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

MONDAY, FEBRUARY 28, 2011, 7:00 P.M.

Call to Order

Pledge of Allegiance

Invocation – Pastor John Mok-Lamme, Sojourners Church

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

Presentations

Boy Scout Council Commissioner Bruce Ricks presenting a National Certificate of Merit Award to Boy Scout Ian Hegstrom

Proclamations/Recognitions

Proclaiming the Week of March 6 through March 12, 2011 as “Women in Construction Week” in the City of Grand Junction

Certificates of Appointments

To the Commission on Arts and Culture

To the Visitor and Convention Bureau Board of Directors

** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

Council Comments

Citizen Comments

City Manager's Report

Public Safety Update
Ambulance Services

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the February 14, 2011 Regular Meeting

2. **Setting on Hearing on the Columbine Caregivers Rezone, Located at 602 26 1/2 Road** [File # RZN-2011-483] [Attach 2](#)

Request to rezone 0.43 +/- acres located at 602 26 1/2 Road from R-4, (Residential – 4 du/ac) to R-O, (Residential Office) zone district in anticipation of future office development.

Proposed Ordinance Rezoning the Columbine Caregivers Rezone, Located at 602 26 1/2 Road, from R-4, (Residential – 4 Du/Ac) to R-O (Residential Office)

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 14, 2011

Staff presentation: Scott D. Peterson, Senior Planner

3. **Setting a Hearing on the Western Trends Annexation, Located at 507 and 512 Fruitvale Court** [File # ANX-2011-467] [Attach 3](#)

Request to annex 5.019 acres, located at 507 and 512 Fruitvale Court. The Western Trends Annexation consists of three (3) parcels. There are 3.882 acres of public right-of-way contained within this annexation area.

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

Resolution No. 13-11—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Western Trends Annexation, Located at 507 and 512 Fruitvale Court and Including a Portion of the I-70B and Fruitvale Court Rights-of-Way

®Action: *Adopt Resolution No. 13-11*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Western Trends Annexation, Approximately 5.019 Acres, Located at 507 and 512 Fruitvale Court and Including a Portion of the I-70B and Fruitvale Court Rights-of-Way

Action: *Introduction of a Proposed Ordinance and Set a Hearing for April 4, 2011*

Staff presentation: Brian Rusche, Senior Planner

4. **Spendrup Revocable Permit, Located within South 7th Street Right-of-Way** [Attach 4](#)
[File #RVP-2011-536]

Applicant is requesting approval of a Revocable Permit for an existing structure, originally designed for lumber storage, within the South 7th Street right-of-way. The encroachment has existed since before 1954.

Applicant is also requesting the revocation of an existing Revocable Permit for a structure that no longer exists.

Resolution No. 14-11—A Resolution Concerning the Issuance of a Revocable Permit to John O. Spendrup LLC

®Action: *Adopt Resolution No. 14-11*

Staff presentation: Brian Rusche, Senior Planner

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

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

5. **Public Hearing—Right-of-Way Vacations, Adjacent to 515 S. 7th Street** [File # VAC-2010-388] [Attach 5](#)

A request to vacate a north-south alley in Block 160 of the original City of Grand Junction; a boundary "gap" oriented east-west between the south boundary of Block 160 and the north boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; approximately 5 feet of 6th Court adjacent to Lot 1, Block 160; and an irregular portion of South Avenue adjacent to Block 160, all public right-of-way that is no longer needed.

Ordinance No. 4456—An Ordinance Vacating a North-South Alley in Block 160 Original Plat of the Town of Grand Junction and Replatted in Grand Junction Plat of Part of Second Division Resurvey as Amended; an Area Oriented East-West Between the South Boundary of Block 160 and the North Boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; Approximately 5 Feet of 6th Court Adjacent to Lot 1, Block 160; and an Irregular Portion of South Avenue Adjacent to Block 160 (Spendrup Vacations)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4456

Staff presentation: Brian Rusche, Senior Planner

6. **Public Hearing—Affidavit Qualifying Write-in Candidates for Municipal Office** [Attach 6](#)

In order to ensure that the votes cast for a write-in candidate(s) may be counted, the City Clerk and City Attorney have proposed that the Council adopt an ordinance requiring that any such candidate file an affidavit of intent and statement of qualifications 20 days prior to the municipal election.

Ordinance No. 4457—An Ordinance Amending the Colorado Municipal Election Code of 1965, in the City of Grand Junction Concerning Write-in Candidate Affidavits

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4457

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

7. **Non-Scheduled Citizens & Visitors**
8. **Other Business**
9. **Adjournment**

**Attach 1
Minutes of Previous Meeting**

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

February 14, 2011

The City Council of the City of Grand Junction convened into regular session on the 14th day of February 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bruce Hill, Tom Kenyon, Bill Pitts, Sam Susuras and Council President Teresa Coons. Councilmembers Beckstein and Palmer were absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Presentations

Xcel Energy presented an award for the Custom Natural Gas Rebate Program and the City's Energy Efficient Rebate for 2010. Tom Minerick, Key Account Manager for Xcel Energy, and Fred Eggleston, Area Manager, presented the awards. Council President Coons introduced the awards and explained them. Mr. Eggleston presented the City Council with a big check that represented the rebates the City received in 2010. There was also an award for Natural Gas Savings Champion. Mr. Minerick said the City was one of twelve customers receiving the award. He thanked the City and the City employees for all their efforts. In the pursuit of the purpose of the award, the award is made from bamboo and recycled materials. Mr. Minerick then spoke about new programs that are currently being developed. These efforts are keeping the community rates lower. One of the highest rates on the bill is the cost for expanding the system and maintaining the system so these energy efficiency programs save the consumers money.

Appointments

Councilmember Pitts moved to re-appoint Randall Cupp and Lancer Livermont, appoint Charity Finnigsmier and Diane Hower for three year terms expiring February 2014 and appoint Jephtha Sheene for a partial term expiring February 2013, all to the Commission on Arts and Culture. Councilmember Hill seconded the motion. Motion carried.

Councilmember Kenyon moved to appoint Lynne Sorlye to the Visitor and Convention Bureau Board of Directors for a three year term expiring December 2013. Councilmember Hill seconded the motion. Motion carried.

Certificate of Appointment

Keith Leonard was present to receive his Certificate of Appointment to the Planning Commission/Zoning Board of Appeals.

Council Comments

Councilmember Susuras advised that he attended the groundbreaking for Caprock Charter School on January 28. They are funded by School District 51 and it is tuition free except for kindergarten. There are requirements for parents to volunteer at the school and the students must perform community service.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Susuras moved to approve the Consent Calendar Items #1 through #5 which he then read the items. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the January 31, 2011 Regular Meeting

2. **Setting a Hearing on Right-of-Way Vacations, Adjacent to 515 S. 7th Street** [File # VAC-2010-388]

A request to vacate a north-south alley in Block 160 of the original City of Grand Junction; a boundary "gap" oriented east-west between the south boundary of Block 160 and the north boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; approximately 5 feet of 6th Court adjacent to Lot 1, Block 160; and an irregular portion of South Avenue adjacent to Block 160, all public right-of-way that is no longer needed.

Proposed Ordinance Vacating a North-South Alley in Block 160 Original Plat of the Town of Grand Junction and Replatted in Grand Junction Plat of Part of Second Division Resurvey as Amended; an Area Oriented East-West Between the South Boundary of Block 160 and the North Boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; Approximately 5 Feet of 6th Court Adjacent to Lot 1, Block 160; and an Irregular Portion of South Avenue Adjacent to Block 160 (Spendrup Vacations)

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 28, 2011

3. **Setting a Hearing on an Affidavit Qualifying Write-in Candidates for Municipal Office**

In order to ensure that the votes cast for a write-in candidate(s) may be counted, the City Clerk and City Attorney have proposed that the Council adopt an ordinance requiring that any such candidate file an affidavit of intent and statement of qualifications 20 days prior to the municipal election.

Proposed Ordinance Amending the Colorado Municipal Election Code of 1965, in the City of Grand Junction Concerning Write-in Candidate Affidavits

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 28, 2011

4. **Contract Award for 911-Police-Fire Utility Improvement Project – Phase 1**

This is the contract award for the first phase of a two phase project that includes underground utility improvements and utility relocations for the proposed new 911-Police-Fire Facilities project on the vacant lot between 5th Street and 6th Street.

The utility relocation for this project includes the sanitary sewer line being relocated outside of the proposed police facilities building footprint. A new sanitary sewer service line will also be extended to serve the new police facility. The existing storm drain line in 6th Street between Ute Avenue and Pitkin Avenue will be upgraded to a larger pipe to effectively handle the stormwater runoff, and a domestic water supply line and a fire supply water line will be extended to the site to serve the police facility.

Action: Authorize the Purchasing Division to Enter into a Contract with Ben Dowd Excavating, Inc. of Clifton, Colorado for the Construction of the 911-Police-Fire Utility Improvements Project in the Amount of \$187,161.90

5. **B $\frac{3}{4}$ Road Name Change to Legacy Way, Located between 26 $\frac{3}{8}$ Road and 26 $\frac{1}{4}$ Road** [File #SNC-2011-518]

The property owners adjoining B $\frac{3}{4}$ Road between 26 $\frac{3}{8}$ Road and 26 $\frac{1}{4}$ Road are requesting to change the street name from B $\frac{3}{4}$ Road to Legacy Way.

Resolution No. 11-11—A Resolution Renaming B $\frac{3}{4}$ Road Between 26 $\frac{3}{8}$ Road and 26 $\frac{1}{4}$ Road to Legacy Way

Action: Adopt Resolution No. 11-11

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Housing Authority Annexation and Zoning, Located at 2910 Bunting Avenue [File #ANX-2010-364]

A request to annex the 1.52 acre Housing Authority Annexation; amend the Comprehensive Plan – Future Land Use Map to Village Center – Mixed Use; and to zone the annexation, less 0.18 acres of public right-of-way, to an R-24 (Residential 24 + du/ac) zone district.

The Housing Authority Annexation consists of one (1) parcel located at 2910 Bunting Avenue. There are 0.18 acres of public right-of-way contained within the annexation area.

The public hearing was opened at 7:17 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He asked that the Staff Report and attachments be entered into the record. The request is being made by the Grand Junction Housing Authority. It is a 27 unit apartment building. The Planning Commission has recommended approval stating the request meets the criteria in the Grand Junction Municipal Code.

Councilmember Pitts inquired where the existing City limits are in relation to the property. Mr. Rusche pointed out the City limits to the north, south, and east but there is a portion of right-of-way to connect the property to the existing City limits.

Don Hartman, 388 Hidden Valley Court, representing the applicant, thanked the City Council for the opportunity. He thanked Mr. Rusche for his work on the project. This will help many homeless as it will serve as transitional housing. The Housing Authority acquired the property with the help of the City and County. The families and the folks that are homeless are not that way because they want to be. A number of upgrades have been done to the building through a variety of funding sources. However, they fell short of funding to complete all the improvements. By annexing into the City they will qualify to submit an application for CDBG funding to complete the renovations.

There were no public comments.

The public hearing was closed at 7:26 p.m.

Councilmember Susuras said the project helps meet the Comprehensive Plan Goal to provide a variety of housing types so he will favor the proposal.

Councilmember Hill noted the property is just outside the village center area but the Director does have the discretion to adjust those areas; he believes it matches the intent of the Comprehensive Plan.

Councilmember Kenyon agreed. He thanked Mr. Hartman and the Housing Authority for bringing this forward. He will support the request.

Council President Coons agreed and said it was exciting to see the vision of the Comprehensive Plan and affordable housing coming together.

a. Accepting Petition

Resolution No. 12-11—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Housing Authority Annexation, Located at 2910 Bunting Avenue and Including a Portion of the 29 Road and Bunting Avenue Rights-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4453—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Housing Authority Annexation, Approximately 1.52 Acres, Located at 2910 Bunting Avenue and Including a Portion of the 29 Road and Bunting Avenue Rights-of-Way

c. Zoning Ordinance

Ordinance No. 4454—An Ordinance Amending the Comprehensive Plan from Residential Medium High (8 -16 du/ac) to Village Center – Mixed Use and Zoning the Housing Authority Annexation to R-24 (Residential 24+ du/ac), Located at 2910 Bunting Avenue

Councilmember Susuras moved to adopt Resolution No. 12-11 and adopt Ordinance Nos. 4453 and 4454 and ordered them published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Right-of-Way Vacations of S. 6th Street Between Pitkin and Ute Avenues and Adjacent/Proximate Alleys for the 911 Police-Fire Facilities [File # VAC-2010-332]

A request to vacate alley rights-of-way within Block 138 and Block 139 of the City of Grand Junction, along with S. 6th Street between Ute and Pitkin Avenues. These rights-of-way are no longer needed for access and are requested to be vacated to permit construction of a new police station and associated public safety facilities. The public hearing was opened at 7:30 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He asked that the Staff Report and attachments be entered into the record. He noted that the 500 block is vacant and the 600 block houses the existing Police and Fire Stations. The idea behind the request is to combine the properties to provide a building site for the new 911-Police-Fire facilities. The request meets all the criteria of the Grand Junction Municipal Code and approval is recommended.

Councilmember Kenyon asked about the vacation of the alleys. Mr. Rusche responded that some of the alleys in existence previously were already vacated. All the remaining alleys are included in this request.

