attorney, Mesa County**

_____ **Chief Engineer, CDOT**

_____ **RTD, CDOT**

“EXHIBIT – B”

ACCESS CONTROL PLAN AMENDMENT PROCESS

United States Highway 6 from 12 Road (M.P. 13.87 - US6A) west of Loma in unincorporated Mesa County, to 24 Road (M.P. 2.42 - I70B) in the City of Grand Junction, and State Highway 139 from N ¼ Road (M.P. 2.29) north of Loma to I-70 (M.P. 0.00) south of Loma

**City of Fruita, City of Grand Junction, Mesa County,
and the State of Colorado Department of Transportation**

1. Any request for amendment of the Access Control Plan must be submitted to the Colorado Department of Transportation. The amendment request shall include:

- Description of changes requested of the Access Control Plan
- Justification for Amendment
- Traffic Impact Study or analysis, as required by the State Highway Access Code. Any party to the Access Control Plan may request this supporting documentation.

2. The Department shall review the submittal for completeness and for consistency with the access objectives, principles, and strategies described in the United States Highway 6/State Highway 139 Access Control Plan report for this corridor and the State Highway Access Code.

3. If the amendment request is found to be complete, the Department shall forward to all Agencies having jurisdiction in the amendment. Jurisdiction is determined by the corporate limits of a municipality or the unincorporated limits of Mesa County within which the proposed change will occur except when the unincorporated Mesa County area is also within the Grand Junction Urban Growth Boundary or the City of Fruita Growth Management Area. When the proposed change(s) is within the unincorporated Mesa County portion of the City of Grand Junction Urban Growth Boundary or the City of Fruita Growth Management Area the applicable municipality shall be an equal party to an amendment request.

4. Once all affected agencies (CDOT, the Cities, and/or the County) approve the request for the amendment, the amendment and all accompanying documentation shall be submitted, if necessary, to Transportation Commission for final review and approval.

Initials

_____ **City Manager, City of Grand Junction**

_____ **City Attorney, City of Grand Junction**

_____ **City Manager, City of Fruita**

_____ **City Attorney, City of Fruita**

_____ **Chair, Mesa County**

_____ **County Attorney, Mesa County**

_____ **Chief Engineer, CDOT**

_____ **RTD, CDOT**



Date: September 30, 2010

Author: Scott D. Peterson

Title/ Phone Ext: Senior

Planner/1447

Proposed Schedule: October 18,

2010

2nd Reading

(if applicable): N/A.

CITY COUNCIL AGENDA ITEM

Attach 7

Sizemore Fence – 7th Street Historic Residential District

Subject: Sizemore Fence – 7 th Street Historic Residential District – Located at 706 N. 7 th Street
File #: HDP-2010-134
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

A request for a Fence Permit (Planning Clearance) for Paul and Nicole Sizemore, 706 N. 7th Street in accordance with the adopted 7th Street Historic Residential District Planned Residential Development Zoning District for a proposed 3’ wrought iron and 6’ wood privacy fence.

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

The proposed Fence Permit (Planning Clearance) continues to support historic housing within the 7th Street Historic Residential District and the downtown area of the City Center and encourages preservation and appropriate reuse. Thus the proposed request meets with Goals 4, 5 and 6 of the Comprehensive 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.

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.

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

Action Requested/Recommendation:

Authorize the Issuance of a Fence Permit (Planning Clearance) for Paul and Nicole Sizemore to construct a 3’ wrought iron and 6’ tall wood privacy fence.

Board or Committee Recommendation:

Not applicable.

Background, Analysis and Options:

The applicants, Paul and Nicole Sizemore, 706 N. 7th Street, whose property is located at the northeast corner of the intersection of Gunnison Avenue and N. 7th Street are proposing a 3' tall wrought iron fence along both street frontages and a 6' tall wood privacy fence to be located along the side (north) property line. The Zoning and Development Code allows up to 4' tall fencing to be located within the front yard setback provided that fencing material is two-thirds open to one-third closed and up to 6' in height in areas other than the front yard setback. The applicant's proposal of a wrought iron fence in the front yard is historical in appearance and would be of benefit for the 7th Street Historic District and also the City for the home that was originally constructed in 1909.

On February 17, 2010, the City Council approved a rezone for the 7th Street Historic District from PD, Planned Development to PRD, Planned Residential Development – 7th Street. The approved Ordinance for this rezone also outlined that any request for a new or different use (“a change of use”) or a new or different configuration of a lot or lots (“a boundary adjustment or re-subdivision”) or a new or different structure, accessory structure or fence (“a construction permit”), such as with this application, will be decided by the City Council after review and a recommendation by City Staff. Thus the reason for the request by the applicants to approve their proposed 3' tall wrought iron fence to be located in the front yard and a 6' tall wood privacy fence to be located in the side yard.

Financial Impact/Budget:

N/A.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

None.

Attachments:

- Letter submitted by Paul and Nicole Sizemore
- Aerial Photo of proposed fence locations on property
- Site plan of property
- Wrought iron fence photo example

706 North 7th Street
Fence Permit Application Narrative
Submitted by Paul and Nicole Sizemore

Project Description

This application is for approval of the installation of a new fence at the Sizemore residence at 706 North 7th Street in Grand Junction, Colorado. The proposed fence includes approximately 31 feet of new 6 foot tall wooden privacy fencing and approximately 192 feet of new 3 foot tall ornamental wrought iron fencing. All wooden privacy fencing is located in the side yard behind the front plane of the house. The ornamental wrought iron fencing encloses the front yard.

Because this property is located within the Planned Residential Development zone established by Ordinance #4403, the City Council is required to make a decision on this application.

Approval Criteria

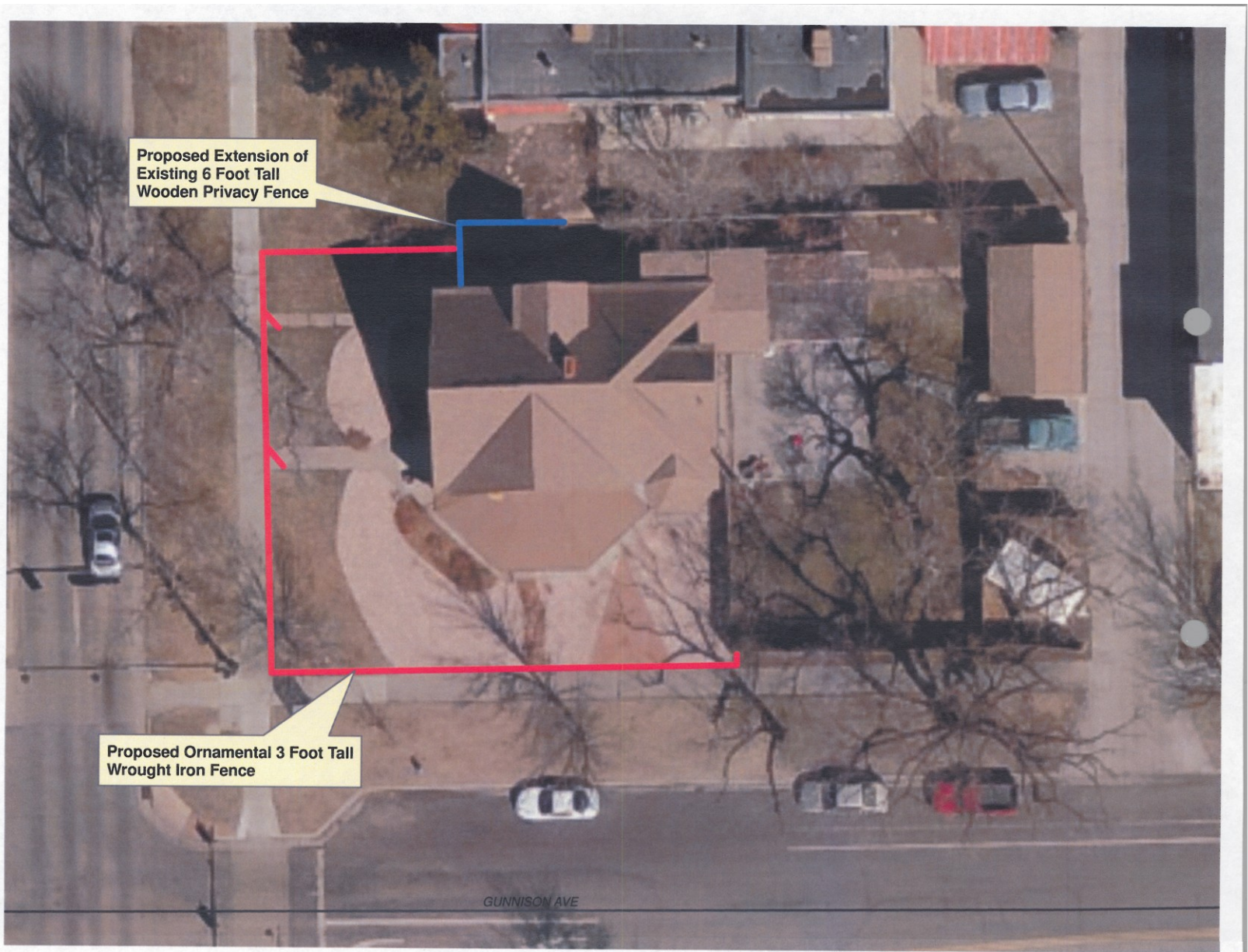
Ordinance #4403 indicates that the City Council shall determine the propriety of a development permit application by reference to the Comprehensive Plan and the R-8 zone district standards.

- **Comprehensive Plan** – The Grand Junction Comprehensive Plan Future Land Use Map designates this property for Medium Density Residential use. There are no provisions specific to the North 7th Street District in the Plan; however, there is direction for “Retaining our Heritage” (pg. 108). This section indicates that additions and modifications to historic structures should complement the character of the building, and that individual neighborhood character should be preserved. The fence design and materials for this application have been carefully selected to meet these goals. The Sizemore home was constructed in 1909, and the wrought iron proposed for the front yard is a replica of a design popular 100 years ago. The iron is left unfinished so that it will oxidize with time. Once installed, the new fence material will look as if it were installed by the original owners over a century ago. The proposal complies with these provisions.

