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

MONDAY, FEBRUARY 14, 2011, 7:00 P.M.

Call to Order

Pledge of Allegiance
Moment of Silence

Presentations

Xcel Energy to Present Award for the Custom Natural Gas Rebate Program and the City's Energy Efficient Rebate for 2010

Appointments

To the Commission on Arts and Culture

To the Visitor and Convention Bureau Board of Directors

Certificate of Appointment

To the Planning Commission/Zoning Board of Appeals

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

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

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** [Attach 2](#)
[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

Staff presentation: Brian Rusche, Senior Planner

3. **Setting a Hearing on an Affidavit Qualifying Write-in Candidates for Municipal Office** [Attach 3](#)

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*

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

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

[Attach 4](#)

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*

Staff presentation: Tim Moore, Public Works and Planning Director
Jay Valentine, Assistant Financial Operations Manager

5. **B ¾ Road Name Change to Legacy Way, Located between 26 ⅜ Road and 26 ¼ Road** [File #SNC-2011-518] [Attach 5](#)

The property owners adjoining B ¾ Road between 26 ⅜ Road and 26 ¼ Road are requesting to change the street name from B ¾ Road to Legacy Way.

Resolution No. 11-11—A Resolution Renaming B ¾ Road Between 26 ⅜ Road and 26 ¼ Road to Legacy Way

®Action: *Adopt Resolution No. 11-11*

Staff presentation: Tim Moore, Public Works and Planning Director

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******6. Public Hearing—Housing Authority Annexation and Zoning, Located at 2910 Bunting Avenue [File #ANX-2010-364] [Attach 6](#)**

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.

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

®Action: *Adopt Resolution No.12-11 and Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4453 and 4454*

Staff presentation: Brian Rusche, Senior Planner

7. **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] [Attach 7](#)

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.

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)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4455

Staff presentation: Brian Rusche, Senior Planner

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

9. **Other Business**

10. **Adjournment**

**Attach 1
Minutes of Previous Meeting**

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

January 31, 2011

The City Council of the City of Grand Junction convened into regular session on the 19th day of January 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, and Council President Teresa Coons. Councilmember Susuras was absent. Also present were Deputy City Manager Rich Englehart, 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.

Appointments

Councilmember Palmer moved to appoint Keith Leonard for a partial four year term expiring October 2013 as member to the Zoning Board of Appeals and 2nd alternate to the Planning Commission. Councilmember Hill seconded the motion. Motion carried.

Certificates of Appointments

Rena Phillips, John Williams, and Ron Beach were all present to receive their Certificates of Appointment to the Visitor and Convention Bureau Board of Directors.

Council Comments

There were none.

Citizen Comments

Sam Childress and Becky Fox, 3046 F ½ Road, were present to address the City Council regarding a sewer line. Mr. Childress stated that his girlfriend Becky and her ex-husband bought the property in 2002. The property line approved by the City crosses right over their leach field. It was supposed to be a temporary dwelling and nothing was done to correct the situation and now they can't sell the property and are stuck with the bill. The potential buyer wants to get a \$25,000 credit to buy the property as he will have to put in a new leach field. Mr. Childress said he is getting sent back and forth between the City and the County and has not gotten any answers.

Council President Coons thanked Mr. Childress and advised that representatives from the Planning Department and the City Attorney are present and will contact them to try to help.

CONSENT CALENDAR

Councilmember Pitts read the Consent Calendar Items #1 through #6 and then moved for approval. Councilmember Hill seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the January 19, 2011 Regular Meeting and the Minutes of the January 20, 2011 Special Meeting

2. **Setting a Hearing on Zoning the Housing Authority Annexation, Located at 2910 Bunting Avenue** [File # ANX-2010-364]

A request to amend the Comprehensive Plan – Future Land Use Map to Village Center – Mixed Use and to zone the 1.52 acre Housing Authority Annexation, less 0.18 acres of public right-of-way, located at 2910 Bunting Avenue, to an R-24 (Residential 24+ du/ac) zone district.

Proposed 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

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

3. **Setting a Hearing on the 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.

Proposed 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

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

4. **Downtown Development Authority Tax Increment Financing Bond Election on April 5, 2011**

In order for additional bonds to be issued under the Downtown Development Authority (DDA) tax increment financing (TIF), a question must be presented to the qualified electors of the DDA for approval. The DDA TIF election will be conducted by mail ballot by Mesa County Elections under the intergovernmental agreement authorized on December 13, 2010. The election is scheduled for April 5, 2011.

Additionally, as a property owner in the TIF District, the City of Grand Junction may appoint a designated voter to cast a vote in the election.

Resolution No. 06-11—A Resolution of the Council of the City of Grand Junction Approving the Downtown Development Authority's Call for an Election to be Held for the Purpose of Submitting a Proposed Ballot Measure to the Qualified Electors of the Downtown Development Authority District, Setting the Ballot Title, Authorizing a Mail Ballot Election and Approving a Mail Ballot Plan

Resolution No. 07-11—A Resolution Appointing a Designated Voter for the City of Grand Junction to Cast a Vote in the Special Election Scheduled April 5, 2011 Regarding Tax Increment Financing Debt

Action: Adopt Resolution No. 06-11 and Resolution No. 07-11

5. **Election Notice for the Downtown Development Authority Special Election April 5, 2011**

Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 08-11—A Resolution Setting Forth the Notice of Election for the Downtown Development Authority Special Election to be Held on April 5, 2011 in the City of Grand Junction

Action: Adopt Resolution No. 08-11

6. **Election Notice for the Regular Election April 5, 2011**

Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 09-11—A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 5, 2011 in the City of Grand Junction

Action: Adopt Resolution No. 09-11

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Amending the Optional Premises Ordinance for the Tiara Rado Golf Course

In 1999, the City Council adopted Ordinance No. 3112 which allowed for alcohol service on the Tiara Rado Golf Course. The ordinance was specific to the current concessionaire under contract, Pinon Grill, Inc. This ordinance will amend Ordinance No. 3112 and provide the authorization to the concessionaire as designated by the City Council.

The public hearing was opened at 7:13 p.m.

John Shaver, City Attorney, presented this item. He explained the request and the purpose. State Law allows for the local government to permit alcohol service in an adjacent recreational facility. This ordinance will allow extension of the hotel restaurant license to allow alcohol service on the Tiara Rado Golf Course.

Councilmember Kenyon asked if the current operator owns the current liquor license. City Attorney Shaver said he does but has signed a form to transfer that license. This ordinance allows the City to decide who will run the service in the future.

Councilmember Kenyon asked if the City would have the authority to allow for the sale of alcohol outside the premises of an establishment and in this case it is Pinon Grill and does the City or new vendor need a license? City Attorney Shaver said the license will be held by the City just as it is with Two Rivers Convention Center and Lincoln Park Golf Course.

Council President Coons asked if, once the decision is made on who will provide food and beverage service, will another ordinance need to be adopted? City Attorney Shaver said when this was assigned to the current vendor it was assigned to that

operator at the same time. This ordinance adopts the rules for service but does not specify a vendor.

There were no public comments.

The public hearing was closed at 7:19 p.m.

Ordinance No. 4452—An Ordinance Amending Ordinance No. 3112 Which Provided Standards for an Optional Premises License for the Designated Concessionaire at Tiara Rado Golf Course

Councilmember Palmer moved to adopt Ordinance No. 4452 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Granting a Franchise Agreement to Public Service Company of Colorado d/b/a Xcel Energy and Grand Valley Rural Power Lines, Inc. and Setting a Ballot Title for the April 5, 2011 Election

The current franchise agreements with Xcel Energy (Public Service Company of Colorado) and Grand Valley Rural Power Lines, Inc. (Grand Valley Rural Power) were approved in 1992 and will expire in 2012. The proposed ordinance would establish a new, 20-year franchise agreement with each utility to be placed on the ballot at the April, 2011 Municipal Election.

Councilmember Palmer noted a previous discussion and a letter received from a citizen, he asked if comments could be solicited from the Xcel Energy representative prior to the public hearing.

City Attorney Shaver said if it is relative to Xcel operations it is appropriate.

The Council asked Fred Eggleston, Xcel representative, to come forward.

Councilmember Palmer asked Mr. Eggleston if he was aware of the letter from Larry Hern regarding the Riverside Parkway street light outages. Mr. Eggleston said he was aware and has met with Mr. Hern. Councilmember Palmer asked about the report regarding 8% of the street lights not working. Mr. Eggleston explained the difference between the two issues, that is, the franchise and how the street lights are addressed. Mr. Eggleston said he has a report from the Traffic Department regarding the street outages. If the Riverside Parkway lights are taken out of the equation, the outage percentage is much less. Some of the issue is that there are dead undergrounds and that repair would be charged back to the City. Without an agreement in place ensuring that the City is willing to pay for those repairs, Xcel cannot go forward. There is a problem along Riverside Parkway with the light fixtures that were selected. The light fixtures are having failures and faults and it has

been difficult to keep them running. Mr. Eggleston said those issues are typically addressed in side agreements, not franchise agreements.

Councilmember Palmer asked if they would want to have the side agreement before the issue goes to election. Mr. Eggleston said the side agreement would take two or three months to work out; it cannot be done prior to the election. The franchise goes until 2012 but the City asked Xcel to come forward on it earlier as the undergrounding funds would not be available without having an agreement in place for three future years.

Council President Coons asked for clarification on the action being requested of them, would the action before them preclude inclusion of the provisions of the side agreement in the franchise. City Attorney Shaver said yes noting the language of the franchise agreement, barring typos, would be set once adopted.

Councilmember Pitts asked for more information on the undergrounding fund. Mr. Eggleston explained that 1% of the rates paid to them are put aside for the City to use to underground overhead lines. The City can borrow ahead on that fund for up to three years as long as there is a franchise in effect.

Councilmember Palmer provided an example of how those funds were used along Patterson Road. City Attorney Shaver noted there are no current projects waiting for those funds at present.