There were no public comments.

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

Councilmember Pitts said he is excited to see some action going forward for the public safety facilities.

Councilmember Susuras stated the Planning Commission also recommended approval and it meets Comprehensive Plan Goal 11 so he supports it.

Ordinance No. 4455—An Ordinance Vacating Alley Rights-of-Way Located in Block 138 and Block 139 of the City of Grand Junction and that Portion of South 6th Street Between Ute and Pitkin Avenues (911-Police-Fire Facilities)

Councilmember Kenyon moved to adopt Ordinance No. 4455 and ordered it published in pamphlet form. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:37 p.m.

Stephanie Tuin, MMC
City Clerk



Date: February 23, 2011
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner/1447
 Proposed Schedule: February 28, 2011
 2nd Reading: March 14, 2011

CITY COUNCIL AGENDA ITEM

**Attach 2
 Setting a Hearing on Columbine Caregivers
 Rezone**

Subject: Columbine Caregivers Rezone, Located at 602 26 ½ Road
File #: RZN-2011-483
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Request to rezone 0.43 +/- acres located at 602 26 ½ Road from R-4, (Residential – 4 du/ac) to R-O, (Residential Office) zone district in anticipation of future office development.

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

By facilitating ordered and balanced growth throughout the community, creating appropriate buffering between new and existing land use types and preserving and appropriately reusing existing structures, the proposed request furthers Goals, 3, 6 and 7 of the Comprehensive Plan.

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

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

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

Action Requested/Recommendation:

Introduce a Proposed Ordinance and Set a Public Hearing for March 14, 2011.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested rezone at their February 22, 2011 meeting.

Background, Analysis and Options:

See attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

N/A.

Attachments:

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

BACKGROUND INFORMATION				
Location:		602 26 ½ Road		
Applicants:		Mesa Management, LLC, Owner Michael McCormick, Applicant		
Existing Land Use:		Single-family house		
Proposed Land Use:		Office space for Columbine Caregivers with possible business residence		
Surrounding Land Use:	North	Single-family residential		
	South	St. Mary's Hospital		
	East	Single-family residential		
	West	Commercial neighborhood shopping center		
Existing Zoning:		R-4, (Residential – 4 du/ac)		
Proposed Zoning:		R-O, (Residential Office)		
Surrounding Zoning:	North	R-4, (Residential – 4 du/ac)		
	South	PD, (Planned Development)		
	East	R-4, (Residential – 4 du/ac)		
	West	B-1, (Neighborhood Business)		
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)		
Zoning within density range?		X	Yes	No

1. Background:

The applicant, Michael McCormick – Columbine Caregivers, is requesting to rezone his property located at 602 26 ½ Road. The property is situated at the northeast corner of 26 ½ Road/7th Street and Patterson Road. The property must be rezoned to R-O in order to develop the property as an office with the possibility of a business residence.

The R-O District was established to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards for the R-O District are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

The applicant held a Neighborhood Meeting on December 20, 2010 with three (3) adjacent property owners in attendance. No adverse comments related to the proposed rezone were raised during the meeting.

2. Title 21, Section 02.140 of the Grand Junction Municipal Code:

Zone requests must meet all of the following criteria for approval:

(1) Subsequent events have invalidated the original premise and findings; and/or

Response: Since the property was zoned R-4, 26 ½ Road/7th Street and Patterson Road have become more heavily traveled as major travel corridors, limiting the potential use of this property as a single family residence. In addition, since the R-4 zoning decision, the City has adopted the Comprehensive Plan that designated the property as Residential Medium (4 – 8 du/ac). The proposed R-O District is an allowed zone district within the Residential Medium category of the Comprehensive Plan. The use of this property as an office for home based health care is a logical extension of and makes good use of the existing commercial and service agency land uses surrounding St. Mary's Hospital.

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

Response: The Comprehensive Plan designation of Residential Medium encourages the proposed R-O zoning and therefore the request is consistent with the Comprehensive Plan. The proposed rezone to R-O will provide an appropriate transition between St. Mary's Hospital and the commercial retail development to the south and west and the existing single-family residential development to the north and east.

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

Response: There are adequate public and community facilities existing in the area of the proposed rezone request. The proposed rezone is also within walking distance of services offered by St. Mary's Hospital and commercial retail services and restaurants along Patterson Road. Grand Valley Transit also provides bus service along Patterson Road.

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

Response: The proposed rezone to residential office would be a natural progression and transition between the existing medical services and residential areas. The proposed zone will allow uses that are supportive to the existing PD, Planned Development zone and services offered by St. Mary's Hospital.

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

Response: The community and the area will derive benefits from the proposed rezone by creating the potential for office uses that are compatible with the surrounding residential, commercial and health service uses, such as the home based health care proposed by the applicant, adjacent to St. Mary's Hospital. The community and area also benefit from the potential for attractive and useful re-development of a parcel that will include new and upgraded landscaping and on-site improvements.

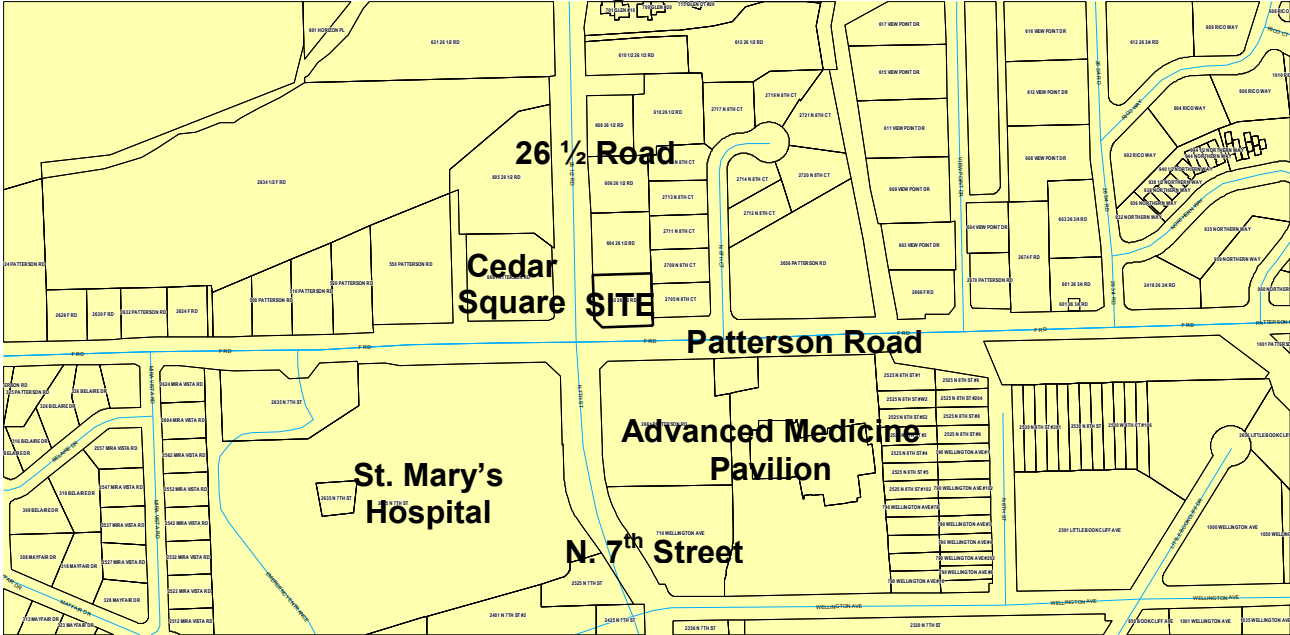
Alternatives: In addition to the R-O zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designation for the subject property:

- a. Existing zoning – R-4, (Residential – 4 du/ac)
- b. R-5, (Residential – 5 du/ac)
- c. R-8, (Residential – 8 du/ac)
- d. R-12, (Residential – 12 du/ac)

The Planning Commission recommends a R-O zone designation and does not recommend R-4, R-5, R-8 or R-12. If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