- **R-8 Zone**– Fences in the R-8 zone may be up to 48 inches in front yards provided they are 2/3 open space. Fences not located in front setbacks may be up to six feet tall. Acceptable materials include wood and wrought iron. The proposal complies with these provisions.

Conclusion

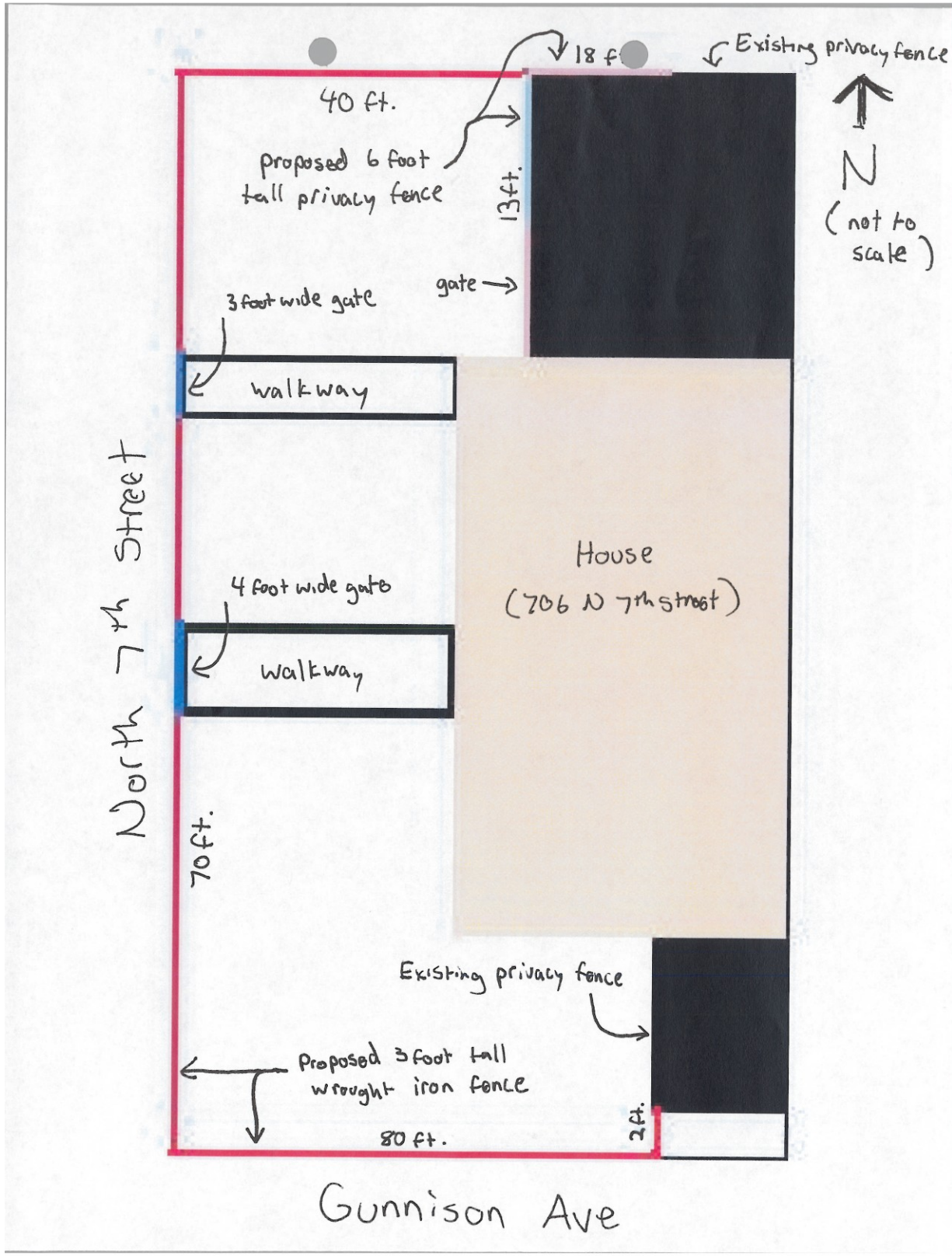
The applicants believe that this proposal meets all approval criteria and will be a benefit to the historic character of the North 7th Street Residential Historic District. We respectfully request the City Council's timely approval of this proposal.



Proposed Extension of Existing 6 Foot Tall Wooden Privacy Fence

Proposed Ornamental 3 Foot Tall Wrought Iron Fence

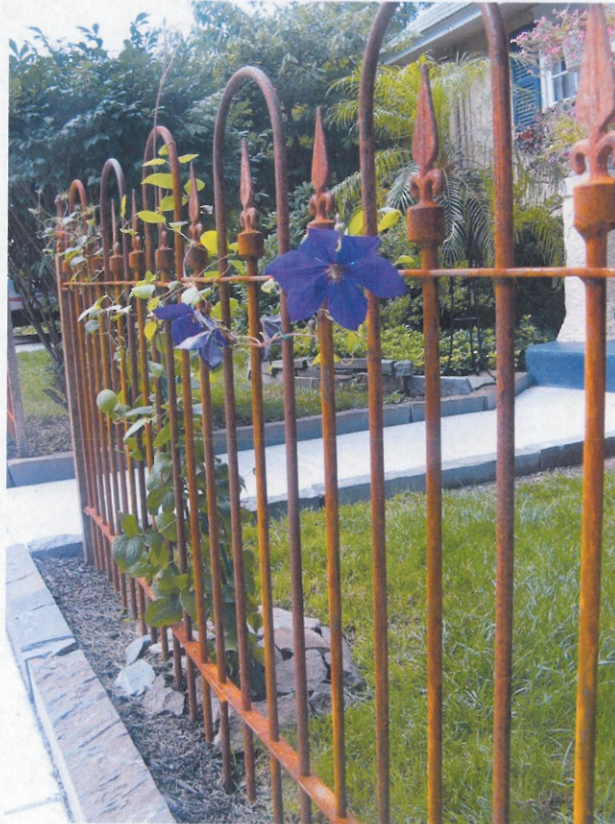
GUNNISON AVE



Wrought iron fence

Three feet (36 inches) tall to top of loops

To be installed at 706 N 7th street





Date: October 6, 2010
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner
ext 4058
 Proposed Schedule:
October 18, 2010
 2nd Reading: October 18, 2010

CITY COUNCIL AGENDA ITEM

Attach 8
Public Hearing—Cris-Mar Enclave Annexation and Zoning

Subject: Cris-Mar Enclave Annexation and Zoning – Located North and South of F Road and East of 29 Road
File # (if applicable): ANX-2010-110
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to annex 108.62 acres of enclaved property, located north and south of F Road and east of 29 Road, and to zone said property, less 21.94 acres of public right-of-way, to an R-5 (Residential 5 du/ac) zone district. The Cris-Mar Enclave Annexation consists of 265 parcels.

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

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services to existing neighborhoods.

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage and Publication of the Annexation and Zoning Ordinances.

Board or Committee Recommendation:

The Planning Commission recommended approval of the Cris-Mar Enclave Zone of Annexation to the zoning designation of R-5 (Residential 5 du/ac) on September 14, 2010.

Financial Impact/Budget:

The provision of municipal services will be consistent with other developed neighborhoods in the City. Property tax levies and municipal sales/use taxes will be collected within the enclaved area upon annexation.

Legal issues:

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. The Cris-Mar Enclave has been enclaved since March 2, 2005.

Pursuant to C.R.S. 31-12-106(1.1)(b), an Annexation Transition Committee has been formed, with the appropriate representation, to serve as a means of communication between the City, County, and persons within the enclave.

Other issues:

A Neighborhood Meeting was held on August 19, 2010 with the residents of the enclaved area.

Previously presented or discussed:

First reading of the annexation was at the August 30, 2010 meeting.

First reading of the zoning was at the October 4, 2010 meeting.

Background, Analysis and Options:

See attached.

Attachments:

1. Staff report/Background information
2. Annexation Summary
3. Annexation Map
4. Future Land Use Map
5. Blended Residential Map
6. Existing City Zoning Map
7. Existing County Zoning Map
8. Planning Commission Minutes
9. Annexation Ordinance
10. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		North and east of 29 Road and F Road	
Applicants:		City of Grand Junction	
Existing Land Use:		Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential / Commercial	
Existing Zoning:		County RSF-R (Residential Single Family Rural) County RSF-4 (Residential Single Family 4 du/ac) County RMF-5 (Residential Multifamily 5 du/ac) County PUD (Planned Unit Development)	
Proposed Zoning:		R-5 (Residential 5 du/ac)	
Surrounding Zoning:	North	R-5 (Residential 5 du/ac)	
	South	PD (Planned Development) R-4 (Residential 4 du/ac)	
	East	PD (Planned Development) R-5 (Residential 5 du/ac)	
	West	PD (Planned Development) R-5 (Residential 5 du/ac)	
Future Land Use Designation:		Residential Medium (4-8 du/ac)	
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 108.62 acres, including 21.94 acres of public right-of-way. Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Cris-Mar Enclave has been enclaved since March 2, 2005.

