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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, MAY 5, 2010, 7:00 P.M.**

Call to Order

Post Colors/Pledge of Allegiance – Grand Junction Police Department/Mesa County Sheriff Combined Honor Guard
Moment of Silence

Proclamations

Proclaiming May 9-15, 2010 as “National Police Week” and May 15, 2010 as “Peace Officers’ Memorial Day” in the City of Grand Junction

Proclaiming the week of May 16 through May 22, 2010, as “Emergency Medical Services Week” in the City of Grand Junction

Proclaiming May 8, 2010 as “Grand Junction Letter Carriers Stamp Out Hunger Day” in the City of Grand Junction

Proclaiming May 8, 2010 as “National Train Day” in the City of Grand Junction

Proclaiming May 15, 2010 as “Walk from Obesity Day” in the City of Grand Junction

Proclaiming May 2010 as “Foster/Kinship Parent Appreciation Month” in the City of Grand Junction

Revised May 5, 2010

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

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

Citizen Comments

Council Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the April 19, 2010 Regular Meeting

2. **Setting a Hearing on Marriott Alley Vacation, Located North of Main Street, East of North 3rd Street** [File #VR-2009-254] [Attach 2](#)

Request to vacate a portion of the east/west alley between Main Street and Rood Avenue, west of North 3rd Street. The portion of the alley that is requesting to be vacated, if approved, will be incorporated into the landscaping and site circulation of a proposed new hotel.

Proposed Ordinance Vacating Right-of-Way for a Portion of Alley Located between Main Street and Rood Avenue West of North 3rd Street (Marriott Hotel)

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for May 17, 2010

Staff presentation: Senta L. Costello – Senior Planner

3. **Setting a Hearing on a Comprehensive Plan Amendment to Include the Revised Grand Valley Circulation Plan** [File #PLN-2010-030] [Attach 3](#)

Request Comprehensive Plan Amendment revising the Grand Valley Circulation Plan for consistency with the Comprehensive Plan.

Proposed Ordinance Amending the Comprehensive Plan of the City of Grand Junction to Include the Revised Grand Valley Circulation Plan

Action: *Introduction of Proposed Ordinance and Set a Public Hearing for May 17, 2010*

Staff presentation: Tim Moore, Public Works and Planning Director
Jody Kliska, Transportation Engineer

*** 4. **Revocable Permit for 560 Colorado Avenue and 131 6th Street** [Attach 9](#)

The Grand Junction, Colorado, Downtown Development Authority (“DDA”) is presently going through the City of Grand Junction’s planning process to condominiumize the building located at 560 Colorado Avenue. Through the process it has been determined that revocable permits are needed for portions of awnings and other decorations on the exterior of the building that extend into the City’s right-of-way.

Resolution No. 26-10—A Resolution Approving Revocable Permits To Grand Junction, Colorado, Downtown Development Authority

®Action: *Adopt Resolution No. 26-10*

Staff presentation: John Shaver, City Attorney

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

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

5. **Memorandum of Understanding for the 29 Road and I-70B Interchange** [Attach 4](#)

The 29 Road and I-70B Interchange will extend 29 Road across the railroad tracks and connect to I-70B. This is a joint project between the City of Grand Junction and Mesa County. The project consists of the design, right of way acquisition, construction management, inspection and construction of approximately 2 miles of new and reconstructed streets, a 779 foot long bridge over the Union Pacific Railroad tracks and a 320 foot long ramp bridge connecting to I-70B. The proposed Memorandum of Understanding (MOU) entitled 29 Road and I-70B Interchange May 2010 with Mesa County supersedes and updates a March 12, 2007 MOU. The 2007 agreement addressed the funding and project management of the 29 Road Interchange at I-70B. For 2010 and 2011 this agreement commits the City to funding \$12,150,676 of the project in order to complete the project. The other 50% will be funded by the County.

Action: Authorize the Mayor to Sign a Memorandum of Understanding with Mesa County for the 29 Road and I-70B Interchange

Staff presentation: Laurie Kadrach, City Manager

6. **Construction Contract for the 29 Road and I-70B Interchange Phase**

[Attach 5](#)

The 29 Road and I-70B Interchange Phase is the fourth and final phase that will extend 29 Road across the railroad tracks and connect to I-70B. This is a joint project between the City of Grand Junction and Mesa County, and consists of approximately 2 miles of new and reconstructed streets, a 779 foot long bridge over the Union Pacific Railroad tracks, and a 320 foot long ramp bridge connecting to I-70B.

Action: Authorize the City Purchasing Division to Enter into a Construction Contract with Lawrence Construction Company, of Littleton, Colorado for the 29 Road and I-70B Interchange Phase in the Amount of \$19,312,363.34

Staff presentation: Trent Prall, Engineering Manager
Jay Valentine, Assistant Financial Operations Manager

7. **Public Hearing—Pepper Ridge Easement and Right-of-Way Vacations, Located at the South End of W. Indian Creek Drive** [File #FP-2008-136]

[Attach 6](#)

Applicant is requesting to vacate a portion of an existing and improved right-of-way and a utility and drainage easement in order to facilitate a residential development.

Resolution No. 24-10—A Resolution Vacating a Utility and Drainage Easement Located within Lot 6 of Pepper Tree Filing No. 4 (Pepper Ridge Subdivision)

Ordinance No. 4422—An Ordinance Vacating Excess Right-of-Way for West Indian Creek Drive Located within Pepper Tree Filing No. 3 (Pepper Ridge Subdivision)

®Action: Adopt Resolution No. 24-10 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4422

Staff presentation: Brian Rusche, Senior Planner

8. **Public Hearing—American Furniture Warehouse Maldonado Street Easement and Right-of-Way Vacations, Located East of Base Rock Street and West of Highway 6 and 50** [File #VR-2010-019] [Attach 7](#)

Request to vacate 29,400 square feet of the north end of Maldonado Street and 18,356 square feet of an unnamed right-of-way extending east to Highway 6 and 50, along with eight other adjoining and nearby easements. These vacations are the first step in assembling several different parcels and “clear the slate” for the new construction of American Furniture Warehouse. New right-of-way and easements will be provided on the future plat.

Resolution No. 25-10—A Resolution Vacating Easements Located East of Base Rock Street and West of Highway 6 and 50 for the Redevelopment of Properties Associated with American Furniture Warehouse

Ordinance No. 4423—An Ordinance Vacating Right-of-Way for Maldonado Street and an Un-Named Right-of-Way, East of Maldonado Street Located East of Base Rock Street (American Furniture Warehouse)

®Action: Adopt Resolution No. 25-10 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4423

Staff presentation: Lori V. Bowers, Senior Planner

9. **Public Hearing—Amendments to the Code of Ordinances to Address Inconsistencies** [Attach 8](#)

The City Code of Ordinances (“Code”) has recently had a comprehensive review as part of a contract with Code Publishing Company. During that review a small number of inconsistencies in the Code were brought forward. The proposed ordinance will address those inconsistencies.

Ordinance No. 4424—An Ordinance Making Certain Amendments to the City’s Code of Ordinances to Address Inconsistencies within the Code

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4424

Staff presentation: John Shaver, City Attorney
Stephanie Tuin, City Clerk

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

**Attach 1
Minutes of Previous Meeting**

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

April 19, 2010

The City Council of the City of Grand Junction convened into regular session on the 19th day of April 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Palmer led the Pledge of Allegiance followed by an Invocation by Pastor Joe Gross, Redlands Community Church.

Proclamations/Recognitions

Proclaiming April 18 – 24, 2010 as “Wastewater Worker Recognition Week” in the City of Grand Junction

Proclaiming April 24, 2010 as “Arbor Day” in the City of Grand Junction

Proclaiming April 2010 as “Colorado Architecture Month” in the City of Grand Junction

Proclaiming May 1, 2010 as “Silver Star Banner Day” in the City of Grand Junction

Certificates of Appointments

Brenda Brock, Lynne Sorlye, and Dale Reece were present to receive their Certificates of Appointment to the Horizon Drive Business Improvement District. Appointee Dale Reece introduced Horizon Drive Business Improvement District's representative Victoria Patsantaras.

Randall Cupp, Joy Potter, Felicia Renee Sabartinelli, and Gary Smith were present to receive their Certificates of Appointment to the Commission on Arts and Culture.

Robert Johnston and Cliff Sprinkle were present to receive their Certificates of Appointment to the Forestry Board.

Council Comments

Council President Hill stated he and two other Councilmembers attended the Telecommunicator of the Year recognition celebration. He expressed his appreciation for the work that they do and noted telecommunicators should be recognized all year long.

Citizen Comments

There were none.

City Manager's Report

Laurie Kadrach, City Manager, presented the City Manager's Report. She began with a report on the sales and use tax collections. In January 2010, sales and use tax decreased by 23%. However, it is a lesser dollar amount than the loss in January 2009. Next, City Manager Kadrach showed a graph on retail sales. Although national retail sales have now crossed the 0% line and the City does show an increase, the City has not reached the 0% line.

As far as development applications, the City has only had 36 applications in 2010. However the value is much greater; in fact, the City is \$18 million dollars ahead of first quarter last year. 36% is in new residential construction. There are also some large commercial projects that account for 27% of the value. Other large contributors include solar projects, remodel projects, and a new church.

Unemployment is still high in Grand Junction and the workforce versus employment gap is still widening.

City Manager Kadrach presented a graph of a recession. It displayed recession impacts from 2007 until January 2010 across the nation.

There have however been some positive indicators. Job applications per job order have gone down.

Councilmember Coons asked if there is data to determine if some of the reduction is due to those out of work who have given up. City Manager Kadrach said there may be as many as three percent that are not factored in.

Councilmember Coons said she has heard the energy industry is beginning to hire again. Ms. Kadrach said she too has heard that.

Using national economic indicators, Grand Junction is back in the healthy zone (about 60 with 50 being in the healthy zone). The El Pomar Socio Economic Impacts Growth

Study has some optimistic news that 65% of the businesses will expand in 2010 and they anticipate \$939 million to be invested in the area in 2010.

Looking at the budget, revenues have outpaced expenses with the exception of the large debt payment required for the Riverside Parkway. The 2010 General Fund is 30% less than the budgeted amount in 2009. \$20 million is still in reserve in fund balance.

The other budget reductions such as the 74 fewer positions, 3% pay reduction and a hiring freeze are still in effect.

Councilmember Palmer noted the difficulty in managing when revenues are in a free fall and the City should be commended on the manner in which the City and the Staff have kept a positive outlook and have done the things that need doing. There are some positive industries in the community – the college, the medical community, and the airport which are all doing ok.

Council President Hill thanked the City Manager.

CONSENT CALENDAR

Councilmember Susuras read the Consent Calendar and moved that the Consent Calendar Items #1 through 7 be adopted. Councilmember Palmer seconded clarifying the resolution number of item 6. Council President Hill also clarified that the hearings were corrected to be set for May 5, 2010 as opposed to May 3, 2010 as written. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the April 5, 2010 Regular Meeting

2. **City Market Utility Easement Vacation, Located at 630 24 Road** [File #CUP-2007-331

Request to vacate a utility easement which was dedicated on Lot 2A, the Replat of Mesa Village Subdivision plat. The vacation of the easement is to help facilitate the construction of the new City Market store.

Resolution No. 19-10—A Resolution Vacating a Utility Easement on Lot 2, Replat of Mesa Village Subdivision, Located at 630 24 Road (City Market)

Action: Adopt Resolution No. 19-10

3. **Setting a Hearing on American Furniture Warehouse Maldonado Street Right-of-Way and Easement Vacations** [File #VR-2010-019]

Request to vacate 29,400 square feet of the north end of Maldonado Street and 18,356 square feet of an unnamed right-of-way extending east of Highway 6 and 50, along with eight other adjoining and nearby easements. These vacations are the first step in assembling several different parcels and “clear the slate” for the new construction of American Furniture Warehouse. New right-of-way and easements will be provided on the future plat.

Proposed Ordinance Vacating Right-of-Way for Maldonado Street and an Un-Named Right-of-Way, East of Maldonado Street, Located East of Base Rock Street (American Furniture Warehouse)

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for May 5, 2010

4. **Setting a Hearing on Amendments to the Code of Ordinances to Address Inconsistencies**

The City Code of Ordinances (“Code”) has recently had a comprehensive review as part of a contract with Code Publishing Company. During that review a small number of inconsistencies in the Code were brought forward. The proposed ordinance will address those inconsistencies.

Proposed Ordinance Making Certain Amendments to the City’s Code of Ordinances to Address Inconsistencies within the Code

Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2010

5. **Leases for Two Dry Grazing Areas of City Property to Sally Marie Smith**

Sally Marie Smith and the City wish to renew Dry Grazing Leases for the next five years on properties located south of Whitewater.

Resolution No. 20-10—A Resolution Authorizing a Dry Grazing Lease of City Property (240 acres) to Sally Marie Smith

Resolution No. 21-10—A Resolution Authorizing a Dry Grazing Lease of City Property (191 acres) to Sally Marie Smith

Action: Adopt Resolution Nos. 20-10 and 21-10

6. **Five Year Lease of the Click Ranch Property to Dennis and Lora Wynn**

This is a proposed five-year ranching and grazing lease of the Click Ranch in the Kannah Creek area to Dennis and Lora Wynn.

Resolution No. 22-10—A Resolution Authorizing a Five-Year Lease of the City's Click Ranch Property in the Kannah Creek area to Dennis and Lora Wynn

Action: Adopt Resolution No. 22-10

7. **Five Year Lease of the Hallenbeck Ranch Property to Clint Miller**

A proposed five-year ranching and grazing lease of the 300-acre Hallenbeck Ranch on Purdy Mesa to Clint Miller.

Resolution No. 23-10—A Resolution Authorizing a Five-Year Lease of the City's Hallenbeck Ranch Property on Purdy Mesa to Clint Miller

Action: Adopt Resolution No. 23-10

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Construction Contract for the 2010 Waterline Replacement Project – Phase 3

This project is Phase 3 of a three phase waterline project aimed at replacing aging waterlines in the City's water distribution system. The City of Grand Junction received a \$3.8 million low interest loan through the Colorado Water Resources and Power Development Authority (CWRPDA) to fund these waterline replacement projects. These waterline projects were included with the City's unsuccessful application for American Recovery and Reinvestment Act (ARRA) Funds earlier this year. The City has continued to move forward with the projects utilizing the CWRPDA loan in an effort to provide stimulus to the construction community.

Tim Moore, Public Works and Planning Director, presented this item. This is the last phase of the waterline replacement projects. Funds were borrowed through Build America Bonds to fund these projects in an effort to have some local stimulus projects. All three projects will replace about six miles of waterline. Phase 3 consists of about three miles of waterline. The waterline replacements will be:

- North Avenue – 28 Road to 29 Road (Approx. 4,800 LF of PVC Pipe)
- 28½ Road – North Avenue to Elm Avenue (Approx. 1,500 LF of PVC Pipe)
- Kennedy Avenue – 25th Street to 28 Road (Approx. 700 LF of PVC Pipe)
- 18th Street – North Avenue to Bunting Avenue (Approx. 450 LF of PVC Pipe)
- 27½ Road – Sunshine Lane to Unawep Ave. (Approx. 1,300 LF of PVC Pipe)
- College Place – North Avenue to Texas Avenue (Approx. 1,225 LF of PVC Pipe)
- Texas Avenue – College Place to 12th Street (Approx. 800 LF of PVC Pipe)

- Elm Avenue – College Place to Cannell Avenue (Approx. 520 LF of PVC Pipe)

Jay Valentine, Assistant Financial Operations Manager, explained the total of all three phases is \$3,874,767. The Build America Bonds were for \$3.8 million; the remaining \$74K will be funded with savings in the water fund. The low bid came from Schmidt Earth Builders out of Windsor, Colorado.

Councilmember Susuras inquired as to what the percentage is that a local bidder would be awarded a bid even if the bid is higher. Mr. Valentine said the Staff will always recommend the low bidder.

It was noted that the City Council can choose to award the bid otherwise.

Councilmember Coons asked for confirmation that the recommended company is a qualified bidder. Mr. Valentine confirmed that Schmidt Earth Builders is prequalified and in fact is constructing Phase 2 of the Waterline Replacement Project and doing a good job.

Councilmember Palmer moved to authorize the City Purchasing Division to enter into a Construction Contract with Schmidt Earth Builders, Inc. of Windsor, Colorado for the 2010 Waterline Replacement Project – Phase 3 in the amount of \$1,499,803.00. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Extension Request for the Mesa State Outline Development Plan, Located at 29 Road and Riverside Parkway [File #ODP-2008-154]

This is a request for a two-year extension of the approved Mesa State Outline Development Plan. This request would extend the date that the Developer has to apply for a Preliminary Development Plan from December 15, 2010 to December 15, 2012.

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

Greg Moberg, Planning Services Supervisor, presented this item. He described the request, the location, and the site. He asked that the Staff Report and attachments be entered into the record. The request is consistent with the goals and policies of the Comprehensive Plan and the Pear Park Plan. It also meets the criteria of the Zoning and Development Code.

City Council approved the Outline Development Plan on December 15, 2008. The Preliminary Development Plan was to be submitted within 2 years after approval of the Outline Development Plan or by December 15, 2010. If approved, the Preliminary Development Plan would need to be submitted on or before December 15, 2012. Planning Commission recommended approval for the requested extension on January 26, 2010.

There were no public comments.

The public hearing was closed at 8:08 p.m.

Ordinance No. 4421—An Ordinance Amending Ordinance No. 4314 Zoning the Mesa State Development to PD (Planned Development) Located at 2899 D ½ Road

Councilmember Kenyon moved to adopt Ordinance No. 4421 and ordered it published. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:09 p.m.

Stephanie Tuin, MMC
City Clerk



Date: April 20, 2010

Author: Senta L. Costello

Title/ Phone Ext: Senior Planner,
x 1442

Proposed Schedule: May 5,
2010

2nd Reading

(if applicable): May 17, 2010

CITY COUNCIL AGENDA ITEM

Attach 2

Setting a Hearing on Marriott Alley Vacation

Subject: Marriott Alley Vacation, Located North of Main Street, East of North 3rd Street

File #: VR-2009-254

Presenters Name & Title: Senta L. Costello, Senior Planner

Executive Summary:

Request to vacate a portion of the east/west alley between Main Street and Rood Avenue, west of North 3rd Street. The portion of the alley that is requesting to be vacated, if approved, will be incorporated into the landscaping and site circulation of a proposed new hotel.

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

The proposal implements Goal 4 of the Comprehensive Plan by aiding redevelopment of the downtown area, Goal 6 by encouraging appropriate re-use of property and Goal 12 by furthering the ability of the City to be a regional provider of services to develop, sustain, and enhance a healthy, diverse economy.

Action Requested/Recommendation:

Introduce a Proposed Vacation Ordinance and Set a Public Hearing for May 17, 2010.

Board or Committee Recommendation:

Planning Commission recommended approval at their April 13, 2010 hearing.

Background, Analysis and Options:

See attached report

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

The alley contains utility infrastructure which is not proposed to be abandoned, removed or relocated. Due to this, the proposed Ordinance retains the alley as a utility easement.

Previously presented or discussed:

N/A

Attachments:

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

BACKGROUND INFORMATION				
Location:		236 Main Street		
Applicants:		Owner: Western Hospitality, LLC – Kevin Reimer/Steve Reimer Representative: Souder-Miller Assoc. – Jim Langford Representative: Ciavonne, Roberts & Assoc. – Ted Ciavonne		
Existing Land Use:		Alley		
Proposed Land Use:		Hotel parking/circulation		
Surrounding Land Use:	North	Retail/Parking Lot		
	South	Hotel/Office		
	East	Office		
	West	Retail/Credit Union		
Existing Zoning:		N/A		
Proposed Zoning:		B-2 (Downtown Business)		
Surrounding Zoning:	North	B-2 (Downtown Business)		
	South	B-2 (Downtown Business)		
	East	B-2 (Downtown Business)		
	West	B-2 (Downtown Business)		
Future Land Use Designation:		Downtown Mixed Use		
Zoning within density range?		X	Yes	No

ANALYSIS

1. Background

The alley is part of the original town site recorded in 1882 and then replatted in 1885. The surrounding properties have been historically used for a variety of commercial uses over the years including retail, office, banking and parking.

The western 150 feet of the alley was vacated March 1988 as part of the development of the Colorado State Employees Credit Union and the associated drive-thru.

The applicant is requesting to vacate an additional 150.57 feet of the remaining alley at the western end as part of the proposed Marriott Hotel project, with the vacated area to be used as a utility easement and site circulation, detention and landscaping.

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

The vacation of the alley 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.

Response: The proposal implements Goal 4 of the Comprehensive Plan by aiding redevelopment of the downtown area, Goal 6 by encouraging appropriate re-use of property, and Goal 12 by furthering the ability of the City to be a regional provider of services to develop, sustain, and enhance a healthy, diverse economy.

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

Response: All properties adjoining the alley have street frontage, so no parcel will be land locked as a result of vacating the alley.

- 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.

Response: All affected parcels will have reasonable access. No accesses to any parcels will be eliminated or restricted with the vacation of this portion of alley right-of-way.

- 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).

Response: There will be no adverse impacts due to the vacation. Emergency access will still be available to all properties and the alley right-of-way will be retained as a utility easement to protect utility services.

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

Response: Adequate public facilities and services exist and will be maintained with the vacation of the right-of-way.

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

Response: With the vacation of the alley, the City will be relieved of maintenance responsibilities.

FINDINGS OF FACT/CONCLUSION/CONDITION

After reviewing the Marriott alley vacation application, VR-2009-254 for the vacation of a public alley right-of-way, staff makes the following findings of fact, condition and conclusion:

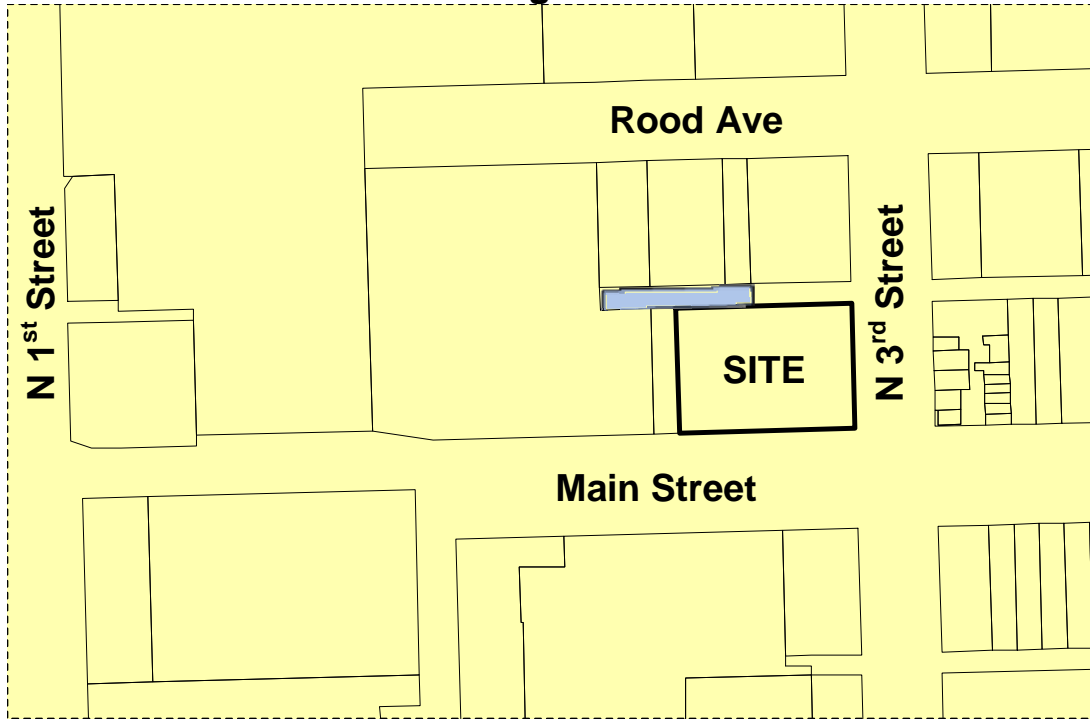
1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
3. The vacated alley right-of-way shall be retained as a utility easement with the vacation ordinance.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission forwarded a recommendation of approval to the City Council on the request to vacate alley right-of-way with the findings of fact, conditions and conclusions in the staff report at its April 13, 2010 hearing.