Councilmember Kenyon reiterated what Mr. Eggleston had stated. He asked Mr. Eggleston about a solution; the City Staff feels the time frame for lights along the Riverside Parkway has been protracted with no results. Councilmember Kenyon asked what would happen if the matter was tabled until the side agreement can be negotiated. Mr. Eggleston said it could be looked at as leverage. However, Xcel is committed to getting these things fixed. He presented another issue that occurred with a power outage for the City and County buildings. Xcel committed \$400,000 to fixing the problem. Mr. Eggleston gave other examples of how Xcel has participated in working out solutions. The franchise agreement allows Xcel to work in the City's right-of-ways and put in their facilities. They pay the City 3% of their rates in exchange for that.

Councilmember Palmer asked if the side agreement would also address the option to turn off some street lights in order to save money. Mr. Eggleston said it can.

Council President Coons asked how many other communities have these operations as side agreements. Mr. Eggleston said there are three or four that have side agreements. No other communities address those issues in agreements. He noted that the City Manager wants a side agreement for the Persigo Plant.

Council President Coons asked what is meant by tariff. Mr. Eggleston said tariff sets the rate based on the wattage of the light.

Councilmember Kenyon asked Mr. Eggleston to confirm that Xcel is willing to work on these issues and is committed to doing that. He has no concern about the integrity of Xcel. He commended the track record of the company. He was surprised about the depth of the concern over this issue and that citizens are writing letters. Mr. Eggleston acknowledged Xcel's commitment.

Councilmember Kenyon stated the City should have the ability to, as a cost savings or conservation issue, determine if the City needs to turn off some lights; they should have some options. Mr. Eggleston agreed.

Councilmember Hill noted that Mr. Eggleston did a good job answering the concerns. He would be interested in the issue coming forward to be considered for the ballot.

Councilmember Palmer was still concerned about whether the side agreement should be in place first. Mr. Eggleston said the message from the Council on the concerns has been heard.

The public hearing was opened at 7:45 p.m.

City Attorney John Shaver then introduced the item before the City Council. The Charter provides that all franchises must be granted by a vote of the people. The franchise pertains to the provision of power but also the use of the City right-of-ways. The companies do pay a 3% franchise fee for that use. The franchise is principally about the use of those right-of-ways. The franchise agreements have been reviewed by Staff and are recommended for approval. The main difference between the two is the removal of any references to gas service for Grand Valley Rural Power Lines, Inc. since they strictly provide electricity.

Councilmember Kenyon asked if the City has worked with these companies for a long time. City Attorney Shaver said this is the second one he has worked on and the relationship has been good. From time to time, discussions arise about relocating utilities but the vast majority of the time their relationship has been positive.

Larry Hern, 3184 N. Torreys Peak, submitted a letter and had a short statement. The taxpayers have been paying for defective lights along Riverside Parkway for the last two years. There are 46 lights out last count and they have not been replaced. He has reported it to both City and Xcel. Xcel said they have replaced lights regularly and they still are going out. He has not seen any lights replaced. He was also told they are waiting for permits to dig up three miles of lines. Others at Xcel were not aware of this. He has only seen a crew out there one time. The City is frustrated and wrote a letter saying they intend to contact the Public Utilities Commission (PUC). He was wondering who would pay for the repairs. He objected to the proposed franchise agreement going forward to the ballot.

There were no other public comments.

The public hearing was closed at 7:55 p.m.

People's Ordinance No. 37—People's Ordinance Granting a Franchise by the City of Grand Junction to Public Service Company of Colorado, D/B/A Xcel Energy, Its Successors and Assigns, the Right to Furnish, Sell and Distribute Gas and Electricity to the City and to all Persons, Businesses, and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Gas and Electricity Within the City and the Right to Make Reasonable Use of All Streets and Other Public Places and Public Easements as Herein Defined as May Be Necessary; and Fixing the Terms and Conditions Thereof AND Granting a Franchise by the City of Grand Junction to Grand Valley Rural Power Lines, Inc., Its Successors and Assigns, the Right to Furnish, Sell and Distribute Electricity to the City and to All Persons, Businesses, and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Electricity Within the City and the Right to Make Reasonable Use of All Streets and Other Public Places and Public Easements as Herein Defined as May Be Necessary; and Fixing the Terms and Conditions Thereof

Resolution No. 10-11—A Resolution Setting a Ballot Title and Submitting to the Electorate on April 5, 2011 a Measure Regarding Granting a Franchise by the City of Grand Junction to Public Service Company of Colorado and Grand Valley Rural Power Lines, Inc.

Councilmember Kenyon moved to adopt People's Ordinance No. 37 and ordered it published in pamphlet form and to adopt Resolution No. 10-11. Councilmember Hill seconded the motion.

Councilmember Palmer asked if the side agreement needs to be included in the motion. City Attorney Shaver recommended that not be included. He is comfortable that those negotiations will go forward.

Council President Coons noted that this action puts the matter before the voters; it is up to them as to whether or not to grant the franchise.

Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Linda Howe, no address given, an evangelist for any person and especially for the homeless, said that lately, she wrote a book and is an expert on the Bible. She took notes on Trinity Broadcast Network (TBN) for a year. There are gaps and her book

helps fill those gaps so her book is very important. Some unfortunate events have happened to her and the church was no help; there were some hostile churches and she was one on one behind closed doors. She said she had a right to form her business. The book she wrote was gone, and she was traumatized. There were endless referrals, somebody said to her it is just not going well in many places, there were equality statements. She was at the train station when she was approached by a policeman to get off the property, he told her to go someplace that is not private property. She wants to know where she should go.

Council President Coons thanked her for her comments and they will try to figure out who might be able to provide some assistance.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:04 p.m.

Stephanie Tuin, MMC
City Clerk



Date: February 1, 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 2
 Setting a Hearing on 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:

Introduce the Proposed Ordinance and Set a Hearing for Monday, February 28, 2011.

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:

Has not been presented or discussed previously.

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.

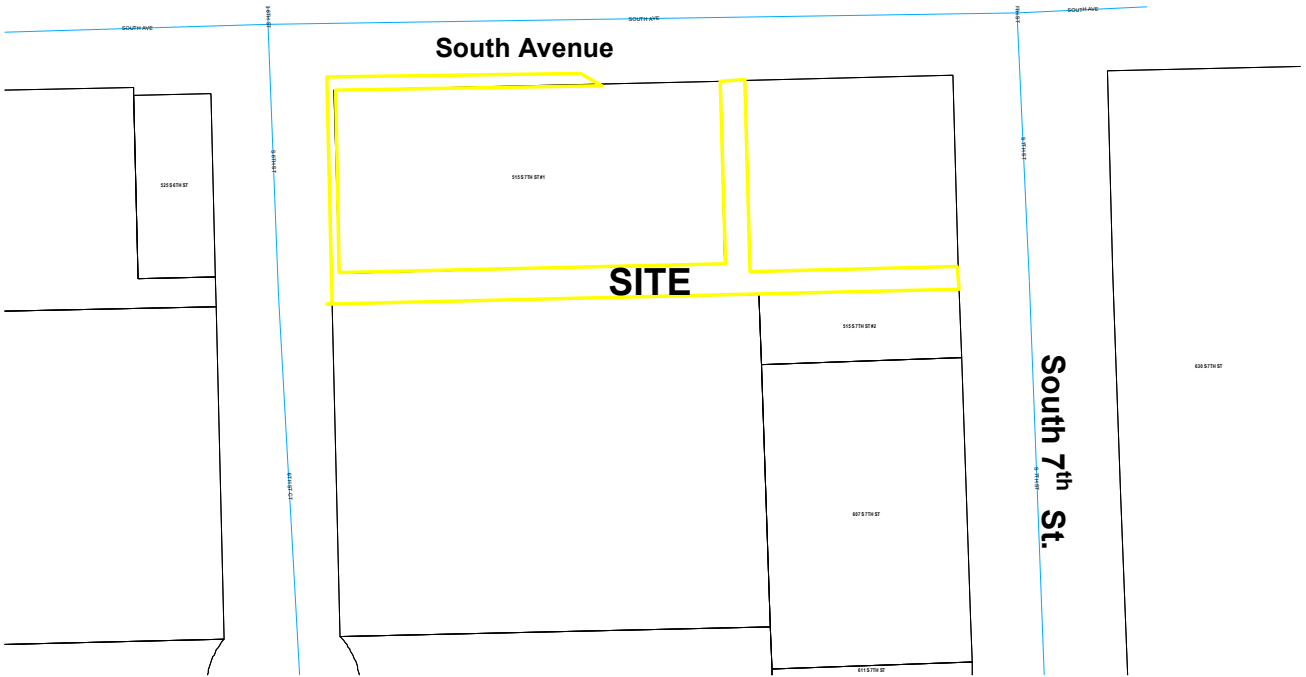
FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