The following annexation and zoning schedule is being proposed:

CRIS-MAR ENCLAVE ANNEXATION SCHEDULE	
8/30/2010	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
9/14/2010	Planning Commission considers Zone of Annexation
10/4/2010	Introduction of a Proposed Ordinance on Zoning by City Council
10/18/2010	Public Hearing on Annexation and Zoning by City Council
11/19/2010	Effective date of Annexation and Zoning

CRIS-MAR ENCLAVE ANNEXATION SUMMARY		
File Number:		ANX-2010-110
Location:		North and east of 29 Road and F Road
Tax ID Number:		Multiple
# of Parcels:		265
Estimated Population:		676
# of Parcels (owner occupied):		225
# of Dwelling Units:		260
Acres land annexed:		108.62 acres
Developable Acres Remaining:		86.68 acres
Right-of-way in Annexation:		21.94 acres
Previous County Zoning:		County RSF-R (Residential Single Family Rural) County RSF-4 (Residential Single Family 4 du/ac) County RMF-5 (Residential Multifamily 5 du/ac) County PUD (Planned Unit Development)
Proposed City Zoning:		R-5 (Residential 5 du/ac)
Current Land Use:		Residential
Future Land Use:		Residential
Values: (excluding tax exempt property):	Assessed:	\$4,674,340
	Actual:	\$58,479,460
Address Ranges:		Multiple
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Central Grand Valley Sanitation District
	Fire:	Grand Junction Rural Fire District
	Drainage:	Grand Valley Drainage District
	School:	Mesa County Valley School District #51
	Irrigation:	Palisade Irrigation District

Staff Analysis:

ZONE OF ANNEXATION:

The 108.62 acre Cris-Mar Enclave Annexation consists of 265 parcels, along with 21.94 acres of public right-of-way, located north and east of 29 Road and F Road. The Cris-Mar Enclave has been enclaved since March 2, 2005. The enclave consists of several platted subdivisions and some larger residential parcels; as such it has multiple existing zoning classifications, including County RSF-R (Residential Single Family Rural), County RSF-4 (Residential Single Family 4 du/ac), County RSF-5 (Residential Single Family 5 du/ac) and County PUD (Planned Unit Development). Refer to the County Zoning Map included in this report.

The enclave is designated as Residential Medium (4-8 du/ac) by the Comprehensive Plan - Future Land Use Map. The Blended Residential Map designates the area as Residential Medium (4-16 du/ac).

Under the 1998 Persigo Agreement with Mesa County, the City has agreed to zone newly annexed areas using either the current County zoning or conforming to the Comprehensive Plan - Future Land Use Map. The proposed zoning of R-5 (Residential 5 du/ac) conforms to the Future Land Use Map, which has designated the property as Residential Medium (4-8 du/ac).

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an R-5 (Residential 5 du/ac) zone district is consistent with the Comprehensive Plan – Future Land Use designation of Residential-Medium (4-8 du/ac), as well as the Blended Residential Map designation of Residential-Medium (4-16 du/ac).

Section 21.02.140(a) states: In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

6) Subsequent events have invalidated the original premises and findings; and/or

Response: The subject area has been enclaved by the City of Grand Junction for five (5) years and is in the process of annexation.

The existing County zoning reflects the use and development of the property as part of a larger, unincorporated set of subdivisions. Some of the County zones are similar to City zones (i.e. RSF-5 and R-5), but others do not anticipate future development (i.e. RSF-R or Residential Single Family Rural).

The City and County adopted a joint Comprehensive Plan for land within the Urban Development Area. This plan anticipates a density of four (4) to eight (8) dwelling units per acre, though the existing density of the enclave area is roughly three (3) dwelling units to the acre.

Recent subdivision development(s) surrounding these existing neighborhoods utilize primarily R-4 and R-5 zoning classifications. It is necessary to provide some consistency in regulations in order to transition the enclaved area into the City. The proposed R-5 zone district would provide that consistency.

In addition, the proposed annexation and zoning furthers Goal #1 of the Comprehensive Plan: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

7) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: The character of the neighborhoods within the enclaved area consists of a relatively stable variety of single-family, detached housing on a variety of lot sizes. The largest lots exist on the north side of F ½ Road, up to 4.2 acres. Two houses of worship also are located in the neighborhood. The character of the surrounding neighborhoods has primarily been new single-family development on 6,000 to 10,000 square foot lots.

Several Plans have been adopted recently all encouraging increased density or mixed use in this area. The Transportation Plan classifies both 29 Road and F Road as a Principal Arterials, which provide access to other parts of the Grand Valley. The Comprehensive Plan identifies these corridors as Mixed Use Opportunity Corridors and the Future Land Use Map of the Comprehensive Plan along with the Blended Residential Map all indicate that increased density and a mix of housing types are a goal for the area.

The proposed R-5 zone district is consistent with the density of adjacent neighborhoods, provides minimum dimensional standards that will reduce the potential for nonconforming lots and/or structures within the enclaved area, and allow for housing variety on parcels that may undergo redevelopment in the future, while maintaining the consistency of established single-family platted subdivisions.

- 8) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Response: The neighborhood is already served by public utilities, including sanitary sewer, domestic water, irrigation water, electric, gas, telecommunications, streets, etc. The majority of the existing services will remain unchanged, as they are provided for by utilities independent of the City of Grand Junction. Property owners in the neighborhood have been informed that certain maintenance responsibilities will be assumed by the City. The City already provides services in the developed subdivisions surrounding the enclaved area.

The enclaved area includes two (2) places of worship, one of which also has a school. Commercial uses, including a convenience store, supermarket, restaurant, and other retail and office uses located at the intersection of 29 road and F Road.

- 9) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: The R-5 zone district is the predominant zoning designation of adjacent development to the north, west, and east of the enclave area. The property to the north of the enclave area is under development. Redevelopment could occur on existing larger lots north of F ½ Road adjacent to this development. The remainder of the enclaved area is built-out, as are adjacent subdivisions to the west and east.

There is a supply of R-5 designated land available adjacent to the enclave; therefore, this criteria is not met.

However, the purpose of the proposed R-5 zone district is to implement the Comprehensive Plan within an existing neighborhood. The R-5 zone establishes minimum lot dimensional standards that are met by all but two (2) lots within the enclaved area, as well as minimum setbacks that are conducive to expansion of structures on established lots.

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

Response: The annexation of enclaved areas is critical to providing efficient urban services to existing neighborhoods. The proposed zoning designation will ensure a consistent set of development standards without infringing on the existing built environment.

After reviewing the criteria for a zoning amendment, I find that four (4) out of five (5) criteria have been met. Section 21.02.140(a) requires that at least one (1) criterion be met. Therefore, I recommend approval of the R-5 Zone District.

Alternatives: The following zone districts would also be consistent with the Comprehensive Plan and Blended Residential designation(s) for the enclaved area:

1. R-4 (Residential 4 du/ac)
2. R-8 (Residential 8 du/ac)
3. R-12 (Residential 12 du/ac)
4. R-16 (Residential 16 du/ac)



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

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the zone of annexation to the City Council, finding the zoning to the R-5 (Residential 5 du/ac) district to be consistent with the Comprehensive Plan and Section 21.02.140 of the Grand Junction Municipal Code