Site Location Map

Figure 1



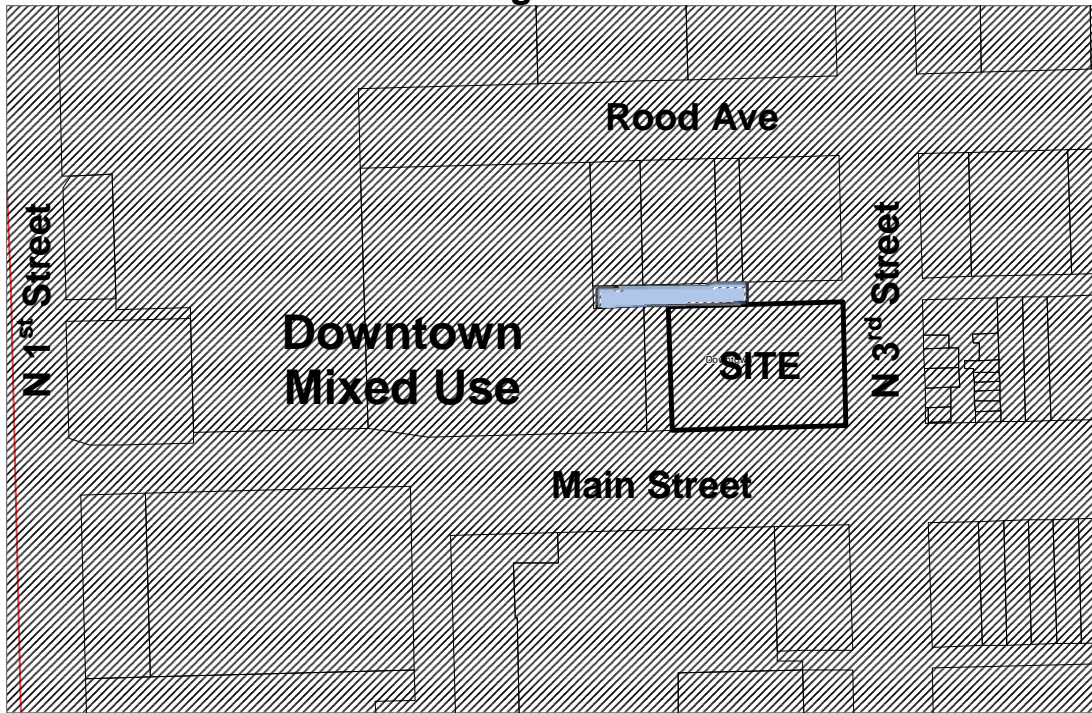
Aerial Photo Map

Figure 2



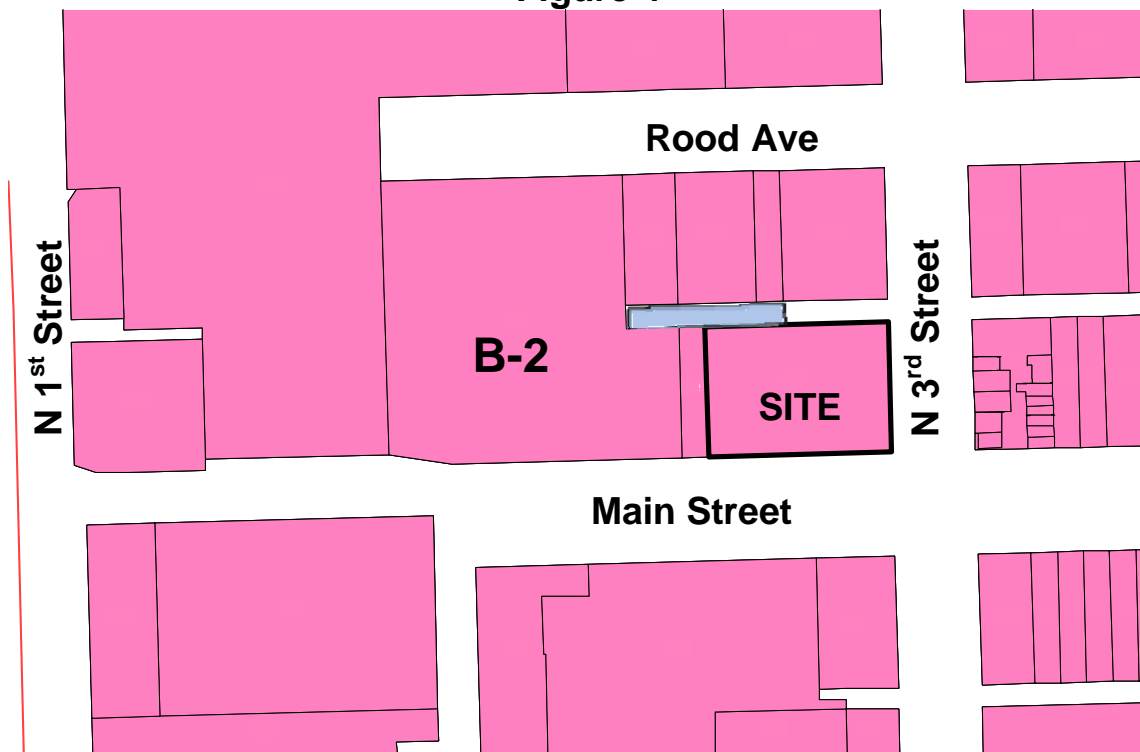
Comprehensive Plan Map

Figure 3



Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR A PORTION OF ALLEY
LOCATED BETWEEN MAIN STREET AND ROOD AVENUE WEST OF NORTH 3RD
STREET (MARRIOTT HOTEL)**

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 Section 2.11 of the Zoning and Development Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The vacated alley is retained as a utility 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 parcel of land located in the SW1/4 of Section 14, Township One South, Range One West of the Ute Meridian, in the City of Grand Junction, County of Mesa, State of Colorado; said parcel being more particularly described as follows:

The west 150.57 feet of the remaining east-west alleyway in Block 101, City of Grand Junction, containing 3011.42 square feet as described herein and as depicted on Exhibit A attached hereto and incorporated herein by reference. Said parcel being further contiguous with lost 7 through 12 and lost 21 through 26.

Introduced for first reading on this _____ day of _____, 2010.

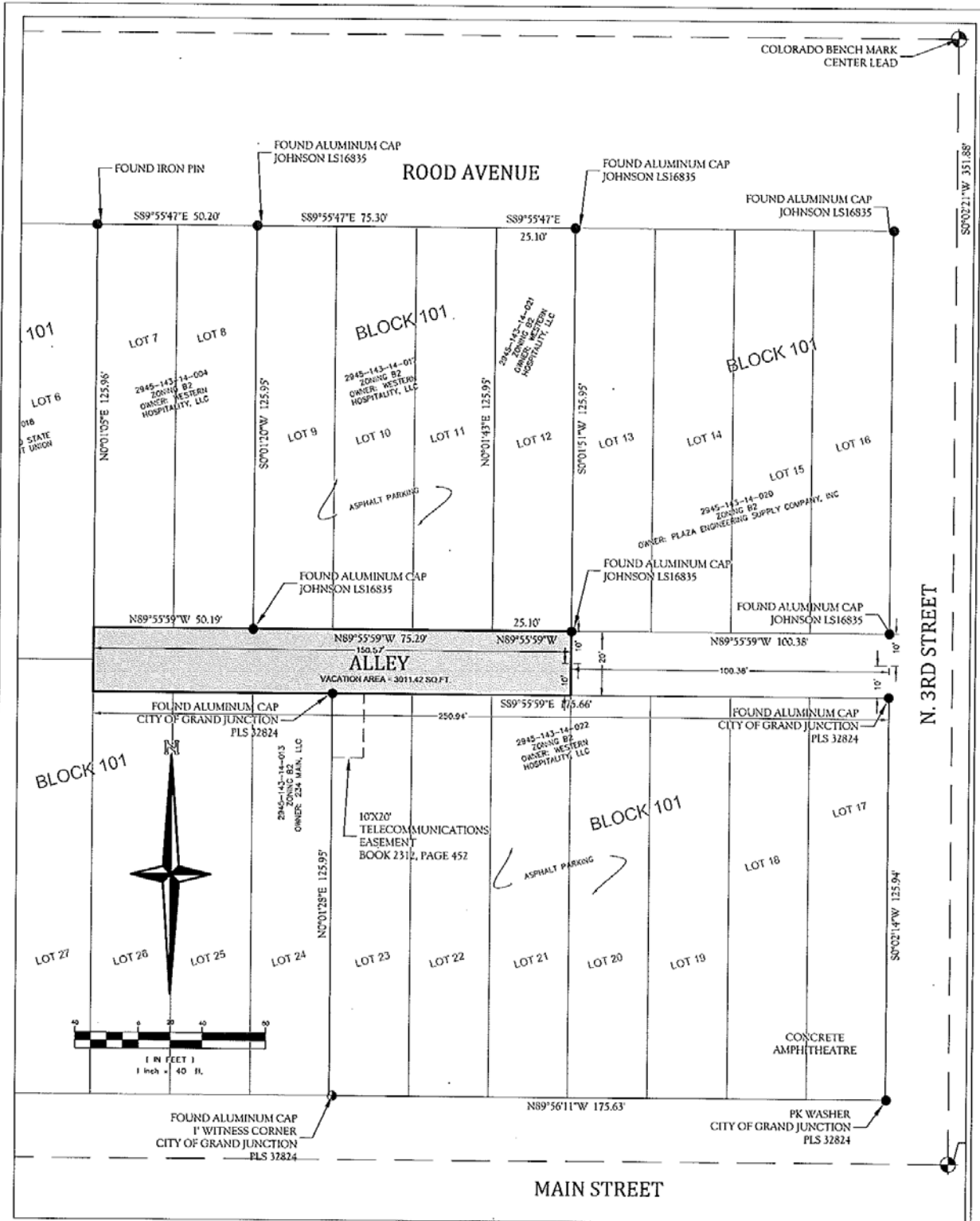
PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

President of City Council

City Clerk

Exhibit A



ASMA
 SOUDER, MILLER & ASSOCIATES
 559 25th Road, Ste. B810,
 Grand Junction, Colorado, 81505
 Tele: 970-243-6607
 Fax: 970-241-2845
 www.soudermiller.com

WESTERN HOSPITALITY, LLC
 GRAND JUNCTION
MARRIOTT HOTEL
 EASEMENT EXHIBIT F

DRAWN BY: LMS
 DATE: 11-17-09
 CHECKED BY: JEL
 SCALE: 1" = 40'
 PROJECT NO: 9841018

SHEET #:
 1



Date: April 14, 2010

Author: Jody Kliska

Title/ Phone Ext: Transportation
Engineer/1591

Proposed Schedule: May
5, 2010

2nd Reading

CITY COUNCIL AGENDA ITEM

Attach 3 Setting a Hearing on Amendment to the Comprehensive Plan to Include the Revised Grand Valley Circulation Plan

Subject: Amendment to the Comprehensive Plan to Include the Revised Grand Valley Circulation Plan
File #: PLN-2010-030
Presenters Name & Title: Tim Moore, Public Works and Planning Director Jody Kliska, Transportation Engineer

Executive Summary:

Request Comprehensive Plan Amendment revising the Grand Valley Circulation Plan for consistency with the Comprehensive Plan.

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

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 proposed revisions to the Grand Valley Circulation Plan have been developed in concert with the Comprehensive Plan. Based on the traffic modeling developed for the Comprehensive Plan, the northwest area and the southeast area of the new Urbanizing Area were identified as lacking in circulation planning. This proposed plan reflects the need for a transportation network in those areas. Additionally, the staff team reviewed the existing Circulation Plan and has made proposed changes. A list of the proposed changes and a map reflecting the changes are attached.

Action Requested/Recommendation:

Introduction of a Proposed Ordinance and Set a Public Hearing for May 17, 2010.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at their April 13, 2010 meeting.

Background, Analysis and Options:

Please see attached staff report.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Planning Commission Staff Report
Grand Valley Circulation Plan Map
2005 Traffic Modeling Map
2035 Traffic Modeling Map
List of Proposed Changes
Ordinance

AGENDA TOPIC: Grand Valley Circulation Plan - PLN-2010-030

ACTION REQUESTED: Comprehensive Plan Amendment revising the Grand Valley Circulation Plan

BACKGROUND INFORMATION				
Location:		Comprehensive Plan Planning Area		
Applicants:		City of Grand Junction		
Existing Land Use:		N/A		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	N/A		
	South	N/A		
	East	N/A		
	West	N/A		
Existing Zoning:		N/A		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	N/A		
	South	N/A		
	East	N/A		
	West	N/A		
Comprehensive Plan Designation:		N/A		
Zoning within density range?	N/A	Yes	N/A	No

PROJECT DESCRIPTION: Grand Valley Circulation Plan revisions.

RECOMMENDATION: Adoption of the Grand Valley Circulation Plan with proposed revisions.

ANALYSIS

The Grand Valley Circulation Plan serves to identify major and minor routes for transportation circulation and connectivity. Existing traffic, anticipated traffic volume growth, and the associated demand on public transportation facilities demonstrate the need for and development of a circulation system for the Urbanizing Area. With the adoption of the Comprehensive Plan, the boundaries of the Urbanizing Area have expanded. The revisions to the Grand Valley Circulation Plan are needed to be consistent with the Comprehensive Plan.

The Grand Valley Circulation Plan was originally presented to the Grand Junction Planning Commission in 1997 as the Major Street Plan and represented a collaborative effort of the City of Grand Junction, Mesa County and the Regional Transportation Planning Office. Adopted in 1998, revisions and updates to the plan have been made regularly as area plans and transportation studies have been completed. In 2001, the name was changed to the Grand Valley Circulation Plan along with proposed changes recommended by the West Metro Study and the 24 Road Transportation Plan.

The City's home rule powers and section 212 of Article 23 of Title 31 of the Colorado Revised Statutes grants authority to the City to make and adopt a plan for the physical development of streets and roads located within the legal boundaries of the municipality and all lands lying within three miles of the municipal boundary. The City's Zoning and Development Code in chapter 1.11.B.3 states the City Council shall as it deems appropriate, decide, adopt and/or amend the street plans and components of it.

The proposed revisions to the Grand Valley Circulation Plan have been developed in concert with the Comprehensive Plan. Based on the traffic modeling developed for the Comprehensive Plan, the northwest area and the southeast area of the new Urbanizing Area were identified as lacking in circulation planning. This proposed plan reflects the need for a transportation network in those areas. Additionally, the staff team reviewed the existing Circulation Plan and has made proposed changes. A list of the proposed changes and a map reflecting the changes are attached.

Significant changes to the Plan include:

- Classifying H Road as a principal arterial across the valley from 20 Road to the Clifton interchange at 32 Road.
- Classifying I Road as a major collector from 20 to 24 Road, and 24 to 27 Road.
- Adding the Whitewater Area to the Circulation Plan.

Public participation in the development of the revisions to the Circulation Plan has included the following:

- Presentation of proposed revisions to the consulting engineering community at quarterly meetings;

- Briefing Mesa County and City of Grand Junction Planning Commissions at a lunch meeting on the modeling and proposed GVCP;
- Publication of the proposed map changes on the City's Transportation Engineering web page and the City's Comprehensive Plan web page;
- Presentation of the map, traffic modeling and proposed changes at the final Comprehensive Plan open house;
- An open house for the Circulation Plan in January 2010 to solicit final comments.

21.02.130(c)(2) of the Zoning and Development Code – Plan Amendment Criteria

The Comprehensive Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- (i) There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or
There was no error.
- (ii) Subsequent events have invalidated the original premises and findings;

The development and adoption of the Comprehensive Plan increased the size of the Urbanizing Area, as well as changing assumptions about future development patterns.

- (iii) The character and/or condition of the area have changed enough that the amendment is acceptable;
The Comprehensive Plan is a significant change to the existing Growth Plan.

- (iv) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;
The Circulation Plan is consistent with the Comprehensive Plan Vision of Becoming the Most Livable Community West of the Rockies by providing a map to the future that is organized, functional and orderly; provides transportation facilities close to services and shopping to reduce cross-town traffic, commuting times and to reduce air pollution; and anticipates a transportation system that balances possibilities for cars, trucks, transit, bicycles and pedestrians.

- (v) The change will facilitate safe and efficient access for all modes of transportation; and
The Circulation Plan is designed around the neighborhood centers and village centers proposed in the Comprehensive Plan and will provide for the necessary access and multi-modal transportation options needed for the centers as well as the remainder of the urbanized area.

- (vi) The change furthers the goals for circulation and interconnectivity.

The Circulation Plan provides developers and property owners with direction in meeting future transportation needs and providing system linkages for the street network.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Grand Valley Circulation Plan application, PLN-2010-030 for a Comprehensive Plan Amendment for the Grand Valley Circulation Plan, staff makes the following findings of fact and conclusions:

4. The proposed amendment is consistent with the purpose and intent of the Plan.
5. The review criteria in 21.02.130(c)(2) of the Zoning and Development Code have all been met.

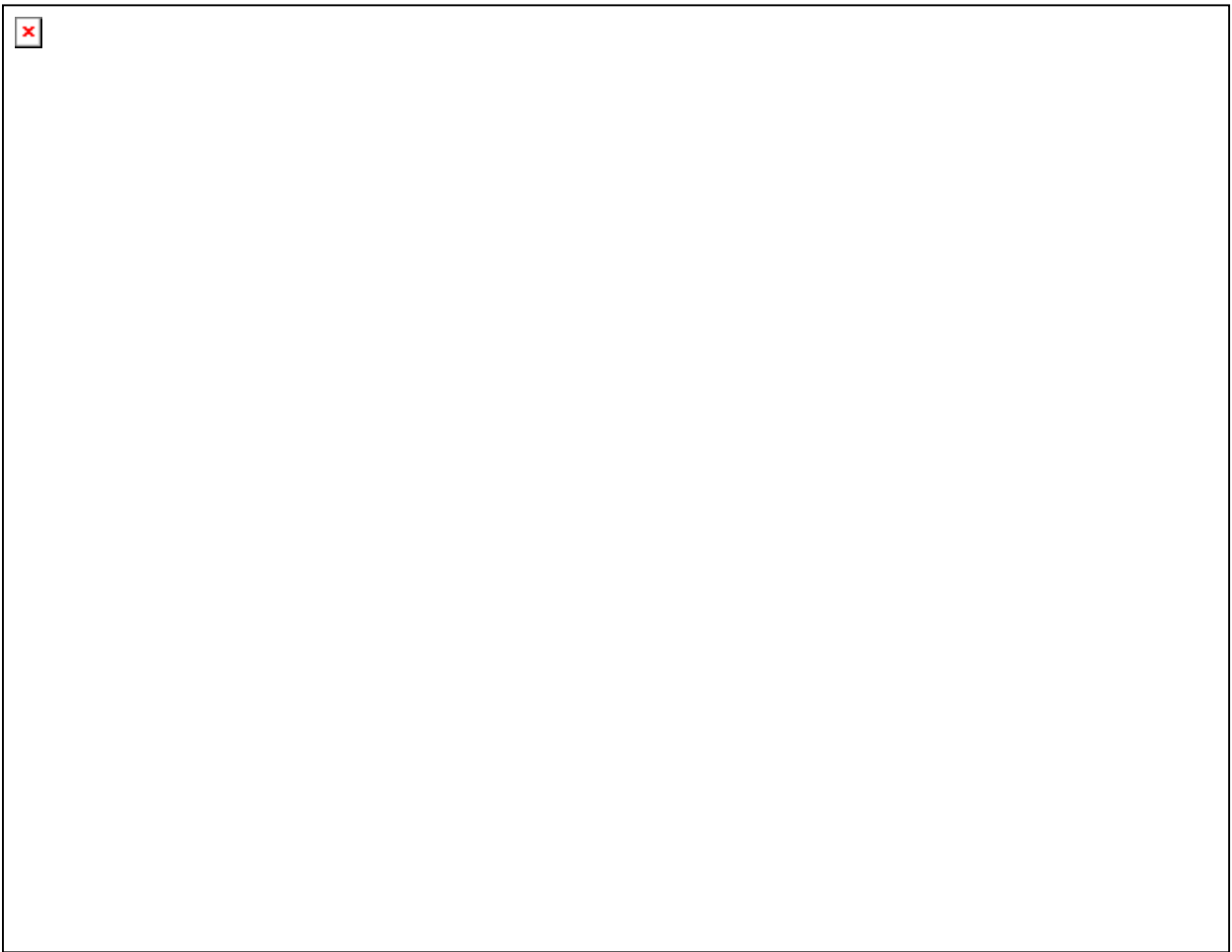
STAFF RECOMMENDATION:

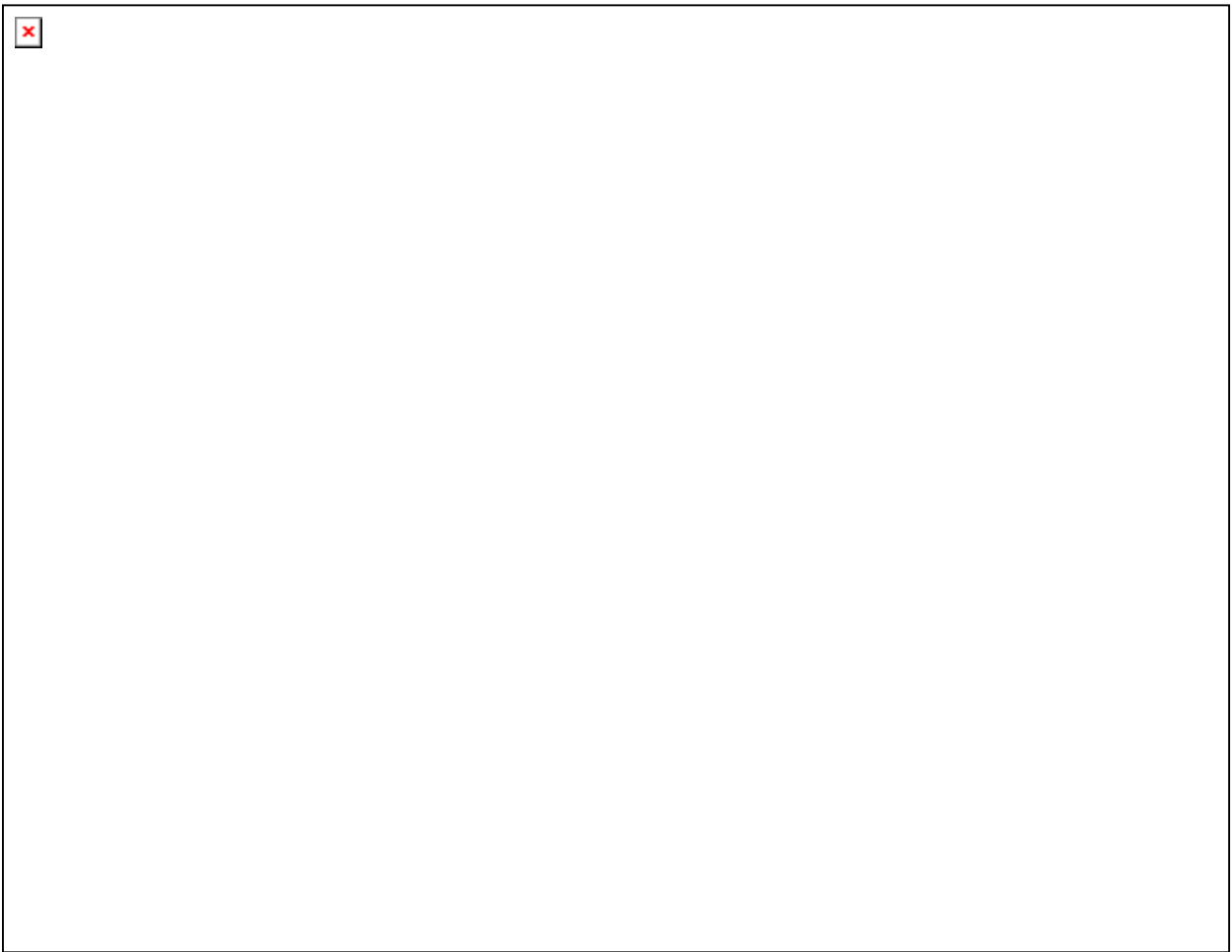
Staff recommends that the Planning Commission forward a recommendation of approval of the Grand Valley Circulation Plan, PLN-2010-030 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item PLN-2010-030, I move we forward a recommendation of approval to the City Council on the request to approve the Grand Valley Circulation Plan with the findings of fact and conclusions in the staff report.