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



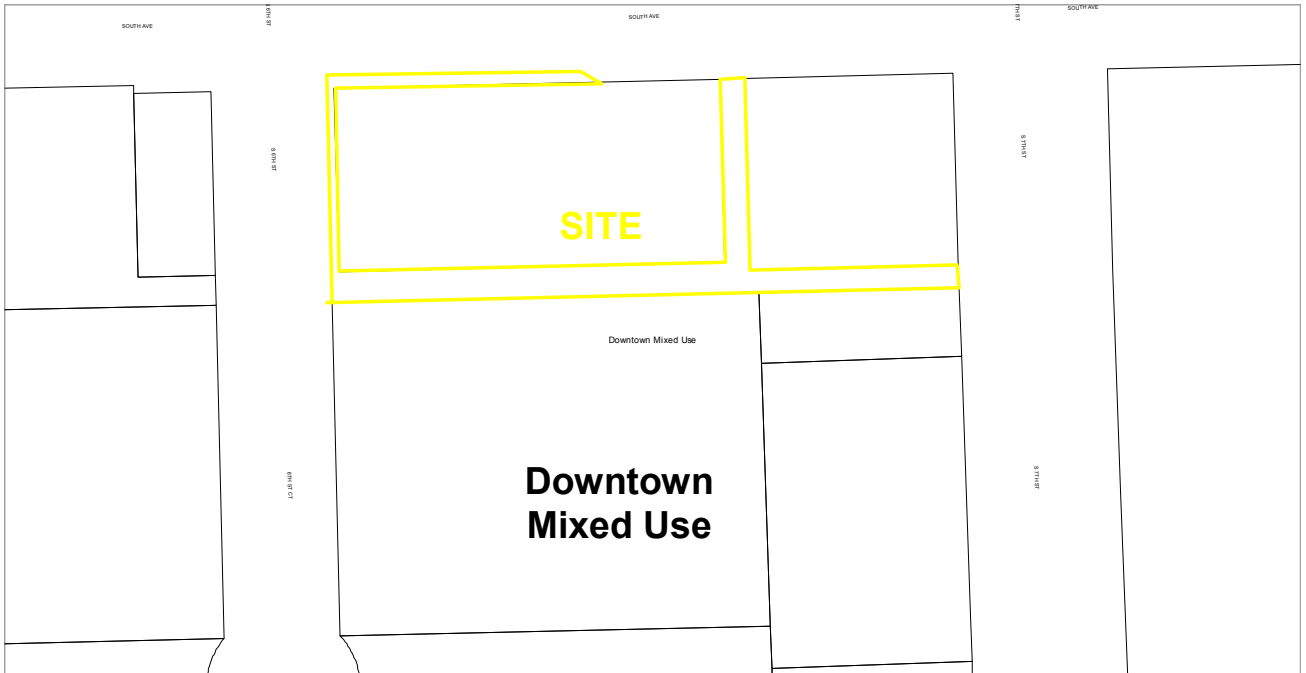
Aerial Photo Map

Exhibit 2



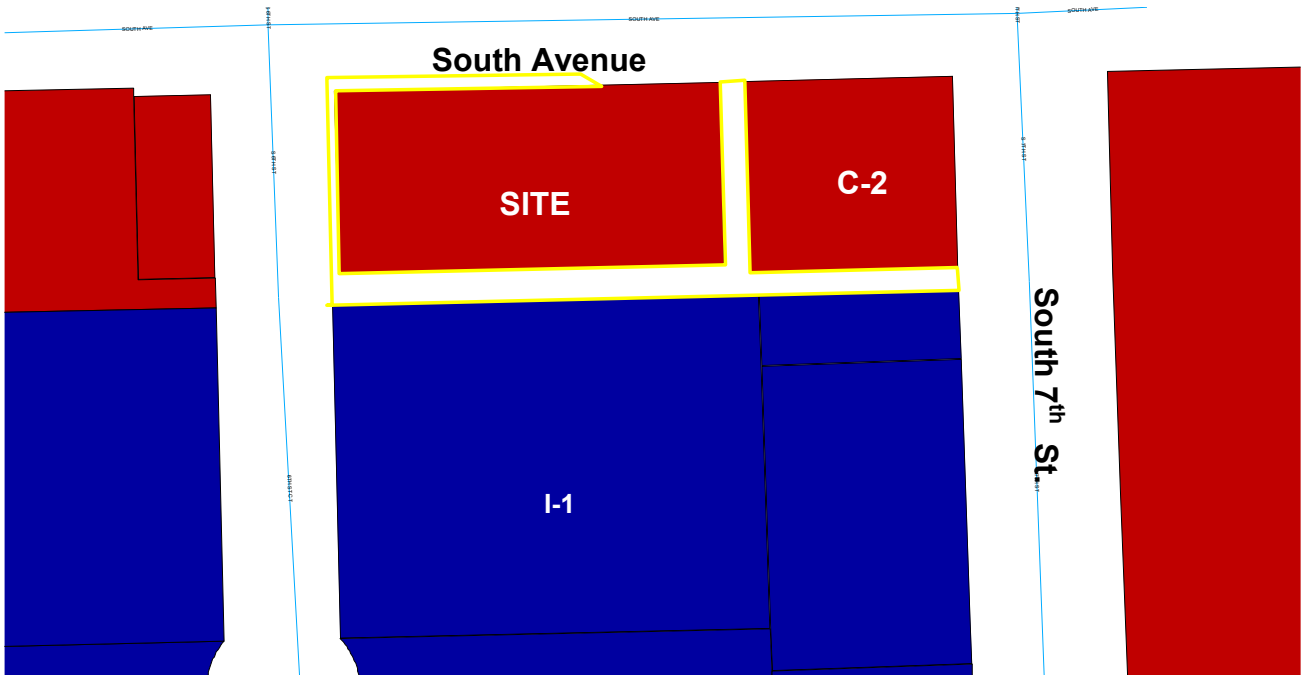
Comprehensive Plan Map

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 ____ 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 City Council

City Clerk



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 3
 Setting a Hearing on an 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:

Introduce the Proposed Ordinance and Set a Hearing for Monday, February 28, 2011.

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 ____ 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.

President of the Council

ATTEST:

City Clerk



Date: 1/28/2011
 Author: Scott Hockins
 Title/ Phone Ext: Purchasing
Supervisor, ext 244-1484
 Proposed Schedule:
2/14/2011
 2nd Reading
 (if applicable): _____

CITY COUNCIL AGENDA ITEM

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

Subject: Contract Award for 911-Police-Fire Utility Improvement Project – Phase 1
File # (if applicable):
Presenters Name & Title: Tim Moore, Public Works and Planning Director Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

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.

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

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

This first phase of the project will allow for the necessary underground utilities to be upgraded and/or relocated to accommodate and serve the proposed 911-Police-Fire Facilities building.

Action Requested/Recommendation:

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**.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

In anticipation of the new 911-Police-Fire facilities, this project will upgrade and/or reroute underground utilities such as sanitary sewer, storm drain piping and water services to serve the new police building. The utility work is being completed in two separate phases of work. The first phase of work which is describe in this City Council Agenda will be completed before the new police facility is built and is designed to service this new police facility. The second phase of work will begin after the new police facility is complete and in full operation mode and when the existing police station and fire station are being renovated. The second phase work will include upgrades to the sanitary sewer line between 6th and 7th Street, and storm drain upgrades to handle the stormwater generated from the site.

A formal solicitation was issued through BidNet (and on-line site for governmental bid document distribution), advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). Bids were received from the following companies:

Company	Location	Amount	% Difference from Low Bid
Ben Dowd Excavating	Clifton, CO	\$187,161.90	0%
Icon, Inc.	Avon, CO	\$189,885.10	1.4%
Sapphire Construction	Grand Junction, CO	\$199,890.00	6.8%
M.A. Concrete Construction	Grand Junction, CO	\$208,970.00	11.7%
Skyline Contracting	Grand Junction, CO	\$210,872.00	12.7%
CMC Weaver	Grand Junction, CO	\$222,901.00	19.1%

This portion of the project is scheduled to begin construction on February 28, 2011 with final completion scheduled for April 29, 2011.

Financial Impact/Budget:

Funding for this project is included in the total \$32.7 million certificate of participation issued to complete public safety improvements. Of the total \$32.7 million, \$12.3 million is budgeted in 2011.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

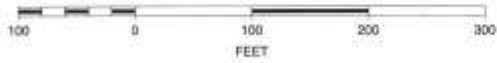
Attachments:

GIS map of the police facility site.

City of Grand Junction GIS Sewer Map ©



SCALE 1 : 1,245





Date: February 2, 2011
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner – x1442
 Proposed Schedule: February 14, 2011 City Council meeting
 2nd Reading (if applicable): N/A

CITY COUNCIL AGENDA ITEM

**Attach 5
 B ¾ Road Name Change to Legacy Way,
 Located between 26 ⅜ Road and 26 ¼ Road**

Subject: B ¾ Road Name Change to Legacy Way, Located between 26 ⅜ Road and 26 ¼ Road
File # (if applicable): SNC-2011-518
Presenters Name & Title: Tim Moore, Public Works and Planning Director

Executive Summary:

The property owners adjoining B ¾ Road between 26 ⅜ Road and 26 ¼ Road are requesting to change the street name from B 3/4 Road to Legacy Way.

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

The request relates to Goal 9 by helping to improve the City’s street system to safely and efficiently move traffic throughout the community.

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.

Action Requested/Recommendation:

Consideration and approval of a Resolution renaming B ¾ Road between 26 ⅜ Road and 26 ¼ Road to Legacy Way.

Board or Committee Recommendation:

Street name change requests are only heard by City Council.

Background, Analysis and Options:

See attached staff report.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

1. Staff report/Background information
2. Site Location Map/Aerial Photo Map
3. Comprehensive Plan Map/Existing City and County Zoning Map
4. Resolution

STAFF REPORT / BACKGROUND INFORMATION

Location:		B ¾ Road between 26 ⅜ Road and 26 ¼ Road		
Applicants:		Owners: Riverview Technology Corporation – Christina Reddin		
Existing Land Use:		Commercial / Cemetery		
Proposed Land Use:		Commercial / Cemetery		
Surrounding Land Use:	North	Commercial / Cemetery		
	South	Commercial / Cemetery		
	East	Commercial / Cemetery		
	West	Commercial / Cemetery		
Surrounding Zoning:	North	CSR (Community Services & Recreation)		
	South	CSR (Community Services & Recreation)		
	East	CSR (Community Services & Recreation)		
	West	County I-2		
Comprehensive Plan Designation:		N/A (surrounding is Park & Business Park MU)		
Zoning within density range?		X	Yes	No

Staff Analysis:

The request originated from Riverview Technology Corporation to change the name of B ¾ Road between 26 ⅜ Road and 26 ¼ Road to Legacy Way to make the area easier for people to find and to create continuity.

Title 21.06.010(b)(6) of the Grand Junction Municipal Code states a street naming system shall be maintained to facilitate the provisions of necessary public services and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. Existing streets and roads not conforming or inconsistent to the addressing system shall be made conforming as the opportunity occurs.

The proposed name change will not negatively impact adjacent land uses or neighborhood stability or character.

The proposal is in conformance with the goals and policies of the Comprehensive Plan and requirements of the Zoning and Development Code.

Findings of Fact/ Conclusion:

After reviewing the proposed name change of B $\frac{3}{4}$ Road between 26 $\frac{3}{8}$ Road and 26 $\frac{1}{4}$ Road to Legacy Way, SNC-2011-518, Staff makes the following findings of fact, conclusions:

1. The proposed name change will not negatively impact adjacent land uses or neighborhood stability or character.
2. The proposal is in conformance with the goals and policies of the Comprehensive Plan and requirements of the Zoning and Development Code.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the Resolution renaming B $\frac{3}{4}$ Road between 26 $\frac{3}{8}$ Road and 26 $\frac{1}{4}$ Road to Legacy Way.