ANNEXATION MAP

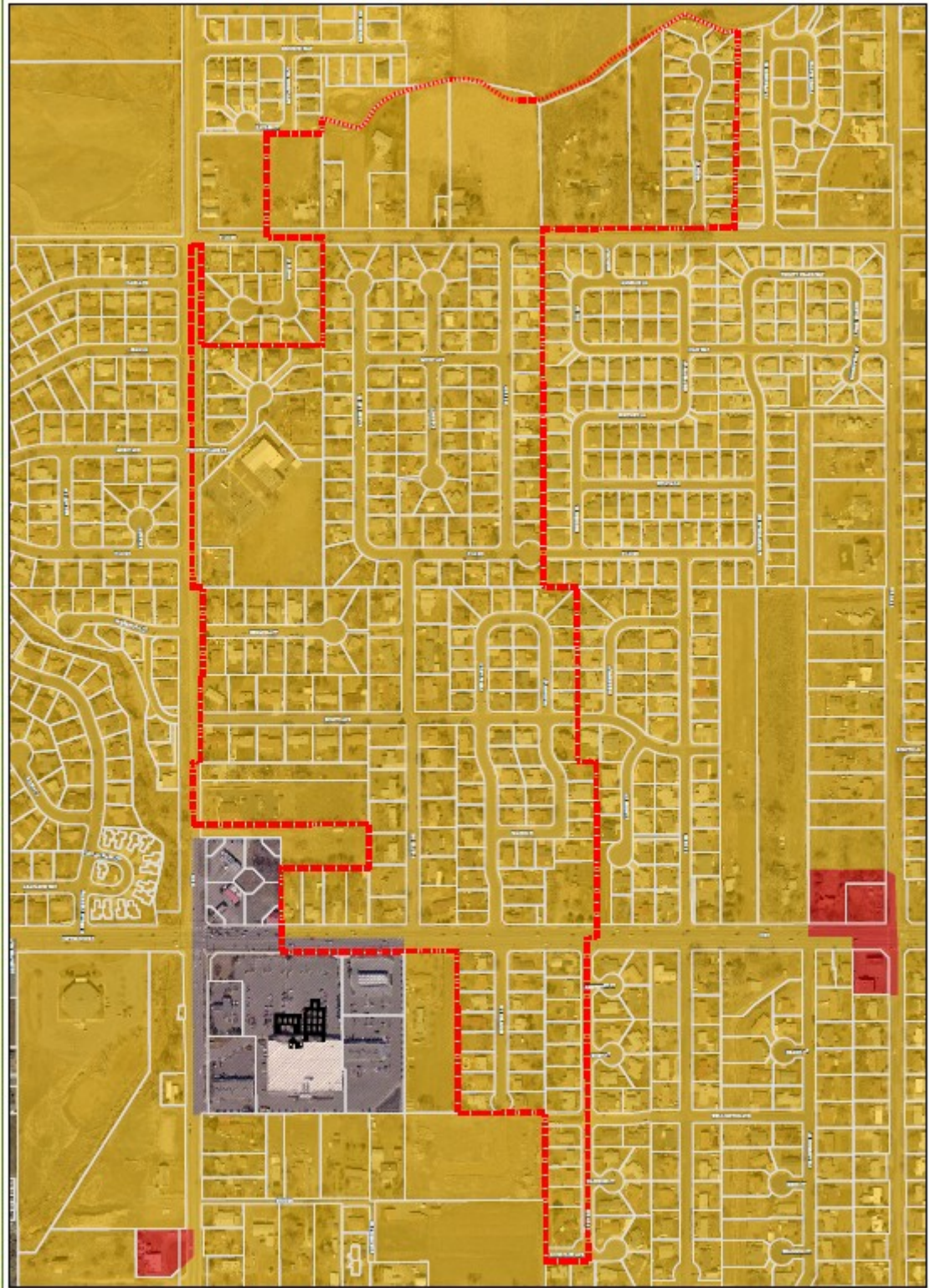
CRIS MAR ENCLAVE ANNEXATION



-  Grand Junction City Limits
-  Enclave Boundary

FUTURE LAND USE MAP

CRIS MAR ENCLAVE ANNEXATION



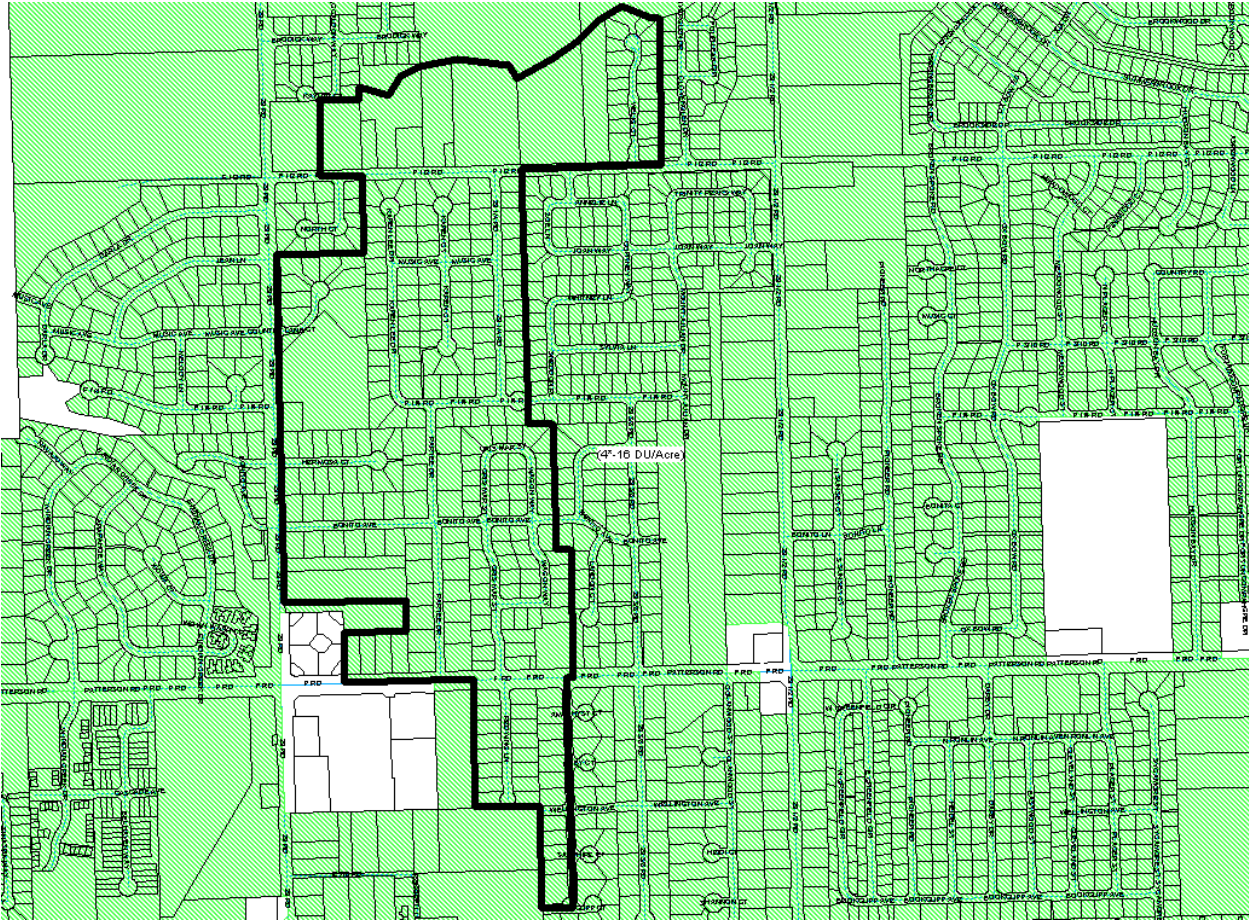
Enclave Boundary **FUTURE LAND USE**

Residential Medium (RM) (4-8 DU/Acre)

Commercial (COM) (20 Jobs/Acre)

Neighborhood Center - MU (NC) (6 DU/Acre) (10 Jobs/Acre)