List of Proposed Changes to Grand Valley Circulation Plan

Road Name	From	To	Proposed Classification	Notes:
20 1/2 Rd	Hwy 340	F 3/4 Rd	Major Collector	
20 1/2 Rd	So Broadway	E 3/4 Rd	Major Collector	
20 3/4 Rd	E 3/4 Rd	Hwy 340	Major Collector	
24 3/4 Rd	W Independent Av	I-70B/Hwy 6&50	Major Collector	
28 3/4 Rd	North Av	Orchard Av	Major Collector	
28 Rd	Patterson Rd	Cortland Av	Major Collector	
30 Rd	C 3/4 Rd (Florida ST)	D Rd	Major Collector	
31 1/2 Rd	E 1/2 Rd	Patterson Rd	Major Collector	
31 Rd	Hwy 50 S	B 1/2 Rd	Major Collector	
B Rd	27 Rd	Hwy 50 S	Major Collector	
Base Rock Rd (25 1/2 Rd)	Crosby Av	Rimrock Av	Major Collector	
Bogart Ln	Rimrock Av	W Independent Av	Major Collector	
C 3/4 Rd (Florida ST)	~29 3/4 Rd	30 Rd	Major Collector	
Cortland Av	28 Rd	Tamarron Dr	Major Collector	
Crosby Av	W Main St	Base Rock Rd	Major Collector	
D Rd	Monument Rd	Rosevale Rd	Major Collector	
E 1/2 Rd	31 1/2 Rd	32 Rd (City Market)	Major Collector	
E 3/4 RD	20 1/2 Rd	20 3/4 Rd	Major Collector	
F 1/2 Rd	25 Rd	Canal	Major Collector	
F 1/2 Rd	26 Rd	26 1/2 Rd (N 7th St)	Major Collector	
F 1/2 Rd	31 1/2 Rd	32 Rd	Major Collector	
Greenbelt	22 1/2 Rd	Redlands Pkwy	Major Collector	
H 1/2 Rd	21 Rd	24 Rd	Major Collector	
I Rd	20 Rd	22 Rd	Major Collector	
I Rd	24 Rd	27 Rd	Major Collector	
Logos Rd	23 Rd	End	Major Collector	
N 15th St	North Av	Patterson Rd	Major Collector	
Rimrock Av	Base Rock Rd	I-70B/Hwy 6&50	Major Collector	
Rosevale Rd	Little Park Rd	D Rd	Major Collector	
So Broadway	20 Rd	20 1/2 Rd	Major Collector	
W Independent Av	24 3/4 Rd	Bogart Ln	Major Collector	
W Main St	Crosby Av	1st St/I-70 B	Major Collector	
West Av	Hwy 340	Riverside Pkwy	Major Collector	
23 3/4 RD	G RD	S of I-70	Major Collector - Proposed	
24 3/4 Rd	~F 1/2 Rd	G Rd	Major Collector - Proposed	
25 1/2 Rd	Canal	G Rd	Major Collector - Proposed	Reconfigured Intersection
25 1/4 Rd	Rosevale Rd	D Rd	Major Collector - Proposed	
26 1/2 Rd	H 3/4 Rd	I Rd	Major Collector - Proposed	
26 Rd	H 3/4 Rd	I Rd	Major Collector - Proposed	
29 1/2 Rd	Hwy 50 S	B Rd	Major Collector - Proposed	
30 Rd	~A Rd	Hwy 50 S	Major Collector - Proposed	
31 Rd	F 1/2 Rd	H Rd (Proposed)	Major Collector - Proposed	
31 Rd	B 1/2 Rd	C Rd	Major Collector - Proposed	
B Rd	30 Rd	32 Rd	Major Collector - Proposed	
C 3/4 Rd (Florida ST)	29 Rd	~29 3/4 Rd	Major Collector - Proposed	
Cortland Av	Tamarron Dr	29 Rd	Major Collector - Proposed	
F 1/2 Rd	Canal	26 Rd	Major Collector - Proposed	
Grand Av	28 Rd	28 1/4 Rd	Major Collector - Proposed	
Logos Rd	End	24 Rd	Major Collector - Proposed	
Palmer St	Linden Av	Hwy 50 S	Major Collector - Proposed	
W Teller Av	Baserock Rd	I-70B	Major Collector - Proposed	
Baseline Rd	Independence Valley Rd	Roundup Dr	Local	
Elm Av	7th St	MSC	Local	
F 3/4 Rd	20 1/2 Rd	Roundup Dr	Local	

List of Proposed Changes to Grand Valley Circulation Plan

Independence Valley	F 3/4 Rd	Baseline	Local	
Interstate Av	23 Rd	end	Local	
Roundup Dr	F 3/4 Rd	Baseline	Local	
29 1/2 Rd	C 1/2 Rd (River St)	C 3/4 Rd (Florida ST)	Local - Proposed	
29 1/4 Rd	C 1/2 Rd (River St)	D Rd	Local - Proposed	
30 3/4 Rd	31 Rd	A 1/4 Rd	Local - Proposed	Reconfigured Intersection
Bogart Ln	CDs	W Pinyon Av	Local - Proposed	
C 1/2 Rd (River St)	29 Rd	30 Rd	Local - Proposed	
Chipeta Av	28 1/4 Rd	Willow	Local - Proposed	
Interstate Av	end	24 Rd	Local - Proposed	
Milburn Dr	Monarch Wy	Round Table Dr	Local - Proposed	
24 3/4 Rd	G Rd	~I-70	Minor Collector	
29 1/2 Rd	Erika Rd	G Rd	Minor Collector	
31 1/2 Rd	D Rd	D 1/4 Rd	Minor Collector	
Canyon Rim Dr	South Camp Rd	End	Minor Collector	
Catalina Dr	26 1/2 Rd	Lania Dr	Minor Collector	
F 1/2 Rd	N 12th St	E Cliff Dr	Minor Collector	
F 3/16?	24 1/2 Rd	~ 25 Rd	Minor Collector	
F 3/4 Rd	Independence Valley Rd	20 1/2 Rd	Minor Collector	
G Rd	29 Rd	29 1/2 Rd	Minor Collector	
James St	Aspen St	Unawweep Av	Minor Collector	
N 15th St	Patterson Rd	F 1/2 Rd	Minor Collector	
Renaissance Blvd	South Camp Rd	End	Minor Collector	
Ridge Dr	N 15th St	27 1/2 Rd	Minor Collector	
Round Table Dr	Patterson Rd	CDS	Minor Collector	
S 12th St	Kimball Av	D Rd	Minor Collector	
W Pinyon Av	25 Rd	25 1/2 Rd	Minor Collector	
32 1/2 Rd	F 1/4 Rd	End	Minor Collector - Proposed	
B 1/2 Rd	30 Rd	32 Rd	Minor Collector - Proposed	
F 1/2 Rd	E Cliff Dr	N 15th St	Minor Collector - Proposed	
F 4/10 Rd	End	I-70B	Minor Collector - Proposed	
Round Table Dr	CDS	F 1/2 Rd	Minor Collector - Proposed	
24 1/2 Rd	I-70B/Hwy 6 & 50	Patterson Rd	Minor Arterial	
32 Rd	E 1/2 Rd	32 Rd (North Bnd)	Minor Arterial	
32 Rd	32 Rd (City Market)	32 Rd (Overpass Signal)	Minor Arterial	
Grand Av	7th St	12th St	Minor Arterial	
I Rd	22 Rd	24 Rd	Minor Arterial	
28 1/4 Rd	I-70B	Orchard Av	Minor Arterial - Proposed	
30 Rd	Patterson Rd	H Rd (Proposed)	Minor Arterial - Proposed	
30 Rd	Hwy 50 S	B 1/2 Rd	Minor Arterial - Proposed	
A 1/2 Rd	30 Rd	31 Rd	Minor Arterial - Proposed	
F 1/4 Rd	Hwy 6 & 50	24 Rd	Principal Arterial - Proposed	
29 Rd Interchange	H Rd	29 Rd	Principal Arterial - Proposed	
H Rd	21 Rd	29 Rd Interchange	Principal Arterial - Proposed	
H Rd	29 Rd Interchange	Clifton Exit @ I-70	Principal Arterial - Proposed	
28 1/2 Rd	C 1/2 Rd (River St)	C 3/4 Rd (Florida ST)	Proposed Deleted	
28 1/4 Rd	C 1/2 Rd (River St)	C 3/4 Rd (Florida ST)	Proposed Deleted	
28 3/4 Rd	C 1/2 Rd (River St)	C 3/4 Rd (Florida ST)	Proposed Deleted	
31 1/2 Rd	D 1/4 Rd	Striker Dr	Proposed Deleted	
Alamo St	Colorado Av	D 1/2 Rd	Proposed Deleted	
Arlington Dr	Hwy 50 Frontage Rd	B 3/10 Rd	Proposed Deleted	
D 3/4 Rd	Duffy Dr	Casey Wy	Proposed Deleted	
28 Rd	I-70B	Grand Av	Remove Connection	Reconfigured Intersection
31 1/2 Rd	I-70B	E 1/2 Rd	Remove Connection	Reconfigured Intersection
25 1/2 Rd	G Rd	~I-70	Unclassified	

List of Proposed Changes to Grand Valley Circulation Plan

25 1/8 Rd	Frontage Rd	W Pinyon Av	Unclassified	
Avalon Dr	Round Table Dr	Stonegate Dr	Unclassified	
Canyon Rim Dr	End	Hwy 340	Unclassified	
E 1/2 Rd	So Broadway	Greenwood Dr	Unclassified	
G Rd	29 1/2 Rd	30 Rd	Unclassified	
Greenwood Dr	End	Hwy 340	Unclassified	
Market	Patterson Rd	F 3/4 Rd	Unclassified	
Monument Village Dr	Hwy 340	End	Unclassified	
Renaissance Blvd	End	Hwy 340	Unclassified	

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF
GRAND JUNCTION TO INCLUDE THE REVISED GRAND VALLEY CIRCULATION
PLAN**

Recitals:

A request for a Comprehensive Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that the Grand Valley Circulation Plan be revised to be consistent with the adopted Comprehensive Plan.

In a public hearing, the City Council reviewed the request for the proposed Comprehensive Plan Amendment and determined that it satisfied the criteria as set forth and established in 21.02.130(c)(2) of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND VALLEY CIRCULATION PLAN BE ADOPTED AS PART OF THE COMPREHENSIVE PLAN.

Introduced for first reading on this _____ day of _____, 2010.

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

City Clerk

President of Council



Date: April 28, 2010
 Author: Trent Prall
 Title/ Phone Ext: Engineering
Manager 256-4047
 Proposed Schedule: May 5, 2010
 2nd Reading
 (if applicable): _____ n/a

CITY COUNCIL AGENDA ITEM

**Attach 4
 Memorandum of Understanding for the 29 Road
 and I-70B Interchange**

Subject: Memorandum of Understanding for the 29 Road and I-70B Interchange
File # (if applicable): N/A
Presenters Name & Title: Laurie Kadrich, City Manager

Executive Summary:

The 29 Road and I-70B Interchange will extend 29 Road across the railroad tracks and connect to I-70B. This is a joint project between the City of Grand Junction and Mesa County. The project consists of the design, right of way acquisition, construction management, inspection and construction of approximately 2 miles of new and reconstructed streets, a 779 foot long bridge over the Union Pacific Railroad tracks and a 320 foot long ramp bridge connecting to I-70B.

The proposed Memorandum of Understanding (MOU) entitled 29 Road and I-70B Interchange May 2010 with Mesa County supersedes and updates a March 12, 2007 MOU. The 2007 agreement addressed the funding and project management of the 29 Rd Interchange at I-70B. For 2010 and 2011 this agreement commits the City to funding \$12,150,676 of the project in order to complete the project. The other 50% will be funded by the County.

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

The 29 Road and I-70B Interchange project supports the following Goals from the Comprehensive Plan:

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

The project represents a collaborative effort between the City and County to construct a section of infrastructure identified in the plan as a key component of the Regional Transportation Plan and as a Mixed Used Opportunity Corridor.

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

The project will establish a transportation corridor essential to the implementation of land uses identified in the Comprehensive Plan, such as the Neighborhood and Village Centers in the Pear Park and Orchard Mesa areas.

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 Regional Transportation Plan identifies this project as a critical component of the transportation network. The traffic model prepared by the Regional Transportation Planning Office estimates that vehicular traffic counts will be 29,790 vehicles per day in the year 2030. This significant improvement in traffic flow will reduce vehicle miles traveled, thereby improving air quality and conserving natural resources.

The project encourages multi-modal use of the corridor by including bike lanes and sidewalks in the street section. It will also create a more efficient bus route connecting residential areas with the North Avenue commercial center and service providers such as the Mesa County Work Force Center.

The new “grade-separated” crossing of the Union Pacific Railroad tracks will result in safety and efficiency improvements for rail freight traffic by reducing vehicle and pedestrian traffic at existing “at-grade” crossings.

Action Requested/Recommendation:

Authorize the Mayor to Sign a Memorandum of Understanding with Mesa County for the 29 Rd / I-70B Interchange.

Board or Committee Recommendation:

The 2007 Memorandum of Understanding (MOU) between the City and County stipulates that the City will award a construction contract upon recommendation of the City and County Public Works Directors. The County’s Public Works Director, Pete Baier, and project staff have been consulted on the contents of the 2010 MOU and have recommended that the City and the County proceed with the construction.

Financial Impact/Budget:

The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted for Program Years 2005 through 2011. City funds budgeted for the 29 Road and I-70B Interchange project are as follows:

YEAR	DESCRIPTION	CITY EXPENDITURES	COUNTY EXPENDITURES	TOTAL
2005	1601 Process	\$ 705,595	\$ -	\$ 705,595
2006	1601 Process	\$ 252,664	\$ -	\$ 252,664
2007	Final Design	\$ 115,495	\$ 479,711	\$ 595,206
2008	Final Design, ROW Acquisition & Construction	\$ 352,914	\$ 2,478,694	\$ 2,831,608
2009	Final Design, ROW Acquisition & Construction	\$ 3,324,135	\$ 2,733,348	\$ 6,057,483
2010*	Construction	\$ 5,568,086	\$ 4,627,136	\$ 10,195,222
2011*	Construction	\$ 6,582,590	\$ 6,582,590	\$ 13,165,180
TOTAL PROJECT COST		\$ 16,901,479	\$ 16,901,479	\$ 33,802,958

*2010 and 2011 costs are budget projections.

Legal issues:

The City Attorney has reviewed and approved the form of the 2010 MOU.

Other issues:

None

Previously presented or discussed:

N/A

Background, Analysis and Options:

City and County officials have agreed that the 29 Road corridor is the number one transportation priority in the urban area. Joint City/County grant applications were submitted to the American Reinvestment and Recovery Act grant program as well as to the State of Colorado's Energy Impact Grant program.

The 29 Road and I-70B Interchange project is a key component in the transformation of the 29 Road corridor into a major link in the Riverside Parkway transportation network. The project will construct an overpass to extend 29 Road over the Union Pacific Railroad tracks and I-70B. The new overpass and I-70B Interchange is part of the 29 Road corridor improvements that will eventually connect Highway 50 with Interstate 70, and combine with the Riverside Parkway and 24 Road to become a beltway around the City. The 29 Road street section will be 5 lanes wide (4 travel lanes and a center turn lane) and will include bike lanes and attached concrete sidewalks.

The purpose of the agreement is to establish the lines of communication and responsibility for the various work items necessary to accomplish the construction of 29 Road from D Road to North Avenue. The agreement also establishes the intention of both the City and County to cooperatively fund to completion their share of the planning,

design, right of way acquisition, construction management, bidding and construction of the 29 Road and I-70B interchange to best compliment the budget responsibilities of each entity. With the 1601 CDOT planning process, final design, right of way acquisition, along with the first two phases of construction completed over the last five years, the agreement covers the remaining phase of construction.

The MOU has the City and County co-managing the project through their respective Public Works Directors. The City will provide a Project Manager along with two construction inspectors and the County will provide a Project Engineering Manager.

Attachments:

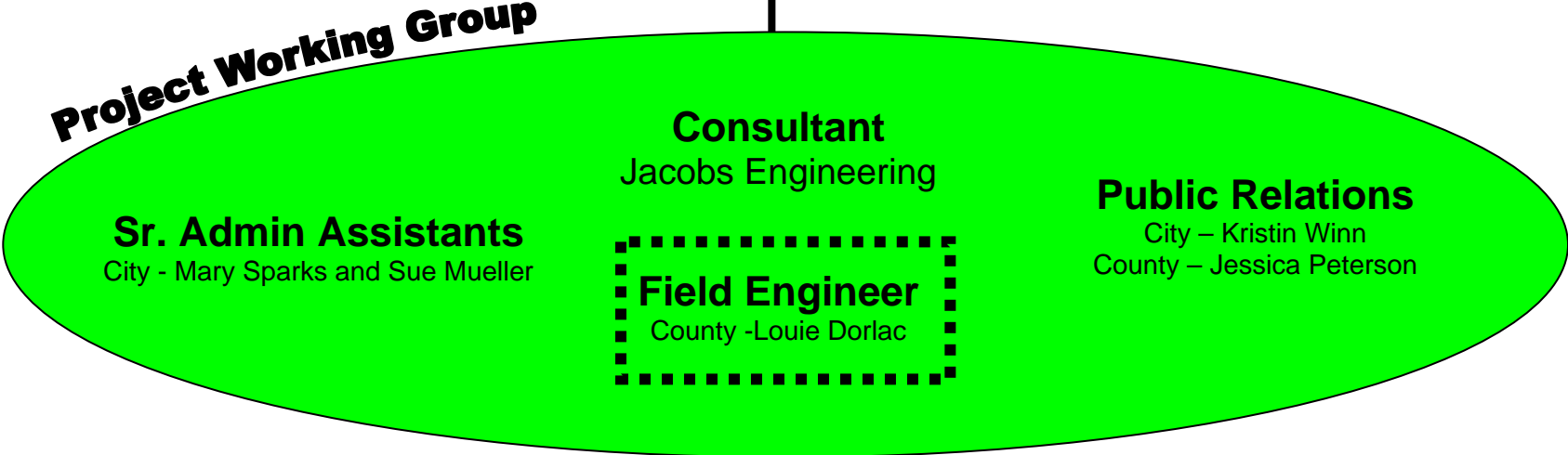
Proposed Staffing

Proposed Memorandum of Understanding

**29 Road and I-70B
Proposed Staffing**
May 3, 2010

Project Management Team
County - Pete Baier
City - Tim Moore

Project Manager
City - Paul Jagim



Inspection
City - Randy Pahlke
City - Ted Eyl

Inspection
Consultant

Inspection
Structural - Consultant

Memorandum of Understanding
between
The City of Grand Junction and Mesa County, Colorado
for the
29 Road and I-70 B Interchange
May 2010

The parties to this Memorandum of Understanding (AGREEMENT) are the Board of County Commissioners of Mesa County, Colorado, (COUNTY) and the City Council of the City of Grand Junction, Colorado (CITY).

I. Introduction

Both the City and the County (“the Parties” or “Parties”) have responsibilities for developing and implementing transportation plans and authorizing capital improvements under their respective jurisdictions. The Parties recognize that transportation-related improvement decisions by one party effect similar decisions by the other and that cooperative planning and spending can maximize the resources that are available for making improvements. The Parties further recognize the need to make significant improvements to the 29 Road corridor (the “Project”). Portions of the corridor from the Union Pacific Railroad track to I-70 straddle the City limits line so joint responsibility is important. It is further recognized that it is in the best interests of the Parties to work cooperatively in the planning and construction of significant improvements such as these.

II. Purpose

This AGREEMENT supersedes and replaces the 2007 AGREEMENT (MCA 2007-024) between the CITY and COUNTY dated March 12, 2007. The purpose of this AGREEMENT is to establish the lines of communication and responsibility for the various work items necessary to accomplish the construction of 29 Road from D Road to North Avenue. This AGREEMENT also establishes the intention of both the CITY and COUNTY to cooperatively fund their share of the planning, design, bidding and construction of the 29 Road and I-70B interchange to best compliment the other budget responsibilities of each entity.

The CDOT 1601 planning process for the Project was completed in 2006. Final design and ROW acquisition was completed in 2007-mid 2008. Construction of the fourth and final phase is scheduled from May 2010 through October 2011.

III. Procedure

Now, therefore, it is agreed that the Parties will:

- 1) Include projections in their respective Capital Improvement Plans to cover the cost of the Project. The Parties will make every effort to budget funds through the phases as shown below:

YEAR	DESCRIPTION	CITY EXPENDITURES	COUNTY EXPENDITURES	TOTAL
2005	1601 Process	\$ 705,595	\$ -	\$ 705,595
2006	1601 Process	\$ 252,664	\$ -	\$ 252,664
2007	Final Design	\$ 115,495	\$ 479,711	\$ 595,206
2008	Final Design, ROW Acquisition & Construction	\$ 352,914	\$ 2,478,694	\$ 2,831,608
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2010*	Construction	\$ 5,568,086	\$ 4,627,136	\$ 10,195,222
2011*	Construction	\$ 6,582,590	\$ 6,582,590	\$ 13,165,180
TOTAL PROJECT COST		\$ 16,901,479	\$ 16,901,479	\$ 33,802,958

*2010 and 2011 costs are budget projections.