Site Location Map

Figure 1



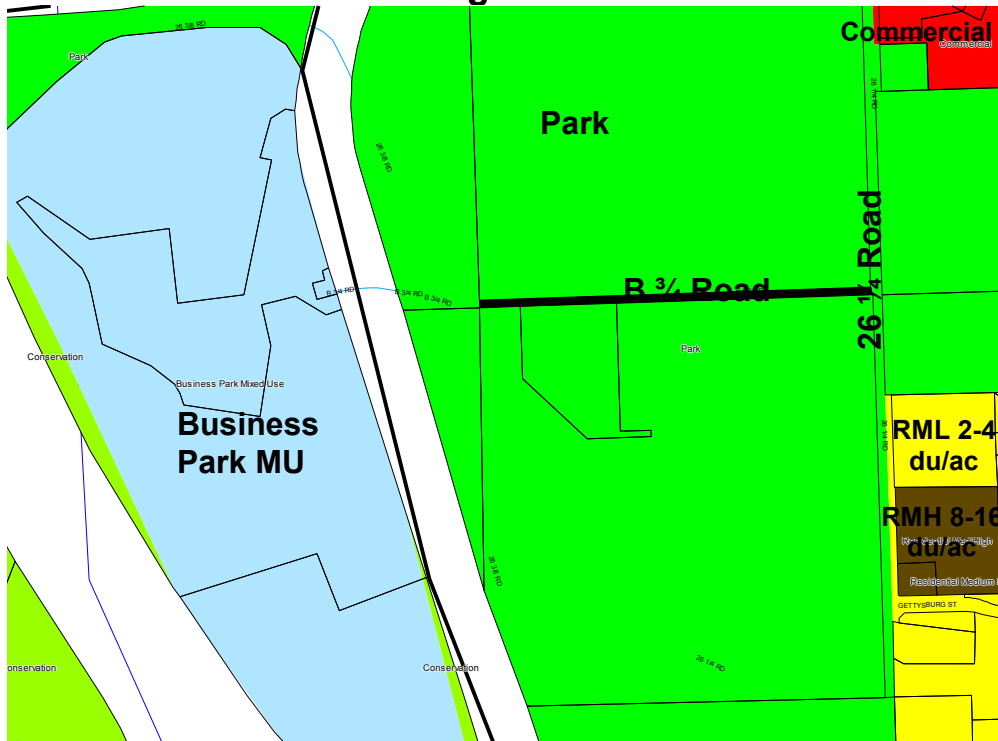
Aerial Photo Map

Figure 2



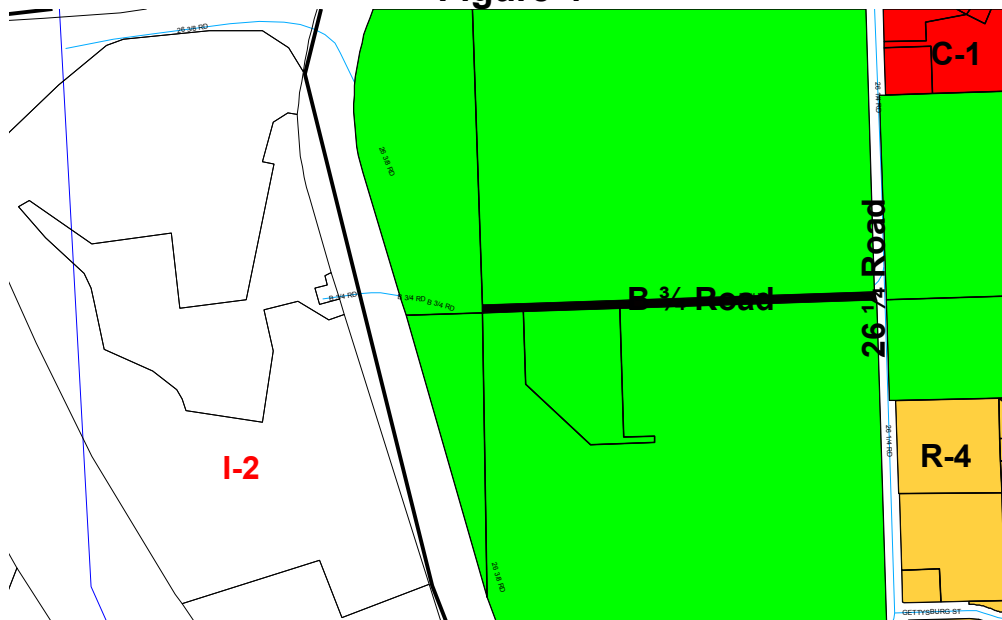
Comprehensive Plan

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION

RESOLUTION NO. _____-11

A RESOLUTION RENAMING B $\frac{3}{4}$ ROAD BETWEEN 26 $\frac{3}{8}$ ROAD AND 26 $\frac{1}{4}$ ROAD TO LEGACY WAY

Recitals.

A request originated from the Riverview Technology Corporation and surrounding property owners located on B $\frac{3}{4}$ Road between 26 $\frac{3}{8}$ and 26 $\frac{1}{4}$ Road to change the name of B $\frac{3}{4}$ Road to Legacy Way between 26 $\frac{3}{8}$ Road and 26 $\frac{1}{4}$ Road to Legacy Way to make the area easier to find. The name change would make the area easier for emergency vehicles, postal services and customers to locate the area.

Title 21.06.010(b)(6) of the Grand Junction Municipal Code states a street naming system shall be maintained to facilitate the provisions of necessary public services and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. Existing streets and roads not conforming or inconsistent to the addressing system shall be made conforming as the opportunity occurs.

The proposed name changes will not negatively impact adjacent land uses or neighborhood stability or character.

The proposal is in conformance with the goals and policies of the Comprehensive Plan and requirements of the Zoning and Development Code.

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

That B $\frac{3}{4}$ Road between 26 $\frac{3}{8}$ Road and 26 $\frac{1}{4}$ Road as described in this resolution is hereby changed to Legacy Way.

ADOPTED AND APPROVED THIS ____ day of _____, 2011.

ATTEST:

City Clerk

President of City Council



Date: January 19, 2011
 Author: Brian Rusche
 Title/ Phone Ext: Sr. Planner/4058
 Proposed Schedule: Resolution
Referring Petition January 5, 2011
 2nd Reading
 (if applicable): February 14, 2011

CITY COUNCIL AGENDA ITEM

**Attach 6
 Public Hearing—Housing Authority Annexation
 and Zoning**

Subject: Housing Authority Annexation and Zoning - Located at 2910 Bunting Avenue
File #: ANX-2010-364
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: 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.

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

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

The proposed annexation meets Goal 5 by providing the opportunity to upgrade an existing apartment complex with Community Development Block Grants (CDBG) through the Grand Junction Housing Authority.

Action Requested/Recommendation: Hold a Public Hearing to Consider Final Passage and Final Publication of the Proposed Annexation and Zoning Ordinances.

Board or Committee Recommendation: On January 11, 2011 the Planning Commission forwarded a recommendation of approval of both the Comprehensive Plan designation of Village Center – Mixed Use and the R-24 (Residential 24 + du/ac) zone district.

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

Financial Impact/Budget: The Housing Authority anticipates applying for CDBG funding to upgrade the apartment complex. These monies are a “pass-through” from the federal government through the local jurisdiction and on to grant recipients.

Legal issues: There are none.

Other issues: There are none.

Previously presented or discussed: Referral of the Petition and First Reading of the Annexation Ordinance was on January 5, 2011. First reading of the Zoning Ordinance was January 31, 2011.

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2910 Bunting Avenue		
Applicants:		Grand Junction Housing Authority		
Existing Land Use:		Multi-family Residential		
Proposed Land Use:		Multi-family Residential		
Surrounding Land Use:	North	Single-family and Two-family Residential		
	South	Vacant land and Multi-family Residential		
	East	Single-family Residential		
	West	Single-family Residential		
Existing Zoning:		County RMF-8 (Residential Multi-family 8 du/ac)		
Proposed Zoning:		R-24 (Residential 24 + du/ac)		
Surrounding Zoning:	North	County RMF-8 (Residential Multi-family 8 du/ac)		
	South	County RMF-8 (Residential Multi-family 8 du/ac)		
	East	County RMF-8 (Residential Multi-family 8 du/ac)		
	West	County RMF-8 (Residential Multi-family 8 du/ac)		
Future Land Use Designation:		Residential Medium High (8-16 du/ac) Adjacent to Village Center – Mixed Use		
Zoning within density range?		X	Yes – Adjacency rule would permit rezone	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.52 acres of land and is comprised of one (1) parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Housing Authority 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>	
Jan. 5, 2011	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
Jan. 11, 2011	Planning Commission considers Zone of Annexation
Jan. 31, 2011	Introduction Of A Proposed Ordinance on Zoning by City Council
Feb. 14, 2011	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 16, 2011	Effective date of Annexation and Zoning

HOUSING AUTHORITY ANNEXATION SUMMARY		
File Number:		ANX-2010-364
Location:		2910 Bunting Avenue
Tax ID Numbers:		2943-083-00-020
# of Parcels:		1
Estimated Population:		60
# of Parcels (owner occupied):		0
# of Dwelling Units:		27
Acres land annexed:		1.52 acres
Developable Acres Remaining:		1.34 acres
Right-of-way in Annexation:		0.18 acres
Previous County Zoning:		RMF-8
Proposed City Zoning:		R-24
Current Land Use:		Multi-family Residential
Future Land Use:		Multi-family Residential
Values:	Assessed:	\$75,970
	Actual:	\$954,420
Address Ranges:		2910 Bunting
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201
	Fire:	GJ Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation Company Grand Valley Drainage District
	School:	District #51
	Pest:	N/A

ZONE OF ANNEXATION / COMPREHENSIVE PLAN AMENDMENT:

1. Background:

The 1.52 acre Housing Authority Annexation consists of one (1) parcel located at 2910 Bunting Avenue. The Grand Junction Housing Authority (“Housing Authority”) purchased the existing 27 unit apartment complex in 2009 and have been upgrading the property, including redesigning the parking lot to increase the number of spaces. They have requested annexation into the City in order to apply for Community Development Block Grant (CDBG) funding through the City of Grand Junction for further upgrades.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the Comprehensive Plan Future Land Use Map. The Comprehensive Plan designates the property as Residential Medium High (8-16 du/ac). The current County zoning is RMF-8 (Residential Multi-family 8 du/ac).