Site Location Map

Figure 1



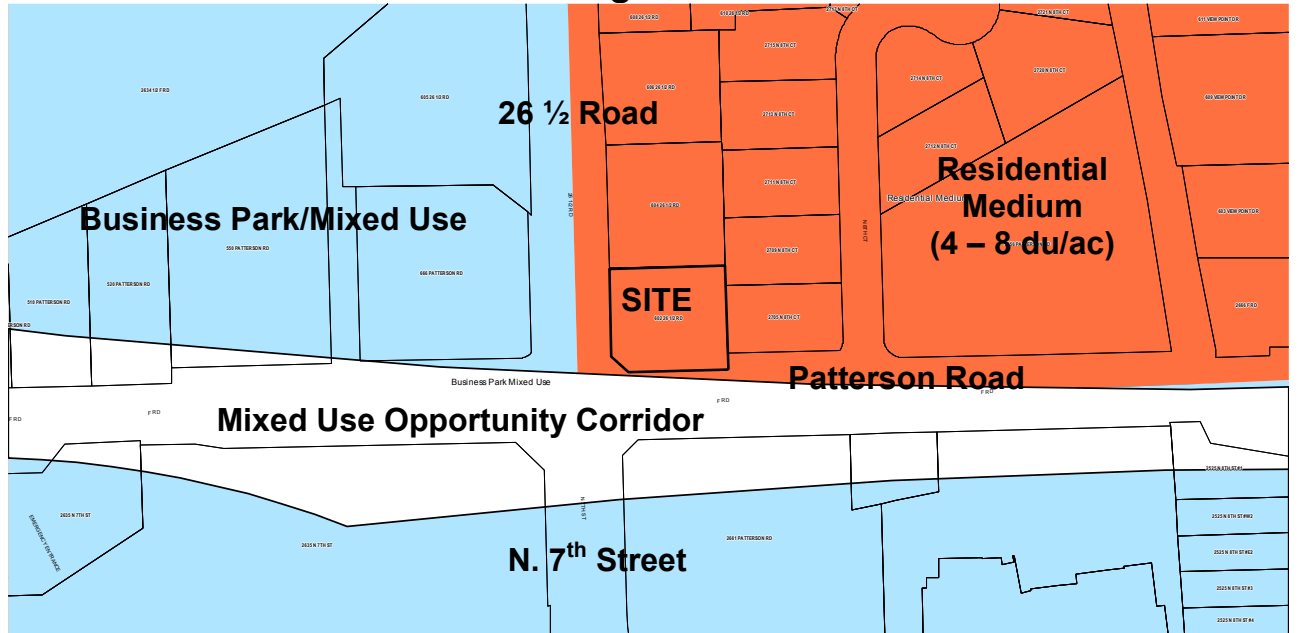
Aerial Photo Map

Figure 2



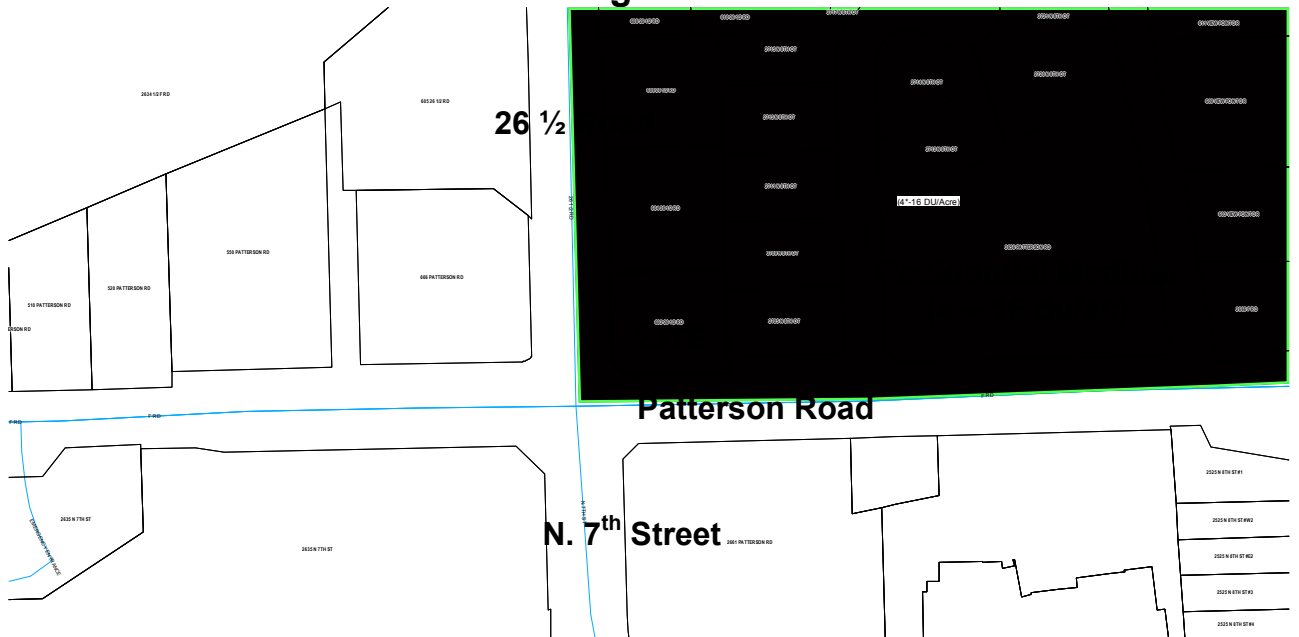
Comprehensive Plan

Figure 3



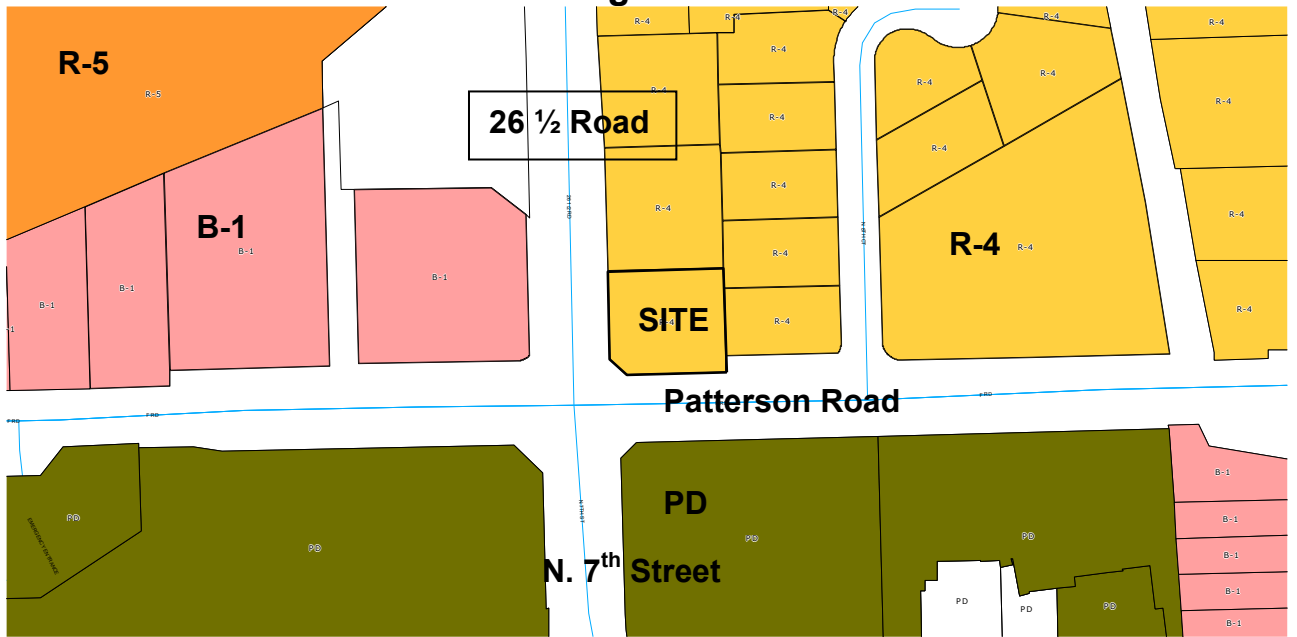
Blended Residential Map

Figure 4



Existing City Zoning Map

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE COLUMBINE CAREGIVERS REZONE
LOCATED AT 602 26 1/2 ROAD
FROM R-4, (RESIDENTIAL – 4 DU/AC)
TO R-O (RESIDENTIAL OFFICE)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Columbine Caregivers property from R-4, (Residential – 4 du/ac) to the R-O, (Residential Office) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential Medium (4 – 8 du/ac) and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-O zone district to be established.

The Planning Commission and City Council find that the R-O zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned R-O, (Residential Office).

A parcel of land situate in the SE 1/4 SW 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at the S 1/4 corner of said Section 2, the basis of bearing being N00°01'19"E along the west line of said SE 1/4 SW 1/4 to the C-S 1/16 corner of said Section 2;
thence N00°01'19"E a distance of 160.00 feet;
thence S89°53'32"E a distance of 45.00 feet to the east right-of-way line of 26 1/2 Road and the point of beginning;
thence S89°53'32"E a distance of 144.88 feet;
thence S00°01'03"E a distance of 130.00 feet to the north right-of-way of F Road;

thence N89°53'32"W a distance of 125.00 feet along said right-of-way;
thence N44°54'00"W a distance of 28.28 feet along said right-of-way;
thence N00°01'19"E a distance of 110.00 feet along said right-of-way to the point of
beginning.

Said parcel contains 0.43 acres more or less.

INTRODUCED on first reading the _____ day of _____, 2011 and ordered published
in pamphlet form.

PASSED and ADOPTED on second reading the _____ day of _____, 2011 and
ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: February 17, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Sr. Planner/4058
 Proposed Schedule: Resolution Referring Petition February 28, 2011
 2nd Reading
 (if applicable): April 4, 2011

CITY COUNCIL AGENDA ITEM

**Attach 3
 Setting a Hearing on the Western Trends
 Annexation**

Subject: Western Trends Annexation, Located at 507 and 512 Fruitvale Court
File #: ANX-2011-467
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: Request to annex 5.019 acres, located at 507 and 512 Fruitvale Court. The Western Trends Annexation consists of three (3) parcels. There are 3.882 acres of public right-of-way contained within this annexation area.

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.

The proposed annexation meets Goal 12 by incorporating an existing commercial building into the city limits and providing an opportunity for further commercial use.

Action Requested/Recommendation: Adopt a Resolution Referring the Petition for the Western Trends Annexation, Introduce the Proposed Ordinance and Set a Hearing for April 4, 2011.

Board or Committee Recommendation: The Planning Commission will consider the Zone of Annexation on March 8, 2011. Their recommendation will be forwarded in the 1st reading of the Zoning Ordinance on March 14, 2011.

Background, Analysis and Options: See attached Staff Report/Background Information

Financial Impact/Budget: There are none.

Legal issues: There are none.

Other issues: There are none.

Previously presented or discussed: A Neighborhood Meeting took place on December 16, 2010.

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		507 and 512 Fruitvale Court		
Applicant:		Western Trends LLC		
Existing Land Use:		Commercial		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Single-family Residential (across canal)		
	South	Commercial		
	East	Commercial		
	West	Commercial		
Existing Zoning:		County PUD (Planned Unit Development)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	County PUD (Planned Unit Development)		
	South	County PUD (Planned Unit Development)		
	East	County PUD (Planned Unit Development)		
	West	County PUD (Planned Unit Development)		
Future Land Use Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 5.019 acres of land and is comprised of three (3) parcels and 3.882 acres of public right-of-way. The property owners have requested annexation into the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;

- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

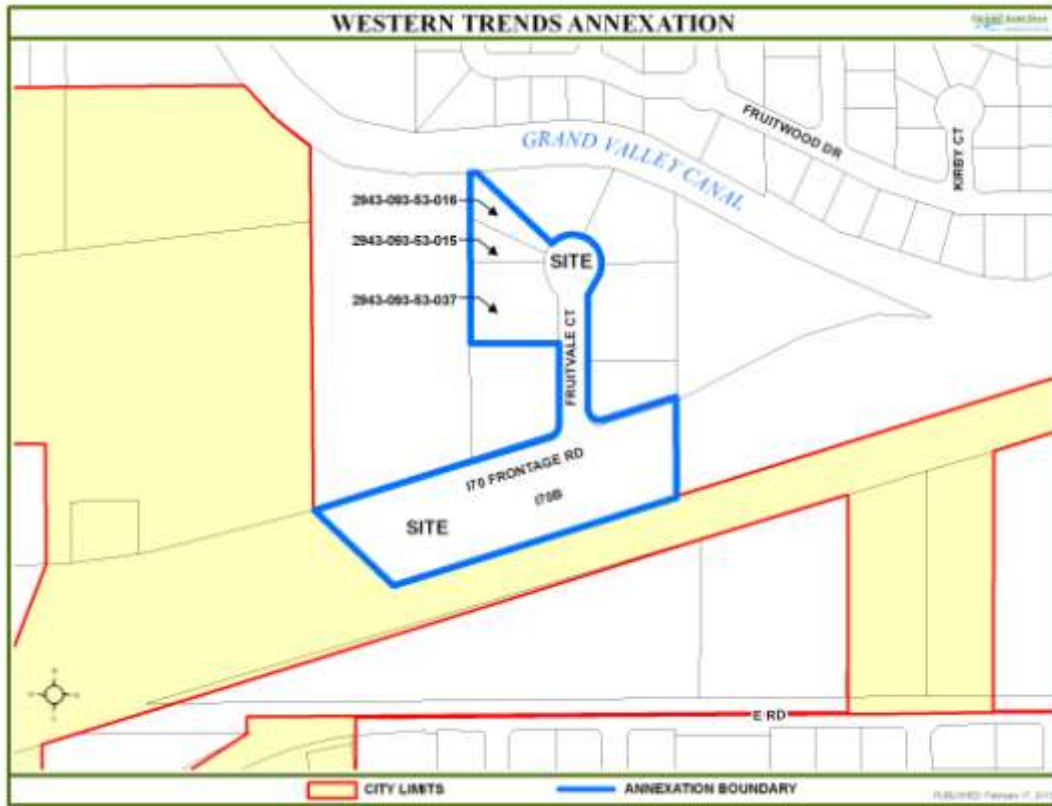
<i>ANNEXATION SCHEDULE</i>	
February 28, 2011	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
March 8, 2011	Planning Commission considers Zone of Annexation
March 14, 2011	Introduction Of A Proposed Ordinance on Zoning by City Council
April 4, 2011	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
May 6, 2011	Effective date of Annexation and Zoning

WESTERN TRENDS ANNEXATION SUMMARY

File Number:	ANX-2011-467	
Location:	507 and 512 Fruitvale Court	
Tax ID Numbers:	2943-093-53-015 2943-093-53-016 2943-093-53-037	
# of Parcels:	3	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	5.019 acres	
Developable Acres Remaining:	1.137 acres	
Right-of-way in Annexation:	3.882 acres	
Previous County Zoning:	County PUD (Planned Unit Development)	
Proposed City Zoning:	C-1 (Light Commercial)	
Current Land Use:	Commercial	
Future Land Use:	Commercial	
Values:	Assessed:	\$223,950
	Actual:	\$772,230
Address Ranges:	507 & 512 Fruitvale Court	
Special Districts:	Water:	Clifton Water District
	Sewer:	Central Grand Valley Sanitation District
	Fire:	Clifton Fire Protection District
	Irrigation/ Drainage:	Grand Valley Irrigation Company Grand Valley Drainage District
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