- 2) The Parties agree to carry over any unexpended funds for this Project from year to year to maintain the overall budget for the Project. The Parties are not creating a multi-year fiscal obligation but instead understand and agree that all expenditures are subject to annual appropriation.
- 3) The City contracted with a Consulting Engineer for design and right-of-way acquisition services. The Consultant prepared all legal descriptions for right-of-way needed for the Project. Each party will acquire the necessary right-of-way within its jurisdiction with the assistance of the design consultant. The cost of developing all right-of-way legal descriptions and the consultant costs for acquiring those right-of-ways are Project costs, the local share of which is shared equally between the CITY and COUNTY.
- 4) To minimize the effect of revenue limitations/the receipt of revenues on the Parties, contracts may be written so that payments may be made directly to the contractor(s) by either the CITY or the COUNTY for separate portions of progress payments. In accordance with such contract terms and upon authorization of payment of the contractor's invoice(s), the contracting party, the CITY or the COUNTY will make payment(s) directly to the contractor(s). All payments made shall be accounted for and charged to the cost of the project.
- 5) The CITY and the COUNTY may not necessarily pay exactly equal shares of every individual portion of the Project; however, both Parties agree that

the total local share of the Project actual cost will be divided equally. The Parties further agree that the total funding expected of either party will not exceed the levels presented in the above table except by mutual, written modification of this AGREEMENT.

- 6) The CITY and COUNTY will co-manage the project. The Project Management Team will consist of the respective Public Works Directors for both the City and County. The City will provide a Project Manager, Administrative Assistant and two construction inspectors. The County will provide a Field Engineer. Both the City and County will perform their respective public relations coordinated through the Project Manager. The cost of the management of the Project from inception through construction will be a Project cost, the local share of which will be shared equally between the CITY and COUNTY. Following approval of an invoice from the CITY, the COUNTY will reimburse the CITY for the COUNTY'S share of the actual costs of Project.

- 7) The Project will generally include the construction of five travel lanes with curb, gutter and sidewalk on both sides with the exception of the interchange which will be limited to sidewalk only on the west side. The Project will also incorporate an underground storm drain and all necessary appurtenant work. Additional turn lanes may be constructed at major intersections. The general configuration of the street will not be changed except by mutual, written modification of this AGREEMENT. All work was designed and will be constructed to City/CDOT standards.

IV. Administration

1. Nothing in this AGREEMENT will be construed as limiting or affecting in any way the authority or legal responsibility of the COUNTY or the CITY, or as binding either party to perform beyond the respective authority of each, or as requiring either party to assume or expend any sum in the excess of appropriations available.

2. This AGREEMENT shall become effective when signed by the Parties hereto. The Parties may amend this AGREEMENT by mutual written attachment as necessary. Any party may formally terminate this AGREEMENT after 365 days notice in writing to the other in the intention to do so and fulfillment of all outstanding legal obligations.

3. The CITY will advertise, receive bids, and award a contract upon recommendation of the Project Management team specifically Mr. Tim Moore and Mr. Pete Baier. The CITY shall include all of the terms and conditions regarding payment, bonding, insurance and indemnification provisions as part of the project contract so that the project and the Parties are fully and adequately protected in accordance with this agreement.

In Witness whereof, the parties herein have caused this document to be executed as of the date of the last signature shown below.

Chairman of the Board
Mesa County Board of Commissioners

ATTEST:

Clerk

Date

Mayor
Grand Junction City Council

ATTEST:

Clerk

Date



Date: April 20, 2010
 Author: Scott Hockins
 Title/ Phone Ext: Purchasing
Supervisor, 244-1484
 Proposed Schedule: May 5, 2010
 2nd Reading
 (if applicable): _____ n/a

CITY COUNCIL AGENDA ITEM

**Attach 5
 Construction Contract for the 29 Road and I-70B
 Interchange Phase**

Subject: Construction Contract for the 29 Road and I-70B Interchange Phase
File # (if applicable): N/A
Presenters Name & Title: Trent Prall, Engineering Manager Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

The 29 Road and I-70B Interchange Phase is the fourth and final phase that will extend 29 Road across the railroad tracks and connect to I-70B. This is a joint project between the City of Grand Junction and Mesa County, and consists of approximately 2 miles of new and reconstructed streets, a 779 foot long bridge over the Union Pacific Railroad tracks, and a 320 foot long ramp bridge connecting to I-70B.

The 29 Road Interchange Project not only is essential to the overall completion of the 29 Road Corridor, but also provides the following immediate benefits:

- Connect the people living in the Southeast area to services, goods and facilities located north of UPRR.
- Decrease public safety response times by 2 minutes to almost 24,000 people and two schools.
- Greatly increase the overall efficiencies and flow of the transportation system: improving both local and regional traffic.
- Not only does this project meet the current transportation and public safety demands, it is a crucial step in completing the 29 Road Corridor and the overall beltway transportation system.

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

The 29 Road and I-70B Interchange project supports the following Goals from the Comprehensive Plan:

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

The project represents a collaborative effort between the City and County to construct a section of infrastructure identified in the plan as a key component of the Regional Transportation Plan and as a Mixed Used Opportunity Corridor.

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

The project will establish a transportation corridor essential to the implementation of land uses identified in the Comprehensive Plan, such as the Neighborhood and Village Centers in the Pear Park and Orchard Mesa areas.

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 Regional Transportation Plan identifies this project as a critical component of the transportation network. The traffic model prepared by the Regional Transportation Planning Office estimates that vehicular traffic counts will be 29,790 vehicles per day in the year 2030. This significant improvement in traffic flow will reduce vehicle miles traveled, thereby improving air quality, and conserving natural resources.

The project encourages multi-modal use of the corridor by including bike lanes and sidewalks in the street section. It will also create a more efficient bus route connecting residential areas with the North Avenue commercial center and service providers such as the Mesa County Work Force Center.

The new “grade-separated” crossing of the Union Pacific Railroad tracks will result in safety and efficiency improvements for rail freight traffic by reducing vehicle and pedestrian traffic at existing “at-grade” crossings.

Action Requested/Recommendation:

Authorize the City Purchasing Division to Enter into a Construction Contract with Lawrence Construction Company, of Littleton, Colorado for the 29 Road and I-70B Interchange Phase in the Amount of \$19,312,363.34.

Board or Committee Recommendation:

The Memorandum of Understanding between the City and County stipulates that the City will proceed with award of a construction contract upon recommendation by the City and County Public Works Directors. The County’s Public Works Director, Pete Baier, and project staff have been consulted on the results of the bidding process and they have recommended that the City proceed with entering into this construction contract with Lawrence Construction Company.

Financial Impact/Budget:

The 29 Road and I-70B Interchange Project is being jointly funded by the City and Mesa County. The costs of the project are partially offset by the successful award of a \$3.2 million Energy Impact Grant.

Legal issues:

None

Other issues:

None

Previously presented or discussed:

N/A

Background, Analysis and Options:

A formal solicitation was advertised in the Daily Sentinel and sent to a source list of contractors including the Western Colorado Contractors Association (WCCA). Five bids for the 29 Road and I-70B Interchange Project were received on April 20, 2010. Lawrence Construction, Inc., of Littleton, Colorado was the apparent low bidder with a bid of \$19,312,363.34.

The following bids were received on April 20, 2010:

FIRM	LOCATION	AMOUNT
Lawrence Construction	Littleton, CO	\$19,312,363.34
SEMA Construction	Englewood, CO	\$20,485,509.47
W.W. Clyde Construction	Springville, UT	\$20,629,000.00
Flatiron Construction	Longmont, CO	\$20,743,621.55
Concrete Express	Denver, CO	\$21,445,770.32

The 29 Road and I-70B Interchange project is a key component in the transformation of the 29 Road Corridor into a major link in the Riverside Parkway transportation network. This project will construct an overpass to extend 29 Road over the Union Pacific Railroad tracks and I-70B. The new overpass and I-70B Interchange is part of the 29 Road corridor improvements that will eventually connect Highway 50 with Interstate 70, and combine with the Riverside Parkway and 24 Road to become a beltway around the City. The 29 Road street section will be 5 lanes wide (4 travel lanes and a center turn lane), and will include bike lanes and attached concrete sidewalks.

Planning and design work on the project began early in 2005. The first step was to complete CDOT's 1601 Interchange approval process and environmental assessment. After receiving approval from CDOT for a new interchange on I-70B, the final design, Right-of-Way acquisition, and utility coordination got underway and continued through late 2008. During this same time, the application process with the Colorado Public Utilities Commission (CPUC) authorizing a new grade separated rail crossing, along with negotiations with the Union Pacific Railroad (UPRR) were ongoing. The CPUC authorization for a new rail crossing was obtained in June 2009 and a final Overpass Agreement with the UPRR was signed in November 2009.

Construction of the project was separated into four phases: Irrigation Phase, North Phase, South Phase, and the Interchange Phase. This approach provided several benefits including: allowing construction to continue while UPRR negotiations were ongoing and while applications for grant money were pending, took advantage of a favorable bidding environment, allowed for more local contractor involvement, minimized disruption to the public and adjacent property owners by constructing the streets that will serve as detour routes during the Interchange Phase.

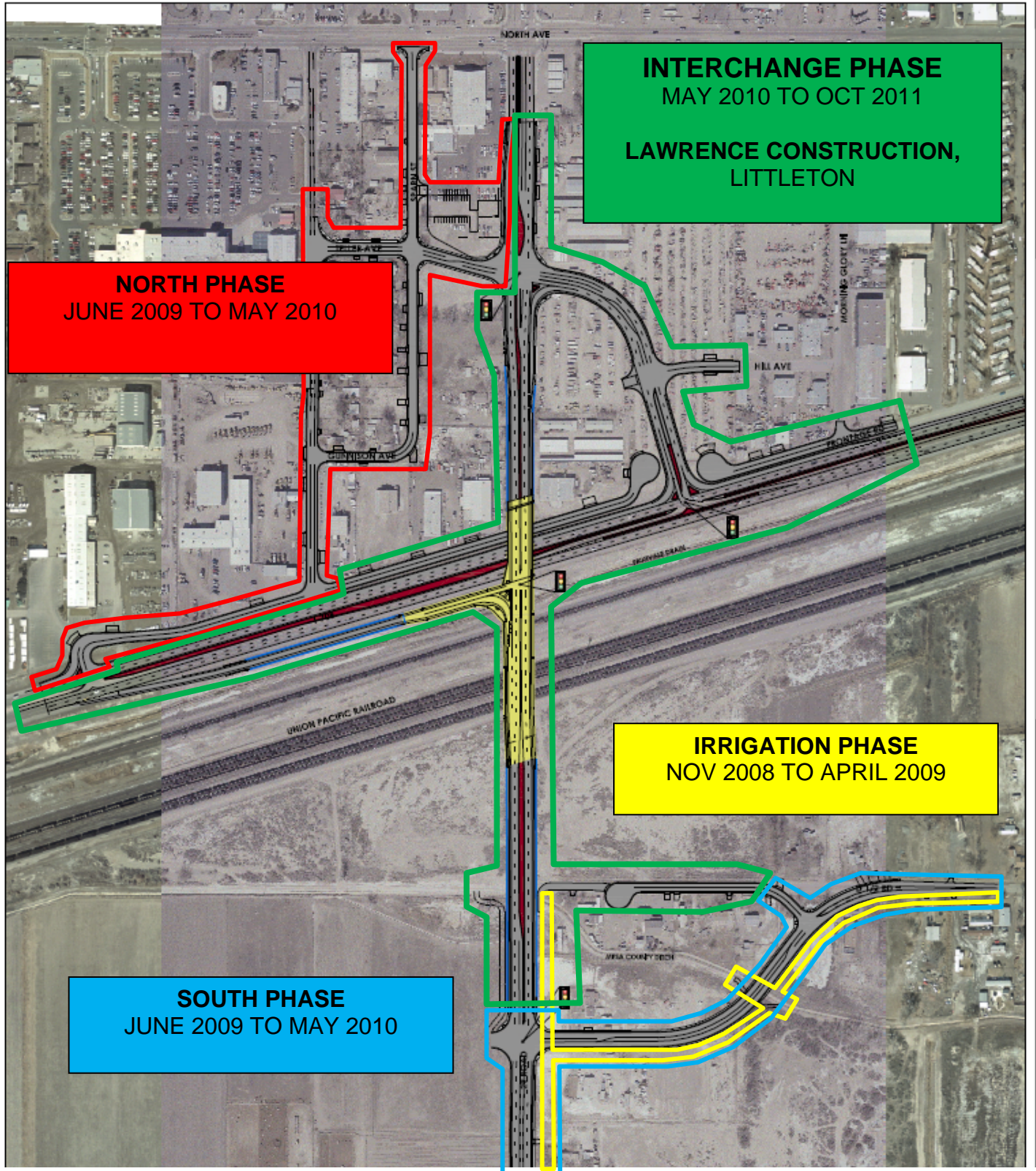
This final phase of the project will consist of approximately 2.2 miles of new or reconstructed streets. The project also consists of construction of a 7-span, 779 foot long concrete roadway bridge; a 5-span, 322 foot long concrete roadway bridge; construction of 67,000 square feet of retaining walls; and approximately 6,300 feet of storm drain, sewer, and irrigation pipe.

The project is scheduled to start on May 24, 2010, with completion by October 1, 2011.

Attachments:

Construction Phases Exhibit

29 Road and I-70B



CONSTRUCTION PHASES EXHIBIT



Date: April 5, 2010
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner
x4058
 Proposed Schedule: May 5, 2010
 2nd Reading (if applicable): _____

CITY COUNCIL AGENDA ITEM

**Attach 6
 Public Hearing—Pepper Ridge Right-of-Way and
 Easement Vacations**

Subject: Pepper Ridge Right-of-Way and Easement Vacations, Located at the South End of W. Indian Creek Drive
File # (if applicable): FP-2008-136
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

Applicant is requesting to vacate a portion of an existing and improved right-of-way and a utility and drainage easement in order to facilitate a residential development.

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

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

The requested vacations will allow for new residential development by removing unneeded encumbrances on the property and will allow for improved circulation in an existing neighborhood by removing excess right-of-way.

Action Requested/Recommendation:

Adopt the Proposed Easement Vacation Resolution and Hold a Public Hearing and Consider Final Passage and Publication of the Proposed Right-of-Way Vacation Ordinance.

Board or Committee Recommendation:

The Planning Commission forwarded a recommendation of approval at its March 23, 2010 hearing.

Background, Analysis and Options:

See attached report.

Financial Impact/Budget:

None

Legal issues:

None

Other issues:

None

Previously presented or discussed:

Council held First Reading of the Right-of-Way Vacation Ordinance on April 5, 2010.

Attachments:

Staff report/Background information
Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Blended Residential Map
Pepper Ridge Site Plan
Resolution
Ordinance

BACKGROUND INFORMATION			
Location:		Lot 6, Pepper Tree Filing No. 4 South end of W. Indian Creek Drive	
Applicants:		Owner: Jay Jones – Abzack Investment Group, LLC Representative: Drexel, Barrell & Co.	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Multi-family Residential (Pepper Tree)	
	South	Single-family Residential (The Legends)	
	East	Multi-family Residential (Belhaven)	
	West	Single-family Residential (The Legends)	
Existing Zoning:		R-8 (Residential 8 du/ac)	
Proposed Zoning:		R-8 (Residential 8 du/ac)	
Surrounding Zoning:	North	PD (Planned Development)	
	South	PD (Planned Development)	
	East	R-8 (Residential 8 du/ac)	
	West	R-8 (Residential 8 du/ac)	
Future Land Use Designation:		Residential Medium High (8-16 du/ac)	
Zoning within density range?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

ANALYSIS

1. Background

Pepper Tree, located south of Patterson (F Road) and west of 29 Road, was established in 1981 as a Planned Unit Development (PUD). The property known as Lot 6 of Pepper Tree Filing #4 received approval of a Preliminary Plan known as Pepper Ridge Townhomes on February 26, 2008.

In order to facilitate the development of Pepper Ridge Townhomes, the current owner, Abzack Investment Group LLC, requests the vacation of a 15' utility and drainage easement along the east side of the property. This request does not impact another 5' drainage easement running along the east side of the property, over an existing concrete ditch. New easements for utilities and drainage will be dedicated within the Pepper Ridge development.

An extension of West Indian Creek Drive is proposed as part of the Pepper Ridge development. The alignment of this road extension will create excess right-of-way along West Indian Creek Drive that is requested to be vacated.

2. Section 2.11.C of the 2000 Zoning and Development Code

Pursuant to Section 21.01.120(b) of the 2010 Zoning and Development Code (adopted April 5, 2010) this request was reviewed under the provisions of the 2000 Zoning and Development Code.

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

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

This area of the City does not have an applicable neighborhood plan. The vacations are in conformance with the Comprehensive Plan (which replaced the Growth Plan), Grand Valley Circulation Plan and all other policies of the City.

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

The proposed vacation of right-of-way will not land lock any parcels of land.

- 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 to developed properties within Pepper Tree shall remain. Specifically, the developer will remove the improvements within the excess right-of-way and reconstruct the access to the parking area adjacent to 583 W. Indian Creek Drive. The extension of West Indian Creek Drive will provide access to the new development.

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

The extension of West Indian Creek Drive will create a connection between Patterson (F Road) and Presley Avenue. The modified alignment, once constructed, creates excess right-of-way that has no public benefit.

New easements for utilities and drainage will be dedicated within the Pepper Ridge development.

- k. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code.

The Pepper Ridge Townhomes will install utilities, including a detention pond at the southeast corner of the property. An existing water line within the proposed right-of-way vacation will be relocated as part of the construction of the street extension. New easements will be dedicated to accommodate utilities and drainage. Vacating the easement will not impact public services.

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

The proposal will provide benefits to the City by eliminating the maintenance responsibilities of the excess right-of-way and eliminating the administration of unnecessary easements.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Pepper Ridge application, FP-2008-136, requesting the vacation of a portion of W. Indian Creek Drive public right-of-way, I make the following findings of fact and conclusions:

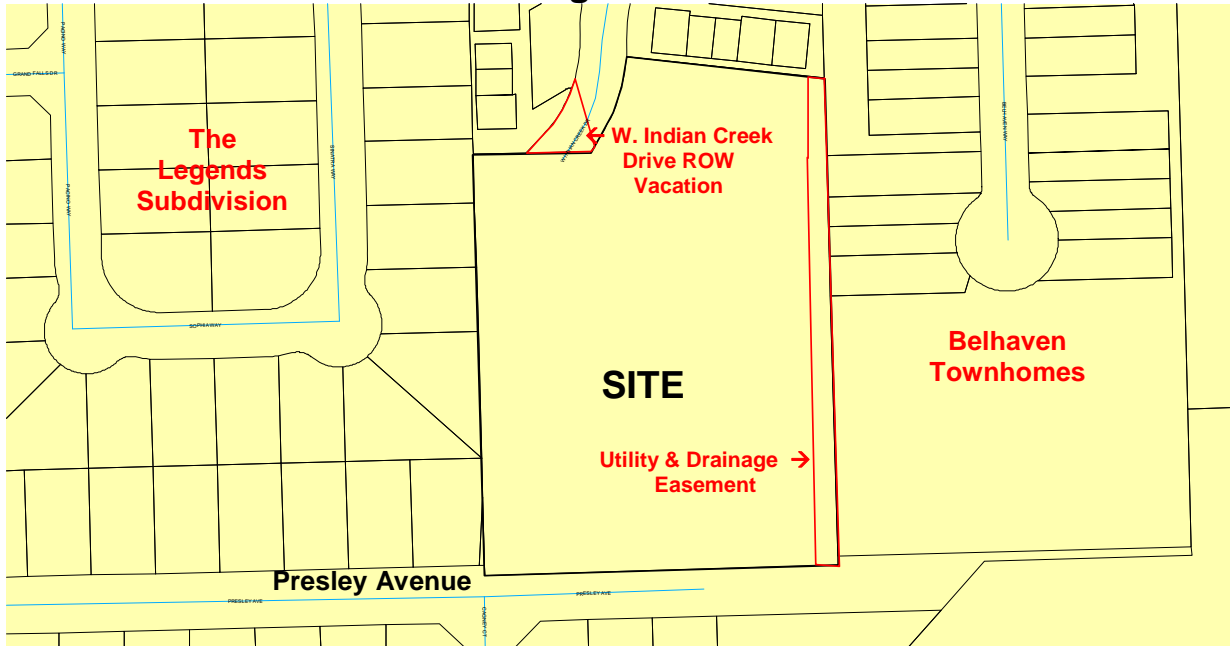
6. The requested right-of-way is consistent with the Comprehensive Plan (as successor to the Growth Plan).
7. The review criteria in Section 2.11.C of the 2000 Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwarded a recommendation of approval of the requested right-of-way and easement vacations, FP-2008-136, to the City Council with the findings and conclusions listed above.