The existing density of the property is approximately 20 du/ac. The applicant is requesting an R-24 Zone in order to bring the zoning into conformance with the existing density.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code (GJMC), states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan designates the property as Residential Medium High (8-16 du/ac), which is less than the existing density of 20 du/ac.

Pursuant to Section 21.02.130(d)(1)(v), the Director has the authority to process a rezone without a separate plan amendment if the property is adjacent to the land use designation that would support the requested zone district. This property abuts the Village Center – Mixed Use designation.

A plan amendment is proposed as part of this request in order to maintain consistency within the Plan. Section 21.02.130(c)(1) provides criteria for amending the Comprehensive Plan. These criteria are the same as those cited in Section 21.02.140, which applies to rezone requests, including a zone of annexation and are as follows:

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

Response: The Grand Junction Housing Authority has purchased the existing apartment complex, which was built in 1982. In order to obtain funding for upgrades to the property through Community Development Block Grants (CDBG), the property must be located within the City of Grand Junction. Therefore, the Housing Authority has petitioned for annexation.

The Comprehensive Plan was intended to provide flexibility with land use designations. This is a property that could have been designated with different possible land uses and been consistent with the goals and policies of the Comprehensive Plan. Though there have not been any subsequent events to invalidate the original premises and findings, this is the situation anticipated where the flexibility was intended to be used.

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

Response: The Grand Junction Housing Authority and the City have worked together for years to provide safe and affordable housing to people in the City of Grand Junction. Improvements to this property will further that goal. Appropriate, safe housing will continue to be provided with reasonable access to shopping, including the Walgreens at the corner of North Avenue and 29 Road, which is just a few blocks from the apartment complex. In addition, restaurants are nearby and new offices and storefronts are going in at Plaza on North Avenue at 28 ³/₄ Road.

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

Response: Public facilities are currently serving the existing apartment complex.

(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 Village Center – Mixed Use Future Land Use designation in this area encompasses several blocks north and south of the intersection of 29 Road and North Avenue. However, much of the property is outside City jurisdiction and is zoned for commercial use. The residential portion of the mixed use area is not as established and is an inadequate supply. Adding this property to the Village Center - Mixed Use Future Land Use Designation with an R-24 zone will start the direction for higher density in the area.

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

Response: The Housing Authority is upgrading the existing apartment complex. There are other properties in the neighborhood that could be considered underdeveloped, even under the existing County zoning. By amending the Comprehensive Plan to include this property in the Village Center – Mixed Use designation and zoning the property to R-24, the existing density can remain and upgrades to the property can continue. Other properties may be candidates for reinvestment as a result of this action.

The North Avenue Corridor Plan adopted by City Council in December 2007 designates this general area along North Avenue to develop as a “Mixed Use area with residential over retail incorporated with the Governmental Functions

and Public Plazas to create a gateway for the 29 Road intersection.” The additional housing which the proposed zoning allows for on this property will contribute to the use and need for such developments; specifically, services are available at the neighborhood level with access by bicyclists and pedestrians from the neighborhood with close by retail, commercial, and public activity areas.

Goal 5 of the Comprehensive Plan is to provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types, and life stages. This goal can be met by providing the Housing Authority the appropriate land use designation and zone district for this property to allow access to grant funding to facilitate further upgrades.

Alternatives:

The zone districts available for this property under Residential Medium High, without the Comprehensive Plan Amendment to Village Center – Mixed Use, are as follows:

- a. R-4
- b. R-5
- c. R-8
- d. R-12
- e. R-16
- f. R-O

In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Comprehensive Plan designation of Village Center – Mixed Use:

- a. R-8
- b. R-12
- c. R-16
- d. R-O
- e. B-1
- f. C-1
- g. MXG-3 or MXG-5
- h. MXR-3 or MXR-5
- i. MXS-3 or MXS-5

PLANNING COMMISSION RECOMMENDATION:

After reviewing the Housing Authority Annexation, ANX-2010-364, for an amendment to the Comprehensive Plan – Future Land Use Map and a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

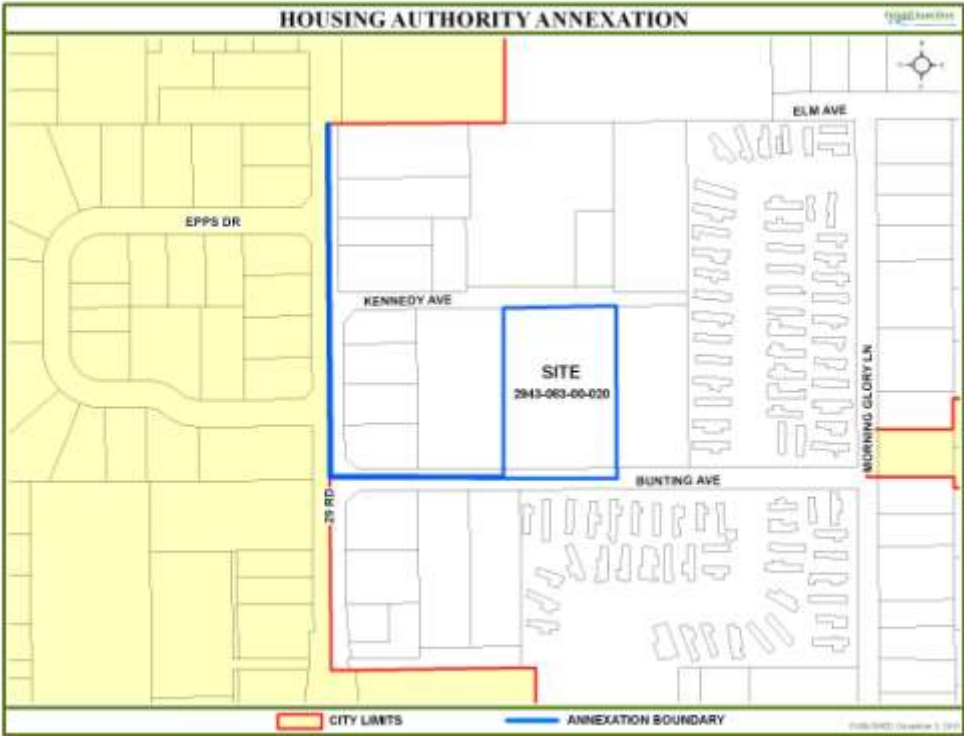
1. The proposed amendment to the Village Center – Mixed Use designation on the Future Land Use Map is consistent with the goals and policies of the Comprehensive Plan;

2. The requested R-24 Zone District is consistent with the goals and policies of the Comprehensive Plan and the Village Center – Mixed Use Future Land Use designation; and
3. The review criteria in Sections 21.02.130 and 21.02.140 of the Grand Junction Municipal Code have been met.

If the Council chooses to not approve the request and instead approves one of the alternative zone designations, specific alternative findings must be made as to why the Council is approving an alternative zone designation.