Annexation / Site Location Map

Figure 1



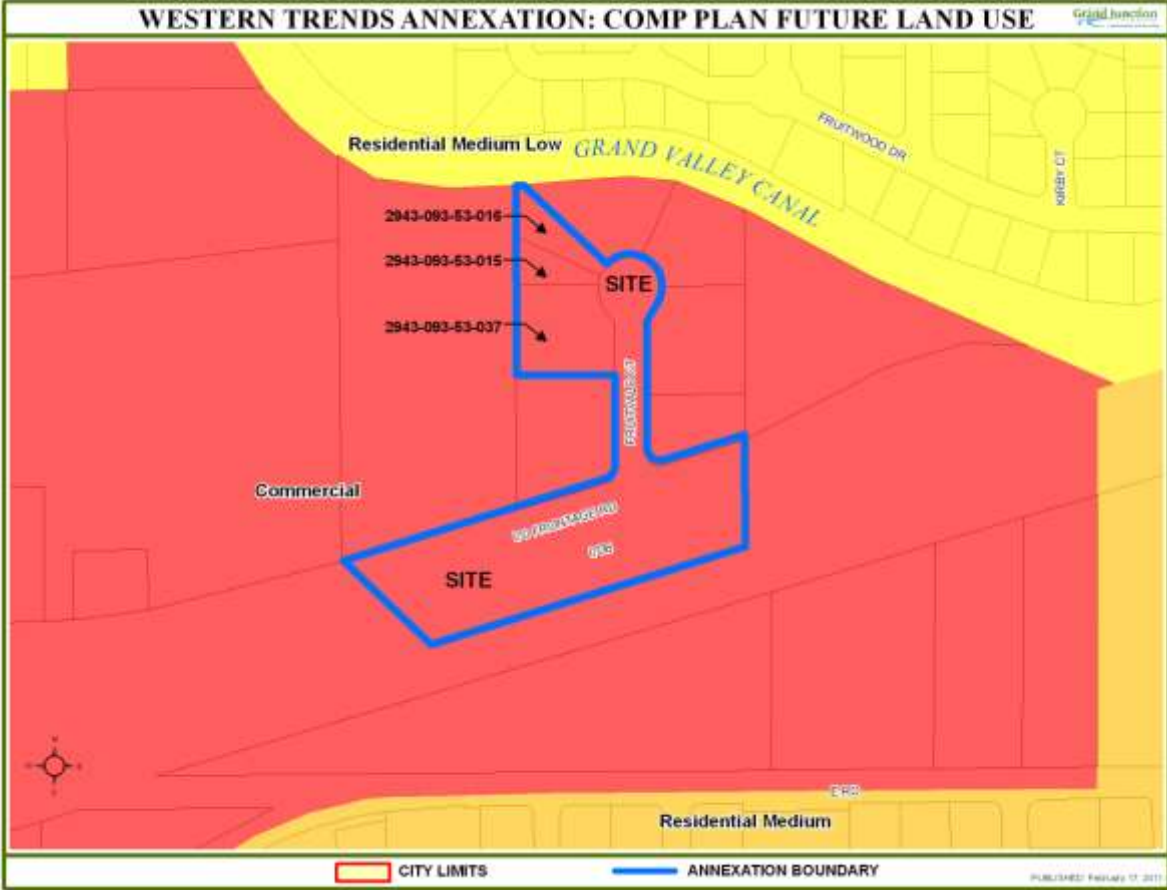
Aerial Photo Map

Figure 2



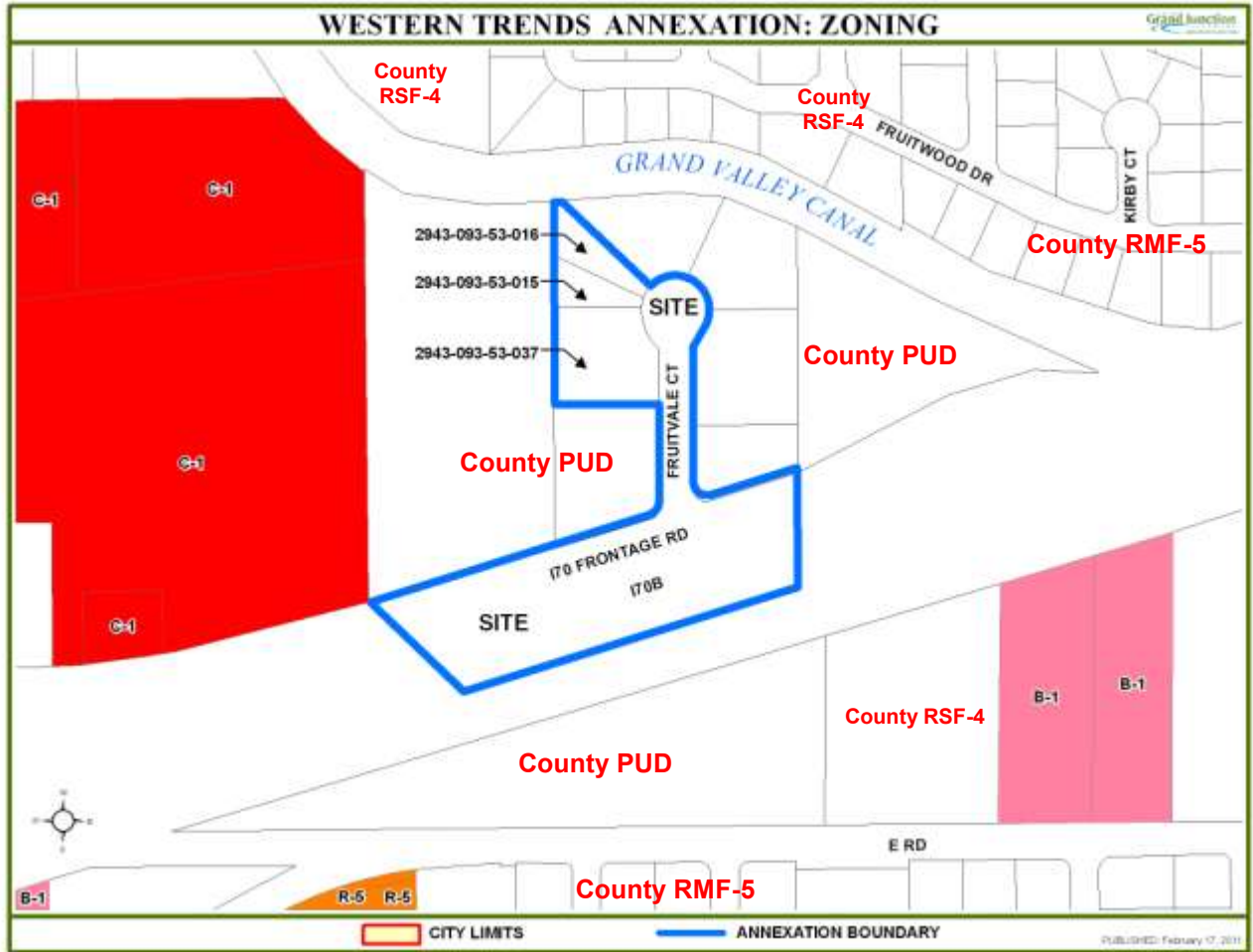
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 28th day of February, 2011, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ___-11

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

WESTERN TRENDS ANNEXATION

**LOCATED AT 507 AND 512 FRUITVALE COURT AND INCLUDING A PORTION OF
THE I-70B AND FRUITVALE COURT RIGHTS-OF-WAY**

WHEREAS, on the 28th day of February, 2011, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

WESTERN TRENDS ANNEXATION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 8, Fruitvale Business Park, as same is recorded in Plat Book 12, Page 95, Public Records of Mesa County, Colorado; thence from said Point of Beginning, N 00°03'36" E (the West line of said Fruitvale Business Park is assumed to bear N 00°03'36" E with all other bearings contained herein being relative thereto) along the West line of said Fruitvale Business Park, a distance of 356.12 feet to a point being the Northwest corner of Lot 16 of said Fruitvale Business Park; thence N 85°24'03" E along the North line of said Lot 16, a distance of 14.88 feet; thence S 45°59'36" E along the Northerly line of said Lot 16, a distance of 215.02 feet to a point on a 60.00 foot radius curve, concave Southwest, whose long chord bears S 52°26'06" E with a chord length of 119.24 feet; thence along the right of way for Fruitvale Court, Easterly and Southwesterly along the arc of said curve, through a central angle of 167°07'58", a distance of 175.02 feet; thence S 31°08'15" W a distance of 41.42 feet; thence S 00°03'06" W, along the East right of way for said Fruitvale Court, a distance of 235.84 feet to the beginning of a 25.00 foot radius curve, concave Northeast, whose long chord bears S 53°33'24" E with a chord length of 40.25 feet; thence Southeasterly along the arc of said curve, through a central angle of 107°13'00", a distance of 46.78 feet; thence N 72°50'06" E, along the North right of way for the I-70 Business Loop, a distance of 157.46 feet; thence S 00°03'06" W, a distance of 209.57 feet to a point on the North line of the Wells Annexation, City of Grand Junction Ordinance 3092, as same is recorded in Book 2564, Page 83, Public Records of Mesa

County, Colorado; thence 73°00'09" W along the North line of said Wells Annexation, a distance of 615.67 feet to a point being the Southeast corner of the Route 30 Partners Annexation, City of Grand Junction Ordinance 3301, as same is recorded in Book 2780, Page 20, Public Records of Mesa County, Colorado; thence N 45°52'38" W along the East line of said Route 30 Partners Annexation, a distance of 226.20 feet to a point on the North line of said I-70 Business Loop; thence N 72°56'31" E, along the north line of said I-70 Business Loop, a distance of 514.27 feet to the beginning of a 25.00 foot radius curve, concave Northwest, whose long chord bears N 36°26'36" E with a chord length of 29.67 feet; thence Northeasterly along the arc of said curve, through a central angle of 72°47'00", a distance of 31.76 feet; thence N 00°03'06" E, along the West right of way for Fruitvale Court, a distance of 169.93 feet to a point being the Southeast corner of said Lot 8, Fruitvale Business Park; thence N 89°56'54" W, along the South line of said Lot 8, a distance of 182.82 feet, more or less, to the Point of Beginning.

CONTAINING 218,381 Square Feet or 5.019 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 4th day of April, 2011, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the _____ day of _____, 2011.

Attest:

President of the Council

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
March 2, 2011
March 9, 2011
March 16, 2011
March 23, 2011

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

WESTERN TRENDS ANNEXATION

APPROXIMATELY 5.019 ACRES

**LOCATED AT 507 AND 512 FRUITVALE COURT AND INCLUDING A PORTION OF
THE I-70B AND FRUITVALE COURT RIGHTS-OF-WAY**

WHEREAS, on the 28th day of February, 2011, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 4th day of April, 2011; and

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

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

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

WESTERN TRENDS ANNEXATION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 8, Fruitvale Business Park, as same is recorded in Plat Book 12, Page 95, Public Records of Mesa County, Colorado; thence from said Point of Beginning, N 00°03'36" E (the West line of said Fruitvale Business Park is assumed to bear N 00°03'36" E with all other bearings contained herein being relative thereto) along the West line of said Fruitvale Business Park, a distance of 356.12 feet to a point being the Northwest corner of Lot 16 of said Fruitvale Business Park; thence N 85°24'03" E along the North line of said Lot 16, a distance of 14.88 feet; thence S 45°59'36" E along the Northerly line of said Lot 16, a distance of 215.02 feet to a point on a 60.00 foot radius curve, concave Southwest, whose long chord bears S 52°26'06" E with a chord length of 119.24 feet; thence along the right of way for Fruitvale Court, Easterly and Southwesterly along the arc of said curve, through a

central angle of 167°07'58", a distance of 175.02 feet; thence S 31°08'15" W a distance of 41.42 feet; thence S 00°03'06" W, along the East right of way for said Fruitvale Court, a distance of 235.84 feet to the beginning of a 25.00 foot radius curve, concave Northeast, whose long chord bears S 53°33'24" E with a chord length of 40.25 feet; thence Southeasterly along the arc of said curve, through a central angle of 107°13'00", a distance of 46.78 feet; thence N 72°50'06" E, along the North right of way for the I-70 Business Loop, a distance of 157.46 feet; thence S 00°03'06" W, a distance of 209.57 feet to a point on the North line of the Wells Annexation, City of Grand Junction Ordinance 3092, as same is recorded in Book 2564, Page 83, Public Records of Mesa County, Colorado; thence 73°00'09" W along the North line of said Wells Annexation, a distance of 615.67 feet to a point being the Southeast corner of the Route 30 Partners Annexation, City of Grand Junction Ordinance 3301, as same is recorded in Book 2780, Page 20, Public Records of Mesa County, Colorado; thence N 45°52'38" W along the East line of said Route 30 Partners Annexation, a distance of 226.20 feet to a point on the North line of said I-70 Business Loop; thence N 72°56'31" E, along the north line of said I-70 Business Loop, a distance of 514.27 feet to the beginning of a 25.00 foot radius curve, concave Northwest, whose long chord bears N 36°26'36" E with a chord length of 29.67 feet; thence Northeasterly along the arc of said curve, through a central angle of 72°47'00", a distance of 31.76 feet; thence N 00°03'06" E, along the West right of way for Fruitvale Court, a distance of 169.93 feet to a point being the Southeast corner of said Lot 8, Fruitvale Business Park; thence N 89°56'54" W, along the South line of said Lot 8, a distance of 182.82 feet, more or less, to the Point of Beginning.

CONTAINING 218,381 Square Feet or 5.019 Acres, more or less, as described.

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

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk



Date: February 15, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Sr. Planner
x4058
 Proposed Schedule:
February 28, 2011
 2nd Reading
 (if applicable): N/A

CITY COUNCIL AGENDA ITEM

**Attach 4
 Spendrup Revocable Permit**

Subject: Spendrup Revocable Permit, Located within South 7 th Street Right-of-Way
File # (if applicable): RVP-2011-536
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

Applicant is requesting approval of a Revocable Permit for an existing structure, originally designed for lumber storage, within the South 7th Street right-of-way. The encroachment has existed since before 1954.

Applicant is also requesting the revocation of an existing Revocable Permit for a structure that no longer exists.

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

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

This request allows for the continued use of an existing structure for commercial purposes.

Action Requested/Recommendation:

Approval of a Resolution Granting a Revocable Permit to John O. Spendrup LLC

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

See attached staff report.

Financial Impact/Budget:

N/A

Legal issues:

All legal issues are addressed through the permit.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Future Land Use Map / Zoning Map
4. Resolution
5. Revocable Permit
6. Agreement

BACKGROUND INFORMATION			
Location:		515 S. 7 th Street	
Applicant:		John O. Spendrup, LLC	
Existing Land Use:		Flea Market	
Proposed Land Use:		Flea Market	
Surrounding Land Use:	North	Mesa County Corrections	
	South	Industrial	
	East	StarTek	
	West	GVT Transfer Station / Xcel Substation	
Existing Zoning:		I-1 (Light Industrial)	
Proposed Zoning:		No change	
Surrounding Zoning:	North	C-1 (Light Commercial) C-2 (General Commercial)	
	South	I-1 (Light Industrial)	
	East	C-2 (General Commercial)	
	West	C-2 (General Commercial) I-1 (Light Industrial)	
Future Land Use Designation:		Downtown Mixed Use	
Zoning within density range?		<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes
		<input checked="" type="checkbox"/>	<input type="checkbox"/> No

ANALYSIS

1. Background

The applicant owns all of the property at 515 South 7th Street, formerly a lumber yard, and currently operates a flea market and associated parking.

The applicant would like to continue using an existing structure, originally designed for lumber storage, which encroaches into the right-of-way of South 7th Street approximately 2.5 feet. Based on historic aerial photography, the building was constructed prior to 1954.

A revocable permit was granted in 1965 for a similar building encroachment on the adjacent parcel to the north that was also a part of the former lumber yard. That building has since been demolished. The applicant is requesting that this permit be revoked, since it is no longer applicable.

2. Section 21.02.180 of the Grand Junction Municipal Code

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

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

The encroachment has been in existence since before 1954 based on aerial photo history. The existing improvements to the streetscape on South 7th Street will not be impacted.