Site Location Map

Figure 1



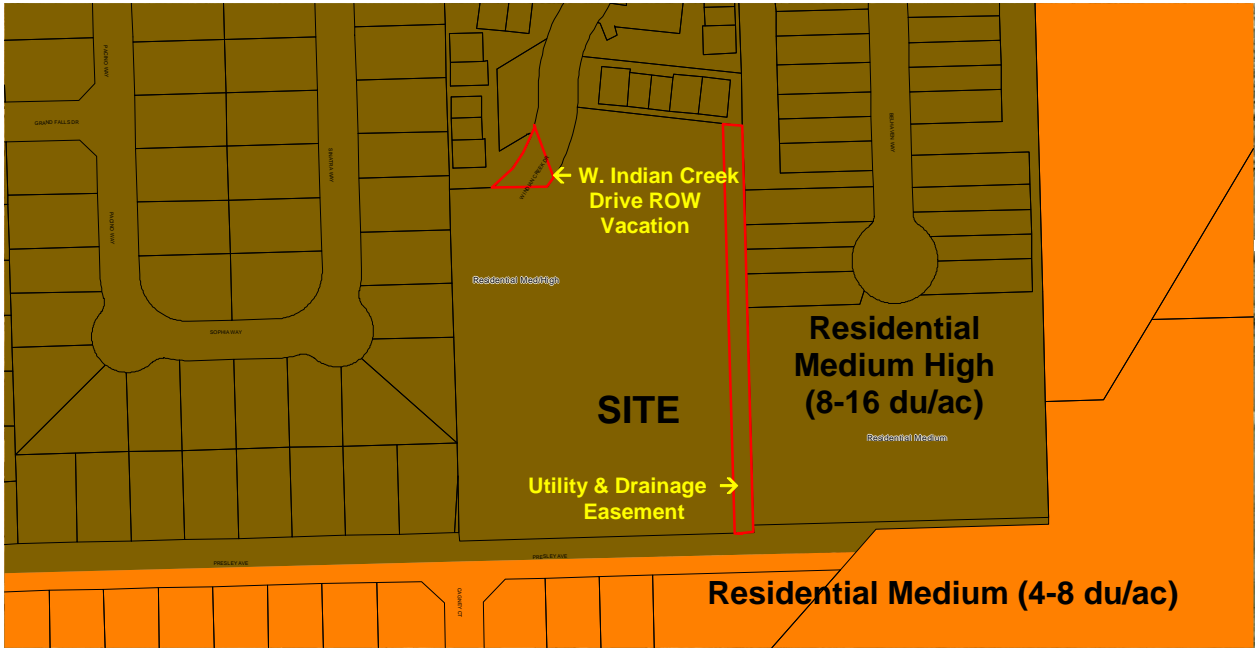
Aerial Photo Map

Figure 2



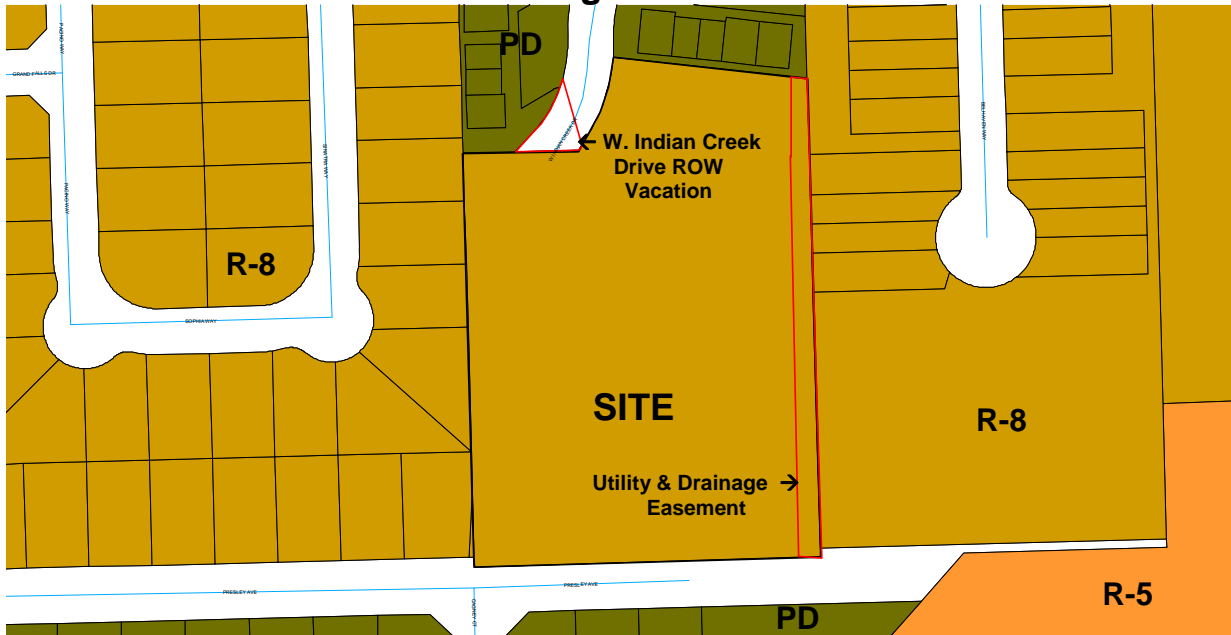
Comprehensive Plan Map

Figure 3



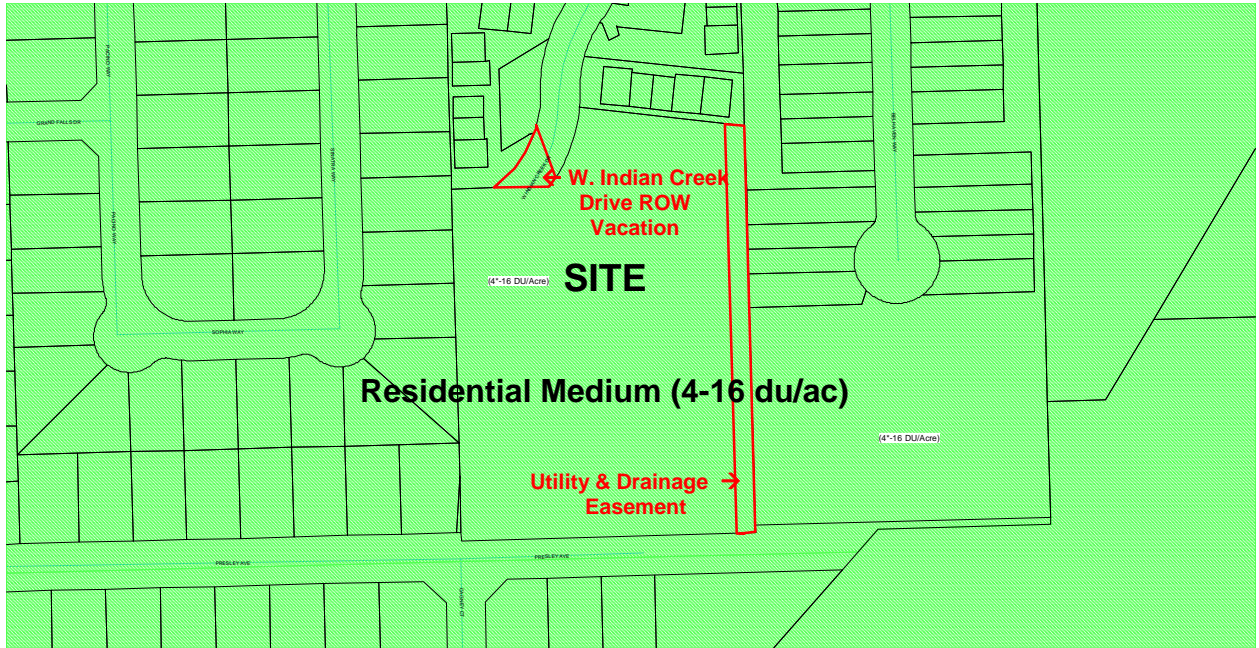
Existing City Zoning

Figure 4



Blended Residential Map

Figure 5



CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING A UTILITY AND DRAINAGE EASEMENT
LOCATED WITHIN LOT 6 OF PEPPER TREE FILING NO. 4
(PEPPER RIDGE SUBDIVISION)**

Recitals:

A request for the vacation of a public utility and drainage easement has been submitted in accordance with the 2000 Zoning and Development Code. The applicant, Abzack Investment Group, LLC, has requested that the easement, located within Lot 6 of Pepper Tree Filing No. 4, be vacated. There is no existing utility infrastructure located within this easement.

In a public hearing, the Planning Commission reviewed the request for the vacation and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the 2000 Zoning and Development Code. The proposed vacation is also consistent with the purpose and intent of the Comprehensive Plan.

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

The following described dedicated Utility and Drainage Easement is hereby vacated subject to the following conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution.
2. Applicant shall dedicate new easements, as necessary, with the replat of Lot 6 of Pepper Tree Filing No. 4.

Dedicated Easement to be vacated:

THAT PART OF A 15 FOOT WIDE UTILITY AND DRAINAGE EASEMENT DESCRIBED IN BOOK 1385 AT PAGE 731 IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, BEING A PART OF LOT 6 OF PEPPER TREE FILING No. 4, A SUBDIVISION RECORDED AT RECEPTION NUMBER 1911395, SAID MESA COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

"COMMENCING" AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND CONSIDERING THE

WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO BEAR NORTH 00°01'11" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 89°58'28" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND ALONG THE SOUTHERLY LINE OF SAID LOT 6, A DISTANCE OF 315.20 FEET TO THE "POINT OF BEGINNING";

THENCE NORTH 00°01'42" WEST, ALONG A LINE LYING 15.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 457.30 FEET TO THE NORTHERLY LINE OF SAID LOT 6;

THENCE SOUTH 82°20'12" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 6, A DISTANCE OF 15.14 FEET TO THE NORTHEAST CORNER OF SAID LOT 6;

THENCE SOUTH 00°01'42" EAST, ALONG SAID EASTERLY LINE OF LOT 6, A DISTANCE OF 455.28 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6;

THENCE NORTH 89°58'28" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 6 AND ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 15.00 FEET TO THE "POINT OF BEGINNING".

CONTAINING 0.157 ACRES OR 6844 SQUARE FEET, MORE OR LESS.

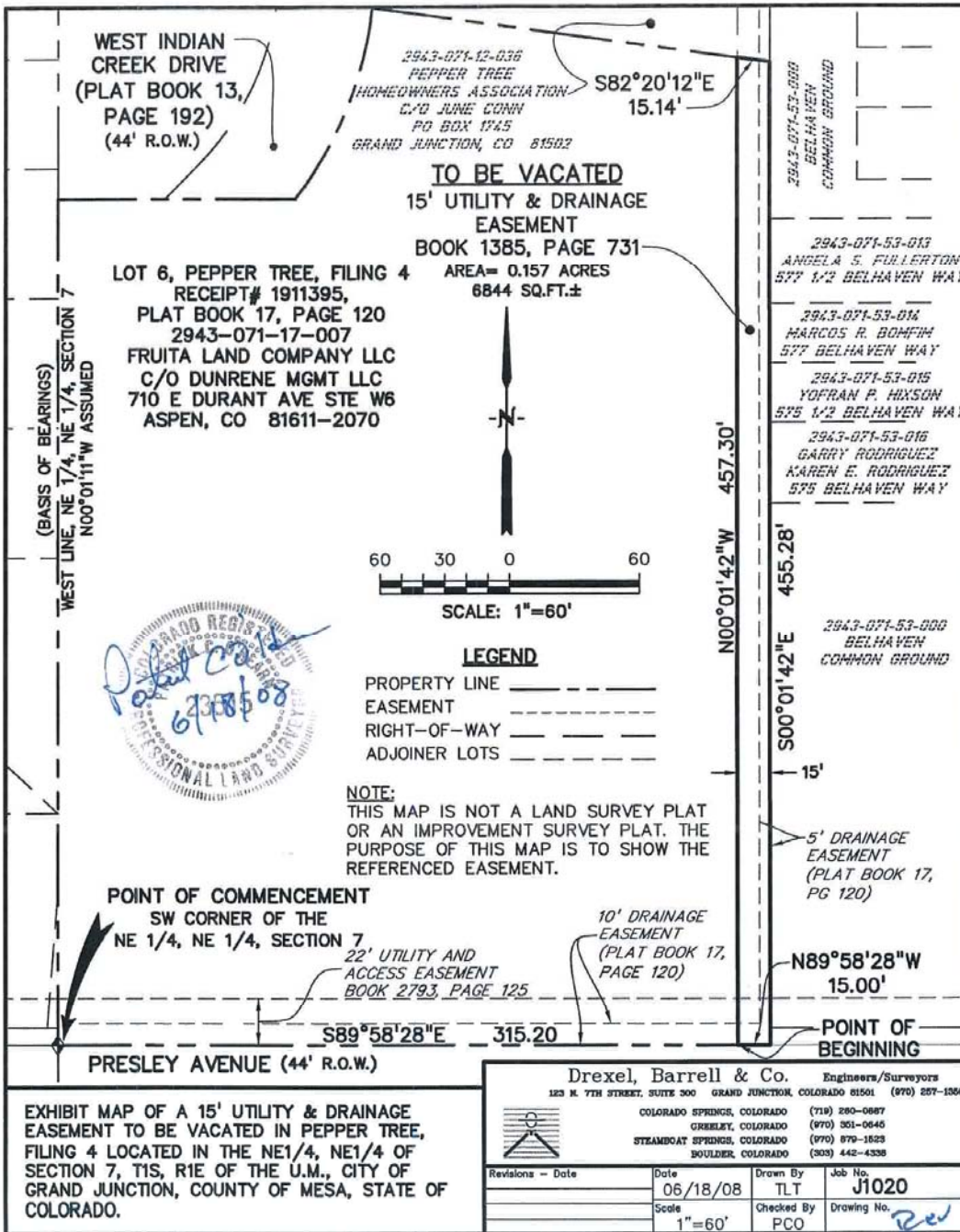
A drawing depicting the above is attached hereto.

ADOPTED the _____ day of _____, 2010

ATTEST:

President of City Council

City Clerk



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING EXCESS RIGHT-OF-WAY FOR WEST INDIAN CREEK
DRIVE LOCATED WITHIN PEPPER TREE FILING NO. 3
(PEPPER RIDGE SUBDIVISION)**

RECITALS:

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

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 2.11 of the 2000 Zoning and Development Code.

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

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

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

1. Applicant shall dedicate additional right-of-way for West Indian Creek Drive through Lot 6 of Pepper Tree Filing No. 4, either via plat or separate instrument, prior to the recording of this Ordinance.
2. The area described herein shall be retained as a temporary multi-purpose easement on, along, over, under, through and across the described area for City-approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines.
3. Said multi-purpose easement shall be extinguished upon relocation of utilities into new easements or right-of-way.
4. Applicants shall pay all recording/documentary fees for the Vacation Ordinance.

The following right-of-way is shown on the attached exhibit, made part of this vacation.

Dedicated right-of-way to be vacated:

A PORTION OF THE RIGHT-OF-WAY FOR WEST INDIAN CREEK DRIVE, DEDICATED ON THE FINAL PLAT OF PEPPER TREE FILING No. 3, A SUBDIVISION RECORDED AT RECEPTION NUMBER 1332676 IN THE RECORDS OF THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

“COMMENCING” AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND CONSIDERING THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO BEAR NORTH 00°01'11" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE NORTH 00°01'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 392.99 FEET TO THE SOUTHWEST CORNER OF SAID PEPPER TREE FILING No. 3;

THENCE SOUTH 89°59'09" EAST, ALONG THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, A DISTANCE OF 50.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID WEST INDIAN CREEK DRIVE AND THE **“POINT OF BEGINNING”**;

THENCE NORTH 44°58'46" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.97 FEET TO A POINT OF CURVE;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33°47'55, A RADIUS OF 128.00 FEET, AN ARC LENGTH OF 75.51 FEET AND A CHORD WHICH BEARS NORTH 28°04'48" EAST, A DISTANCE OF 74.42 FEET TO A NON-TANGENT POINT;

THENCE SOUTH 04°47'16" EAST, A DISTANCE OF 32.11 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°54'11", A RADIUS OF 156.50 FEET, AN ARC LENGTH OF 46.17 FEET, AND A CHORD WHICH BEARS SOUTH 13°14'22" EAST, A DISTANCE OF 46.00 FEET TO A NON-TANGENT POINT OF CURVE ON THE SOUTHERLY LINE OF SAID PEPPER TREE FILING No. 3, WHENCE THE RADIUS POINT BEARS NORTH 53°47'59" WEST;

THENCE ALONG SAID SOUTHERLY LINE OF PEPPER TREE FILING No. 3 THE FOLLOWING 3 (three) COURSES:

1) SOUTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°51'49", A RADIUS OF 172.00 FEET, AN

ARC LENGTH OF 5.59 FEET AND A CHORD WHICH BEARS S 37°07'55" WEST, A DISTANCE OF 5.59 FEET TO A NON-TANGENT POINT;

2) NORTH 48°36'43" WEST, A DISTANCE OF 0.04 FEET;

3) NORTH 89°59'09" WEST, A DISTANCE OF 60.37 FEET TO THE "**POINT OF BEGINNING**".

CONTAINING 0.044 ACRES OR 1938 SQUARE FEET, MORE OR LESS.

INTRODUCED on first reading on the 5th day of April, 2010.

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

ATTEST:

President of City Council

City Clerk

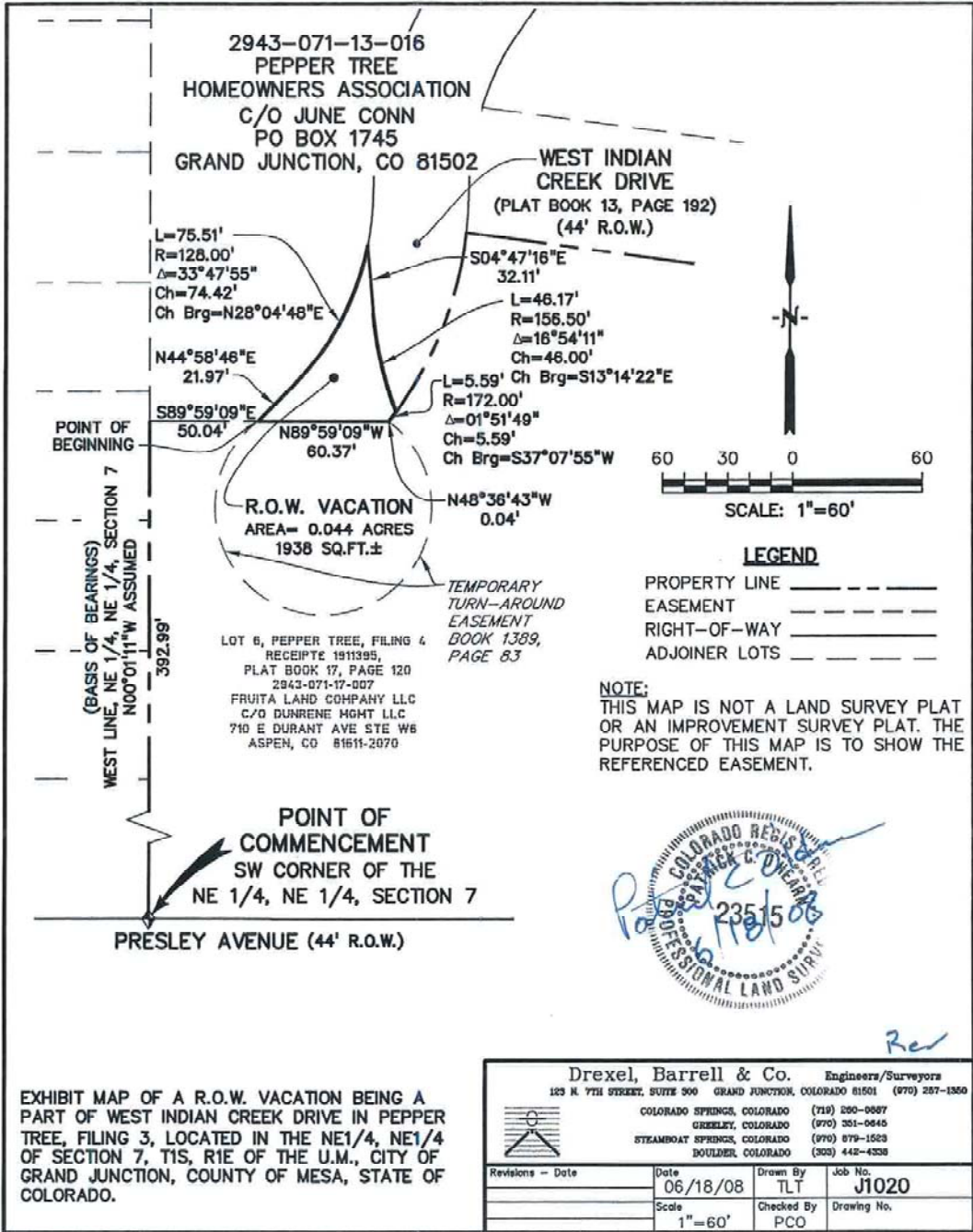


EXHIBIT MAP OF A R.O.W. VACATION BEING A PART OF WEST INDIAN CREEK DRIVE IN PEPPER TREE, FILING 3, LOCATED IN THE NE1/4, NE1/4 OF SECTION 7, T1S, R1E OF THE U.M., CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO.

Drexel, Barrell & Co. Engineers/Surveyors 123 N. 7TH STREET, SUITE 300 GRAND JUNCTION, COLORADO 81501 (970) 287-1350		COLORADO SPRINGS, COLORADO (719) 250-0887 GREELEY, COLORADO (970) 351-0645 STEAMBOAT SPRINGS, COLORADO (970) 879-1523 BOULDER, COLORADO (303) 442-4338	
Revisions - Date	Date	Drawn By	Job No.
	06/18/08	TLT	J1020
	Scale	Checked By	Drawing No.
	1"=60'	PCO	



Date: Wednesday, April 21, 2010

Author: Lori V. Bowers

Title/ Phone Ext: Senior Planner,
ext. 4033

Proposed Schedule: 1st
reading, Monday, April 19, 2010
2nd Reading

CITY COUNCIL AGENDA ITEM

Attach 7 Public Hearing—American Furniture Warehouse Maldonado Street Easement and Right-of-Way Vacations

Subject: American Furniture Warehouse Maldonado Street Easement and Right-of-Way Vacations, Located East of Base Rock Street and West of Highway 6 and 50
File # : VR-2010-019
Presenters Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

Request to vacate 29,400 square feet of the north end of Maldonado Street and 18,356 square feet of an unnamed right-of-way extending east to Highway 6 and 50, along with eight other adjoining and nearby easements. These vacations are the first step in assembling several different parcels and “clear the slate” for the new construction of American Furniture Warehouse. New right-of-way and easements will be provided on the future plat.

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

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.

By vacating the easements and rights-of-way, it clears the properties for redevelopment and allows growth to continue in the community. The relocation of the existing businesses within the City limits keeps growth balanced.

Action Requested/Recommendation:

Adopt the Resolution Vacating the Easements and Hold a Public Hearing to Consider Final Passage of the Ordinance Vacating the Right-of-Way.

Board or Committee Recommendation:

This item was considered non-controversial and was placed on the Consent Agenda for the Planning Commission meeting of April 13, 2010. A recommendation of approval is forwarded to the City Council.

Background, Analysis and Options:

Please see the attached Staff Report.

Financial Impact/Budget:

N/A

Legal issues:

The Ordinance will be conditioned upon relocation of existing utilities and recording of the Final Plat, which will dedicate new right-of-way and new easements.

Other issues:

No other issues.

Previously presented or discussed:

Has not been presented or discussed previously.

Attachments:

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

BACKGROUND INFORMATION				
Location:		East of Base Rock Street		
Applicants:		American Furniture Warehouse owner and developer, c/o Kevin Michalek. Representative, Tom Logue.		
Existing Land Use:		Vacant land and commercial uses (that have or will be relocated)		
Proposed Land Use:		(Retail sales) American Furniture Warehouse		
Surrounding Land Use:	North	Highway 6 and 50; Game Fish and Parks Dept.		
	South	Commercial uses		
	East	Gold's Gym and Highway 6 and 50		
	West	Wal-Mart and vacant land		
Existing Zoning:		C-1 (Light Commercial)		
Proposed Zoning:		No change		
Surrounding Zoning:	North	C-1 (Light Commercial)		
	South	C-1 (Light Commercial)		
	East	C-1 (Light Commercial)		
	West	C-1 (Light Commercial)		
Future Land Use Designation:		Commercial		
Zoning within density range?		X	Yes	No

ANALYSIS

1. Background

Approximately seven parcels of land will be combined by American Furniture Warehouse to build a new 150,000 square foot showroom and warehouse near Gold's Gym and Wal-Mart, southwest of Highway 6 and 50. By the time of final design, there may be some additional out-lots or pad sites included with the project. Some of this land is vacant and some has had uses such as Gibson RV, Mike's Auto and Abbey Carpet. These businesses have either relocated or will be re-locating in the future.

In order to assemble the properties, for purposes, applicant seeks vacation of Maldonado Street, a vacation of an un-named street east of the highway, and the vacation of eight separate multi-purpose easements, temporary turnaround easements and sewer easements. Applicant proposes to relocate the right-of-way and easements. Vacation of the dedicated right-of-way, and the easements, shall be contingent upon their relocation and the dedication of new easements to be shown on a new Final Plat for this project.

The vacation of the right-of-way and easements will permit re-development as planned on the land that adjoins the proposed vacations. All of the affected land owners have agreed to the proposed vacations. There is approximately 490 feet of the north end of the 60-foot wide Maldonado Street right-of-way and approximately 353 feet of an unnamed 52-foot wide right-of-way extending east to the Highway. The road right-of-way totals 42,165 square feet. There is 12,025 square feet of sanitary sewer easements; 5,924 square feet of waterline easement; 16,596 square feet of multi-purpose easements and 1,655 square feet of turn-around easements proposed for vacation. These easements and right-of-way are depicted on the maps contained in this staff report.

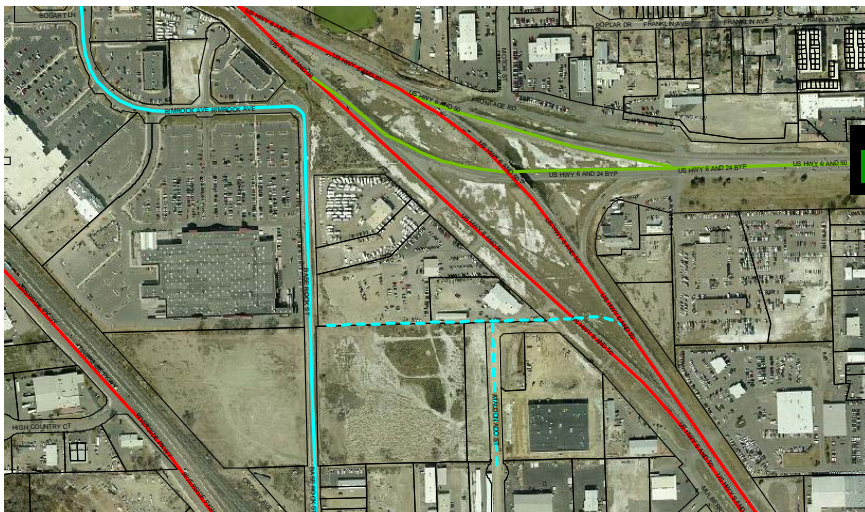
2. Section 2.11.C of the Zoning and Development Code

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

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

Two goals of the Comprehensive Plan are met with the requested vacations: Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community; and Goal 6: Land use decisions will encourage preservation and appropriate reuse. By vacating the easements and rights-of-way, it clears the properties for redevelopment and allows growth to continue in the community. The relocation of the existing businesses within the City limits keeps growth balanced.

The Grand Valley Circulation Plan identifies Maldonado Street as a future minor collector. With the vacation and future relocation of Maldonado, connecting to Highway 6 and 50, and the addition of another connection to Base Rock Street, the needed connectivity for circulation in this area will be in conformance with the plan, as it is shown on the Street Classification Map.



The blue colored lines show proposed and existing Minor Collectors. Red is Principal Arterial, and green is Minor Arterial.

The requested vacations will not be a detriment to other adopted plans or policies.

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

No parcel will be landlocked as a result of the requested vacations once the land is replatted. Parcels on either side of Maldonado will continue to have street access.

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

All properties affected by the proposed vacations are partners in this application. Access will be improved in this area with the dedication of new right-of-way that will better serve all properties involved thus improving the property values.

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

With new infrastructure, right-of-way and access points being provided, the health, safety and welfare of the general community will be improved. During construction, the current accesses and facilities will remain unchanged creating no adverse impacts.

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

All necessary public facilities will be relocated once the vacation of the right-of-way and easements has occurred. New street right-of-way and easements will be dedicated improving facilities, services and access.

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

The main benefit will come from improved traffic circulation in the area by implementing the recommendations contained in the Grand Valley Circulation Plan. Since relocation of existing utilities will occur, they will be upgraded to new construction standards and therefore extend the life of those utilities. New domestic water lines will help in increased fire protection.

FINDINGS OF FACT/CONCLUSIONS/CONDITION

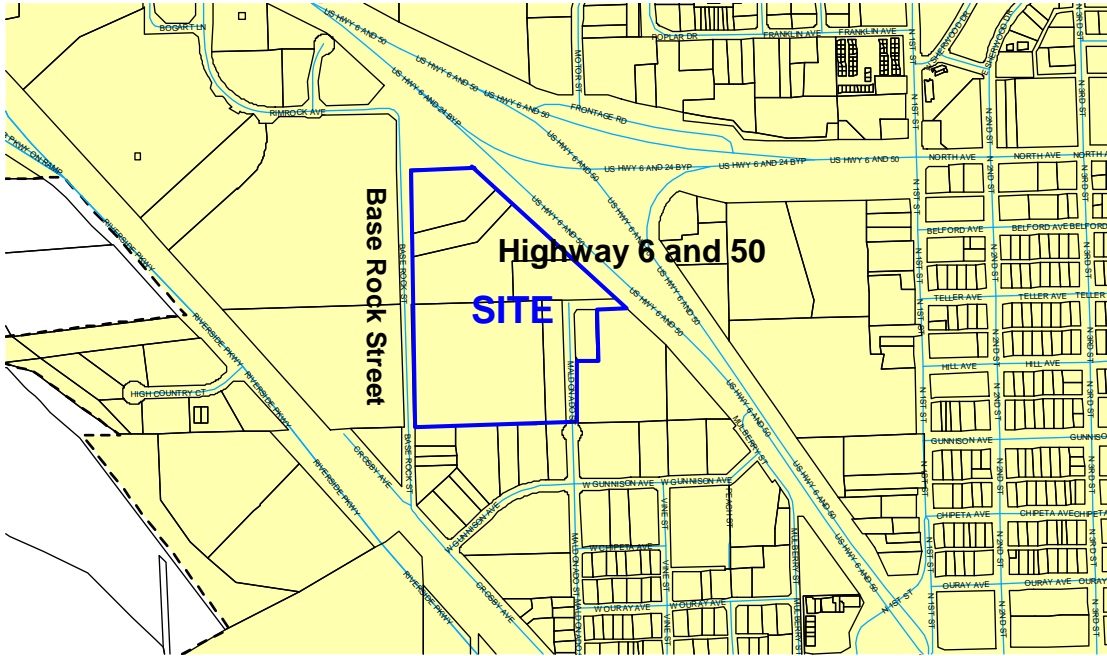
After reviewing the American Furniture Warehouse application, file number VR-2010-019 for the vacation of a public right-of-way and various easements, I make the following findings of fact, conclusions and condition:

8. The requested right-of-way and easement vacations are consistent with the Comprehensive Plan.
9. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
10. The vacations are contingent upon relocation of existing utilities and recording of the Final Plat, which will dedicate new right-of-way and new easements.

Site Location Map

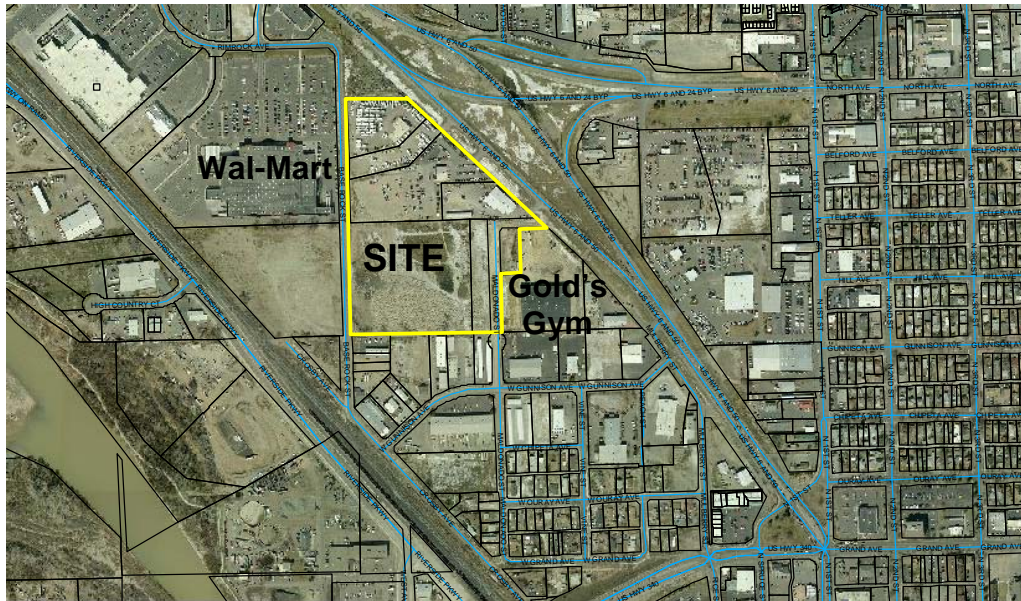
City Limits shown in yellow

Figure 1



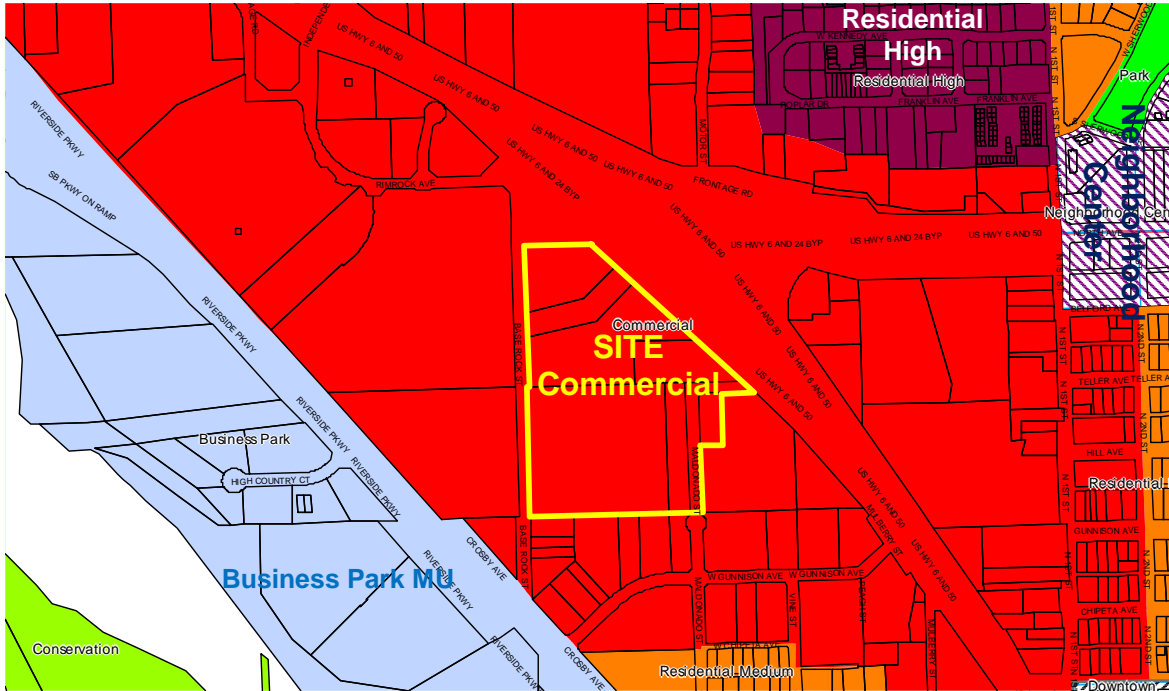
Aerial Photo Map

Figure 2



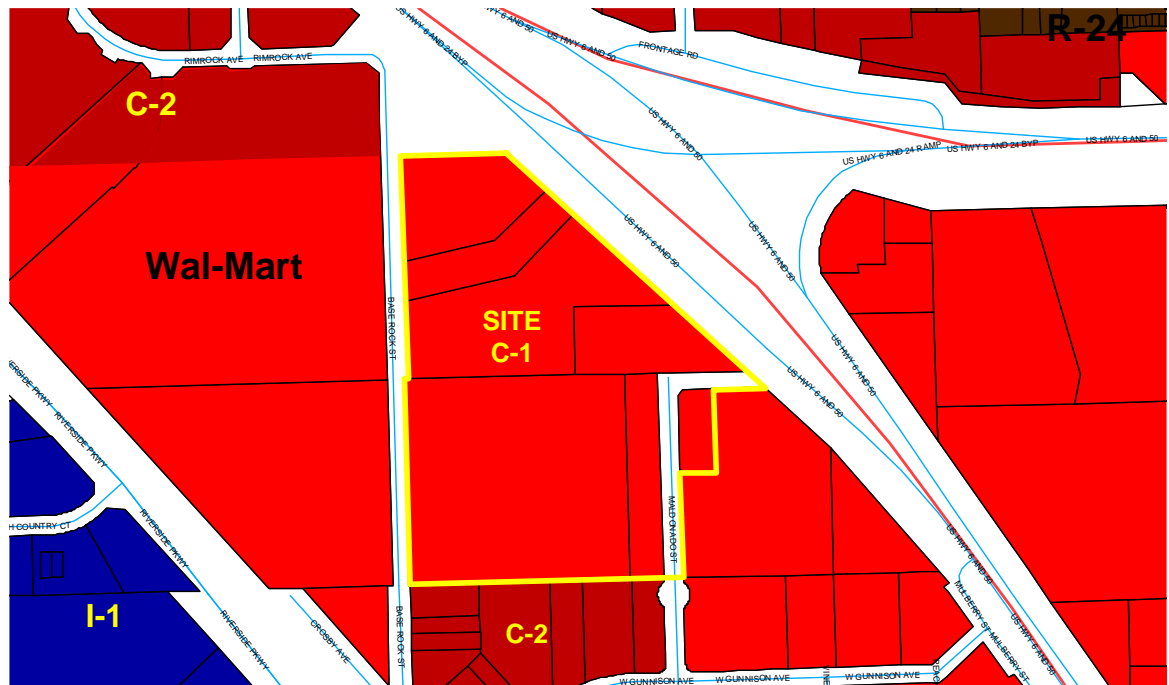
Comprehensive Plan Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING EASEMENTS LOCATED EAST OF
BASE ROCK STREET AND WEST OF HIGHWAY 6 AND 50 FOR THE
REDEVELOPMENT OF PROPERTIES ASSOCIATED WITH
AMERICAN FURNITURE WAREHOUSE**

Recitals:

A request for the vacation of 12,025 square feet of sanitary sewer easements, 5,924 square feet of domestic waterline easement, 16,596 square feet of multi-purpose easement and 1,655 square feet of a turn-around easement has been submitted in accordance with the Zoning and Development Code. The applicant has requested the subject easements located at 750 Maldonado Street, 700 Maldonado Street, 2571 Highway 6 and 50, and 2569 Highway 6 and 50, with the unaddressed parcels identified by tax parcel identification numbers of 2945-151-00-031 and 2945-151-00-019 be vacated for the purpose of relocating and providing new easements to clear the property for the future development of American Furniture Warehouse.

In a public hearing, the Planning Commission reviewed the request for vacation of the easements and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the Zoning and Development Code. The proposed vacations are consistent with the purpose and intent of the Comprehensive Plan. This Resolution is further conditioned upon the relocation of existing utilities and the recording of the Final Plat dedicating new easements for these utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREAS SHOWN ON EXHIBIT A, AND MAPS 1, 2 AND 3 ATTACHED, ARE HEREBY VACATED.

PASSED on this _____ day of _____, 2010.

ATTEST:

City Clerk

President of Council

Line Table		
Line #	Direction	Length
L1	N00° 07' 22"W	20.00'
L2	S88° 47' 12"E	513.33'
L3	N89° 47' 12"W	513.21'
L4	N00° 13' 15"E	20.00'
L5	S89° 47' 12"E	172.03'
L6	N89° 47' 12"W	170.17'
L7	S79° 19' 23"E	110.12'
L8	S89° 47' 12"E	82.21'
L9	N79° 19' 23"W	83.69'
L10	S00° 07' 20"E	16.20'
L11	S89° 47' 12"E	30.00'
L12	S89° 47' 12"E	30.00'
L13	S79° 19' 23"E	31.38'
L14	S10° 40' 37"W	20.00'
L15	N79° 19' 23"W	27.57'
L16	N00° 06' 3"W	20.36'
L17	S89° 47' 12"E	214.98'
L20	S45° 55' 08"E	0.08'
L21	S45° 55' 08"E	20.00'
L22	N44° 52' 40"E	72.36'
L23	N44° 52' 40"E	63.80'
L24	N89° 52' 40"E	223.68'
L25	N89° 52' 40"E	231.97'
L26	N00° 07' 20"W	20.00'
L27	N00° 07' 20"W	32.83'
L28	S00° 07' 20"E	16.5'
L29	N45° 02' 42"E	22.77'
L30	S88° 47' 12"E	16.15'
L31	S88° 47' 16"E	30.34'
L33	S00° 07' 20"E	490.34'
L34	S00° 07' 20"E	489.95'
L35	S89° 57' 41"E	14.00'
L36	S89° 52' 40"W	30.00'

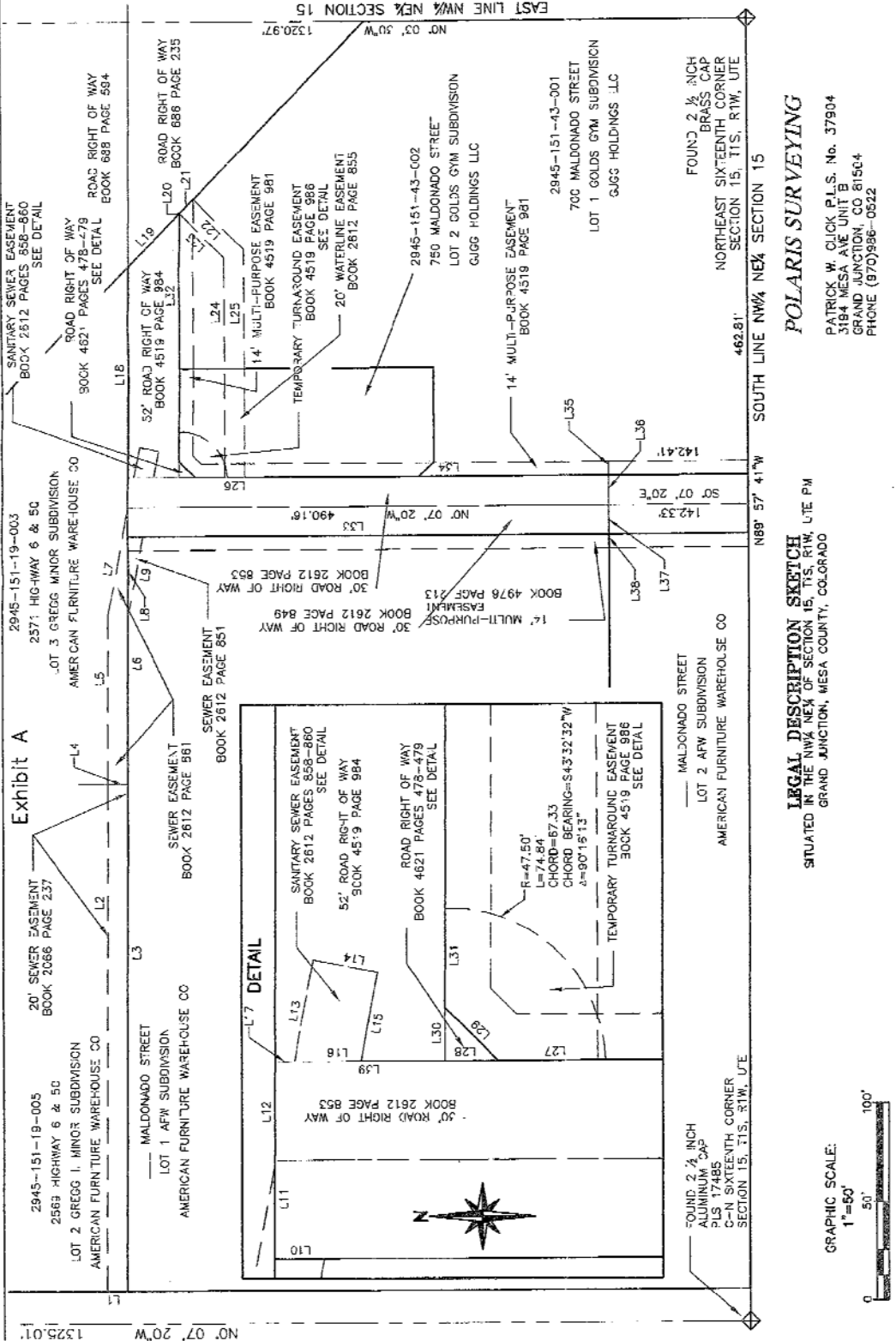
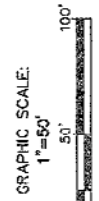


Exhibit A

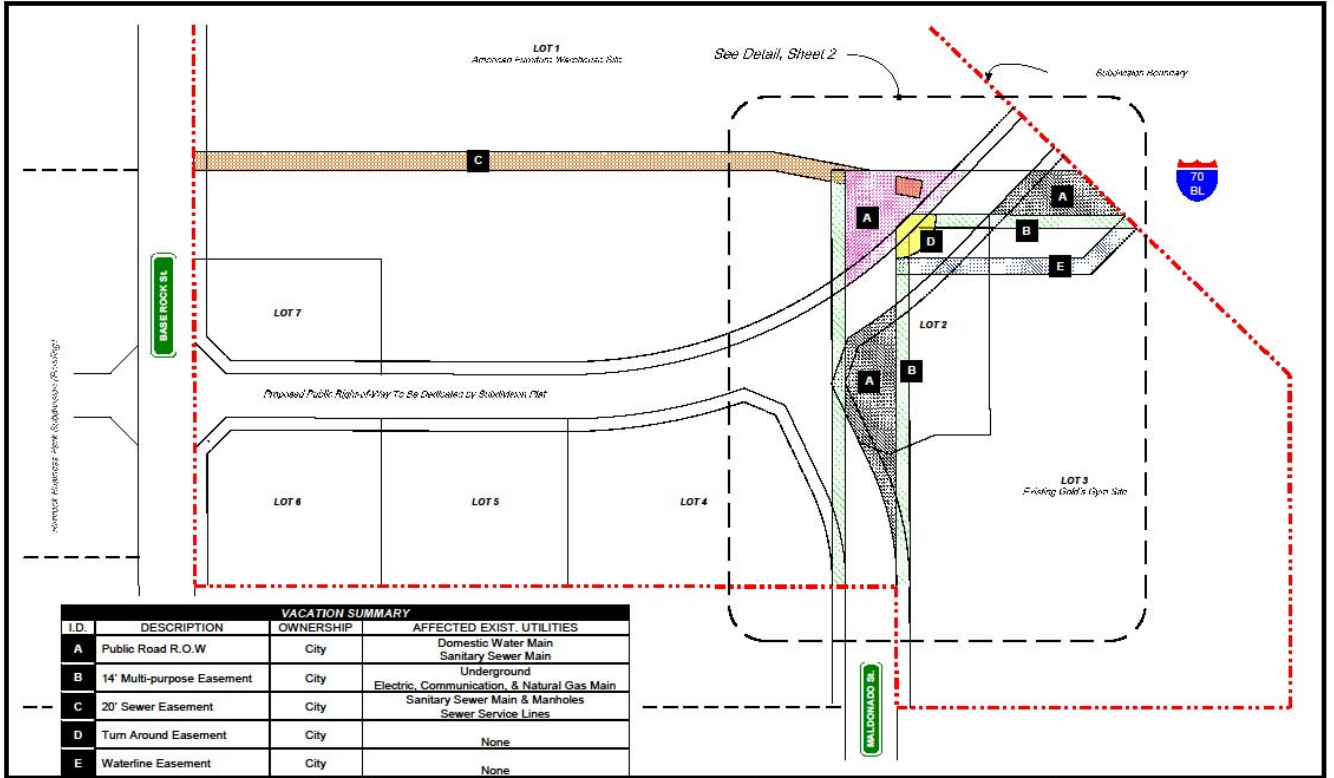
POLARIS SURVEYING
 PATRICK W. CLICK P.L.S. No. 37904
 3194 MESA AVE UNIT B
 GRAND JUNCTION, CO. 81504
 PHONE (970)986-0522

LEGAL DESCRIPTION SKETCH
 SITUATED IN THE NW 1/4 NE 1/4 OF SECTION 15, T1S, R1W, U1E PM
 GRAND JUNCTION, MESA COUNTY, COLORADO



Map 1

Plot Date: 2/16/2010

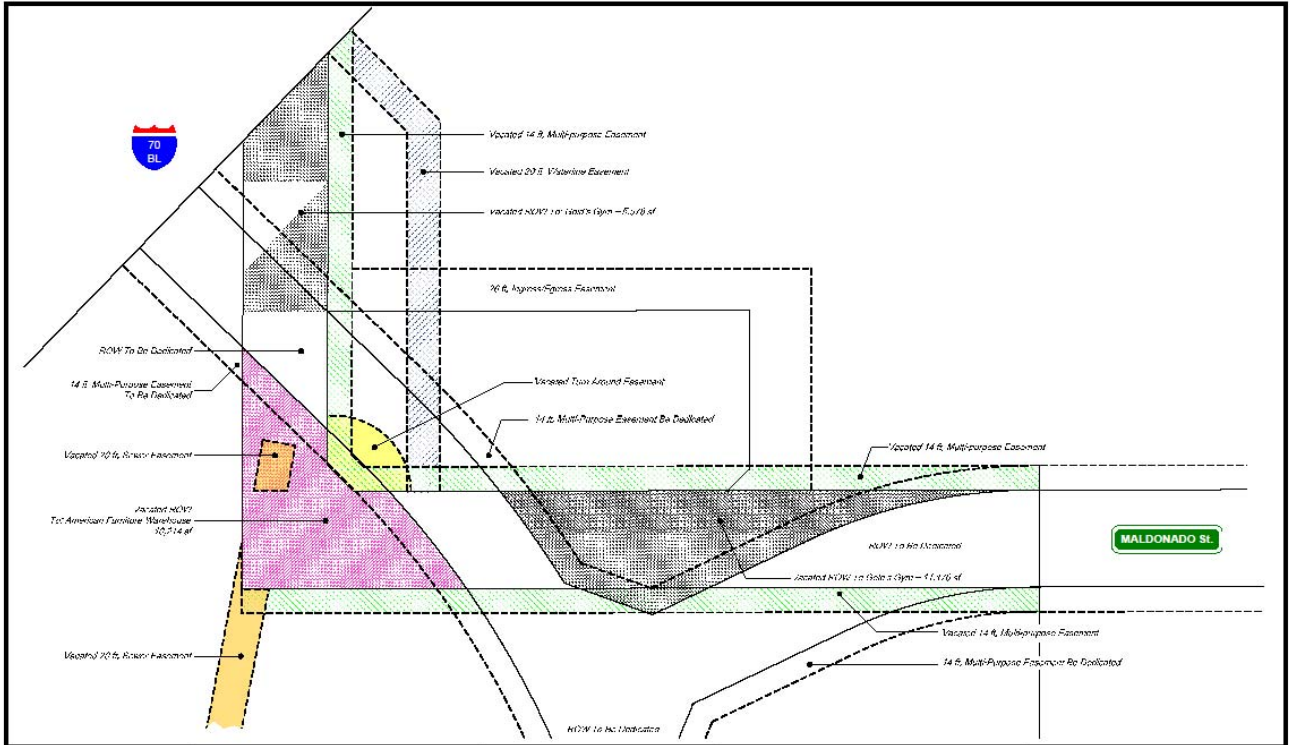


VACATION SUMMARY			
I.D.	DESCRIPTION	OWNERSHIP	AFFECTED EXIST. UTILITIES
A	Public Road R.O.W	City	Domestic Water Main Sanitary Sewer Main
B	14' Multi-purpose Easement	City	Underground Electric, Communication, & Natural Gas Main
C	20' Sewer Easement	City	Sanitary Sewer Main & Manholes Sewer Service Lines
D	Turn Around Easement	City	None
E	Waterline Easement	City	None

Date: February, 2010 Scale: 1" = 100'		THOMAS A. LOGUE LAND SERVICES, INC. <small>337 Fourwood Drive, Grand Junction, Colorado 81504 970-244-1115</small>	AMERICAN FURNITURE WAREHOUSE 8820 AMERICAN WAY ENGLEWOOD, CO 80112	MALDONADO STREET VACATION GRAND JUNCTION, COLORADO	OVERVIEW MAP SHEET 1 OF 2
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Map 2

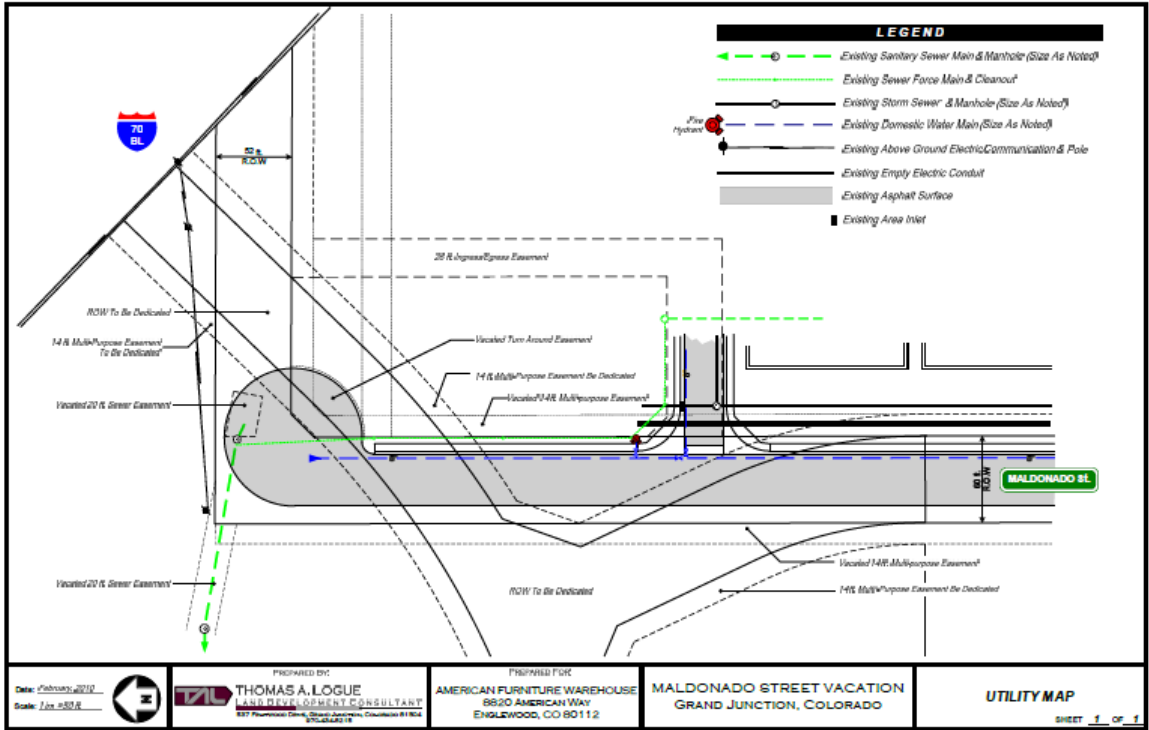
Plot Date: 2/10/2018



<p>Date: February, 2018 Scale: 1" = 50'</p>	 <p>THOMAS A. LOGUE LAND DEVELOPMENT CONSULTANT 537 Fairwood Drive, Grand Junction, Colorado 81505 970.244.9213</p>	<p>PHOTOGRAPHY BY: AMERICAN FURNITURE WAREHOUSE 8820 AMERICAN WAY ENGLEWOOD, CO 80112</p>	<p>MALDONADO STREET VACATION GRAND JUNCTION, COLORADO</p>	<p>DETAIL MAP SHEET 2 OF 2</p>
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Map 3

3/23/2010



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING RIGHT-OF-WAY FOR MALDONADO STREET AND AN UN-NAMED RIGHT-OF-WAY, EAST OF MALDONADO STREET LOCATED EAST OF BASE ROCK STREET (AMERICAN FURNITURE WAREHOUSE)

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 Section 2.11 of the Zoning and Development Code.

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

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

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

3. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
4. Vacations are conditioned upon the Final Plat being recorded and new right-of-way dedicated thereon.

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

Dedicated right-of-way to be vacated:

A road right of way 30.00 feet in width and recorded in Book 2612 at Page 949 of the Mesa County Clerk and Recorder, being situate in the Northwest Quarter of the Northeast Quarter of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

Commencing at a point on the South line of the NW 1/4 NE 1/4 of said Section 15 from whence the Southeast corner of the NW 1/4 NE 1/4 of said Section 15 bears S89°57'41"E a distance of 522.81 feet; thence N0°07'20"W along the West line of that right of way as described in Book 2612 at Page 849 of the Mesa County Clerk and Recorder a distance of 142.33 feet to the Southeast corner of Lot 1 AFW Subdivision and the Point of beginning; thence N0°07'20"W a distance of 490.34 feet; thence S89°47'12"E along the North line of said right of way a distance of 30.00 feet; thence S0°07'20"E along the East line of said right of way a distance of 490.16; thence S89°52'40"W a distance of 30.00 feet to the Point of Beginning.

Parcel of land contains 0.338 acres as described.

AND

A road right of way 30.00 feet in width and recorded in Book 2612 at Page 984 of the Mesa County Clerk and Recorder, being situate in the Northwest Quarter of the Northeast Quarter of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

Commencing at a point on the South line of the NW 1/4 NE 1/4 of said Section 15 from whence the Southeast corner of the NW 1/4 NE 1/4 of said Section 15 bears S89°57'41"E a distance of 492.81 feet; thence N0°07'20"W along the West line of that right of way as described in Book 2612 at Page 853 of the Mesa County Clerk and Recorder a distance of 142.33 feet to the Point of beginning; thence N0°07'20"W a distance of 490.16 feet; thence N89°47'12"W along the North line of said right of way a distance of 30.00 feet; thence S0°07'20"E along the East line of said right of way a distance of 489.99; thence S89°52'40"W a distance of 30.00 feet to the Point of Beginning.

Parcel of land contains 0.338 acres as described.

AND

A road right of way 52.00 feet in width and recorded in Book 4519 at Page 984 of the Mesa County Clerk and Recorder, being situate in the Northwest Quarter of the Northeast Quarter of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

Beginning at the Northwest corner of that road right of way as described in Book 4519 at Page 984 of the Mesa County Clerk and Recorder, said point bears N89°57'42"W a distance of 462.81 feet and N0°07'20"W a distance of 632.41 feet from the NE 1/16 corner of said Section 15 and considering the South line of the NW 1/4 NE 1/4 of said Section 15 to bear N89°57'42"W, with all other bearings herein relative thereto: thence S89°47'12"E along the North line of said right of way a distance of 214.96 feet to the Westerly right of way line for Highway 6&50 as described in Book 686 at Page 235; thence S45°55'08"E along said right of way a distance of 75.03 feet to the Northeasterly corner of Lot 1 Gold's Gym Subdivision; thence N89°47'12"W along the North line of said Lot 1 a distance of 268.75 feet to the East line of that road right of way for Maldonado Street as described in Book 2612 at Page 853; thence N0°07'20"W along said right of way a distance of 52.00 feet to the Point of Beginning.

Parcel of land contains 0.289 acres as described.

AND

A road right of way as dedicated on the plat of Gold's Gym recorded in Book 4621 at Page 478 of the Mesa County Clerk and Recorder, being situate in the Northwest Quarter of the Northeast Quarter of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

Commencing at a point on the South line of the NW 1/4 NE 1/4 of said Section 15 from whence the Southeast corner of the NW 1/4 NE 1/4 of said Section 15 bears S89°57'41"E a distance of 462.81 feet; thence N0°07'20"W along the West line of Gold's Gym as recorded in Book 4621 at Page 478 of the Mesa County Clerk and

Recorder a distance of 564.26 feet to the Point of beginning; thence N0°07'20"W a distance of 16.15 feet; thence S89°57'12"E a distance of 16.15 feet; thence S45°02'42"E a distance of

22.77 to the Point of Beginning.

Parcel of land contains 130 square feet as described.

Introduced for first reading on this 19th day of April, 2010.

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

President of City Council

City Clerk

Exhibit A





Date: April 5, 2010
 Author: Stephanie Tuin
 Title/ Phone Ext: City Clerk, x1511
 Proposed Schedule: 1st
reading April 19, 2010
 2nd Reading
 (if applicable): May 5, 2010

CITY COUNCIL AGENDA ITEM

**Attach 8
 Public Hearing—Amendments to the Code of Ordinances**

Subject: Amendments to the Code of Ordinances to Address Inconsistencies
File # (if applicable): NA
Presenters Name & Title: John Shaver, City Attorney Stephanie Tuin, City Clerk

Executive Summary:

The City Code of Ordinances (“Code”) has recently had a comprehensive review as part of a contract with Code Publishing Company. During that review a small number of inconsistencies in the Code were brought forward. The proposed ordinance will address those inconsistencies.

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

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

These amendments are part of the Code project which meets the City Council goal of providing services to the diverse population by allowing 24/7 searchable access to the City’s legislative documents on the internet.

Action Requested/Recommendation:

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

Board or Committee Recommendation:

Not applicable.

Background, Analysis and Options:

During the comprehensive review of the Code of Ordinances, there were a few inconsistencies noted by the contractor, Code Publishing. Some of the inconsistencies were non-substantive editorial corrections and some are substantive. The substantive changes must occur via an ordinance.

Financial Impact/Budget:

None.

Legal issues:

The City Attorney has reviewed the proposed ordinance and recommends approval.

Other issues:

None.

Previously presented or discussed:

First reading was April 19, 2010.

Attachments:

Proposed ordinance

ORDINANCE NO.

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE CITY'S CODE OF ORDINANCES TO ADDRESS INCONSISTENCIES WITHIN THE CODE

RECITALS:

The City Code of Ordinances ("Code") has recently had a comprehensive review as part of a contract with Code Publishing Company. During that review a small number of inconsistencies in the Code were found. In order to address those inconsistencies, the following amendments are being proposed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT the following amendments are made to the following sections of the Code. Additions/corrections are shown with strikethrough and underlining.

1) In 2004, Mesa County adopted Resolution No. 2004-220-2 which provided for the regulation of ambulances and created procedures for the licensing of ambulance service providers. Subsequently a selection process took place and the City of Grand Junction Fire Department was selected as the ambulance service provided for the Grand Junction Ambulance Service Area (see City Council Resolution No. 14-06).

As a result of those actions, Section 2.24.010 is hereby amended to read as follows:

(Chapter 2.24 FIRE DEPARTMENT)

2.24.010 Fire Department transportation charges.

~~The Fire Department shall abide by the terms of Mesa County Resolution 2004-220-2 and as subsequently amended when determining emergency transportation fees, rates and charges. follow established federal and/or State guidelines or profiles for emergency transportation fees, rates and charges. Fees, rates and charges for any emergency transportation performed by the Fire Department may be adjusted from time to time by the Fire Chief or his designee, in accordance with established federal and/or State guidelines.~~

2) In 1983, the Grand Junction City Council created the Parks and Recreation Board by Ordinance No. 2162. In 1986, bylaws for the Grand Junction Parks and Recreation Board were adopted naming the board the Grand Junction Parks and Recreation Advisory Board. To be consistent all references in the Code and particularly in Chapter

2.32, to the Parks and Recreation Board are hereby changed to Parks and Recreation Advisory Board.

3) The general penalty section of the Code is codified as 1.04.090. There are several other sections in the Code that refer to penalties that are inconsistent with the general penalty. In order for the penalty to be consistent throughout the Code (other than those exceptions specifically identified in Chapter 1.12) the following sections are hereby amended:

(Chapter 3.08 LODGING TAX)

3.08.150 Penalty.

—It shall be unlawful for any person to violate, omit or refuse or fail to comply with the several provisions of this chapter, or to commit any act or omission declared to be a violation of this chapter. ~~A violation of any provision of this chapter shall be punished by a fine not exceeding \$300.00 or imprisonment for not more than 90 days, or both. Each day, or portion thereof, any violation of this chapter shall continue shall constitute a separate offense.~~ A violation of this chapter shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. Each day or portion thereof that any violation of any provision of this chapter exists shall constitute a separate offense.

(Chapter 5.16 CONTRACTORS)

5.16.150 Violation of chapter – Penalties.

In addition to suspension or revocation of licenses by the Board as provided by this chapter, any person violating any of the provisions of this chapter or any lawful rule or regulation of the Building Board of Appeals, or any lawful order of the Building Inspector, shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter are committed, continued or permitted.

A violation of this chapter shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. Each day or portion thereof that any violation of any provision of this chapter exists shall constitute a separate offense.

(Chapter 12.08 RIVERFRONT TRAILS)

12.08.130 Violation – Penalty.

The adopted regulations shall have the force and effect of law with respect to all users of, or visitors to, the riverfront trails. A violation of this chapter shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. ~~Any person 18 years of age or older or any partnership, firm or corporation who violates any provision of the adopted regulations shall be subject to a fine up to \$1,000 and/or~~

~~up to 90 days in jail or any combination thereof. Any person under 18 years of age who violates any provision of this article or the regulations promulgated hereunder shall be subject to a fine up to \$1,000 and/or be required to perform useful public service not to exceed 48 hours or any combination thereof.~~

(Chapter 13.04 WASTEWATER SYSTEM)

13.04.320 Service charges – Charge for reconnecting after disconnection for sewer service charge delinquency – Penalty for unauthorized reconnections.

(a) If the sewer service is disconnected by shutting off the water supply, reconnection shall be made only upon the payment of all delinquencies plus a reconnecting charge as established by resolution of the City Council.

(b) It shall be unlawful, after sewer service has been disconnected by shutting off the water supply or in any other manner, for any person to reconnect such water supply without the consent of the City, and any person violating this provision shall be deemed guilty of a misdemeanor.

(c) A violation of this chapter shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. Each day or portion thereof that any violation of any provision of this chapter exists shall constitute a separate offense.

(Chapter 13.28 STORMWATER MANAGEMENT)

13.28.040 Enforcement.

(m) The violation of any provision of this chapter or with any orders, rules, regulations, permits and permit conditions shall be deemed a municipal offense. Any person violating this chapter shall, upon an adjudication of guilt or a plea of guilty or no contest, be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. Each day or portion thereof that any violation of any provision of this chapter exists shall constitute a separate offense. ~~be fined to a maximum of \$1,000 for each violation and up to a year in jail. Each separate day on which a violation is committed or continues shall constitute a separate offense.~~

(1) If any person violates any order of the City Manager, a Hearing Board or Officer or the Council, or otherwise fails to comply with any provisions of this chapter or the orders, rules, regulations and permits issued hereunder, or discharges into the storm drain system or into State waters contrary to the provisions of this chapter, federal or State requirements, or contrary to any order of the City, the City may commence an action in a court of record for appropriate legal and equitable relief. In such action, the City may recover from the defendant reasonable attorney fees, court costs, deposition and discovery costs, expert witness fees, and other expenses of investigation, enforcement action, administrative hearings, and litigation, if the City prevails in the action or settles at the request of the defendant. Any person who violates any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage to the City or to the storm drain system occasioned by such violation. The City Attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

(2) Any person who knowingly makes, authorizes, solicits, aids, or attempts to make any false statement, representation or certification in any hearing, or in any permit

application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, bypasses, or knowingly renders inaccurate any monitoring device, testing method, or testing samples required under this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. ~~be punished by a fine not to exceed \$1,000 per day for each violation and/or imprisonment not to exceed one year or both.~~

(3) The remedies provided for in this chapter, including recovery of costs, administrative fines and treble damages, shall be cumulative and in addition to any other penalties, sanctions, fines and remedies that may be imposed. Each day in which any such violation occurs, whether civil and/or criminal, shall be deemed a separate and distinct offense.

(Chapter 13.32 WATERSHED AND WATER SUPPLY STANDARDS)

13.32.090 Violations – Penalties.

(a) It is unlawful to engage in any activity not in compliance with these regulations or any amendment thereto and/or the permit requirements hereof. Any person, corporation or other legal entity, either as owner, lessee, permittee, occupant or otherwise, who violates any provision of these regulations and/or who engages in any activity not in compliance with these regulations shall be charged with a misdemeanor.

(b) Any person, corporation or other legal entity, upon conviction of a violation of these regulations, shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. ~~shall be punished by the imposition of a fine in the amount not to exceed \$1,000 per day for each offense, or by imprisonment not exceeding 90 days for each offense, or both.~~

(c) Any person, corporation or other legal entity shall be guilty of a separate offense for each and every day during any portion of which any violation of these regulations is committed, continued or permitted.

(d) Nothing herein shall limit the City from seeking any other remedies available by law or in equity, including but not limited to injunctive relief, the recovery of damages and the payment of costs and reasonable attorneys' fees. All remedies shall be cumulative.

(Chapter 15.08 BUILDING CODES – ADMINISTRATION)

15.08.050 Violation and penalty.

The penalties imposed for violation of the codes and of the statutory sections authorizing their adoption are as follows:

Any person, firm or corporation violating this chapter or any provision of any adopted code herein is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment or both pursuant to the limits established in GJMC 1.04.090. ~~shall be punished by a fine of not more than \$1,000 or by imprisonment in the County jail for not more than one year or by both such fine and imprisonment.~~ Each day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, remodeled, used or maintained in violation of this

part or of any provision of this chapter, the City Attorney may institute an appropriate action injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use. The City Attorney may use or enforce any remedies provided by law or in equity. Jurisdiction for any action brought under this title shall be in the Municipal Court of the City and such action shall be heard and decided in accordance with the rules of that Court.

4) In 2003, Ordinance No. 3589 repealed and re-enacted Code Section 6-61 Barking Dogs (now Section 6.12.060). The reenactment of paragraphs (d), (e) and (f) was not clear so it is the City's desire to clearly re-enact those sections. Therefore Section 6.12.060 is hereby amended to read:

(Chapter 6 DOGS AND CATS)

6.12.060 Barking dogs.

(a) Prohibition. No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

(b) Provocation Defense. Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

(c) Complainant's Rights and Responsibilities.

(1) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state the description of the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a description of the dog. The identity of a complainant shall be kept confidential until a violation of this section is charged.

(2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

(3) No person or owner shall be convicted at trial for violation of this section unless oral testimony or other means of reliable evidence is presented proving the elements of subsection (a) of this section. Other reliable evidence includes, but is not limited to, videotape and digital video recordings.

(d) Warning process. The warning process to be employed prior to a charge being instituted for notification of violation of subsection 6.12.060(a) shall be substantially as follows:

— (1) The warning must relate to a barking incident separate from the charged violation.

— (2) The animal control officer may issue a warning after receiving two complaints from two different persons who do not reside in the same household.

— (3) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name

of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.

___ (4) A record or incident report shall be kept of any such complaint and investigation.

___ (5) A warning to a dog owner shall fully cite section 6.12.060(a) and advise the owner of penalty for the violation of section 6.12.060(a). The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by any animal regulation officer empowered by the city council to enforce the provisions of this article.

(e) Notice and evidence of warnings. An owner shall be deemed to have been issued and received a warning under subsection (d) of this section if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner of the dog according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.

(f) Complainant's rights and responsibilities.

___ (1) The identity of a complainant shall be kept confidential until a violation of this section is charged.

___ (2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

___ (3) No person or owner shall be convicted at trial for violation of this section unless testimony is presented by at least two complaining witnesses or by one complaining witness when there is only one occupied residence within three blocks or one-quarter mile in any direction.

5) In 1997, the City established a wood stove replacement fund of \$25,000. That fund has been depleted thus leaving the provisions in the Code relative to the Wood Stove Replacement Grant Program obsolete. Therefore, these provisions should be repealed.

(Chapter 8.20 AIR POLLUTION)

~~8.20.150 Wood stove incentive replacement fund.~~

~~A wood stove replacement incentive fund is hereby created, in accordance with the resolution of the City Council. The criteria for such incentive fund are shown in GJMG 8.20.160.
(Code 1994 § 16-140)~~

~~8.20.160 Wood stove replacement grant program.~~

~~(a) — Program Objective. The City Council of Grand Junction passed Ordinance No. 2981 on February 20, 1997, "regulating wood stoves and fireplaces, providing exemptions for sole source heating, penalties for violation, authorizing incentives and grants to eliminate existing devices, creating a wood stove replacement incentive fund,~~

and restricting burning on certain days.” The City set aside \$25,000 in 1997 to help pay for removing non-EPA certified stoves and replacing them with certified wood burning or gas burning devices.

(b) ~~Qualifying Criteria for Participating Households.~~

(1) ~~To be eligible for grant money under this program:~~

(i) ~~Stoves may only be removed and/or installed by an installer licensed by the City to remove and install stoves.~~

(ii) ~~Only wood stoves in owner-occupied residences qualify.~~

(iii) ~~The residence must be within the City limits.~~

(iv) ~~Accessory areas, such as garages and work shops, do not qualify.~~

(v) ~~The household income must be less than or equal to the income criteria table.~~

(vi) ~~A removed or replaced wood stove becomes the property of the City, so that the wood stove may be destroyed and disposed of.~~

(vii) ~~Grant money will be paid directly to a stove retailer and to approved installers.~~

(2) ~~The maximum grant amount is \$2,000 per residence. As household income increases, the maximum grant amount decreases, as shown on the table below.~~

(3) ~~The grant moneys will be available on a “first-come, first-served” basis.~~

(4) ~~The day-to-day administration will be provided by the Energy Office.~~

(5) ~~Policy matters, appeals and other disputes will be finally decided by the Grant Program Appeals Committee (GPAC), appointed by the City Council. The GPAC may adopt its own operating rules and may adopt implementing regulations. Until then, it will follow the rules adopted by the Grand Junction Planning Commission, as appropriate, except that the only notice of meetings and decisions is posting at City Hall. The City Council may remove or replace any member of the GPAC at any time. Financial information supplied to the GPAC by any applicant will be treated as private and confidential, unless otherwise provided by law.~~

Income Criteria (based on the current U.S. Dept. of Housing and Urban Development guidelines for Mesa County)	Grant Request Limit (% of total purchase and installation cost of new stove, maximum \$2,000)
Very Low	90%
Low	80%
Moderate	70%
Economic Hardship [†]	100%

[†]Economic hardship cases should be submitted to:

Assistant City Manager

City of Grand Junction

250 North Fifth Street

Grand Junction, Colorado 81501

~~(c) Qualifying Expenses up to a Maximum of \$2,000.~~
~~(1) Wood stove cost (basic, no frills, sized correctly for home, low bid);~~
~~(2) Chimney upgrade or replacement to meet the City's building code standards;~~
~~(3) Installation of gas lines needed to supply a replacement gas stove;~~
~~(4) Building permit fees;~~
~~(5) Non-EPA certified old wood stove removal and proof of destruction by an approved installer up to a maximum of \$60.00.~~

~~(d) Application Procedure. Applications are available from the City Clerk and Assistant City Manager of the City of Grand Junction, the Energy Office, and local wood stove retailers. Completed applications should be sent to The Energy Office, 128 South Fifth Street, Grand Junction, CO 81501 (241-2871).~~

~~(e) Required Inspections. Recipients must have their home inspected twice: After approval of the application, a pre-installation inspection will be conducted by the Energy Office; after installation, a post-installation inspection will be required prior to payment to a dealer or installer.~~

~~(f) Income Criteria Based on HUD Guidelines for Mesa County (Effective 1/01/97). Listed below:~~

Income Limits By Household Size								
Number in Household	1	2	3	4	5	6	7	8
Very Low Income	13,550	15,500	17,400	19,350	20,900	22,450	24,000	25,550
Low Income	16,260	18,600	20,880	23,220	25,080	26,940	28,800	30,660
Moderate Income	21,650	24,750	27,850	30,950	33,450	35,900	38,400	40,850
Hardship Cases [†]	No limit	No limit	No limit	No limit	No limit	No limit	No limit	No limit

~~[†]Economic hardship cases should be submitted to:~~

~~Assistant City Manager~~

~~City of Grand Junction~~

~~250 North Fifth Street~~

~~Grand Junction, Colorado 81501~~

~~8.20.150 and 8.20.160 Repealed.~~

6) In Section 8.32.020, a list of approved trees is established by the Forestry Board. In Section 8.32.080, the list is referred to but says as established by the Parks and Recreation Department. For consistency, Section 8.32.080 is amended to read as follows:

(Chapter 8.32 TREES)

8.32.080 Maintenance of planting strip.

(a) "Planting strip" shall refer to that area between the back of any curb of any street and the edge of the sidewalk closest to the street or if there is no curb then from edge of asphalt of any street to the edge of the sidewalk.

(b) Duty of Owner to Maintain. It shall be the duty and obligation of every person in the City to keep and care for in the manner provided in this section the planting strip fronting or adjoining the premises owned by such person. Such planting strip shall be maintained in an aesthetically pleasing manner in either drought tolerant plant material, grass or other plantings, stone aggregate, decorative rocks, bark mulch, or like materials or combinations thereof, with or without plantings. Vegetation shall be watered and fertilized to provide optimum growing conditions.

(c) Trees. Any trees planted shall be on the approved list of trees as ~~established by the Park and Recreation Department~~[provided in Section 8.32.020](#). The City shall provide maintenance (spraying, trimming and removal) of trees only. Prior to any maintenance, the City shall attempt to notify any contiguous property owner but the City shall not be held liable for failure to give notice.

(d) Hard Surfacing. In unusual situations where drainage or traffic problems exist, or in commercial zones or premises where public buildings or uses are involved, hard surfacing such as concrete, terrazzo, brick, flagstone, asphalt or other impervious substances may be authorized by written permit at the discretion of the City Manager. If hard-surfacing materials are authorized in conjunction with tree plantings, proper tree wells as determined by the City Manager shall be constructed by the owner.

(e) Minimum Open Area Around Trees. No person shall deposit or maintain, upon the parking strip in any street, stone, cement, debris or other substance which impedes the free entrance of water and air to the roots of any tree in such public highway or other public place without leaving an open space or ground outside the trunk of such tree, in area not less than six square feet for a tree three inches in diameter and for every two inches of increase of such diameter there must be an increase of at least two square feet of open ground.

(f) Compliance with Other Provisions. Any shrubs or other plantings and the use of other materials shall comply with regulations concerning traffic safety and other provisions of this code.

(g) Appeal. Any person aggrieved by the decision of the City Manager may appeal such decision to the Forestry Board, and such Board may affirm, reverse or modify the decision of the City Manager.

7) The most current map for riverfront trails is referred to in the Riverfront Trails regulations and it states that it is on file in the Office of the City Clerk. The City's GIS contains the most up-to-date map and referring to that location is more efficient.

(Chapter 12.08 RIVERFRONT TRAILS)

12.08.010 Definition – Incorporation of riverfront map.

“Riverfront,” “riverfront trails” or “trails” means those areas, facilities, lands and waters as identified on the map entitled “Riverfront Map,” which map is incorporated in this article by this reference. The City Manager or his designee shall provide to the Parks and Recreation Advisory Board updated and revised maps of the riverfront as additional trails, lands, lakes or facilities are acquired, placed or constructed. The most current map shall be on file ~~in the office of the City Clerk~~ [on the City’s Geographical Information System \(GIS\)](#) and incorporated by reference into this chapter and shall constitute the riverfront map. The substitution of maps and incorporation thereof by reference shall not necessitate re adoption of this chapter.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado the 19th day of April, 2010

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2010.

President of the Council

Attest:

City Clerk



Date: 04-30-10
Author: Jamie B. Beard
Title/ Phone Ext: Assistant
City Attorney/4032

CITY COUNCIL AGENDA ITEM

Attach 9
Revocable Permit for 560 Colorado Avenue & 131 6th Street

Proposed Schedule:
Wednesday , May 5, 2010
2nd Reading

Subject: Revocable Permit for 560 Colorado Avenue and 131 6 th Street
File # (if applicable):
Presenters Name & Title: John Shaver, City Attorney

Executive Summary:

The Grand Junction, Colorado, Downtown Development Authority (“DDA”) is presently going through the City of Grand Junction’s planning process to condominiumize the building located at 560 Colorado Avenue. Through the process it has been determined that revocable permits are needed for portions of awnings and other decorations on the exterior of the building that extend into the City’s right-of-way.

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

The following goals and policies support the granting of the revocable permits:

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

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

The revocable permit itself will not specifically effect the goals and policy, but the granting of the same will allow for the building owned by the DDA to be in compliance with the City’s rules and regulations. The DDA then intends to complete a condominium with the building separated it into two separate saleable units. The sale of each unit will give investors/business owners the opportunity to have a part of and be a part of the downtown area through ownership of units.

The building itself, then will be preserved and the commercial use may continue and it is anticipated to increase in overall volume.

Action Requested/Recommendation: Adoption of Resolution granting the revocable permits.

Board or Committee Recommendation:

Not applicable.

Background, Analysis and Options:

1. Background

The site is a part of the original Grand Junction square mile. The original building was erected in 1931. An addition was made to the building in the 50's. A gas station was run out of the addition for a number of years. The condominium will consist of two units with one unit being mainly the older part of the building and the second unit consisting of the addition. The DDA has made improvements to the site and buildings since taking ownership. The parking lot areas, except for a small portion behind the older part of the building, will be separated as lots and not be a part of the condominium. The uses in both buildings are commercial uses.

Both units have decorations/architectural features on the units that extend into the City's right-of-way on 6th Street just north of Colorado. The features have been on the buildings for years and add value to the appearance of the building as well as serve some functions. Each unit has portions extending into the right-of-way and a revocable permit is requested for each unit.

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

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

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

Response: The community will derive benefit from the continued commercial use in the downtown area. Allow for additional investment to the area and additional opportunities for ownership of property in the downtown area. The DDA intends to sell the property for funds that will then be used to be reinvested for improvements in the downtown area.

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

Response: The current use is established businesses at this location. The Revocable Permits will allow the positive contributing businesses to continue without interruption. A building that is a part of the City of Grand Junction's history will be preserved while being utilized in a beneficial manner to the community.

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

Response: The architectural features on the older portion of the building have been there for decades with no conflicts for the use of the City's property. The awning on the addition has been there less time, but still has had no conflicts. There are no foreseeable issues or conflicts anticipated in the future.

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

Response: The use of the building shall remain the same and it is compatible with the surrounding uses.

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

Response: The use of the building shall remain the same without any negative impacts.

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

Response: The existing use is in conformance with the Goals and Policies of the Comprehensive Plan.

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

Response: The application does comply.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the request for the issuance of revocable permits for an existing building, staff makes the following findings of fact and conclusions:

The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the requested revocable permits for an existing building.

Financial Impact/Budget:

None.

Legal issues:

Contained within the Background, Analysis, and Opinions section above.

Other issues:

None

Previously presented or discussed:

Not applicable

Attachments:

Proposed Resolution including proposed Revocable Permit A and Revocable Permit B

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ___-10

**A RESOLUTION APPROVING REVOCABLE PERMITS TO
GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT
AUTHORITY**

Recitals.

A. The GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, hereinafter referred to as the Petitioner, represents that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 17 through 21, Block 117 Grand Junction as recorded in Book 2865
Page 414 – 417, in Section 14, T1S, R1W, Ute Meridian.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue Revocable Permits to allow the Petitioner to install, maintain and repair architectural features, including awnings and decorations on the façade of its existing building within the City's right-of-way:

Revocable Permit A:

A revocable permit located in Block 117, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Colorado Avenue and 6th Street whence the City Block Monument at the intersection of Colorado Avenue and 5th Street bears North 89 degrees 53 minutes 59 seconds West, a distance of 481.75 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 00 degrees 02 minutes 22 seconds East, a distance of 145.28 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 18.00 feet, along the South line of the 20.00 foot wide alley right-of-way for Block 117, to the POINT OF BEGINNING; thence South 00 degrees 02 minutes 22 seconds West, a distance of 58.48 feet; thence North 89 degrees 57 minutes 38 seconds West, a distance of 2.00 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 58.48 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 11.84 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 2.00 feet; thence South 89 degrees 54 minutes 15 seconds East, a distance of 13.84 feet; thence South 00 degrees 02 minutes 22 seconds West, a distance of 2.00 feet to the POINT OF BEGINNING.

Said parcel having an area of 144.63 square feet, as described.

See the attached Exhibit A to the Revocable Permit A.

And

Revocable Permit B:

A revocable permit located in Block 117, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Colorado Avenue and 6th Street whence the City Block Monument at the intersection of Colorado Avenue and 5th Street bears North 89 degrees 53 minutes 59 seconds West, a distance of 481.75 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 00 degrees 02 minutes 22 seconds East, a distance of 86.83 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 17.00 feet to the POINT OF BEGINNING; thence South 00 degrees 02 minutes 22 seconds West, a distance of 9.43 feet; thence South 44 degrees 27 minutes 17 seconds West, a distance of 4.29 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 12.49 feet; thence South 89 degrees 57 minutes 38 seconds East, a distance of 3.00 feet; to the POINT OF BEGINNING.

Said parcel having an area of 32.89 square feet, as described.

See the attached Exhibit B to the Revocable Permit B.

C. After consideration of Petitioner's request in accordance with the City's Charter and Ordinances, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

PASSED and ADOPTED this _____ day of _____, 2010.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT A

Recitals.

A. The GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, hereinafter referred to as the Petitioner, represent that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 17 through 21, Block 117 Grand Junction as recorded in Book 2865 Page 414 – 417, in Section 14, T1S, R1W, Ute Meridian.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue Revocable Permits to allow the Petitioner to install, maintain and repair architectural features, including awnings and decorations on the façade of its existing building within the City's right-of-way:

A revocable permit located in Block 117, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Colorado Avenue and 6th Street whence the City Block Monument at the intersection of Colorado Avenue and 5th Street bears North 89 degrees 53 minutes 59 seconds West, a distance of 481.75 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 00 degrees 02 minutes 22 seconds East, a distance of 145.28 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 18.00 feet, along the South line of the 20.00 foot wide alley right-of-way for Block 117, to the POINT OF BEGINNING; thence South 00 degrees 02 minutes 22 seconds West, a distance of 58.48 feet; thence North 89 degrees 57 minutes 38 seconds West, a distance of 2.00 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 58.48 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 11.84 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 2.00 feet; thence South 89 degrees 54 minutes 15 seconds East, a distance of 13.84 feet; thence South 00 degrees 02 minutes 22 seconds West, a distance of 2.00 feet to the POINT OF BEGINNING.

Said parcel having an area of 144.63 square feet, as described.

See the attached Exhibit A.

C. After consideration of Petitioner's request in accordance with the City's Charter and Ordinances, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit referred to as Revocable Permit A for the purposes and within the limits of the public right-of-way described in the above recitals; provided, however, that the issuance of this Revocable Permit A shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.
5. This Revocable Permit A shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

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

Dated this _____ day of _____, 2010.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner:

Grand Junction, Colorado,
Downtown Development Authority

AGREEMENT TO REVOCABLE PERMIT A

The Grand Junction, Colorado, Downtown Development Authority, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit A;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit A;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2010.

Grand Junction, Colorado,
Downtown Development Authority

By:_____

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2010, by _____.

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

Notary Public

REVOCABLE PERMIT B

Recitals.

A. The GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, hereinafter referred to as the Petitioner, represent that it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 17 through 21, Block 117 Grand Junction as recorded in Book 2865 Page 414 – 417, in Section 14, T1S, R1W, Ute Meridian.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue Revocable Permits to allow the Petitioner to install, maintain and repair architectural features, including awnings and decorations on the façade of its existing building within the City's right-of-way:

A revocable permit located in Block 117, City of Grand Junction, Mesa County, Colorado and being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Colorado Avenue and 6th Street whence the City Block Monument at the intersection of Colorado Avenue and 5th Street bears North 89 degrees 53 minutes 59 seconds West, a distance of 481.75 feet for a basis of bearings, with all bearings contained herein relative thereto; thence North 00 degrees 02 minutes 22 seconds East, a distance of 86.83 feet; thence North 89 degrees 54 minutes 15 seconds West, a distance of 17.00 feet to the POINT OF BEGINNING; thence South 00 degrees 02 minutes 22 seconds West, a distance of 9.43 feet; thence South 44 degrees 27 minutes 17 seconds West, a distance of 4.29 feet; thence North 00 degrees 02 minutes 22 seconds East, a distance of 12.49 feet; thence South 89 degrees 57 minutes 38 seconds East, a distance of 3.00 feet; to the POINT OF BEGINNING.

Said parcel having an area of 32.89 square feet, as described.

See the attached Exhibit B.

C. After consideration of Petitioner's request in accordance with the City's Charter and Ordinances, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit referred to as Revocable Permit B for the purposes and within the limits of the public right-of-way described in the above recitals; provided, however, that the

issuance of this Revocable Permit B shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

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

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

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

Dated this _____ day of _____, 2010.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

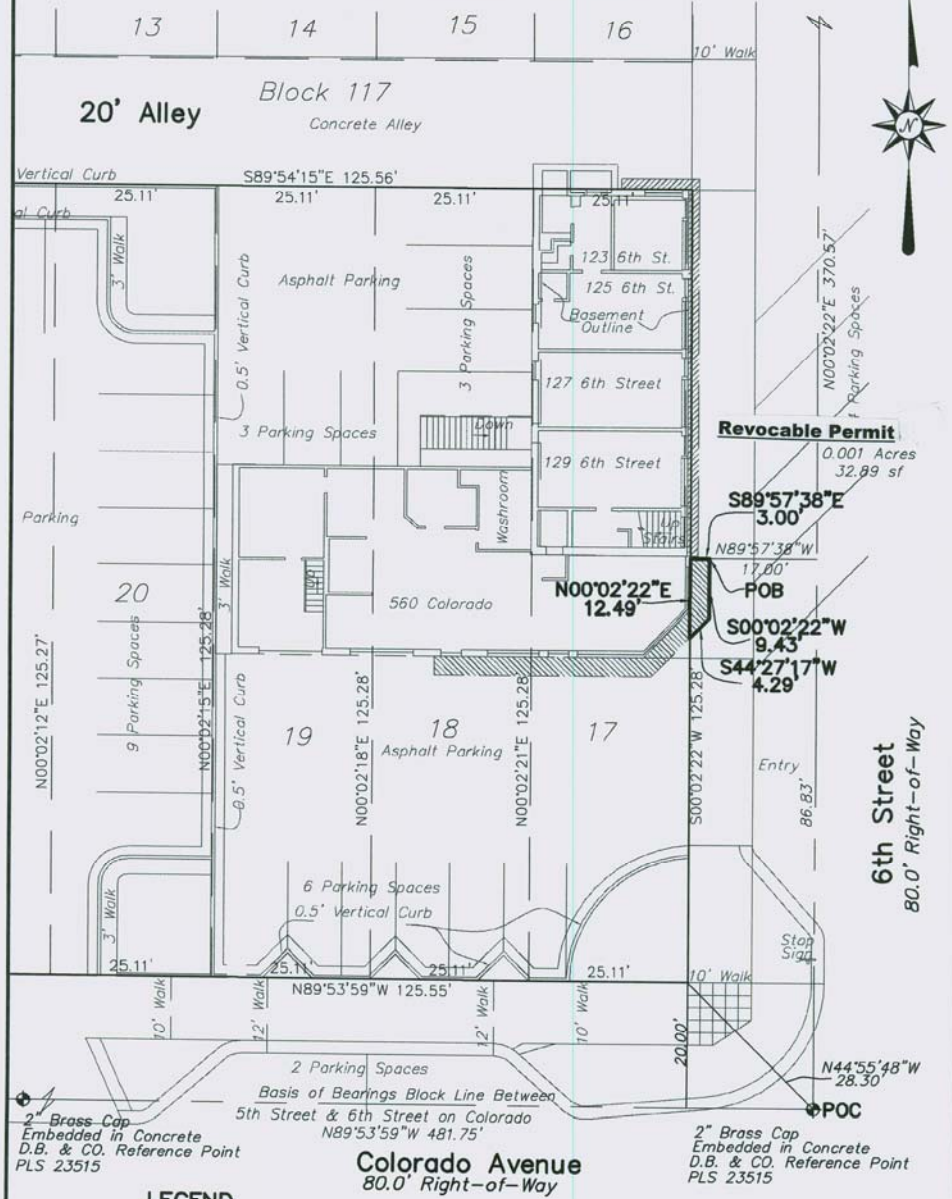
City Manager

Acceptance by the Petitioner:

Grand Junction, Colorado,
Downtown Development Authority

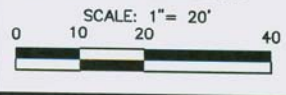
EXHIBIT B

REVOCABLE PERMIT



- LEGEND**
- ⊕ CITY SURVEY MARKER, AS NOTED
 - PLS PROFESSIONAL LAND SURVEYOR
 - ° DEGREES (ANGULAR)
 - ' MINUTES (ANGULAR) OR FEET (LINEAR)
 - \" SECONDS (ANGULAR) OR INCHES (LINEAR)
 - POB POINT OF BEGINNING
 - POC POINT OF COMMENCING

High Desert Surveying, LLC
 1673 Highway 50 Unit C
 Grand Junction, Colorado 81503
 Tele: 970-254-8649 Fax: 970-241-0451



PROJ. NO. 09-77	Surveyed	Drawn	APP'D	SHEET	OF
DATE: August, 2009	rsk/smg	rsk	skw	1	1

AGREEMENT TO REVOCABLE PERMIT B

The Grand Junction, Colorado, Downtown Development Authority, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit B;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit B;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2010.

Grand Junction, Colorado,
Downtown Development Authority

By:_____

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2010, by _____.

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

Notary Public