Annexation / Site Location Map

Figure 1



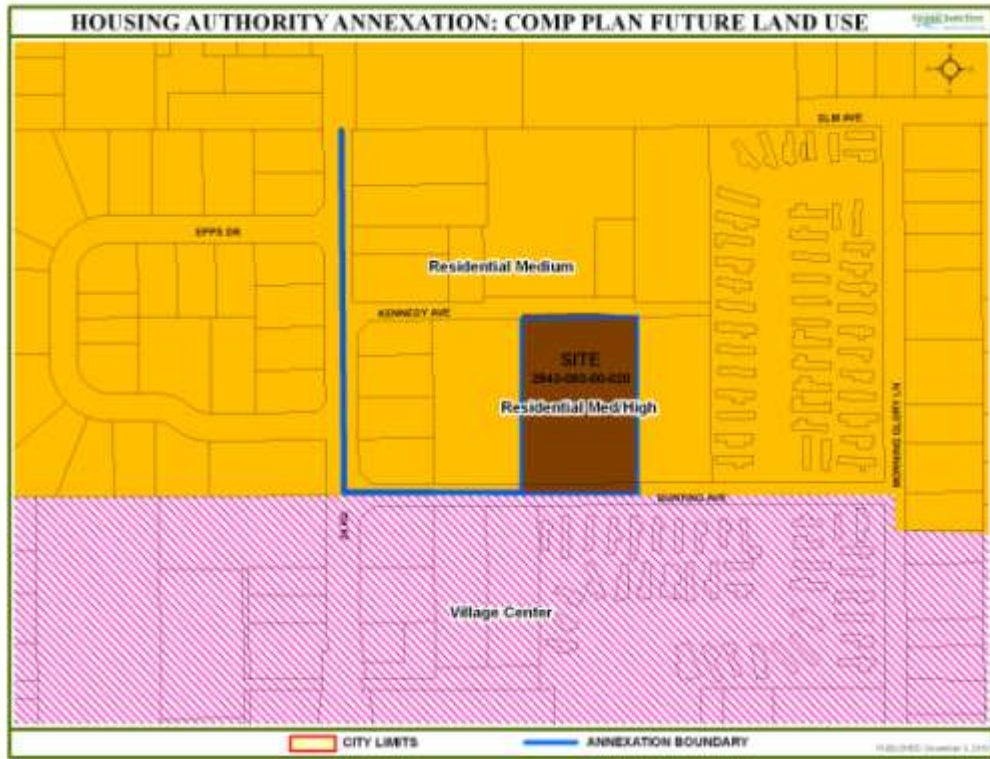
Aerial Photo Map

Figure 2



Comprehensive Plan Map

Figure 3



Blended Residential Map

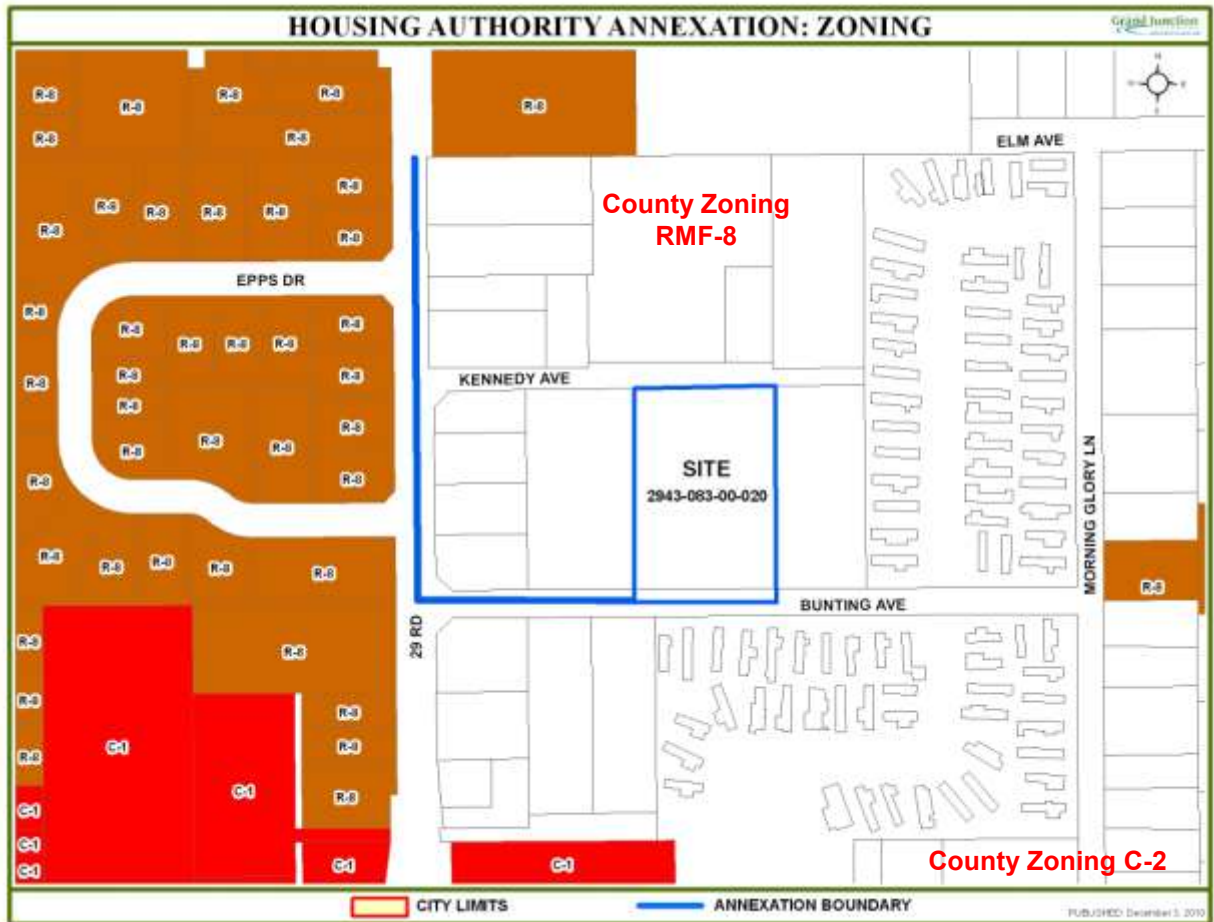
Figure 4



Residential Medium Density (4-16 du/ac)

Existing City and County Zoning Map

Figure 5



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ___-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

WHEREAS, on the 5th day of January, 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:

HOUSING AUTHORITY ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 8, 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 Northwest corner of the SW 1/4 SW 1/4 of said Section 8 and assuming the West line of the SW 1/4 SW 1/4 of said Section 8 bears N 00°03'58" W with all other bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°57'49" E along the North line of the SW 1/4 SW 1/4 of said Section 8, a distance of 4.00 feet; thence S 00°03'58" E along a line 4.00 feet East of and parallel with the West line of the SW 1/4 SW 1/4 of said Section 8, a distance of 655.25 feet; thence S 89°59'48" E, a distance of 326.98 feet; thence N 00°03'30" W, a distance of 310.73 feet to a point on the South line of Kennedy Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado; thence N 89°58'58" E along the South line of said Kennedy Avenue, a distance of 198.00 feet; thence S 00°03'30" E, a distance of 314.80 feet; thence N 89°59'48" W along a line 20.00 feet South of and parallel with, the North line of Bunting Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado, a distance of 528.98 feet to a point on the West line of the SW 1/4 SW 1/4 of said Section 8; thence N 00°03'58" W along the West line of the SW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, per City of Grand Junction Ordinance No. 1133, a distance of 659.25 feet, more or less, to the Point of Beginning.

Containing 66,268 Square Feet or 1.52 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 14th day of February 2011; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the _____ day of _____, 2011.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

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**

WHEREAS, on the 5th day of January, 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 14th day of February, 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:

HOUSING AUTHORITY ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 8, 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 Northwest corner of the SW 1/4 SW 1/4 of said Section 8 and assuming the West line of the SW 1/4 SW 1/4 of said Section 8 bears N 00°03'58" W with all other bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°57'49" E along the North line of the SW 1/4 SW 1/4 of said Section 8, a distance of 4.00 feet; thence S 00°03'58" E along a line 4.00 feet East of and parallel with the West line of the SW 1/4 SW 1/4 of said Section 8, a distance of 655.25 feet; thence S 89°59'48" E, a distance of 326.98 feet; thence N 00°03'30" W, a distance of 310.73 feet to a point on the South line of Kennedy Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado; thence N 89°58'58" E along the South line of said Kennedy Avenue, a distance of 198.00 feet; thence S 00°03'30" E, a

distance of 314.80 feet; thence N 89°59'48" W along a line 20.00 feet South of and parallel with, the North line of Bunting Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado, a distance of 528.98 feet to a point on the West line of the SW 1/4 SW 1/4 of said Section 8; thence N 00°03'58" W along the West line of the SW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, per City of Grand Junction Ordinance No. 1133, a distance of 659.25 feet, more or less, to the Point of Beginning.

Containing 66,268 Square Feet or 1.52 Acres, more or less, as described.

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

INTRODUCED on first reading the 5th day of January, 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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**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

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 changing the Comprehensive Plan designation from Residential Medium High (8 - 16 du/ac) to Village Center – Mixed Use, finding that the proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Housing Authority Annexation to the R-24 (Residential 24 + du/ac) zone district finding that it conforms with the adjacent land use category of Village Center – Mixed Use as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Sections 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing, the Grand Junction City Council finds that the Comprehensive Plan designation of Village Center – Mixed Use is in conformance with the stated criteria in the Comprehensive Plan for an Amendment to the Land Use Map and the criteria in Title 21 Section 02.130 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-24 (Residential 24 + du/ac) zone district is in conformance with the stated criteria of Sections 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be designated Village Center – Mixed Use on the Comprehensive Plan

AND shall be zoned R-24 (Residential 24 + du/ac):

HOUSING AUTHORITY ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 8, 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 Northwest corner of the SW 1/4 SW 1/4 of said Section 8 and assuming the West line of the SW 1/4 SW 1/4 of said Section 8 bears N 00°03'58" W with all other bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°57'49" E along the North line of the SW 1/4 SW 1/4 of said Section 8, a distance of 4.00 feet; thence S 00°03'58" E along a line 4.00 feet East of and parallel with the West line of the SW 1/4 SW 1/4 of said Section 8, a distance of 655.25 feet; thence S 89°59'48" E, a distance of 326.98 feet; thence N 00°03'30" W, a distance of 310.73 feet to a point on the South line of Kennedy Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado; thence N 89°58'58" E along the South line of said Kennedy Avenue, a distance of 198.00 feet; thence S 00°03'30" E, a distance of 314.80 feet; thence N 89°59'48" W along a line 20.00 feet South of and parallel with, the North line of Bunting Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado, a distance of 528.98 feet to a point on the West line of the SW 1/4 SW 1/4 of said Section 8; thence N 00°03'58" W along the West line of the SW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, per City of Grand Junction Ordinance No. 1133, a distance of 659.25 feet, more or less, to the Point of Beginning.

Containing 66,268 Square Feet or 1.52 Acres, more or less, as described.

Less public Right-of-Way

INTRODUCED on first reading the 31st day of January, 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: January 17, 2011
Author: Brian Rusche
Title/ Phone Ext: Senior
Planner/4058
Proposed Schedule: 1st Reading,
Monday, January 31, 2011
2nd Reading: Monday, February
14, 2011

CITY COUNCIL AGENDA ITEM

Attach 7 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

Subject: Right-of-Way Vacations of S. 6 th Street - Between Pitkin and Ute Avenues and Adjacent/Proximate Alleys for the 911-Police-Fire Facilities
File #: VAC-2010-332
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

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.

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

The proposed vacation will allow the construction of public safety facilities, consistent with the following goals of the Comprehensive Plan:

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

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

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 January 11, 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 January 31, 2011.

Attachments:

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

BACKGROUND INFORMATION					
Location:		Block 138 and 139 – City of Grand Junction S. 6 th Street between Ute and Pitkin Avenues			
Applicants:		City of Grand Junction			
Existing Land Use:		Streets and alleys			
Proposed Land Use:		Police and associated public safety facilities			
Surrounding Land Use:	North	Bus Depot / Office buildings and parking			
	South	Commercial			
	East	Vacant (City owned land)			
	West	Whitman Park			
Existing Zoning:		B-2 (Downtown Business)			
Proposed Zoning:		No change			
Surrounding Zoning:	North	B-2 (Downtown Business)			
	South	C-1 (Light Commercial)			
	East	B-2 (Downtown Business)			
	West	CSR (Community Services and Recreation)			
Future Land Use Designation:		Downtown Mixed Use			
Zoning within density range?		X	Yes		No

ANALYSIS

1. Background:

Block 138 and 139 are part of the original town site of Grand Junction, platted in 1882.

Block 138 is the current site of the Grand Junction Police Department and Grand Junction Fire Station #1. Portions of two original alleys remain in this block, though they are used for parking and internal circulation for police and fire personnel.