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

Granting a Revocable Permit will allow the use of the existing structure for commercial purposes.

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

The encroachment has been in existence since before 1954 based on aerial photo history. The existing improvements to the streetscape on South 7th Street will not be impacted.

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

The encroachment has been in existence since before 1954 based on aerial photo history. The existing improvements to the streetscape on South 7th Street will not be impacted.

Continued use of the area identified in the permit does not negatively impact access, traffic circulation, and the neighborhood or sensitive areas.

- e) The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this code and other City policies; and

Goal 6 of the Comprehensive Plan states that land use decisions will encourage preservation of existing buildings and their appropriate reuse. This request allows for the continued use of an existing structure for commercial purposes.

- f) The application complies with the submittal requirements as set forth in Section [127](#) of the City Charter, this chapter and the Submittal Standards for Improvements and Development manual (GJMC Title [22](#)). To the extent legally necessary or required, for the term of the use under the permit, the setbacks

from the property line shall be varied to meet those existing at the time of the issuance of the permit.

The application complies with all applicable submittal requirements.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Spendrup Revocable Permit application, RVP-2011-536 for the issuance of a revocable permit for an existing structure, originally designed for lumber storage, within the South 7th Street right-of-way, along with the revocation of an existing Revocable Permit for a structure that no longer exists, staff makes the following findings of fact and conclusions:

1. The review criteria in Section 21.02.180 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

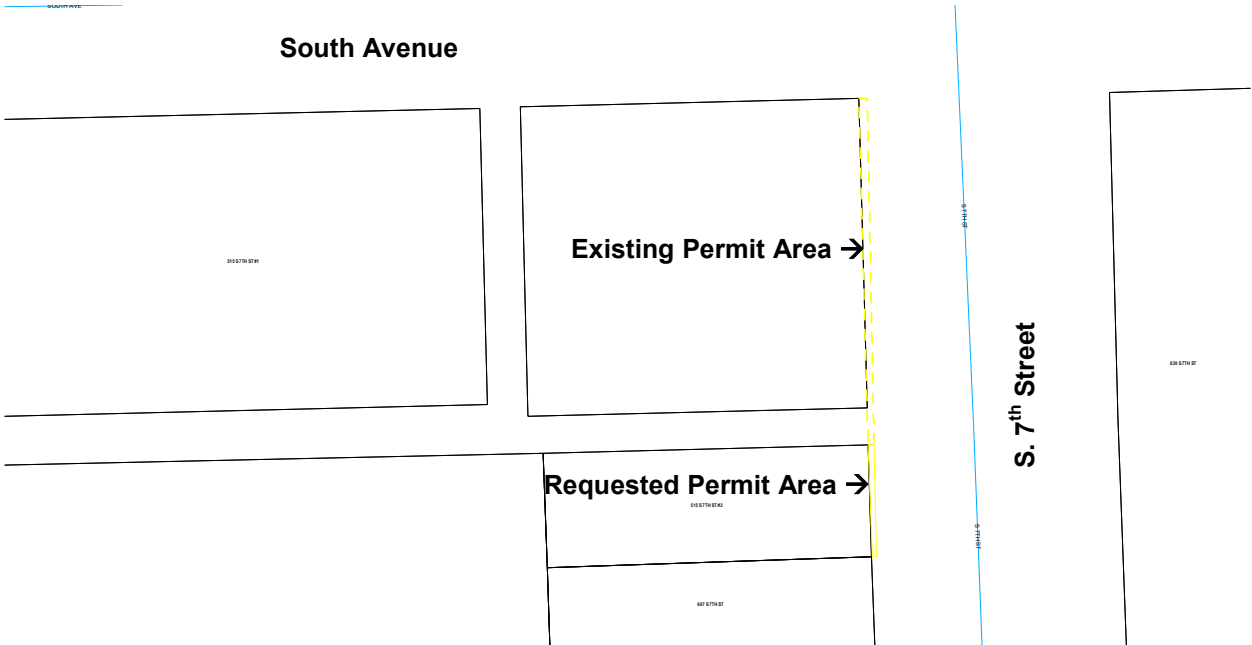
I recommend that the City Council approve the requested revocable permit an existing structure, originally designed for lumber storage, within the South 7th Street right-of-way, along with the revocation of an existing Revocable Permit for a structure that no longer exists.

Attachments:

Site Location Map / Aerial Map
Future Land Use Map / Existing Zoning Map
Resolution
Revocable Permit
Agreement

Site Location Map

Figure 1



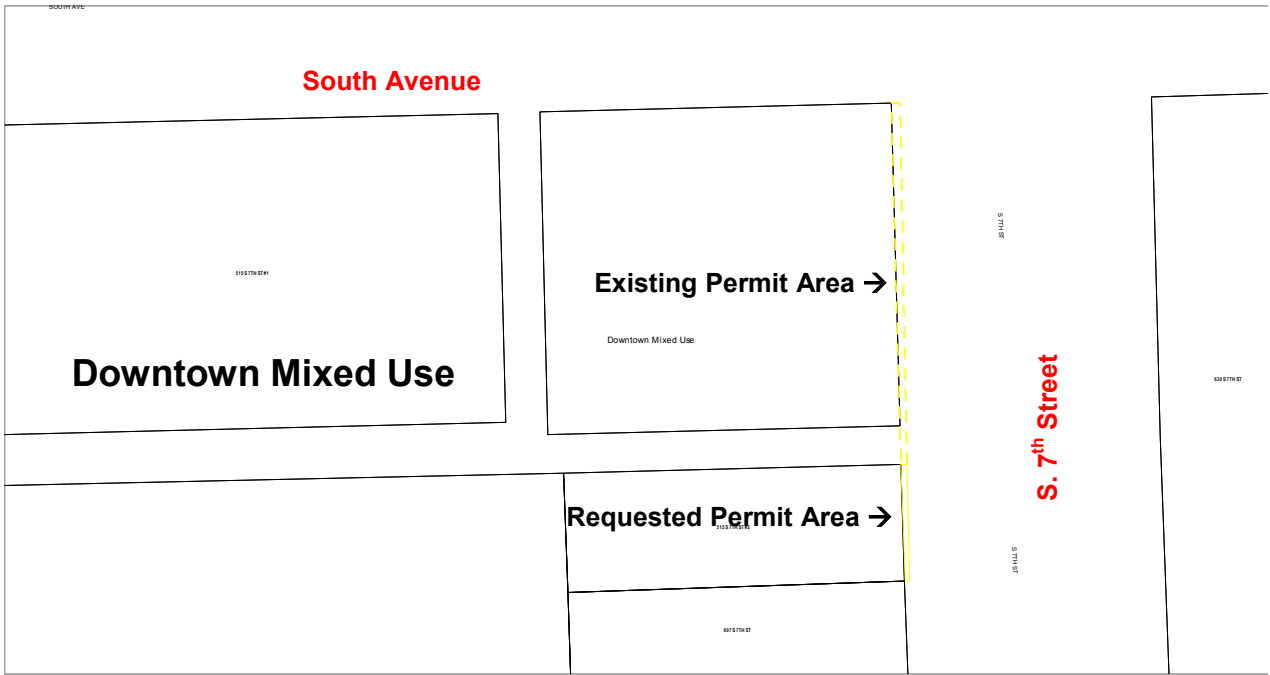
Aerial Photo Map

Figure 2



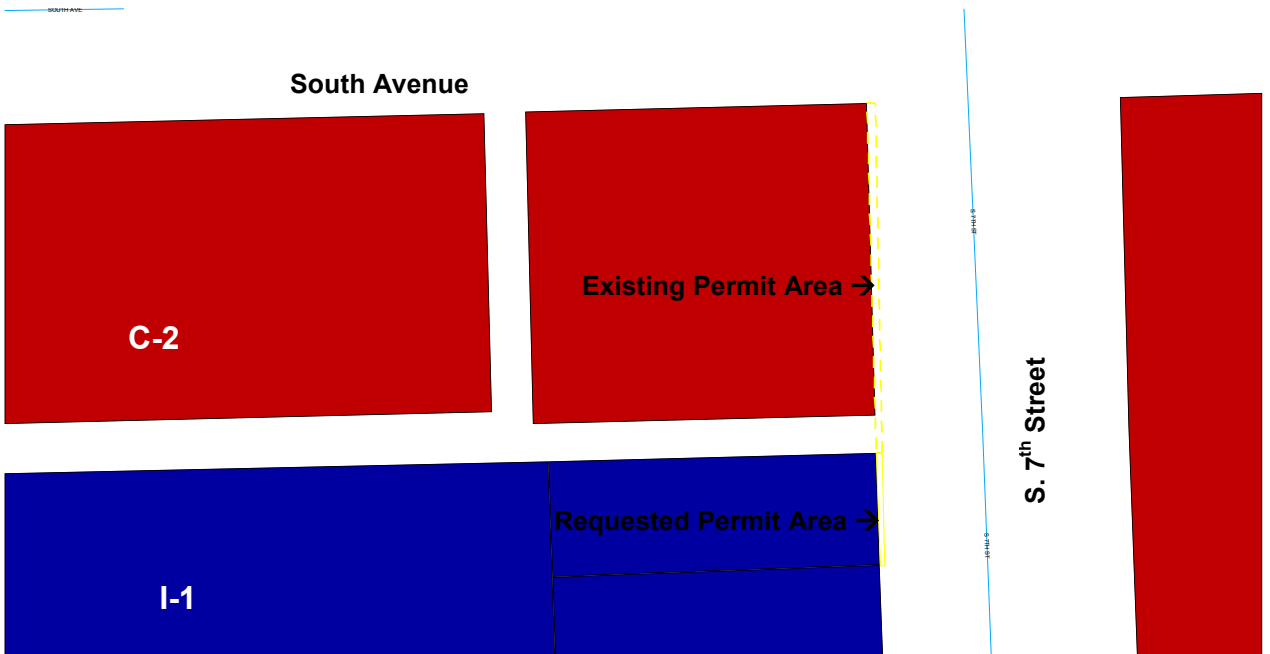
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



RESOLUTION NO. ____-11

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
JOHN O. SPENDRUP LLC**

Recitals.

A. John O Spendrup LLC, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

BEG N4 COR SEC 23 1S 1W S ALG W LI OF NE4 53.3FT E 132FT N 53.3FT
W 132FT TO BEG

Identified by Mesa County Tax Schedule Number 2945-231-00-001

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit for an existing structure, originally designed for lumber storage, within the following described portion of public right-of-way:

A portion of 7th Street situate in the NE1/4 of Section 23, Township One South, Range one West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, more particularly described as follows:

Commencing at a two-inch pipe monument for the S1/4 Corner of said Section 14, whence an alloy cap for the N1/16 Corner of Section 23, Township One South, Range One West of the Ute Meridian bears S00°11'26"W a distance of 1315.10 feet, more or less, thence S89°50'40"E for a distance of 128.97 feet to the west line of said 7th Street and the Point of Beginning; thence the following four courses and distances:

1. S89°50'40"E for a distance of 2.50 feet;
2. S00°28'16"E, parallel with the west line of said 7th Street, for a distance of 53.30 feet;
3. N89°50'40"W for a distance of 2.50 feet;
4. N00°28'16"W, on the west line of said 7th Street, for a distance of 53.30 feet to the beginning.

Containing approximately 133 square feet.

See also attached Exhibit A

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-536 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

D. The Petitioner is successor in interest to the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

LOTS 1 TO 15 INC BLK 160 GRAND JUNCTION

Identified by Mesa County Tax Schedule Number 2945-143-42-001

E. The Petitioner has demonstrated that revocable permit issued for structures on the above described property have been demolished and that said revocable permit, recorded February 4, 1965 in Book 879, Pages 128-129 of the records of the Mesa County Clerk and Recorder and attached herein as Exhibit B, is no longer necessary and request that it be revoked.

F. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-536 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

2. That the Revocable Permit recorded February 4, 1965 in Book 879, Pages 128-129 of the records of the Mesa County Clerk and Recorder and attached herein as Exhibit B, is no longer necessary and is hereby revoked.

PASSED and ADOPTED this _____ day of _____, 2011.