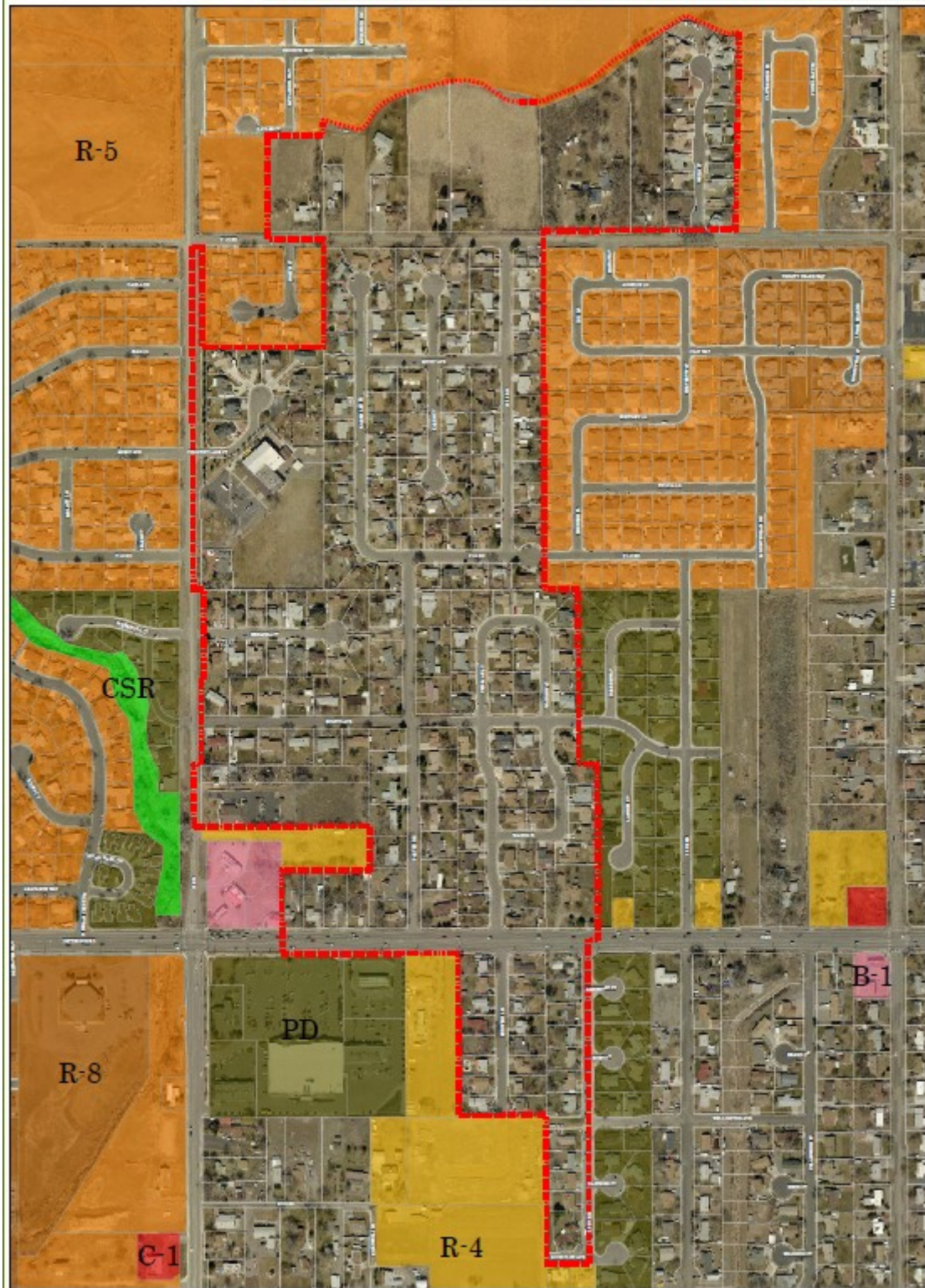
BLENDED RESIDENTIAL MAP



Blended Map indicates 4-16 du/ac for the enclave

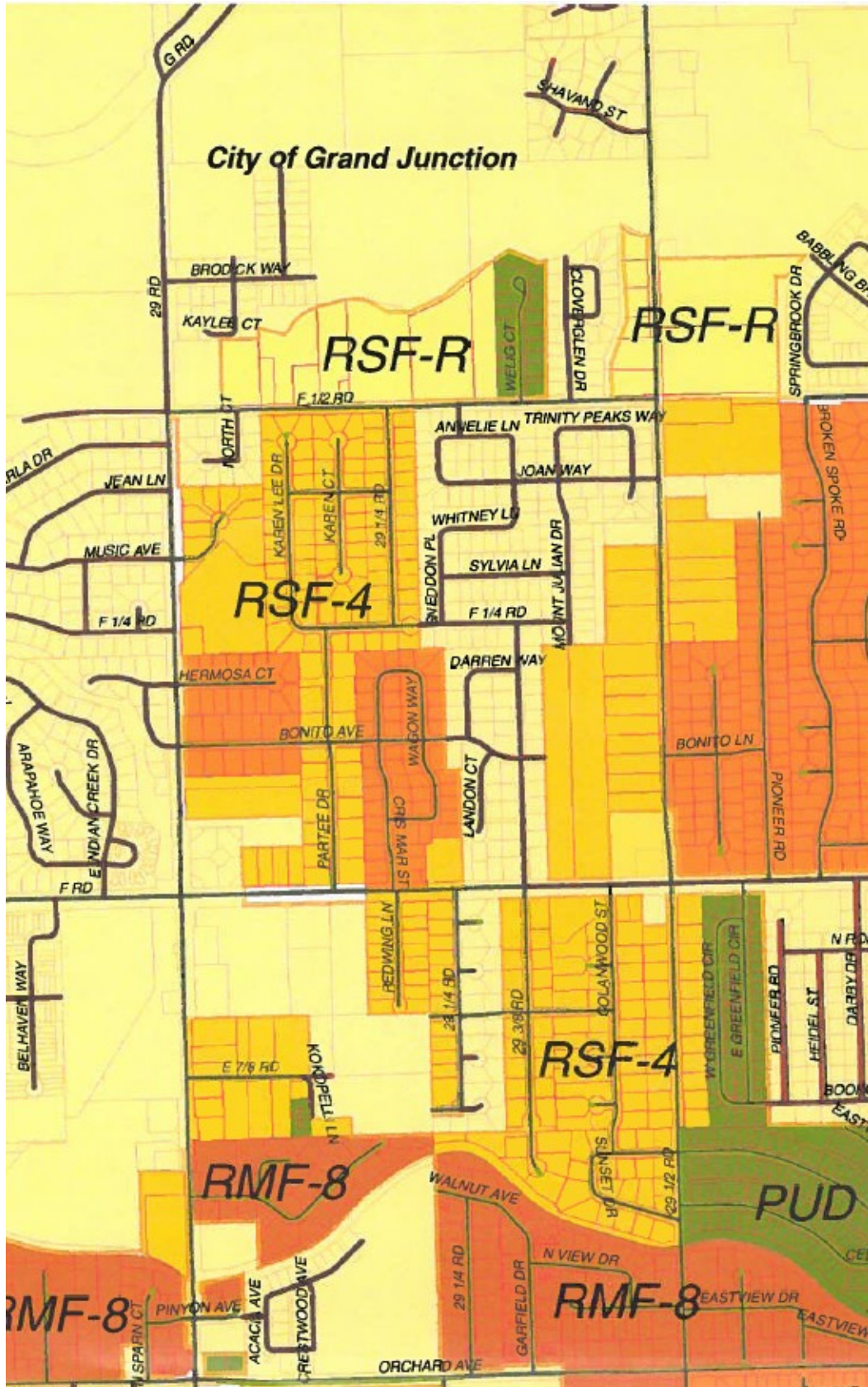
EXISTING CITY ZONING MAP

CRIS MAR ENCLAVE ANNEXATION



- | | | | |
|------------------|-----|-----|-----|
| Enclave Boundary | C-1 | PD | R-5 |
| B-1 | CSR | R-4 | R-8 |

EXISTING COUNTY ZONING MAP



(ORANGE AREAS NOT DESIGNATED OTHERWISE ARE RMF-5)

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

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

CRIS-MAR ENCLAVE ANNEXATION

LOCATED NORTH AND SOUTH OF F ROAD AND EAST OF 29 ROAD

CONSISTING OF APPROXIMATELY 108.62 ACRES

WHEREAS, on the 30th day of August, 2010, the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction the following described territory, commonly known as the Cris-Mar Enclave; and

WHEREAS, a hearing and second reading on the proposed annexation ordinance was duly held after proper notice on the 18th day of October, 2010; and

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1); and

WHEREAS, the requirements of Section 30, Article II of the Colorado Constitution have been met, specifically that the area is entirely surrounded by the annexing municipality.

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:

CRIS-MAR ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the West-Half (W 1/2) of Section 5 and the Northwest Quarter (NW 1/4) of Section 8, all in Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the enclaved lands bounded by the following City of Grand Junction Annexations:

1. Cloverglenn Annexation, Ordinance No. 3727, recorded in Book 3853, Page 663, Public Records of Mesa County, Colorado
2. Darla Jean Annexations No. 1 and No. 2, Ordinance No. 2774, recorded in Book 2103, Page 772, Public Records of Mesa County, Colorado

3. Marchun Annexation No. 1, Ordinance No. 3556, recorded in Book 3456, Page 155, Public Records of Mesa County, Colorado
4. Marchun Annexation No. 2, Ordinance No. 3557, recorded in Book 3456, Page 158, Public Records of Mesa County, Colorado and
5. North Meadows Annexation, Ordinance No. 2564, recorded in Book 1888, Page 794, Public Records of Mesa County, Colorado.

CONTAINING 4,731,473 Square Feet or 108.62 Acres, more or less, as described.

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

INTRODUCED on first reading on the 8th day of August, 2010 and ordered published.

ADOPTED on second reading the ____ day of _____, 2010.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE CRIS-MAR ENCLAVE ANNEXATION
TO R-5 (RESIDENTIAL 5 DU / AC)**

LOCATED NORTH AND SOUTH OF F ROAD AND EAST OF 29 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Cris-Mar Enclave Annexation to the R-5 (Residential 5 du/ac) zone district, finding conformance with the recommended land use category as shown on the Future Land Use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-5 (Residential 5 du/ac) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-5 (Residential 5 du/ac):

CRIS-MAR ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the West-Half (W 1/2) of Section 5 and the Northwest Quarter (NW 1/4) of Section 8, all in Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the enclaved lands bounded by the following City of Grand Junction Annexations:

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4. Marchun Annexation No. 2, Ordinance No. 3557, recorded in Book 3456, Page 158, Public Records of Mesa County, Colorado and
5. North Meadows Annexation, Ordinance No. 2564, recorded in Book 1888, Page 794, Public Records of Mesa County, Colorado.

LESS HOWEVER, all public rights of way depicted on the Cris-Mar Enclave Annexation map.

CONTAINING 3,775,660 Square Feet or 86.68 Acres, more or less, as described.

INTRODUCED on first reading the 4th day of October, 2010 and ordered published.

ADOPTED on second reading the _____ day of _____, 2010.

ATTEST:

President of the Council

City Clerk



Date: Wed., Oct. 6, 2010

Author: Lori V. Bowers

Title/ Phone Ext: Senior Planner
Ext. 4033

Proposed Schedule: Monday,
October 4, 2010

2nd Reading:

CITY COUNCIL AGENDA ITEM

Attach 9 **Public Hearing—McConnell South 12th Street** **Right-Of-Way Vacation**

Subject: McConnell South 12 th Street Right-Of-Way Vacation - Located Adjacent to 1101 Winters Avenue.
--

File #: VR-2010-093

Presenters Name & Title: Lori V. Bowers, Senior Planner
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Executive Summary:

A request to vacate an unused portion of South 12th Street right-of-way adjacent to 1101 Winters Avenue. This vacation relieves the City of maintenance of this unused portion of right-of-way and allows the applicant to install security fencing that will meet the Code requirements.

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

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

Policy: A. In making land use and development decisions, the City and County will balance the needs of the community.

By vacating excess right-of-way, the City receives a benefit of reduced maintenance of this area. The applicant then may use the additional property to install security fencing in accordance with the Grand Junction Municipal Code to help further grow his business at this location.

Action Requested/Recommendation:

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

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at their meeting on September 14, 2010.

Background, Analysis and Options:

Please see the attached Staff Report.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

The applicant's request for vacation of the subject right-of-way is conditioned upon the dedication of a new 14-foot multi-purpose easement.

Previously presented or discussed:

Consideration of the Ordinance on First Reading, October 4, 2010.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Ordinance

ANALYSIS

1. Background

The purpose of Section 21.02.100 of the Grand Junction Municipal Codes (GJMC) is to permit the vacation of surplus rights-of-way (and/or easements). The Applicants are making such a request for the subject parcel located on the southwest corner of Winters Avenue and South 12th Street. It is approximately 4.79 acres and contains a warehouse building and storage yards. There is dedicated but unused right-of-way along the eastern most portion of this lot along South 12th Street. The applicant would like to fence the northeast and southeast corners of the lot to provide more secure storage for the Applicant's tenants. Because this is a corner lot, there are two front yard setbacks that must be met when installing a new fence. A six-foot fence must meet the setback requirements of the I-2 zoning district which is 15 feet.

The proposal is to vacate a maximum 16-foot wide strip of public right-of-way along South 12th Street. There is an existing concrete walk running along the west side of South 12th Street which flares out towards the northwest as it reaches Winters Avenue. To maintain a 1-foot separation between right-of-way and back of walk the requested right-of-way vacation follows the back of walk creating a varied width. It will be a maximum of 16-feet on the southern most end and 12.99-feet at the northern most end. The new site acreage would then be 4.91 acres. A 14-foot multi-purpose easement will also be dedicated in this area. The vacation will allow the Applicant to place the fence on what is now the existing property line, and they will be able to meet the required setback for the I-2 zoning district, which is 15 feet from the property line. The purpose of the 15-foot setback for a fence is to allow for a multi-purpose easement and any required landscaping on the street side of the fence.

2. Section 21.02.100 of the Grand Junction Municipal Code

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

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

The minimum street width for an industrial street is 48-feet. The total existing right-of-way is 100 feet. This allows the applicant to vacate 16 feet on the southern most end of the vacation, down to almost 13 feet on the northern end, and it will not impact the Grand Valley Circulation Plan, Comprehensive Plan and all other policies adopted by the City of Grand Junction and any future growth in the area. The City Engineer has confirmed that this keeps all public utilities within the public right-of-way with sufficient area for utility maintenance.

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

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

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

Access will not be restricted to any parcel.