All of Block 139 has been acquired by the City and cleared of their previous uses and structures in anticipation of redevelopment. A portion of the block is used for parking.

In order to provide a large enough property for the anticipated construction of a new Police Station, 911 Communications Center, and associated public safety facilities, the existing alley right-of-ways must be vacated. In addition, that portion of S. 6th Street between Ute and Pitkin Avenues is also requested to be vacated, in order to connect the existing and new facilities into one campus.

The Vacation of the right-of-way will allow the City to develop a contiguous, efficient, and secure site design for these public facilities.

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:

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

The proposed vacation will allow the construction of public safety facilities, consistent with Goal 11 of the Comprehensive Plan. Goal 4 encourages the continued development of the downtown area.

The Grand Valley Circulation Plan designates 6th Street as a local street. The adjacent streets, from which access to the consolidated property will derive, are designated as Principal Arterial (Ute/Pitkin and 5th Street south of Ute) and Minor Arterial (7th Street north of Pitkin).

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.

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

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

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

Access will not be restricted to any parcel. The existing parcel(s) will be combined in the future by plat. Internal circulation will be provided as part of the redevelopment.

- 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 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) will be consolidated with the adjacent parcels. Access to the consolidated

property will be available from Ute, Pitkin, and South 7th Street. The consolidation of property will allow several existing access points to be closed, providing more efficient circulation both within the site and on the adjacent roads.

South 6th Street currently functions as a connection between Ute and Pitkin Avenues, which are one-way roads, as well as access to the Police and Fire Station. It terminates in a cul-de-sac two blocks south of Pitkin. Access to the public safety facilities from Ute and Pitkin will be provided with the redevelopment. 5th Street and 7th Street will remain as two-way access points from Downtown to properties south of the Highway.

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

Existing utilities within the proposed vacation will be relocated and/or reconstructed. Service will be maintained to the existing facilities during construction. Temporary easements will be created to allow for access to utilities until relocation and/or permanent easements are created.

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

Vacation of these rights-of-way will benefit the public by allowing the project to be built in an efficient and cost effective manner.

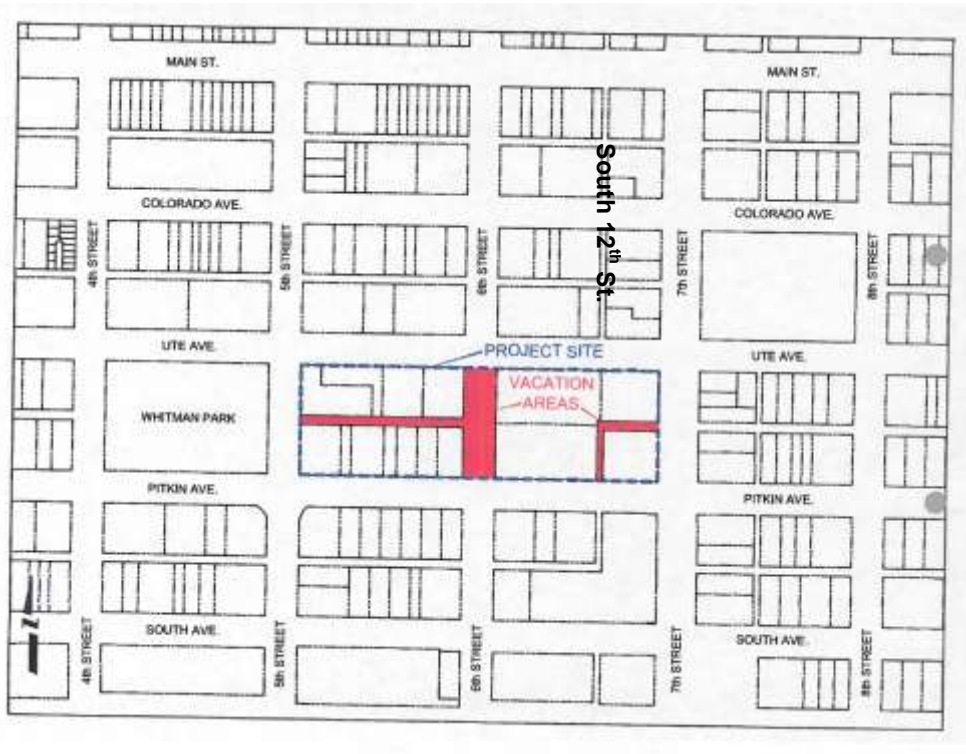
FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the 911 Police-Fire Facilities Right-of-Way Vacation application, file number VAC-2010-332, for the vacation of public alleys within Block 138 and Block 139 and a portion of S. 6th Street right-of-way, I make the following findings of fact, conclusions and conditions:

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

Site Location Map

Exhibit 1



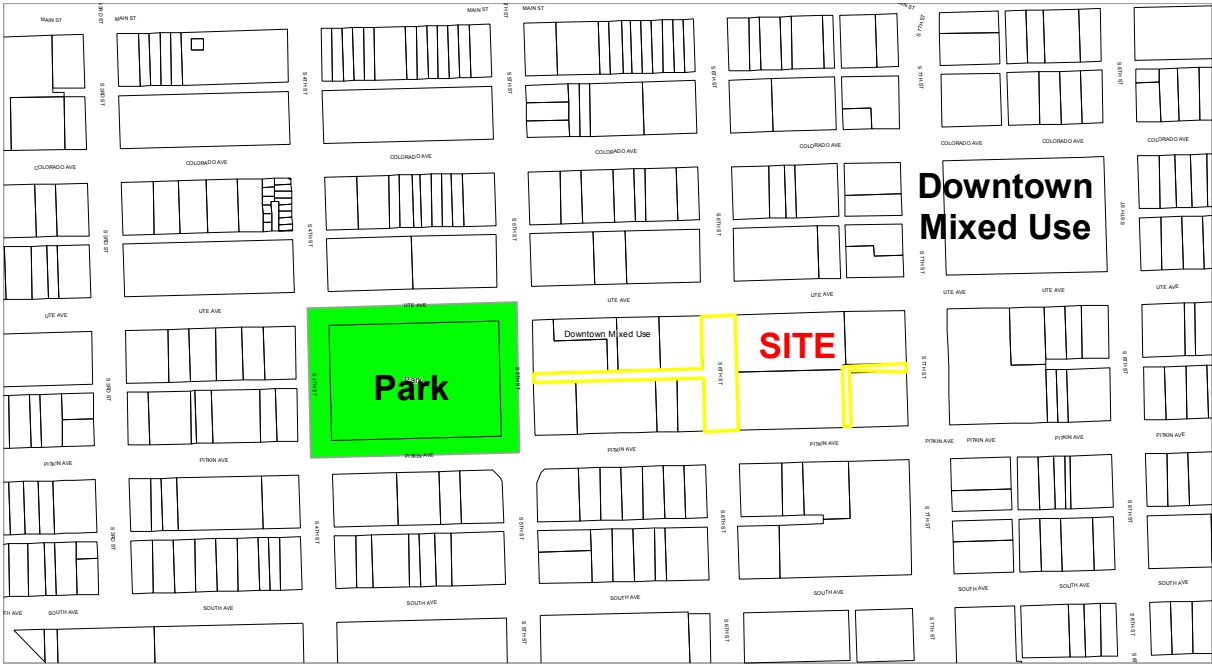
Aerial Photo Map

Exhibit 2



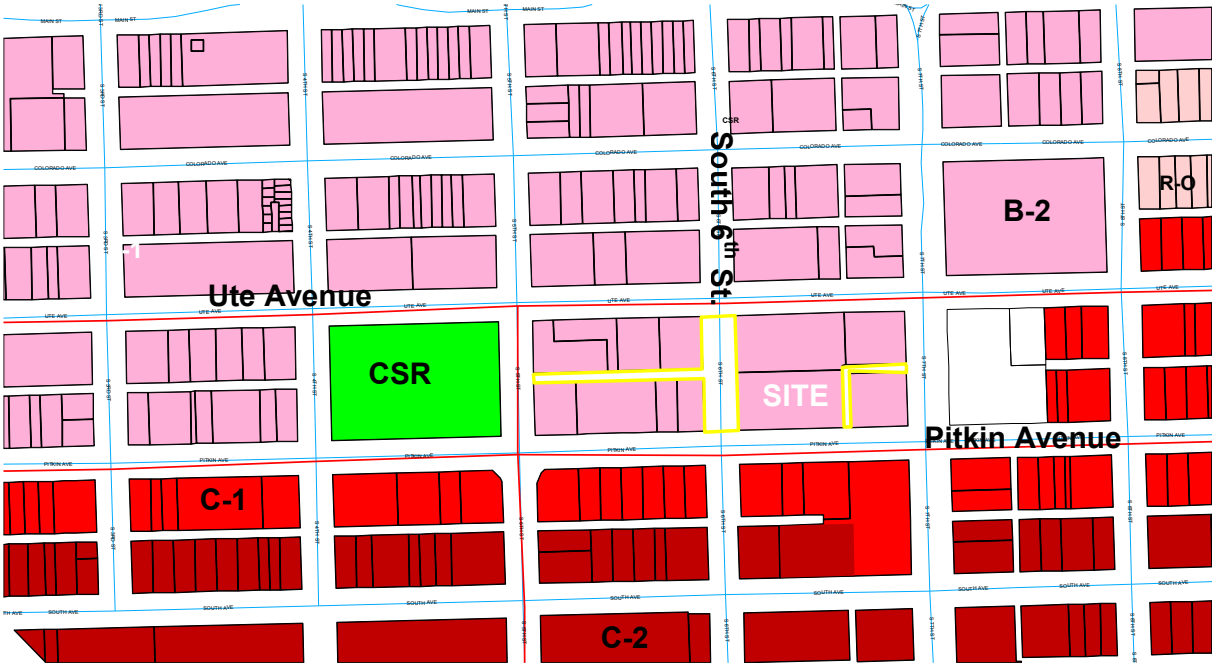
Comprehensive Plan Map

Exhibit 3



Existing City Zoning Map

Exhibit 4



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING
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)**

RECITALS:

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

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

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

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

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

1. Temporary Utility Easements are hereby reserved by the City of Grand Junction on, along, over, under, through and across the area of the right-of-ways 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.
2. Temporary Public Access Easements are hereby reserved by the City of Grand Junction on, along, over, under, though and across the areas of the right-of-ways to be vacated for installing, maintaining and repairing an access way for vehicular and pedestrian ingress and egress for the benefit of the public.
3. The easements are reserved as temporary easements as it is understood that the easements are needed for the utilities presently in the right-of-way and for access of

the public. Once the utilities have been relocated into new easements or right-of-ways, to the satisfaction of the City Manager or the City Manager's designee, the City Manager or the City Manager's designee may release all interests in the Temporary Utility Easements pursuant to Section 21.02.100(d)(3) of the Grand Junction Municipal Code. In accordance with the same section, the City Manager or the City Manager's designee may release any and/or all interest in the Temporary Public Access Easements included herein if it is determined that the access is no longer needed.