Attest:

President of the City Council

City Clerk

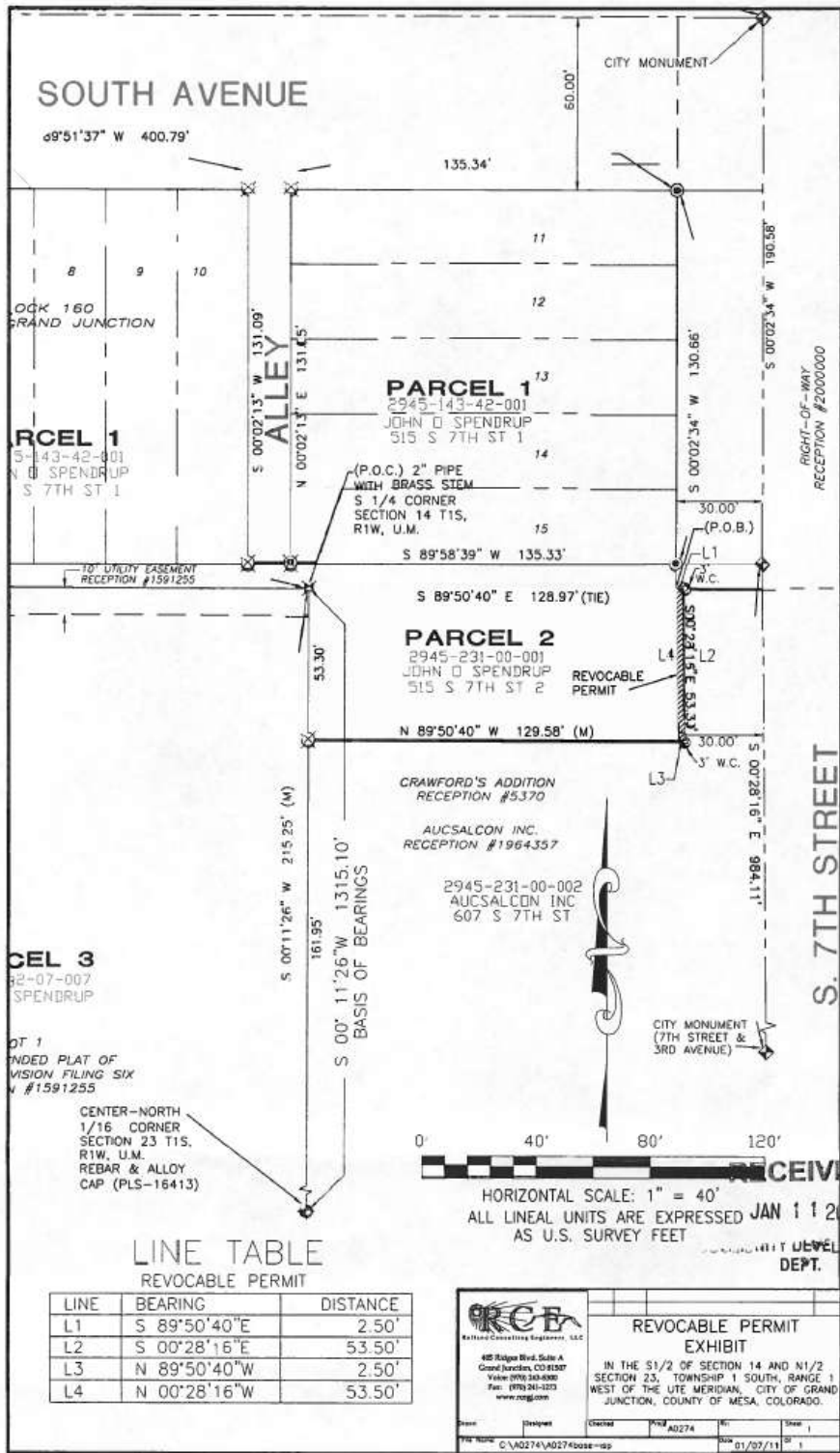


Exhibit A

State of Colorado)
County of Mesa)

Recorded at
ss. Reception No.

2⁰⁰
884537

o'clock P.M. FEB. 4, 1965
Recorder

MAX 819 22128

REVOCABLE PERMIT

WHEREAS, Burkey Lumber Company has petitioned the City of Grand Junction for a revocable permit to encroach a distance of 1.8 feet onto the 7th Street right-of-way in the City to provide facing on the building the east side of which extends from the Northeast corner of Lot 11, Block 160, City of Grand Junction to 14 feet south of the Southeast corner of Lot 15 in said Block, and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use.

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

There is hereby granted to the Burkey Lumber Company of Grand Junction a revocable permit to encroach upon the City right-of-way for the purpose above stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named company shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the permitted use; and provided further that said company shall agree that upon the revocation of such permit it will, at its own expense remove said facing and restore the right-of-way to its original condition.

Dated this 21st day of January, 1965.

W. H. Bay
City Manager



The undersigned, for itself, its successors and assigns, hereby agrees that it will abide by the conditions contained in the foregoing permit and that it will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said permit, and further, on revocation of the permit it agrees to remove said facing and restore the right-of-way to its original condition, all at its own expense.

Dated at Grand Junction, Colorado, this 29 day of January, 1965.

Burkey Lumber Company
John W. Burkey
President

ATTEST:

Secretary

STATE OF COLORADO)
) ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 29 day of January, 1965, by *John W. Burkey* as President and _____ as Secretary of Burkey Lumber Company, a corporation.

Witness my hand and seal.

[Signature]
Notary Public



My commission expires:
My Commission Expires November 2, 1968

REVOCABLE PERMIT

Recitals.

A. John O Spendrup LLC, hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

BEG N4 COR SEC 23 1S 1W S ALG W LI OF NE4 53.3FT E 132FT N 53.3FT
W 132FT TO BEG

Identified by Mesa County Tax Schedule Number 2945-231-00-001

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit for an existing structure, originally designed for lumber storage, within the following described portion of public right-of-way:

A portion of 7th Street situate in the NE1/4 of Section 23, Township One South, Range one West of the Ute Meridian in the City of Grand Junction, Mesa County, Colorado, more particularly described as follows:

Commencing at a two-inch pipe monument for the S1/4 Corner of said Section 14, whence an alloy cap for the N1/16 Corner of Section 23, Township One South, Range One West of the Ute Meridian bears S00°11'26"W a distance of 1315.10 feet, more or less, thence S89°50'40"E for a distance of 128.97 feet to the west line of said 7th Street and the Point of Beginning; thence the following four courses and distances:

1. S89°50'40"E for a distance of 2.50 feet;
2. S00°28'16"E, parallel with the west line of said 7th Street, for a distance of 53.30 feet;
3. N89°50'40"W for a distance of 2.50 feet;
4. N00°28'16"W, on the west line of said 7th Street, for a distance of 53.30 feet to the beginning.

Containing approximately 133 square feet.

See also attached Exhibit

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-536 in the office of the City's Public Works and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, 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 for the purpose aforescribed and within the limits of the public right-of-way

aforedescribed; provided, however, that the issuance of this Revocable Permit 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 aforedescribed 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 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 aforedescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

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

Dated this _____ day of _____, 2010.

The City of Grand Junction,
a Colorado home rule municipality

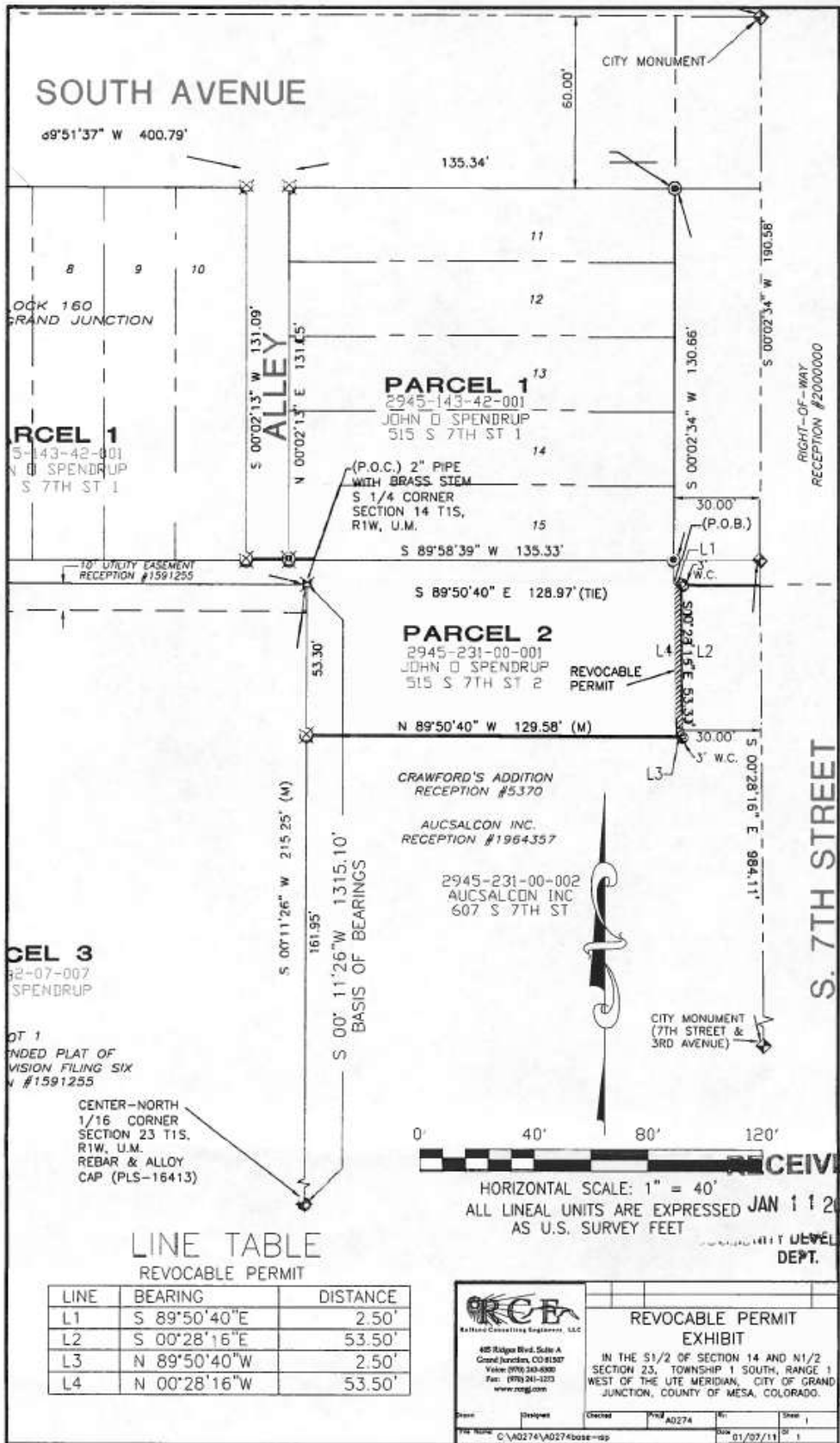
Attest:

City Clerk

City Manager

Acceptance by the Petitioner:

John O Spendrup LLC



RCCE
 Registered Consulting Engineers, LLC
 405 Ridge Blvd. Suite A
 Grand Junction, CO 81507
 Voice: (970) 243-8800
 Fax: (970) 243-1253
 www.rcce.com

REVOCABLE PERMIT EXHIBIT
 IN THE S1/2 OF SECTION 14 AND N1/2 SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, COLORADO.

Drawn	Designed	Checked	PLN	AD274	Sh	1
Date			01/07/11	Sh	1	

AGREEMENT

John O Spendrup LLC, for themselves and for their successors and assigns, do hereby agree to:

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

(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;

(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 _____, 2011.

By: _____
John O Spendrup LLC

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2011, by _____ for John O Spendrup LLC

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

Notary Public



Date: February 11, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner/4058
 Proposed Schedule: 1st Reading, Monday, February 14, 2011
 2nd Reading: Monday, February 28, 2011

CITY COUNCIL AGENDA ITEM

**Attach 5
 Public Hearing—Right-of-Way Vacations Adjacent
 to 515 S. 7th Street**

Subject: Right-of-Way Vacations Adjacent to 515 S. 7 th Street
File #: VAC-2010-388
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to vacate a north-south alley in Block 160 of the original City of Grand Junction; a boundary "gap" oriented east-west between the south boundary of Block 160 and the north boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; approximately 5 feet of 6th Court adjacent to Lot 1, Block 160; and an irregular portion of South Avenue adjacent to Block 160, all public right-of-way that is no longer needed.

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

The proposed vacation will maximize the use of the existing buildings on the property, consistent with Goal 6 of the Comprehensive Plan. Goal 4 encourages the continued development of the downtown area.

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 decision will encourage preservation of existing buildings and their appropriate reuse.

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage of a Proposed Ordinance to Vacate Rights-of-Way.

Board or Committee Recommendation:

At their February 8, 2011 meeting, the Planning Commission forwarded a recommendation of approval.

Background, Analysis and Options:

Please see the attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

No other issues.

Previously presented or discussed:

First reading of the Ordinance was February 14, 2011.

Attachments:

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

BACKGROUND INFORMATION						
Location:		515 S. 7 th Street				
Applicants:		John O. Spendrup, LLC				
Existing Land Use:		Flea Market and Parking				
Proposed Land Use:		Parking Lot				
Surrounding Land Use:	North	Mesa County Corrections				
	South	Industrial				
	East	StarTek				
	West	GVT Transfer Station / Xcel Substation				
Existing Zoning:		C-2 (General Commercial) I-1 (Light Industrial)				
Proposed Zoning:		No change				
Surrounding Zoning:	North	C-1 (Light Commercial) C-2 (General Commercial)				
	South	I-1 (Light Industrial)				
	East	C-2 (General Commercial)				
	West	C-2 (General Commercial) I-1 (Light Industrial)				
Future Land Use Designation:		Downtown Mixed Use				
Zoning within density range?		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	X	No

ANALYSIS

1. Background:

Block 160 is part of the original town site of Grand Junction, platted in 1882. A portion of the southern area of the original townsite, including Block 160, was replatted later without change to Block 160 and the land immediately south of Block 160 in the Grand Junction Plat of Part of Second Division Resurvey as Amended.