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

There will be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided will not be reduced.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

No services or public facilities will be inhibited by the vacation of this portion of right-of-way because no services exist in the portion to be vacated. There is a 12 inch water line located in South 12th Street, but it is east of the existing sidewalk. If future utilities may need to be extended in this area, a 14-foot multi-purpose is being provided in the area of the vacation.

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

The portion of right-of-way requested to be vacated is excess right-of-way that the City does not expect to use or need in the future. The vacation will allow the City to transfer responsibility of the land to the residents adjacent to the right-of-way while not reducing the present use of the 12th Street right-of-way. South 12th Street ends approximately 260 feet south from the subject parcel, where it intersects with Kimball Avenue. Because the street dead ends, and because just south of Kimball Avenue is the recently constructed Riverside Parkway, the extra width of South 12th Street in this area is not now needed and will not be in the future. No connection is planned for this area to the Parkway.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS

After reviewing the McConnell South 12th Street Right-of-Way Vacation application, file number VR-2010-093 for the vacation of a public right-of-way, I make the following findings of fact, conclusions and conditions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.

2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.
3. Applicant shall grant a 14-foot multi-purpose easement along South 12th Street, which shall be recorded with the Mesa County Clerk and Recorder.
4. The right-of-way vacation will be recorded with the Mesa County Clerk and Recorder. The applicant will pay for the required recordings.

PLANNING COMMISSION RECOMMENDATION:

Planning Commissions forwards a recommendation of approval to the City Council on the request to vacate 16-foot strip of South 12th Street Right-of-Way with the findings of fact, conclusions and conditions in the staff report.

Site Location Map

1101 Winters Avenue



Aerial Photo Map

1101 Winters Avenue



Comprehensive Plan Map

1101 Winters Avenue



Existing City Zoning Map

1101 Winters Avenue



CITY OF GRAND JUNCTION

ORDINANCE NO. ____

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR
SOUTH 12TH STREET, LOCATED ADJACENT TO 1101 WINTERS AVENUE
(MCCONNELL SOUTH 12TH STREET VACATION)**

RECITALS:

A vacation of the dedicated right-of-way adjacent to 1101 Winters Avenue, along South 12th Street has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, Multi-purpose Easement and any dedication documents.

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

Dedicated right-of-way to be vacated:

RIGHT OF WAY VACATION

A strip of land situate in the SE 1/4 NE 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian and adjoining the east line of Lot 1, Winters Avenue Industrial Park as recorded in Plat Book 12 at Pages 305 & 306, City of Grand Junction, Mesa County, Colorado, being described as follows;

Beginning at the southeast corner of said Lot 1;
thence N00°15'39"W a distance of 315.12 feet along the east line of said Lot 1;
thence along the arc of a curve to the left 39.15 feet, having a central angle of 89°43'00" and a radius of 25.00 feet, the chord of which bears N45°07'09"W a distance of 35.27 feet along said Lot 1;
thence S89°58'38"E a distance of 12.99 feet;

thence along the arc of a curve to the right 38.22 feet, having a central angle of 87°35'20" and a radius of 25.00 feet, the chord of which bears S46°10'58"E a distance of 34.60 feet;
thence S02°23'18"E a distance of 81.68 feet;
thence S00°15'39"E a distance of 234.36 feet;
thence N89°44'21"W a distance of 16.00 feet to the point of beginning.
Said strip contains 0.12 acres more or less.

Introduced for first reading on this 4th day of October, 2010.

PASSED and ADOPTED this _____ day of _____, 2010.

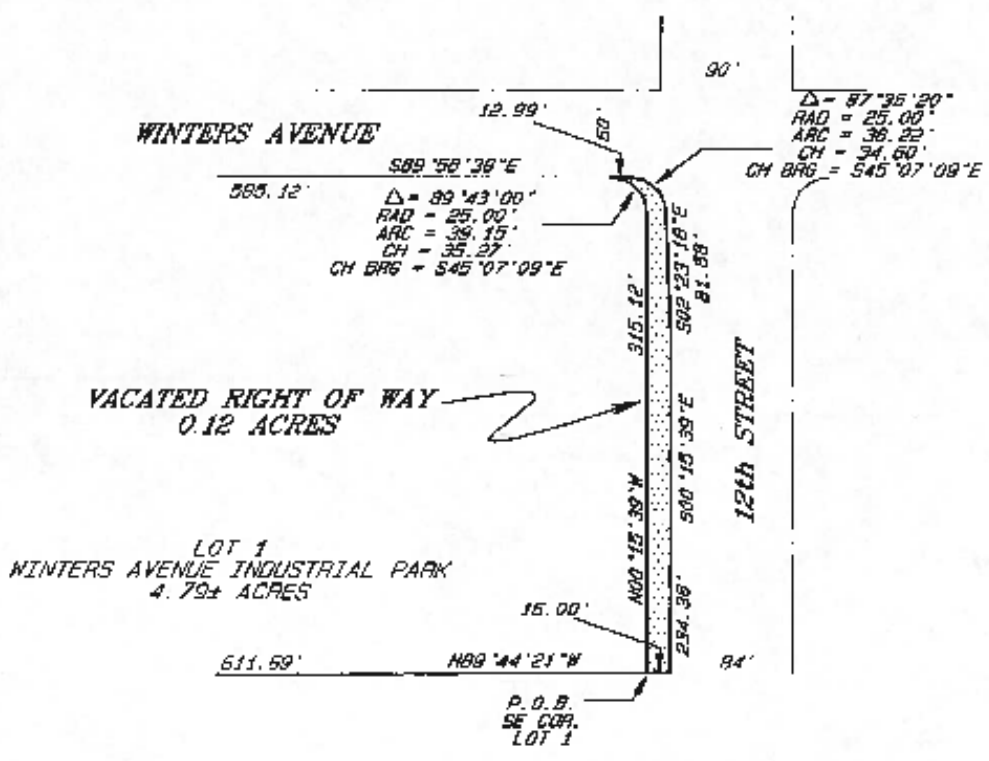
ATTEST:

President of City Council

City Clerk

EXHIBIT A

RIGHT OF WAY VACATION



NOT TO SCALE
 LINEAL UNITS = U.S. SURVEY FEET

D H SURVEYS, INC.
 970-245-8749
 JOB # 1158-09-01



Date: October 5, 2010
Author: Scott D. Peterson
Title/ Phone Ext: Senior
Planner/1447
Proposed Schedule: 1st Reading,
Monday, October 4, 2010
2nd Reading: Monday, October
18, 2010.

CITY COUNCIL AGENDA ITEM

Attach 10 **Public Hearing—Buescher Right-of-Way Vacation**

Subject: Buescher Right-of-Way Vacation – Located Adjacent to 749 Golfmore Drive
File #: VR-2010-105
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Applicant Louis Buescher is requesting to vacate a portion of unimproved G ½ Road right-of-way located adjacent to 749 Golfmore Drive in anticipation of a proposed single-family residence building addition.

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

By vacating the existing unimproved right-of-way, the proposed vacation meets the following two (2) goals and policies of the Comprehensive Plan:

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

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

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage and Final Publication of a Proposed Ordinance to Vacate a Portion of Unimproved G ½ Road Right-of-way.

Board or Committee Recommendation:

At the September 14, 2010 meeting, the Planning Commission forwarded a recommendation of approval.

Background, Analysis and Options:

Please see the attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

No other issues.

Previously presented or discussed:

First reading of the Ordinance was October 4, 2010.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan / Blended Residential Map
Existing City Zoning
Ordinance

BACKGROUND INFORMATION					
Location:		749 Golfmore Drive			
Applicants:		Louis A Buescher, Owner			
Existing Land Use:		Un-improved City Right-of-Way (G ½ Road)			
Proposed Land Use:		Single-family residence building addition			
Surrounding Land Use:	North	Bookcliff Country Club			
	South	Single-family residential			
	East	Single-family residential			
	West	Single-family residential			
Existing Zoning:		R-4, (Residential – 4 du/ac)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	CSR, (Community Services and Recreation)			
	South	R-4, (Residential – 4 du/ac)			
	East	R-4, (Residential – 4 du/ac)			
	West	R-4, (Residential – 4 du/ac)			
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)			
Zoning within density range?		X	Yes		No

ANALYSIS

1. Background:

The applicant, Louis A. Buescher, wishes to vacate a portion of the unimproved G ½ Road right-of-way located to the north, adjacent to his property to accommodate a proposed addition to the single-family residence located at 749 Golfmore Drive. The right-of-way requested to be vacated has never been constructed or utilized as right-of-way and does not affect any other adjacent parcel other than the applicants.

Grand Valley Water Users' Association maintains an irrigation line located within this right-of-way that serves properties within the Fairway Park Subdivision. As a condition of approval, the City is requiring the applicant to obtain consent from GVVUA and reserve an easement for the irrigation line (Lateral 6A pipeline).

In 1989, the Mesa County Board of County Commissioners vacated G ½ Road to the west of the applicant's property. The applicant is now requesting the vacation of the remaining portion of G ½ Road adjacent to his property with the exception of a hammerhead turnaround at the end of Golfmore Drive that will remain as City right-of-way for the purpose of a Fire vehicle and public turn-around. The Fire Department has approved the turn-around dimensions.

2. Title 21.02.100 of the Grand Junction Municipal Code:

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

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

Granting the request to vacate a portion of the existing G ½ Road right-of-way does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. The City will reserve a separate irrigation easement in favor of the Grand Valley Water Users' Association for the conveyance of irrigation water (Lateral 6A Pipeline) to several properties within the Fairway Park Subdivision. As a condition of approval, the Applicant must obtain written consent from GVWUA for the easement reservation.

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

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

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

Access will not be restricted to any parcel as a result of the proposed vacation. The proposed vacation does not affect any other parcel other than the applicant's.

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

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

- k. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code; and

Adequate public facilities and services will not be inhibited to any property. The only existing utility located within this right-of-way is an irrigation line which will be covered by the reservation of an irrigation easement as

described in the vacation ordinance. No other adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements for the City will not change as a result of the proposed vacation since this was an unimproved right-of-way.

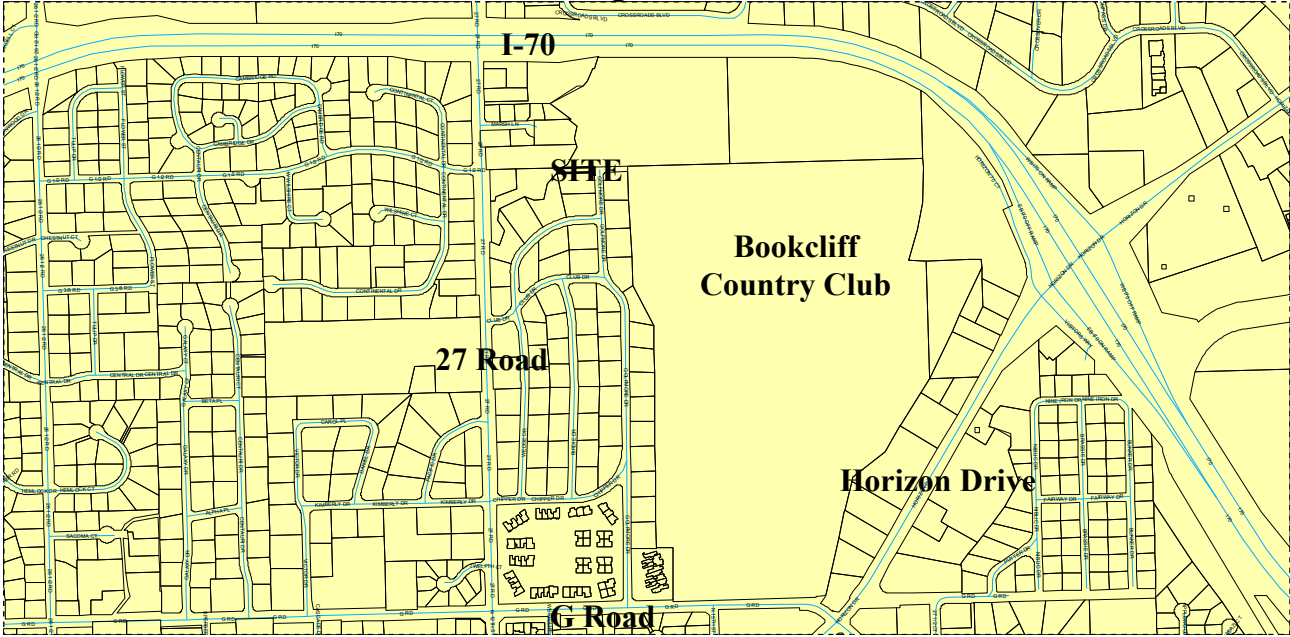
FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Buescher Right-of-Way application, VR-2010-105 for the vacation of a portion of G ½ Road Right-of-Way, I make the following findings of fact, conclusions and conditions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 (c) of the Grand Junction Municipal Code have all been met.
3. Approval of the right-of-way vacation is conditioned upon the written consent of the Grand Valley Water Users' Association to the easement reserved in the vacation ordinance.

Site Location Map

Figure 1



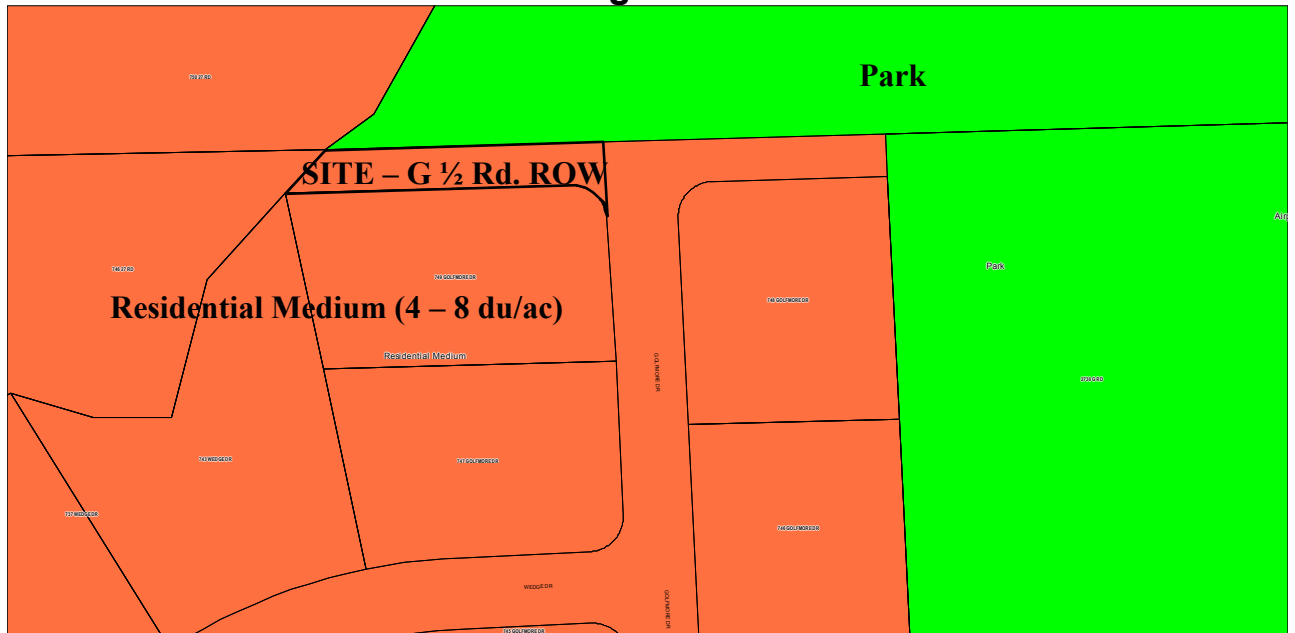
Aerial Photo Map

Figure 2



Comprehensive Plan

Figure 3



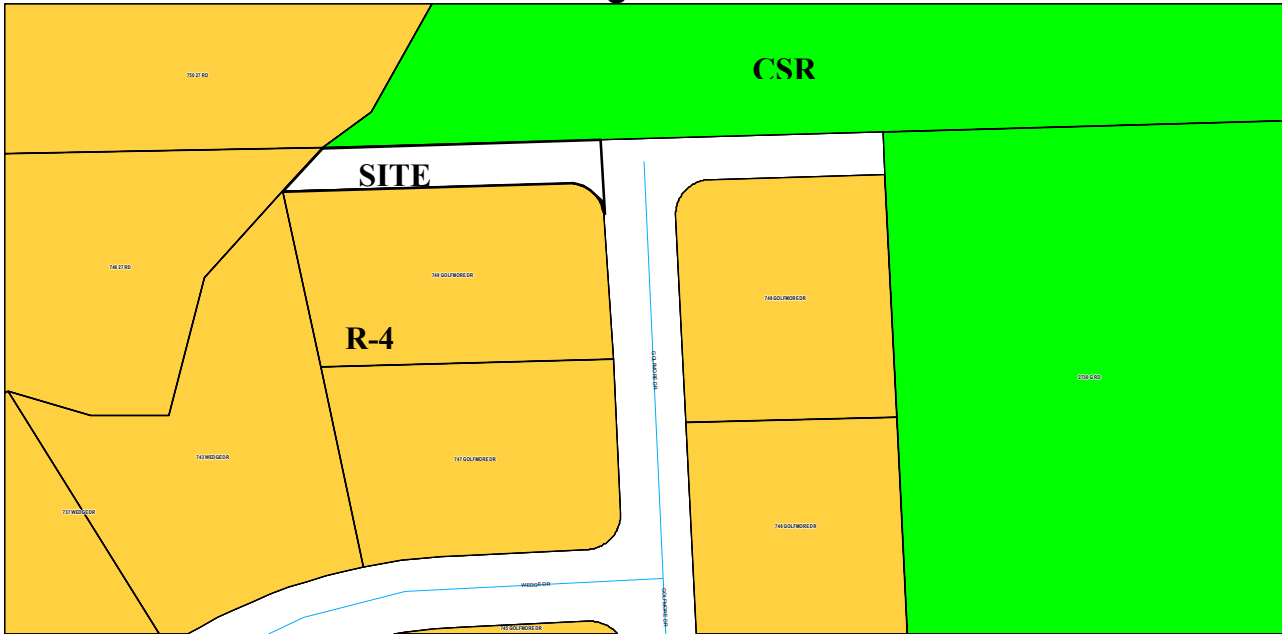
Blended Residential Map

Figure 4



Existing City Zoning

Figure 5



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF G 1/2 ROAD FOR THE
BUESCHER RIGHT-OF-WAY VACATION
LOCATED ADJACENT TO 749 GOLFMORE DRIVE**

RECITALS:

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

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Title 21.02.100 of the Grand Junction Municipal Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Written consent of Grand Valley Water Users' Association for the reserved easement.

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

Dedicated right-of-way to be vacated:

A portion of the G-1/2 Road right-of-way fronting Lot 7, Block No.1 of Fairway Park, as dedicated on the plat of same recorded at Reception No. 749186 of the Mesa County records, situated in the NW1/4 SW1/4 of Section 36, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; with said vacation parcel being more particularly described as follows:

Beginning at a #6 rebar at the Northwest corner of Fairway Park, whence the Mesa County survey marker for the West one-quarter corner of said Section 36 bears North 89°54'27" West, a distance of 482.19 feet, and with all bearings herein being relative to South 89°54'27" East on the North line of Fairway Park as defined by said West one-

quarter corner and a rebar and cap PLS 10097 at the Northeast corner of Fairway Park;

Thence along the North line of Fairway Park and the North right-of-way line of G-1/2 Road, South 89°54'27" East, a distance of 159.81 feet to a point which is North 89°54'27" West, a distance of 60.00 feet from the centerline of Golfmore Drive;
Thence South 01°06'27" East, a distance of 30.01 feet to the South right-of-way line of G-1/2 Road;
Thence along said right-of-way line, North 89°54'27" West, a distance of 189.36 feet to the Westerly right-of-way line of G-1/2 Road;
Thence along said right-of-way line, North 44°02'34" East, a distance of 41.67 feet to the Point of Beginning.

Containing 5237.4 square feet (0.120 acres), more or less.

AND

Commencing at the aforesaid Northwest corner of Fairway Park;
Thence along the North line of Fairway Park and the North right-of-way line of G-1/2 Road, South 89°54'27" East, a distance of 159.81 feet to a point which is North 89°54'27" West, a distance of 60.00 feet from the centerline of Golfmore Drive;
Thence South 01°06'27" East, a distance of 30.01 feet to the South right-of-way line of G-1/2 Road;
Thence along the South right-of-way line of G-1/2 Road, South 89°54'27" East, a distance of 10.53 feet to the **Point of Beginning**;
Thence South 89°54'27" East, a distance of 24.48 feet;
Thence South 01°06'27" East, a distance of 24.48 feet to a point of cusp on a 25.00 foot radius curve to the left; Thence 38.75 feet northwesterly along the arc of said curve, through a central angle of 88°48'00", with a chord bearing North 45°30'27" West, a distance of 34.98 feet to the Point of Beginning.

Containing 127.7 square feet (0.003 acres), more or less.

Reserving, however, a 15' wide perpetual, non-exclusive easement, for conveyance of irrigation water, maintenance, pipes and other irrigation facilities as shown on Exhibit A.

This description was prepared by: Dennis R. Shellhorn, Colorado P. L. S. 18478, 744 Horizon Court, Suite 110, Grand Junction, CO 81505

Introduced for first reading on this 4th day of October 2010.

PASSED and ADOPTED this _____ day of _____, 2010.

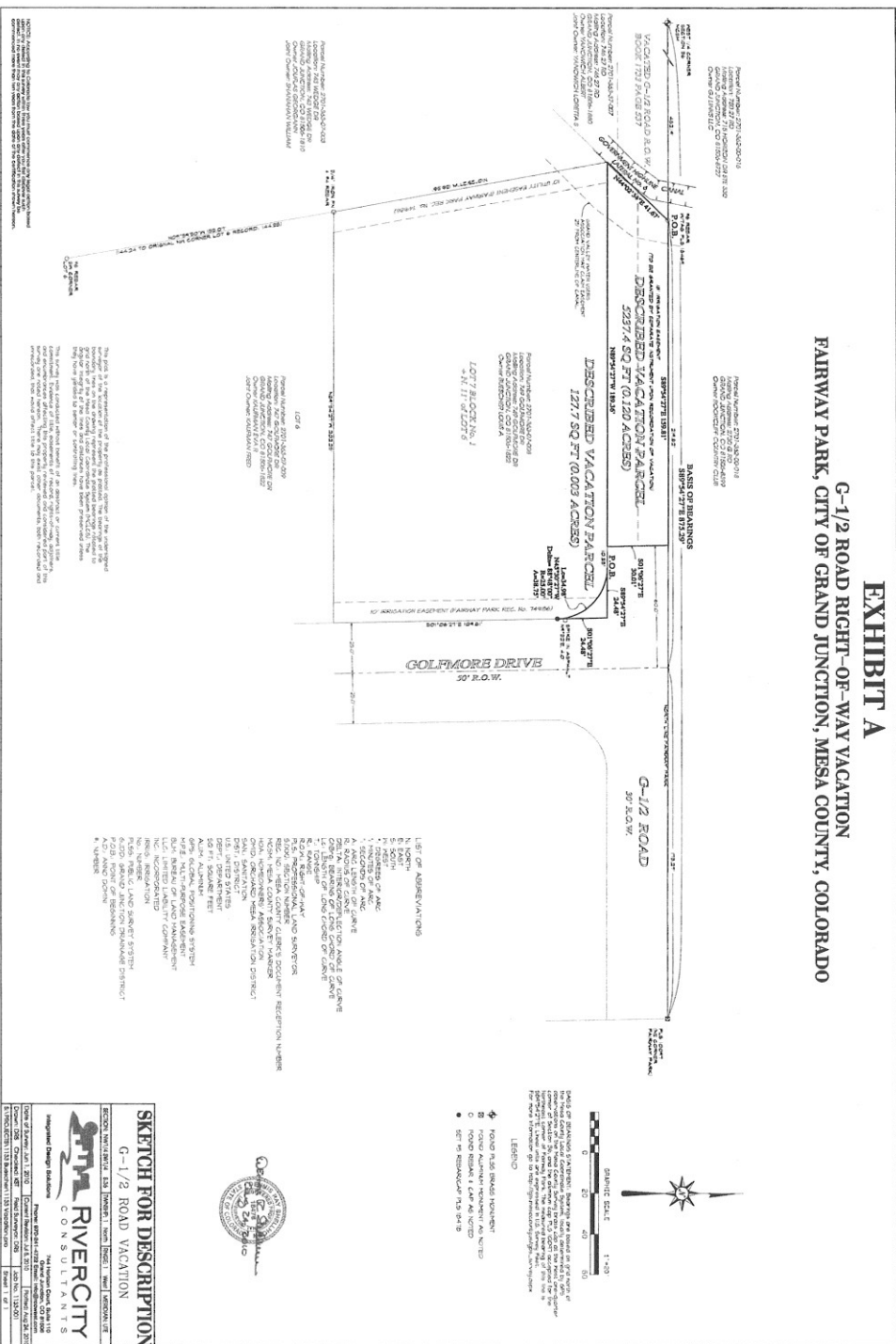
ATTEST:

President of City Council

City Clerk

EXHIBIT A

G-1/2 ROAD RIGHT-OF-WAY VACATION FAIRWAY PARK, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



SKETCH FOR DESCRIPTION

G-1/2 ROAD VACATION

PREPARED BY: GJM RIVERCITY CONSULTANTS
 PROJECT NUMBER: 271043-01-02
 PROJECT NAME: G-1/2 ROAD VACATION
 CLIENT: MESA COUNTY
 DATE: 11/15/2023

APPROVED BY: [Signature]
 PROJECT NUMBER: 271043-01-02
 PROJECT NAME: G-1/2 ROAD VACATION
 CLIENT: MESA COUNTY
 DATE: 11/15/2023



Date: 10-11-10
 Author: Troy Smith
 Title/ Phone Ext: Deputy Chief of
Police: 3563
 Proposed Schedule:
October 18, 2010
 2nd Reading (if applicable):

CITY COUNCIL AGENDA ITEM

Attach 11
Intergovernmental Transfer of Retired Police
Vehicles

Subject: Intergovernmental Transfer of Retired Police Vehicles from the Grand Junction Police Department to Mesa State College Police Academy
File # (if applicable):
Presenters Name & Title: Troy Smith, Deputy Chief of Police

Executive Summary:

The Western Colorado Peace Officers Academy, at the Mesa State College, is requesting the donation of two used/retired marked police vehicles. These two vehicles would be obtained from the “retired” pool of vehicles set to go to auction later this fall.

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

The donation of these retired police vehicles will allow the Mesa State Police Academy to continue to provide job related education for prospective police officers. The Grand Junction Police Department, through its partnership with the Mesa State College, uses this academy a resource in hiring new officers for our Department. This helps to meet the following goals:

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

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

Action Requested/Recommendation:

Authorize the City Manager to Approve the Intergovernmental Transfer of Two Vehicles to Mesa State’s Western Colorado Peace Officers Academy (WCPOA).

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

Since its inception, the WCPOA has partnered with the Grand Junction Police Department, Mesa State College and the Mesa County Sheriff's Office to produce an exceptional academy. Several years ago the GJPD donated retired marked patrol cars to WCPOA that were beyond their service lives. These vehicles are now past any service life and need to go to the junk yard. GJPD will be retiring two vehicles in the near future, and recommends that they be donated to WCPOA.

Financial Impact/Budget:

The City would forgo any proceeds it may have gained if the vehicles were auctioned off. Current estimates for used police vehicles at auction range between \$1,000 and \$2,500, depending on the condition of the vehicle.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

The City has previously donated retired police vehicles to the Mesa State Police Academy.

Attachments:

Letter from Lead Instructor Bill Gardner, requesting assistance

Western Colorado Peace Officers Academy
Western Colorado Community College
2508 Blichmann Avenue
Grand Junction, CO 81505

October 1, 2010

John Camper, Chief of Police
Grand Junction Police Department
625 Ute Avenue
Grand Junction, CO 81501

Dear Chief Camper:

The Western Colorado Peace Officers Academy (WCPOA) exists today because of the vision and support of the Grand Junction Police Department, the Mesa County Sheriff's Office, the 21st Judicial District Attorney's Office and our other local and state agencies. It is our hope that we continue to support your vision of excellence in peace officer academy training through producing cadets that meet the ethical, professional and educational standards the policing profession and its citizens deserve.

Currently, we are trying to create a fleet replacement plan for the surplus police vehicles we were grateful to receive several years ago from the Grand Junction Police Department. As you can understand, these vehicles now need retirement from any service. We have acquired a continuing education grant that will allow us to purchase 4 used police vehicles. However, we need 2 additional police vehicles to continue the current academy driving program.

We are inquiring as to whether the Grand Junction Police Department would consider surplus another 2 vehicles to the Academy. I realize this request is again asking you for uncalled for generosity and financial sacrifice. I could not ask if I did not believe we can continue to support professional peace keeping and crime fighting in our community.

Humbly submitted,

Bill Gardner

Bill Gardner
Lead Instructor

(Original mailed via US Postal Service)