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

Dedicated right-of-way to be vacated:

BLOCK 138

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the East-West 20 foot wide alley and the North-South 15 foot wide alley lying entirely within Block 138, the Plat of Part of Second Division Resurvey, as Amended, as same is recorded in Plat Book 3, page 21, Public Records of Mesa County, Colorado, not previously vacated by City of Grand Junction Ordinances 1142 and 1167, lying West of the West right of way for Seventh Street and North of the North right of way for Pitkin Avenue.

CONTAINING 4,913 Square Feet, more or less, as described.

BLOCK 139

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain East-West 20 foot wide alley lying entirely within Block 139 of the Plat of Part of Second Division Resurvey, as Amended, as same is recorded in Plat Book 3, page 21, Public Records of Mesa County, Colorado, lying between the East right of way for Fifth Street and the West right of way for Sixth Street.

CONTAINING 8,031 Square Feet, more or less, as described.

SOUTH SIXTH STREET
(BETWEEN UTE AND PITKIN AVENUES)

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 14, Township 1 South, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of Sixth Street, lying between Blocks 138 and 139 of the Plat of Part of Second Division Resurvey, as Amended, as same is recorded in Plat Book 3, page 21, Public Records of Mesa County, Colorado, lying between the South right of way for Ute Avenue and the North right of way for Pitkin Avenue.

CONTAINING 21,889 Square Feet, more or less, as described.

INTRODUCED on first reading the 31st day of January, 2011 and ordered published in pamphlet form.

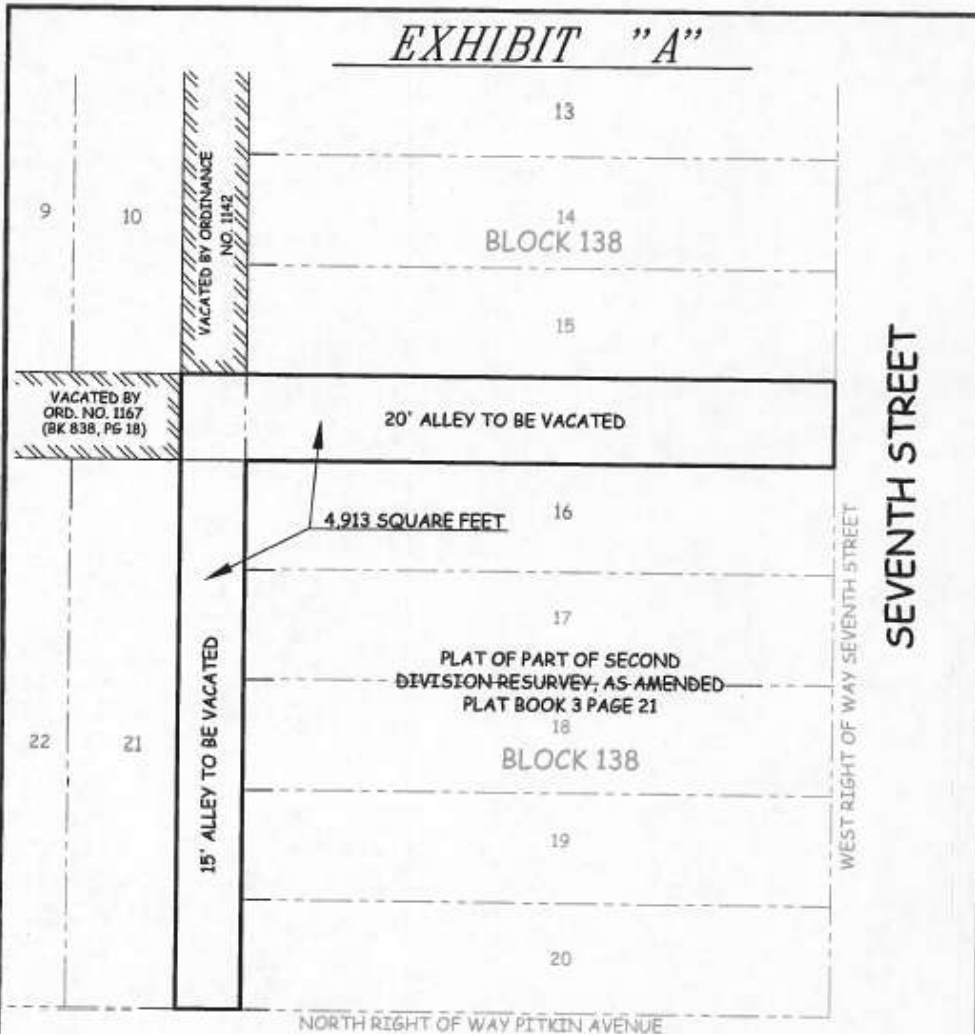
PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT "A"



SEVENTH STREET

PITKIN AVENUE

ABBREVIATIONS

BK BOOK
PG PAGE

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



LINEAL UNITS = US SURVEY FOOT



DRAWN BY: PTK
DATE: 11-22-2010
SCALE: 1" = 30'
APPR. BY: PTK

THE CITY OF GRAND JUNCTION
ALLEY VACATION

BLOCK 138, SECOND DIVISION RESURVEY

CITY OF
Grand Junction
COLORADO

EXHIBIT "A"

UTE AVENUE



PITKIN AVENUE



ABBREVIATIONS

BK	BOOK
PG	PAGE

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LINEAL UNITS = US SURVEY FOOT



DRAWN BY: PTK
DATE: 11-22-2010
SCALE: 1" = 80'
APPR. BY: PTK

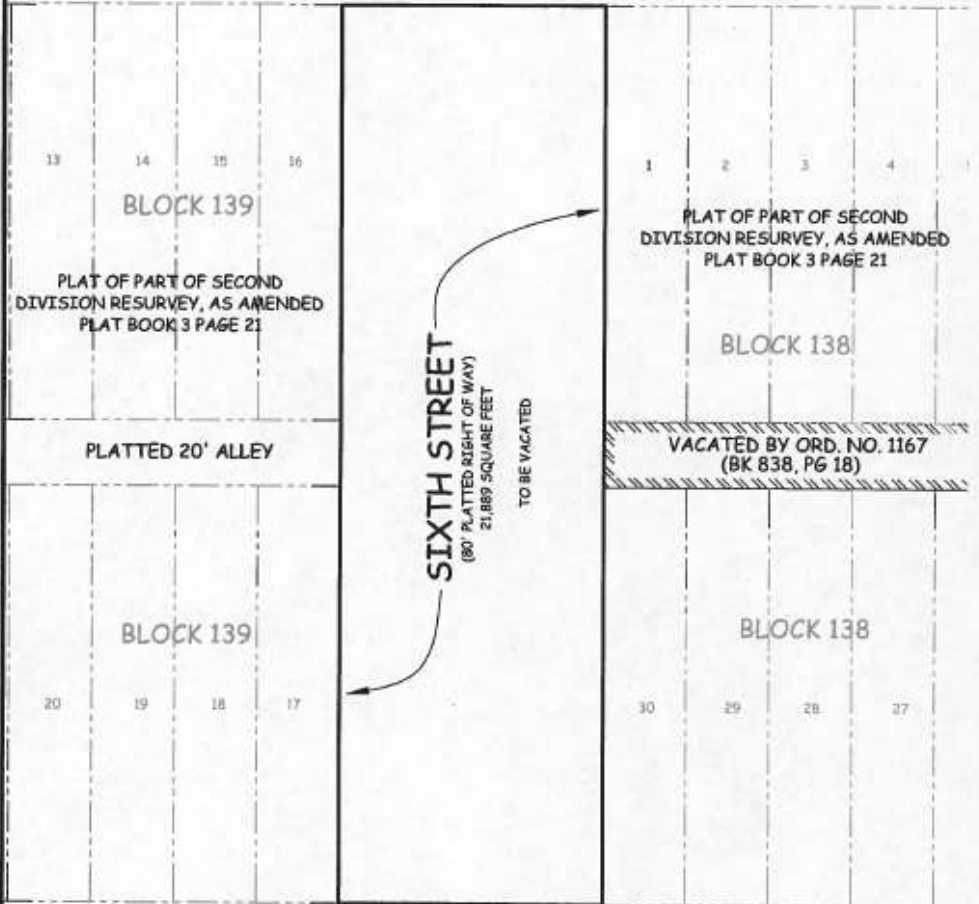
*THE CITY OF GRAND JUNCTION
ALLEY VACATION WITHIN BLOCK 139
BETWEEN 5TH AND 6TH STREET
SECOND DIVISION RESURVEY*



EXHIBIT "A"

UTE AVENUE

SOUTH RIGHT OF WAY UTE AVENUE



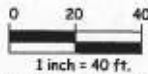
NORTH RIGHT OF WAY PITKIN AVENUE

PITKIN AVENUE

ABBREVIATIONS

BK BOOK
PG PAGE

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1 inch = 40 ft.

LINEAL UNITS = US SURVEY FOOT



DRAWN BY: PTK
DATE: 11-22-2010
SCALE: 1" = 40'
APPR. BY: PTK

*THE CITY OF GRAND JUNCTION
SIXTH STREET VACATION
LYING BETWEEN 5TH AND 7TH STREET
AND UTE AND PITKIN AVENUE*