The applicant owns all of the lots within Block 160 and uses the property, formerly a lumber yard, for a flea market and associated parking. The applicant also owns adjacent property, also part of the former lumber yard, to the south. The applicant would like to construct a parking lot on portions of the property to facilitate the use of the existing flea market and accessory structures.

The applicant is asking the City to vacate an existing north-south alley located within Block 160, as well as a boundary "gap" that is oriented east-west between the south boundary of Block 160 and the north boundary of Lot 1 of the Second Amended Plat, D &

RGW Railroad Subdivision. The boundary “gap” was created with the plat for the original townsite of Grand Junction. The plat includes lots, streets, and alleys with specific measurements for each. However, the southern portion of the described land which appears to be an alley did not include enough width to match the measurements described by the plat as alleys or streets. In fact, the width varied across the southern edge of the property.

Over the years, the gap has been used in areas as an alley. Portions of this gap have been vacated as alleys in the past. In other instances, the City has transferred by deed its interest in part of this land area. As the City is not using the area as an alley at this time except for utility purposes, the applicant is asking that the land be granted to it and an easement to be retained by the City for the utility included in the ground.

In addition, the applicant is asking the City to vacate approximately five (5) feet of right-of-way along S. 6th Court, to make the western property line of the original lots line up with the property line of the southern lots under his ownership. Further, an existing storage building on the property encroaches into the right-of-way of South Avenue. Vacation of an irregular portion of this right-of-way, paralleling the existing sidewalk improvements along the street, is proposed to allow the encroaching structure to remain, since the area is not needed for public use.

A Neighborhood Meeting was held on November 30, 2010 with no surrounding property owners in attendance.

The Vacation of the unneeded right-of-way will allow the owner to better utilize his entire property and will allow an existing building to remain in its present location.

2. Section 21.02.100 of the Grand Junction Municipal Code:

The purpose of Section 21.02.100 of the Grand Junction Municipal Codes (GJMC) is to permit the vacation of surplus rights-of-way and/or easements.

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

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

The proposed vacation will maximize the use of the existing buildings on the property, consistent with Goal 6 of the Comprehensive Plan. Goal 4 encourages the continued development of the downtown area.

The Grand Valley Circulation Plan designates S. 6th Court as a local street. No access is currently provided from South Avenue into the property, despite the existing north-south alley. The primary access to the property is off S. 7th Street, which is designated as a Major Collector.

Granting the right-of-way vacation does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and/or any other adopted plans and policies of the City.

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

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

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

Access will not be restricted to any parcel. The existing parcel(s) have access to either S. 7th Street or S. 6th Court. Internal circulation will be provided as part of any parking lot design or other redevelopment.

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

The vacation will not have adverse impact on the health, safety, and/or welfare of the community. The land that is currently alley right-of-way(s) are not utilized by the public.

Access will remain available to either S. 7th Street or S. 6th Court, with internal circulation provided as part of the parking lot design.

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

An existing sanitary sewer line within the proposed vacation will be maintained, with a utility easement retained on the east-west portion of the vacated right-of-way (the "gap" area).

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

The proposed vacation area is not currently maintained by the City and has been utilized as private property during its previous use as a lumber yard. The existing sewer line will be protected with an easement to permit City access and maintenance. The excess right-of-way along S. 6th Court and South Avenue will, if vacated, shift maintenance to the property owner of land that otherwise would need to be maintained by the City.

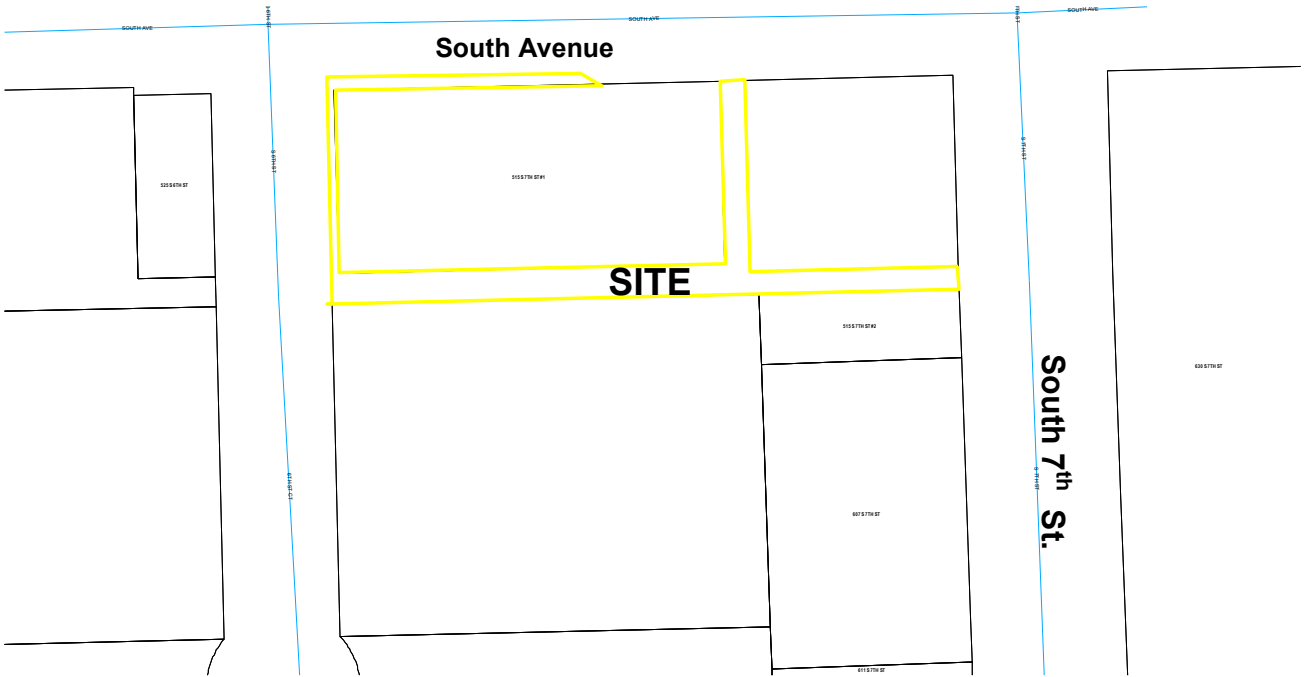
FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Spendrup Right-of-Way Vacation application, file number VAC-2010-388, to vacate a north-south alley in Block 160 of the original City of Grand Junction; a boundary "gap" oriented east-west between the south boundary of Block 160 and the north boundary of Lot 1 of Second Amended Plat of D&RGW Railroad Subdivision; approximately 5 feet of 6th Court adjacent to Lot 1, Block 160; and an irregular portion of South Avenue adjacent to Block 160, I make the following findings of fact, conclusions and conditions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

Site Location Map

Exhibit 1



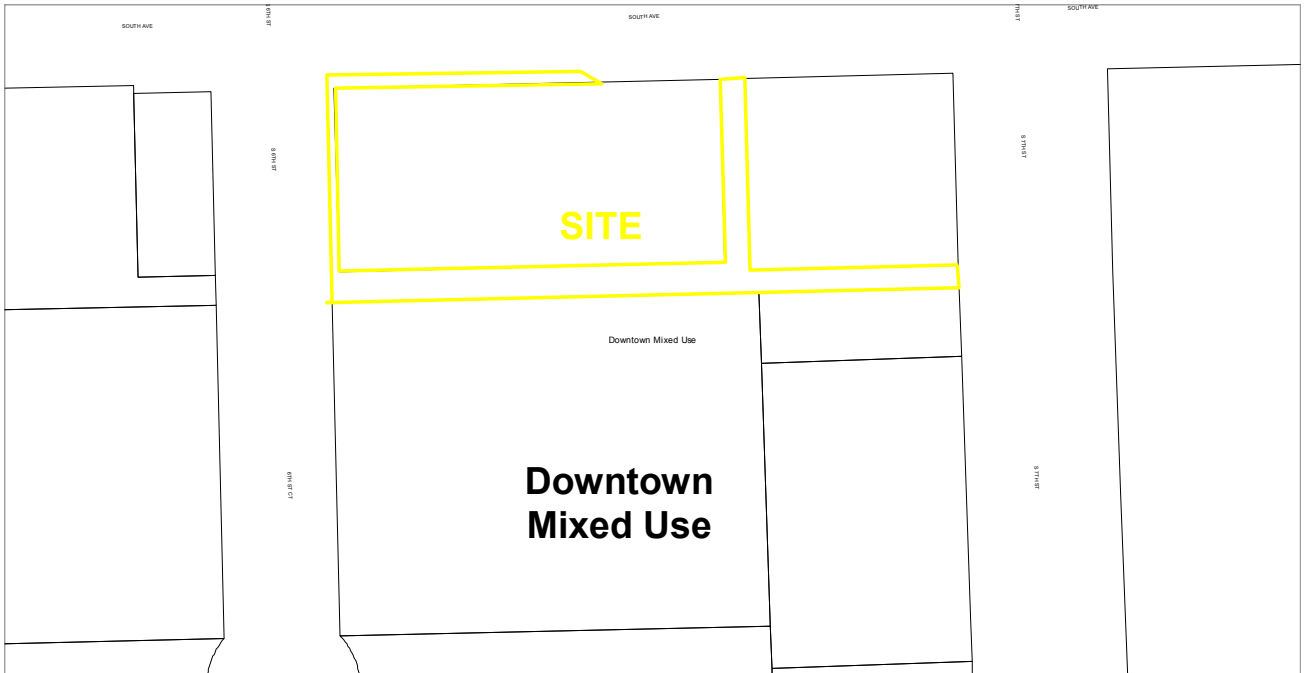
Aerial Photo Map

Exhibit 2



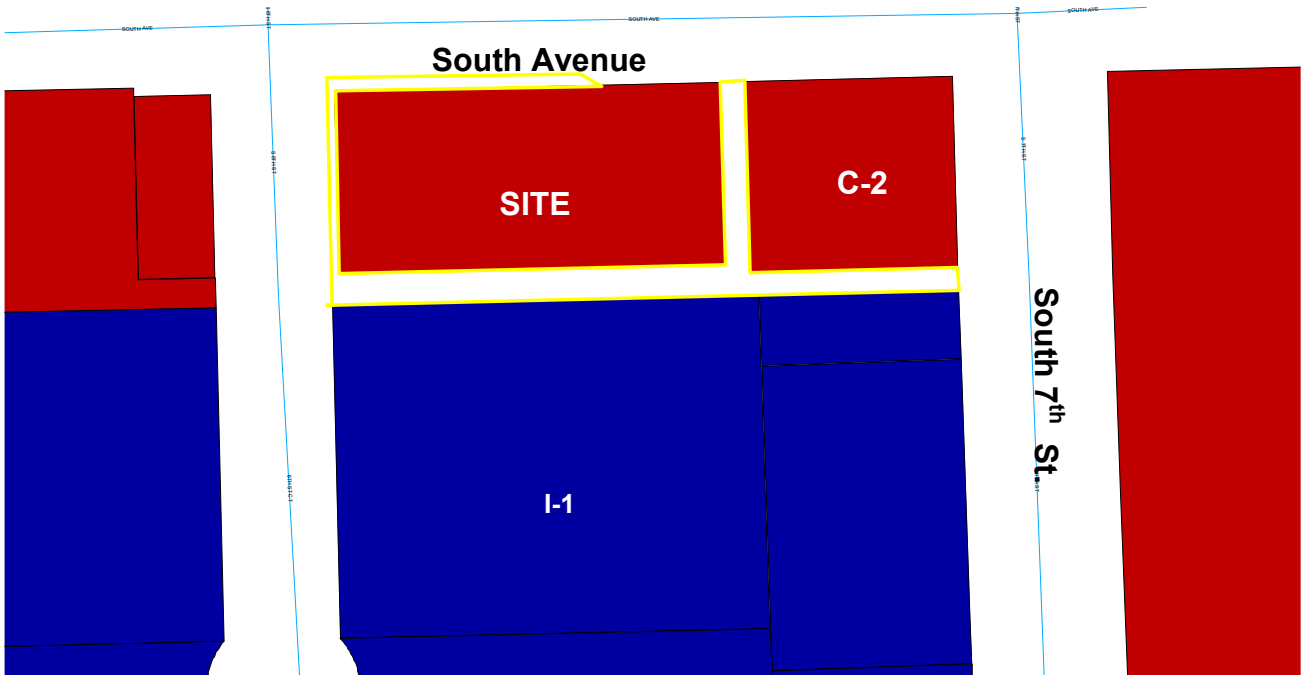
Comprehensive Plan Map

Exhibit 3



Existing City Zoning Map

Exhibit 4



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING
A NORTH-SOUTH ALLEY IN BLOCK 160**

**ORIGINAL PLAT OF THE TOWN OF GRAND JUNCTION AND REPLATTED IN
GRAND JUNCTION PLAT OF PART OF SECOND DIVISION RESURVEY AS
AMENDED;**

**AN AREA ORIENTED EAST-WEST BETWEEN THE SOUTH BOUNDARY OF BLOCK
160 AND THE NORTH BOUNDARY OF LOT 1 OF SECOND AMENDED PLAT OF
D&RGW RAILROAD SUBDIVISION;**

**APPROXIMATELY 5 FEET OF 6TH COURT ADJACENT TO LOT 1, BLOCK 160;
AND
AN IRREGULAR PORTION OF SOUTH AVENUE ADJACENT TO BLOCK 160
(SPENDRUP VACATIONS)**

RECITALS:

A vacation of dedicated rights-of-way and an additional area that has been treated previously as an alley 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 21.02.100 of the Grand Junction Municipal Code.

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

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

The following described right-of-ways are hereby vacated, with any conditions of vacation listed with the description of the right-of-way:

All that portion of the S ½ of Section 14, Township One South, Range One West of the Ute Meridian lying south of the south line of Block 160 in the City of Grand Junction, west of the west right-of-way line of 7th Street, and east of the east right-of-way line of 6th Street (aka 6th Court) situate in Mesa County.

Containing approximately 3247 square feet.

The vacation of this piece is subject to the City of Grand Junction retaining the following easement:

A Utility Easement is hereby reserved by the City of Grand Junction on, along, over, under, through and across the area of this right-of-way to be vacated for the benefit of the public for use of City-approved public utilities as perpetual easements for the installation, operation, maintenance and repair of said utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines, equivalent other public utility providers and appurtenant facilities.

It is City Council's intent with this ordinance that the City's interest in fee in this land described above shall transfer to the owner of Block 160 of the original PLAT OF THE TOWN OF GRAND JUNCTION except for a utility easement that is retained by the City in the same area as described above.

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

Dedicated right-of-way to be vacated:

All of the north-south alley located in Block 160 of the City of Grand Junction, situate in the S ½ of Section 14, Township One South, Range One West of the Ute Meridian, Mesa County, Colorado.

Containing approximately 1966 square feet.

TOGETHER WITH

A portion of 6th Street (aka 6th Court) and a portion of South Avenue adjacent to Block 160, City of Grand Junction and situate in the S ½ of Section 14, Township One South, Range One West of the Ute Meridian, Mesa County, Colorado, said portions being more particularly described as follows:

Commencing at a two-inch pipe monument for the S ¼ Corner of said Section 14, whence an alloy cap for the N 1/16 Corner of Section 23, Township One South, Range One West of the Ute Meridian bears South 00 degrees 11 minutes 26 seconds West a distance of 1315.10 feet, more or less, thence North 89 degrees 50 minutes, 40 seconds West for a distance of 271.86 feet to the east line of said 6th Street and the Point of Beginning; thence the following six courses and distances:

1. North 89 degrees 50 minutes 40 seconds West, on the northerly line of the Amended Plat of D&RGW Railroad Subdivision (Reception No. 1584004), for a distance of 4.79 feet;
2. North 00 degrees 01 minutes 52 seconds East, parallel with the west line of Lot 1 in said Block 160, for a distance of 145.28 feet;

3. South 89 degrees 51 minutes 37 seconds East, parallel with the north line of Lots 1 through 7 in said Block 160, for a distance of 172.91 feet;
4. South 44 degrees 54 minutes 05 seconds East for a distance of 8.49 feet to the south line of said South Avenue;
5. North 89 degrees 51 minutes 37 seconds West for a distance of 174.13 feet;
6. South 00 degrees 01 minutes 52 seconds West on the west line of Lot 1 in said Block 160, for a distance of 139.24 feet to the beginning.

Containing approximately 1722 square feet.

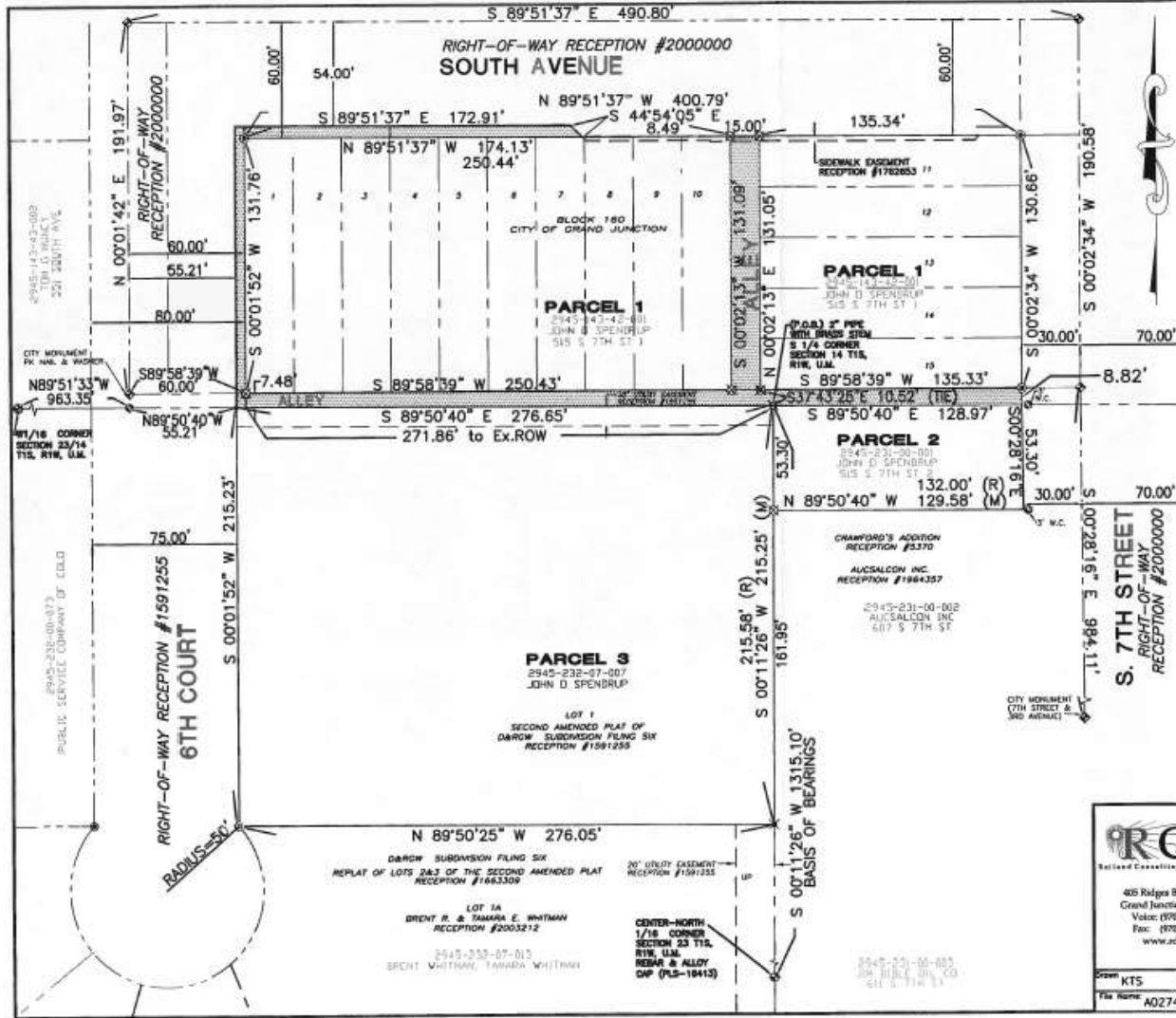
INTRODUCED on first reading the 14th day of February, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

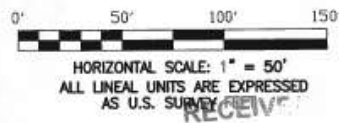
President of City Council

City Clerk



LEGEND AND ABBREVIATIONS:

- ◆ CITY MONUMENT IN RANGE BOX UNLESS OTHERWISE INDICATED
- ⊕ FOUND REBAR & ALLOY CAP PLS-16413
- ⊗ FOUND 5/8" REBAR & ALLOY CAP IN CITY MONUMENT BOX (ILLEGIBLE)
- ⊙ FOUND 5/8" REBAR & ALLOY CAP PLS-4307
- ⊖ FOUND PK NAIL & WASHER PLS-4307
- ⊕ FOUND 5/8" REBAR & ALLOY CAP PLS-20632
- ⊗ FOUND 2" PIPE WITH 1/2" BRASS STEM
- FOUND 5/8" REBAR (NO CAP) UPGRADED WITH PLASTIC CAP PLS-18469
- ⊗ FOUND 3/4" REBAR (NO CAP) UPGRADED WITH WIRE TAG PLS-18469
- ⊗ SET 5/8" REBAR & PLASTIC CAP PLS-18469
- ⊗ SET PK NAIL & WASHER PLS-18469
- (POB) POINT OF BEGINNING
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION



JAN 11 2011
COMMUNITY DEVELOPMENT
DEPT

RCE
Reliance Consulting Engineers, LLC
405 Ridge Blvd Suite A
Grand Junction, CO 81507
Voice: (970) 243-8500
Fax: (970) 241-1273
www.rceg.com

RIGHT-OF-WAY VACATION FOR JOHN O. SPENDRUP LLC
IN THE S1/2 OF SECTION 14 AND N1/2 SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, CITY OF GRAND JUNCTION, COUNTY OF MESA, COLORADO.

Drawn	KTS	Designed	Checked	RAM	Proj	A0274	No.	1	Sheet	1
File Name:	A0274\A0274BASE-isp.dwg\ROWVAC									
Date:	01/07/11									



Date: February 4, 2011
 Author: Stephanie Tuin
 Title/ Phone Ext: City Clerk, x1511
 Proposed Schedule: February
14, 2011 1st reading
 2nd Reading
 (if applicable): February 28,
2011 public hearing

CITY COUNCIL AGENDA ITEM

**Attach 6
 Public Hearing—Affidavit Qualifying Write-in
 Candidates for Municipal Office**

Subject: Affidavit Qualifying Write-in Candidates for Municipal Office
File # (if applicable):
Presenters Name & Title: John Shaver, City Attorney Stephanie Tuin, City Clerk

Executive Summary:

In order to ensure that the votes cast for a write-in candidate(s) may be counted, the City Clerk and City Attorney have proposed that the Council adopt an ordinance requiring that any such candidate file an affidavit of intent and statement of qualifications 20 days prior to the municipal election.

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

There is no direct or indirect relationship between this matter and the goals and policies of the Comprehensive Plan.

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage of a Proposed Ordinance Concerning Write-In Candidate Affidavits

Board or Committee Recommendation:

Two of the three Legislative Committee members met on February 2, 2011 and reviewed the proposed ordinance. Those Committee members recommended the proposal be brought before the entire City Council.

Background, Analysis and Options:

The Charter requires the inclusion of a blank line to allow for write-in candidates in a municipal election. Section 19 of the City Charter reads “Blank Spaces for Additional Candidates. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote;” however, the Charter is silent on how to qualify a write-in candidate.

Qualifications for a candidate include: a U.S. citizen, at least eighteen years old, a registered voter of the City, and residency in the City or specific district of the office being sought for twelve months immediately preceding the election.

State law, in the Municipal Election Code, provides in C.R.S. 31-10-306 “The governing body of a municipality may provide by ordinance that no write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in prior to twenty days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.”

Pursuant to State law Grand Junction is authorized, after passage of an ordinance, to require a write-in affidavit at least twenty days prior to the election to ensure that anyone elected by a write-in vote is actually qualified to serve in that capacity.

Financial Impact/Budget:

None.

Legal issues:

The City Attorney has reviewed the proposed ordinance and affidavit to ensure they comply with the law.

Other issues:

None.

Previously presented or discussed:

This has not been presented previously.

Attachments:

Sample Affidavit
Proposed Ordinance



AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE

State of Colorado)
)
County of Mesa) SS
)
City of Grand Junction)

I hereby submit this affidavit of intent to be a write-in candidate for District _____ or At-large (circle if applicable) for the City of Grand Junction Municipal Election to be held on _____.

I certify that:

- 1) I satisfy the qualifications to run for municipal office;
- 2) I am a U.S. citizen;
- 3) I am a registered voter in the City of Grand Junction;
- 4) On the date of the election I will be at least eighteen years of age or older; and
- 5) I have resided in the city or in said district for which I am seeking office for at least twelve consecutive months immediately preceding the election.

Signature of Candidate

Print Name: _____

Mailing Address: _____

Residence Address: _____

Date: _____

State of Colorado)

County of Mesa)

Subscribed and sworn to me this ___ day of _____, 20__ by _____.

Notary Public

(SEAL)

My Commission expires: _____

CITY OF GRAND JUNCTION

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COLORADO MUNICIPAL ELECTION CODE OF 1965, IN THE CITY OF GRAND JUNCTION CONCERNING WRITE-IN CANDIDATE AFFIDAVITS

Recitals.

The City of Grand Junction is a home rule municipality, established by Charter in 1909. Article XX of the Colorado Constitution confers upon home rule cities the power over all matters pertaining to municipal elections.

The City of Grand Junction has adopted the "Colorado Municipal Election Code of 1965" by reference (hereinafter "Election Code").

The Election Code provides in C.R.S. 31-10-306 "The governing body of a municipality may provide by ordinance that no write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in prior to twenty days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected."

NOW, THEREFORE, BE IT ORDAINED THAT:

Section 2.20.020 Amendments to the Colorado Municipal Election Code of 1965 is hereby amended by the addition of the following section:

(c) No votes shall be counted for any write-in candidate at a regular or special election unless he/she has first filed with the City Clerk twenty days before the election an affidavit of intent indicating that such person desires the office and is qualified to assume the duties of the office if elected.

INTRODUCED on first reading the 14th day of February, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk