



**CITY COUNCIL AGENDA  
WEDNESDAY, JANUARY 4, 2012  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

*To become the most livable community west of the Rockies by 2025*

**Call to Order**

Pledge of Allegiance

Invocation – Leo Truscott, Deacon, Immaculate Heart of Mary Catholic Church

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

**Proclamation**

Proclaiming January, 2012 as “National Mentoring Month” in the City of Grand Junction

**Appointments**

Zoning Board of Appeals/Planning Commission

Public Finance Corporation

Riverview Technology Corporation

**Council Comments**

**Citizen Comments**

*Revised December 30, 2011*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**\*\*\* CONSENT CALENDAR \*\*\*®****1. Minutes of Previous Meeting [Attach 1](#)**

*Action: Approve the Minutes of the December 19, 2011 Regular Meeting*

**2. 2012 Meeting Schedule and Posting of Notices [Attach 2](#)**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-12—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the 2012 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

*®Action: Adopt Resolution No. 01-12*

Staff presentation: Stephanie Tuin, City Clerk

**3. Setting a Hearing to Amend the Redlands Mesa Planned Development, Outline Development Plan and Phasing Schedule [File #PDL-2011-1183] [Attach 3](#)**

The proposed amendment to the almost 14 year old Outline Development Plan (ODP) includes a new phasing schedule, changes in housing type for certain phases of the development and revised bulk standards for future filings, with no change in overall density. All future filings will be subject to the 2010 Zoning and Development Code.

Proposed Ordinance Amending the Outline Development Plan for Redlands Mesa

*Action: Introduce Proposed Ordinance and Set a Hearing for January 16, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Lori V. Bowers, Senior Planner

4. **Golden Corral Revocable Permit, Located at 1100 Independent Avenue** [File #RVP-2011-1284] [Attach 4](#)

RFR Properties, LLC is requesting a Revocable Permit to construct a walk-in cooler and storage shed onto the existing Golden Corral restaurant at 1100 Independent Avenue. The proposed addition will extend into the adjacent, unnamed right-of-way approximately 7 feet for a distance of 41 feet.

Resolution No. 02-12—A Resolution Concerning the Issuance of a Revocable Permit to RFR Properties LLC DBA Golden Corral Located at 1100 Independent Avenue

*®Action: Adopt Resolution No. 02-12*

Staff presentation: Tim Moore, Public Works and Planning Director  
Brian Rusche, Senior Planner

5. **Contract for Radio System Site Repeater Tower at Rabbit Valley** [Attach 5](#)

This is the contract award for the construction of an 800 MHz radio tower site, located at Rabbit Valley that will be added to enhance and upgrade the public safety radio network.

*Action: Authorize the Purchasing Division to Enter Into a Contract with EasTex Tower, Inc. of Colorado Springs, Colorado for the Construction of an 800 MHz Radio Tower Site in the Estimated Amount of \$127,485*

Staff presentation: John Camper, Police Chief  
Troy Smith, Deputy Police Chief  
Jay Valentine, Financial Operations Manager

6. **North Avenue Streetscape Grant Request** [Attach 6](#)

Staff seeks Council approval to submit a grant through the Federal Transportation, Community and System Preservation Program (TCSP) for streetscape improvements to North Avenue between 12<sup>th</sup> and 23<sup>rd</sup> Streets. The total grant request is \$822,000 and the City's 20% required match consists of in-kind design and construction administrative and inspection services.

*Action: Authorize the Acting City Manager to Submit a Grant Application to the Federal Transportation, Community and System Preservation Program*

Staff presentation: Tim Moore, Public Works and Planning Director  
Rob Schoeber, Parks and Recreation Director

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

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

7. **Public Hearing – An Ordinance Extending the DDA Tax Increment on Property and Sales Tax to Fund Capital and Operations** [Attach 7](#)

Extension of the DDA tax increment on property and sales tax is the final legislative action required of City Council pursuant to state enabling legislation to fully implement the previously approved 20-year extension of the DDA’s charter. Extension of the tax increment secures the financial foundation for future DDA capital projects undertaken in pursuit and fulfillment of its statutory mission to “promote the health, safety, prosperity, security, and general welfare ...halt or prevent deterioration of property values or structures within (the) central business district...halt or prevent the growth of blighted areas, and... assist ...in the development and redevelopment of such districts...” (CRS Sect, 31-25-802).

Ordinance No. 4494—An Ordinance Extending the Period During Which the Grand Junction, Colorado Downtown Development Authority (DDA) May Allocate and Collect a Property and Sales Tax Increment to Fund the Capital and Operations of the DDA as Provided by Law

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4494*

Staff presentation: John Shaver, City Attorney  
Harry Weiss, DDA Executive Director

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

9. **Other Business**

10. **Adjournment**

Attach 1  
Minutes

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

**December 19, 2011**

The City Council of the City of Grand Junction convened into regular session on the 19<sup>th</sup> day of December, 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Laura Luke, Bill Pitts, Sam Susuras, and Council President Tom Kenyon. Also present were Deputy City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Kenyon called the meeting to order. Councilmember Luke led the Pledge of Allegiance, followed by a moment of silence.

**Certificates of Appointment**

To the Grand Junction Housing Authority

Scott Aker was present to receive his certificate of appointment to the Grand Junction Housing Authority.

To the Visitor and Convention Bureau Board of Directors

Lon Carpenter and Michael Bell were present to receive their certificates of appointment to the Visitor and Convention Bureau Board of Directors.

**Council Comments**

Councilmember Luke welcomed the interim City Manager and noted it has been a challenging week.

Councilmember Doody thanked Rich Englehart for stepping up to the plate and that he looks forward to working with him in 2012.

Councilmember Pitts welcomed Rich Englehart to the position.

Councilmember Susuras also thanked Mr. Englehart for taking the position and said he looks forward to working with him.

Councilmember Boeschstein thanked City Manager Laurie Kadrich for her good work and he listed some her projects started or completed during her employment. He advised he has known Mr. Englehart for a long time and know that he will do a fine job.

### **Citizen Comments**

Dennis Simpson, 2306 E. Piazza Place, said he thought the City Council deserved the criticism in the Daily Sentinel that the City Council terminated City Manager Laurie Kadrich in a closed door meeting. He listed a number of other examples including Wednesday night's discussion on the Airport to be held in the conference room upstairs instead of in the auditorium with minutes and cameras. He accused the City Council of making all of their decisions in the back room and violating the open meetings law. He said just because it has always been that way, it does not need to be kept being done that way. He urged the City Council not to select a new City Manager in that way.

Bob Richardson, 220 Walnut Avenue, addressed the City Council regarding an ongoing flooding issue on Walnut Court. The storm sewer cover blows off in that area and the water floods the area. There has been no flooding this year but last year they had the biggest flood ever. A swale was installed which has helped but the water still settles up against his foundation. The problem has persisted. He asked the Council to take some action.

There were no other citizen comments.

### **\*\*\* CONSENT CALENDAR \*\*\*®**

Councilmember Susuras moved to approve the Consent Calendar and then read items #1-7, substituting the words City Manager with Acting City Manager in each of the actions. Councilmember Pitts seconded. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the December 7, 2011 Regular Meeting and the Minutes of the December 14, 2011 Special Meeting*

2. **Setting a Hearing on an Ordinance Extending the DDA Tax Increment on Property and Sales Tax to Fund Capital and Operations**

Extension of the DDA tax increment on property and sales tax is the final legislative action required of City Council pursuant to state enabling legislation to fully implement the previously approved 20-year extension of the DDA's charter. Extension of the tax increment secures the financial foundation for future DDA capital projects undertaken in pursuit and fulfillment of its statutory mission to

“promote the health, safety, prosperity, security, and general welfare ...halt or prevent deterioration of property values or structures within (the) central business district...halt or prevent the growth of blighted areas, and... assist ...in the development and redevelopment of such districts...” (CRS Sect, 31-25-802). Proposed Ordinance Extending the Period During Which the Grand Junction, Colorado Downtown Development Authority (DDA) May Allocate and Collect a Property and Sales Tax Increment to Fund the Capital and Operations of the DDA as Provided by Law

*Action: Introduce a Proposed Ordinance and Set a Hearing for January 4, 2012*

3. **2012 Mesa County Animal Control Services Agreement**

The City has an ongoing, annually renewable agreement with Mesa County for animal control services within the City limits. The City pays the County a percentage of the Mesa County Animal Services’ budget based upon the City’s percentage of total calls for service.

*Action: Approve and Authorize the Mayor to Sign the 2012 Agreement between Mesa County and the City of Grand Junction Pertaining to Animal Services*

4. **Grand Valley Transit Funding Resolution**

The City has an ongoing, annually renewable agreement with Grand Valley Transit for public transportation service within Grand Valley Transit boundaries. The City pays the Grand Valley Transit a percentage of the costs based on a formula established in an agreement that dates back to 2009. The Resolution authorizes the Mayor to sign the Resolution adopting the local match funding for the Grand Valley Transit Public Transit Services as approved in the 2012 budget.

Resolution No. 57-11—A Resolution Concerning the Adoption of the Local Match Funding for Grand Valley Transit Public Transit Services for FY2012

*Action: Adopt Resolution No. 57-11*

5. **Advertising Services Contract Renewal for Visitor and Convention Bureau**

This is the second year of a three-year contract originally approved by Council on September 13, 2010 that resulted from an RFQ/RFP issued in 2010. The contract for advertising services is renewed annually in conjunction with adoption of the City’s annual budget and development of the VCB’s Marketing Plan for the upcoming year. VCB staff is requesting approval by Council of the 2012 Contract with CCT Advertising for advertising services.

*Action: Authorize the City Manager to Execute a Contract with CCT Advertising in the Amount of \$375,000 for Advertising Services for the Period January 1, 2012 – December 31, 2012*

6. **Website Services Contract Renewal for Visitor and Convention Bureau**

This is the second year of a three-year contract originally approved by Council on September 13, 2010 that resulted from a Request for Qualifications (RFQ) issued in 2010. The contract for website services is renewed annually in conjunction with adoption of the City's annual budget and development of the VCB's Marketing Plan for the upcoming year. VCB staff is requesting approval by Council of the 2012 Contract with Miles Media Group for website services.

*Action: Authorize the City Manager to Execute a Contract with Miles Media Group in the Amount of \$125,000 for Website Services for the Period January 1, 2012 – December 31, 2012*

7. **KnowMoore Revocable Permit, Located at 806 and 814 Winters Avenue** [File #RVP-2011-1143]

KnowMoore LLC ("KM") is requesting a Revocable Permit for a fence in the right-of-way for their business located on two adjacent lots, addressed as 806 and 814 Winters Avenue. One side of the encroachment is approximately 5.50 feet in the future 8th Street ROW (west side of subject parcels) and 7.5 feet in the N/S alley ROW, on the east side of the subject parcels. There are no encroachments on the north side or the south side of the property. The front setback of 15' has been maintained. The lots are 125 feet deep.

Resolution No. 58-11—A Resolution Concerning the Issuance of a Revocable Permit to KnowMoore, LLC, Located at 806 and 814 Winters Avenue

*Action: Adopt Resolution No. 58-11*

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Rates and Fees for the Year 2012**

Proposed 2012 rate/fee increases for Planning, Golf, Forestry, Bookcliff Activity Center, and Plant Investment as presented and discussed during City Council budget workshops.

Jodi Romero, Financial Operations Manager, presented this item. She listed the areas proposed to be increased.



Councilmember Luke asked if the fee increases for golf are for just Lincoln Park or for both courses. Ms. Romero said it is for both golf courses.

Council President Kenyon asked if the Transportation Capacity Payment (TCP) fees were included in the resolution. Ms. Romero answered affirmatively.

Council President Kenyon said he received a letter from the Chamber of Commerce regarding the TCP fees. The increase basically doubles the fee and when multiplied for larger projects, this can be quite substantial. He asked for discussion.

Councilmember Pitts said he did not think that particular line item should go forward and suggested it be scratched from the resolution.

City Attorney Shaver confirmed that the Council could move forward with just that item deleted from the resolution.

Resolution No. 59-11—A Resolution Adopting Fees and Charges for Planning, Golf, Forestry, Bookcliff Activity Center, and Plant Investment

Councilmember Susuras moved to adopt Resolution No. 59-11 except with the transportation capacity fees being frozen. Councilmember Pitts seconded the motion.

Councilmember Boeschstein said the TCP is based on a scientific fee and that is done in conjunction with other local governments. If the fee is not increased, then the taxpayers will have to pay for it rather than the developer. That may be justified but, if so, they should be aware. He asked about the status with the Regional Transportation Group as it can be competitive.

Council President Kenyon directed Staff to bring this forward for future discussion and compare with the other local governments. He suggested there may be an incremental way to increase the fees. He noted Councilmember Boeschstein made a good point; the improvements will have to be paid for, however the City doesn't want to drive business away by increasing fees too fast.

Councilmember Doody agreed that Councilmember Boeschstein made a good point. As shown with the School Impact Fees, different entities charge different amounts.

Councilmember Coons said that this has been a long, ongoing discussion; it is hard to find the right balance but she did agree that perhaps now is not the right time. Residential development fee was increased a couple of years ago. The City wants to encourage commercial development. The cost of building construction has gone down so maybe the City can bear the cost of these a little while longer.

Councilmember Luke noted the proposed increase is more than double and right now the City is trying to encourage business in the community. It is a significant increase. They

need to make sure they do not swing the pendulum too far the other way. Increased fees will eventually be passed onto the consumers.

Councilmember Susuras noted there is no legislation that all entities must charge the same fee. Regardless of who pays, they do not want to discourage development.

Motion carried by roll call vote.

### **Public Hearing—2011 Supplemental Appropriation Ordinance and the 2012 Budget Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2011 amended and 2012 proposed budgets.

The public hearing was opened at 7:28 p.m.

Rich Englehart, Acting City Manager, introduced this item. The first segment was on the supplemental appropriations for 2011 and the second part was on the proposed 2012 budget. Acting City Manager Englehart thanked the Council for their time on reviewing the budget as well as all the employee groups that reviewed the budget and proposals.

Acting City Manager Englehart reviewed the drop in revenues and some of the themes that were discussed in the City Council Retreat held June 3<sup>rd</sup>. He also reviewed the dates where the budget was reviewed and studied by the City Council getting to this point in the process.

Regarding a supplemental budget for 2011, he noted how dialed in the 2011 budget was in order to meet the reduced revenues. However, some projects and additional expenditures did come up through the year and many were brought to City Council for their approval. There were also many carryover projects.

Regarding the 2012 budget, the overall operating budget is showing a decrease. That does not include the labor and benefits, which for a couple of reasons, is being increased – a grant for the Street Crimes Unit and a ten percent increase in health insurance. Acting City Manager Englehart compared the percent proposed for 2012 as compared to projected 2011.

Acting City Manager Englehart then compared spending by type and spending by department as well as the break out for capital spending. He highlighted the capital projects for 2012, those being the public safety building, the stadium project, parks improvements, streets overlay, and other streets and bridges.

In conclusion, with the adoption of the proposed ordinances, the 2011 supplemental supports a \$145.7 million budget and the 2012 appropriation ordinance supports a \$154 million budget.

Council President Kenyon advised that the City Council went through the budget line item by line item and really closely reviewed the proposed budget. He asked about the remaining costs to be paid on the public safety building in 2012. Acting City Manager Englehart clarified that.

Council President Kenyon noted the Council asked for the budget to include funding to bring the parks rated as poor up to a higher standard and asked the Parks and Recreation Director to come up to explain.

Parks and Recreation Director Rob Schoeber explained what monies are proposed for parks improvements, much of which is going to Lincoln Park and some allocated to Canyon View Park and will continue into 2013.

Councilmember Pitts thanked Mr. Schoeber and his Staff for all the shift work and weekend hours put in to make sure everything is covered noting he isn't sure how much of this the public knows.

Councilmember Coons asked him to clarify that the Parks Improvement budget is not for any new construction. Mr. Schoeber agreed it is to restore and repair some areas that need attention.

Council President Kenyon asked if the Three Sisters property will become the Parks and Recreation Department's responsibility. Mr. Schoeber said that is true, the grant was approved, and things are moving forward. In 2012 they will bring a plan forward on maintenance.

Councilmember Boeschstein noted that the grant for Las Colonias was not approved but Las Colonias was included in a GOCO grant so they are hopeful to be successful.

Councilmember Luke asked how often the GOCO grants can be submitted. Mr. Schoeber said a new cycle will open in the spring.

Councilmember Coons asked about carry forwards for 2013. Acting City Manager Englehart said some of the public safety dollars and perhaps the fire administration remodel will be carried forward. They will look at grant opportunities as they come up and emergencies.

Councilmember Boeschstein asked why contributions to Grand Junction Economic Partnership, the Business Incubator, Grand Valley Transit, Mesa Land Trust, and

Riverfront are showing as zero. Financial Operations Manager Jodi Romero explained that those contributions are in the General Fund now.

Councilmember Susuras said the detailed review that City Council took now has helped the City Council understand the budget throughout and thanked everyone involved.

Council President Kenyon added that Human Resources Manager Claudia Hazelhurst also helped them understand salaries and benefits.

Councilmember Susuras noted that \$4.5 million in capital is to be paid to contractors in the community.

Council President Kenyon agreed and noted they continue to put money that can be afforded into capital in order to help stimulate the economy locally.

Councilmember Boeschstein thanked the City Staff for emphasizing energy efficiency with the solar installation and the energy efficient vehicles.

Council President Kenyon asked for public comments.

Duncan McArthur, with the Grand Junction Realtors Association and representing the Western Colorado Contractors Association, 2470 F Road, Suite 14, illustrated the point that more funding should go to capital funds rather than to employee salaries.

He used graphs of building permits to compare Grand Junction with the other local governments in the valley. He then displayed trends with foreclosures. Lastly, he had graphs on employment from the Federal Reserve. He questioned the timing on increasing the City employees' salaries.

Dennis Simpson, 2306 Piazza Place, said he has been involved and attended every discussion as it relates to the budget. He believes he missed one. His concern is related to the capital budget. There is nothing in writing justifying the need of any of the projects. He complimented the Council in their time on the budget but he does not think the line item by line item review was necessary. There may have been discussions but nothing is written down. He thought there is a cavalier attitude on the capital budget. He has a lot of specific concerns but this is not the right time to lay them out. The agenda item following this is to approve \$800,000 for locker rooms when the community cannot properly fund the schools. He disagreed that the government spending money on things just to be spending money; it is not such a good idea. He thought the money should just be left with the taxpayers.

There were no other public comments.

The public hearing was closed at 8:10 p.m.

Ordinance No. 4491—An Ordinance Making Supplemental Appropriations to the 2011 Budget of the City of Grand Junction

Ordinance No. 4492—An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2012, and Ending December 31, 2012

Councilmember Susuras moved to adopt Ordinance Nos. 4491 and 4492 and ordered them published. Councilmember Pitts seconded the motion.

Councilmember Doody thanked Amy Hamilton from the Daily Sentinel for attending all of the City Council meetings and keeping the public informed.

Councilmember Boeschstein said the Council does have justification for the budget and that is the Comprehensive Plan and it is all in there.

Motion carried by roll call vote.

Council President Kenyon thanked the Council for all their work on the budget noting they will start all over again soon.

Council President Kenyon called a recess at 8:13 p.m.

The meeting reconvened at 8:19 p.m.

### **Lincoln Park Stadium Locker Room Addition**

As part of the Lincoln Park Stadium Improvements Project, the Parks and Recreation Department is proposing to renovate the existing locker rooms and add office space that will facilitate the permanent Grand Junction Rockies minor league baseball staff.

Council President Kenyon introduced this topic and described how this project came forward as part of the negotiated contract with the Grand Junction Rockies. The Parks Improvement Advisory Board and the Rockies both contributed \$100,000 each for the project.

Rob Schoeber, Parks and Recreation Director, presented this item. He described the project, the location, and how negotiations took place. The proposal suits the requirements of the Rockies and works for the other entities that use the facility. The change order is for \$800,000 for FCI Contractors and the timeline will be staying the same. The project is on time and on budget.

Council President Kenyon asked why the contract should go to FCI, although they are working on the current stadium improvements and knowing they are on site and there is

no additional mobilization. Mr. Schoeber said those are the reasons, they are on site, and are managing the project. They will subcontract the work out but will be the managers on site and be able to coordinate the project so it will be beneficial to the City.

Council President Kenyon advised he has spent quite a bit of time at the stadium observing the work and complimented the work being done.

Councilmember Boeschstein asked about the estimated impact of the Grand Junction Rockies. Parks and Recreation Director Schoeber said there are projections based on 1500 fans in attendance but it is hard to project the economic benefit until the attendees are known to be either from out of town or locals.

Councilmember Boeschstein noted it is not just locker rooms being talked about, it is bringing the Rockies to Grand Junction, which will result in a huge economic benefit to the community.

Councilmember Susuras said he likes this project as it extends jobs in the community.

Councilmember Pitts moved to authorize the City Purchasing Division to amend the contract with FCI Constructors to renovate the locker room as part of the Lincoln Park Stadium Improvement Project, in the estimated amount of \$800,000. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Public Hearing—Ordinance Repealing City Code Provisions Regarding Alarm System Installers**

The City Council Legislative Committee has considered the Staff recommendation that Sections 5.08.010 through 5.08.050 and 5.08.080 of Article III, Chapter 5 of the Grand Junction Municipal Code regarding alarm system installers be repealed. Those provisions were adopted in 1975. City employees have no specific knowledge of the electrical, mechanical, and other functions of alarm systems which hinders efficient monitoring of the licensure, issuance, and investigation of alarm system installers.

The public hearing opened at 8:29 p.m.

John Shaver, City Attorney, presented this item and gave a background of this part of the Code being antiquated and the recommendation is due to the changes in the alarm installer industry. Years ago dispatch worked for the private alarm companies. The repeal will result in alarm installers being treated as any other small businesses or installers in town. Staff recommends adoption of the ordinance.

Council President Kenyon said he is glad to see this ordinance come forward; it is eliminating an outdated provision of the Code.

There were no public comments as there was no public in attendance (except for one member of the press).

The public hearing was closed at 8:32 p.m.

Ordinance No. 4493—An Ordinance Repealing Sections 5.08.010 through 5.08.050 and 5.08.080 of Article III, Chapter 5, the City of Grand Junction Municipal Code Regarding Alarm System Installers

Councilmember Pitts moved to adopt Ordinance No. 4493 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

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

There were none.

### **Other Business**

Councilmember Susuras noted that Rich Englehart has served as the Deputy City Manager since September 2007. Prior to his service for Grand Junction, Mr. Englehart was the Executive Director of the Delta Housing Authority and prior to that service, he was the City Manager of Delta, Colorado. Mr. Englehart began his public service with the City of Grand Junction in 1985 with the Parks and Recreation Department. He has a Bachelor of Arts (BA) degree in Parks and Recreation Management from Mesa College and a Masters in Public Administration from the University of Colorado – Denver.

Resolution No. 60-11—A Resolution to Appoint Rich Englehart as Acting City Manager

Councilmember Susuras moved to adopt Resolution No. 60-11 appointing Rich Englehart as Acting City Manager effective immediately; the appointment shall be for a term of six months subject to negotiations of mutually acceptable terms of employment. Councilmember Pitts seconded the motion.

Council President Kenyon noted that while the appointment is for six months it may be longer or shorter; the City Council has not discussed the selection of a new City Manager. In the meantime he feels it is appropriate to appoint Mr. Englehart. Negotiations in regards to compensation have yet to be discussed for the additional duties and that will be discussed amongst the Council in the near future.

Motion carried by roll call vote.

Council President Kenyon thanked Mr. Englehart noting he is looking forward to working with him.

## **Adjournment**

The meeting was adjourned at 8:37 p.m.

Stephanie Tuin, MMC  
City Clerk





Date: December 23, 2011  
 Author: Stephanie Tuin  
 Title/ Phone Ext: City Clerk, x1511  
 Proposed Schedule:  
January 4, 2012  
 2nd Reading  
 (if applicable): NA  
 File # (if applicable):       

**Attach 2  
 2012 Meeting Schedule and Posting of Notices**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> 2012 Meeting Schedule and Posting of Notices
<b>Action Requested/Recommendation:</b> Adopt Resolution Designating the Posting Location for Notices and Setting the Meeting Schedule for City Council Meetings in 2012
<b>Presenter(s) Name &amp; Title:</b> Stephanie Tuin, City Clerk

**Executive Summary:**

State Law requires an annual designation of the City’s official location for the posting of meeting notices. The City’s Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

**Background, Analysis and Options:**

In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (§24-6-402(2)(c) C.R.S.). The location designated is to be the glassed-in bulletin board outside the auditorium lobby at 250 N. 5<sup>th</sup> Street.

As of 1994, the revised City Code of Ordinances includes a provision whereby the City Council determines annually the City Council meeting schedule and the procedure for calling a special meeting.

This resolution will determine the dates of the regular City Council meetings for 2012. Additional meetings may be scheduled from time to time and adequate notice will be posted prior to the holding of any additional regular meetings. The City Council also has the authority to change, reschedule, or cancel any of the listed regular meetings with proper notice.

The regularly scheduled meetings for 2012 are as follows:

<b>Month</b>	<b>Dates</b>
January	4, 16, 18
February	1, 13, 15
March	7, 21
April	4, 16, 18
May	2, 14, 16
June	6, 18, 20
July	2, 18
August	1, 13, 15
September	5, 17, 19
October	3, 15, 17
November	7, 19, 21
December	5, 17, 19

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

Complying with State and local law in order to be able to conduct lawful City Council meetings will allow the City Council to continue to pursue the Comprehensive Goals and Policies.

**Board or Committee Recommendation:**

Not applicable.

**Financial Impact/Budget:**

There are no financial impacts or budget implications.

**Legal issues:**

Compliance with State and local law is required.

**Other issues:**

There are no other issues to consider.

**Previously presented or discussed:**

This has not been presented previously.

**Attachments:**

The proposed resolution

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_-12**

**A RESOLUTION OF THE CITY OF GRAND JUNCTION  
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE OF MEETINGS,  
ESTABLISHING THE 2012 CITY COUNCIL MEETING SCHEDULE, AND  
ESTABLISHING THE PROCEDURE FOR CALLING OF SPECIAL MEETINGS  
FOR THE CITY COUNCIL**

**Recitals.**

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Code of Ordinances, Section 2.04.010, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5<sup>th</sup> Street, City Hall.

2. The meeting schedule for the regular meetings of the City Council is:

<b>Month</b>	<b>Dates</b>
January	4, 16, 18
February	1, 13, 15
March	7, 21
April	4, 16, 18
May	2, 14, 16
June	6, 18, 20
July	2, 18
August	1, 13, 15
September	5, 17, 19
October	3, 15, 17
November	7, 19, 21
December	5, 17, 19

3. Additional meetings may be scheduled or cancelled dependent on the number of items coming before the City Council. The City Council will determine that on a case by case basis. Proper notification for any change in the meeting schedule will be provided.

4. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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



Date: December 22, 2011  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule: Wednesday, January 4, 2012  
 2nd Reading: Monday, January 16, 2012  
 File #: PLD-2011-1183

**Attach 3**  
**Setting a Hearing to Amend the Redlands Mesa Planned Development, Outline Development Plan and Phasing Schedule**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Amend the Redlands Mesa Planned Development, Outline Development Plan and Phasing Schedule
<b>Action Requested/Recommendation:</b> Introduce the Proposed Ordinance to Amend the Redlands Mesa Outline Development Plan and Set a Hearing for January 16, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

**Executive Summary:**

The proposed amendment to the almost 14 year old Outline Development Plan (ODP) includes a new phasing schedule, changes in housing type for certain phases of the development and revised bulk standards for future filings, with no change in overall density. All future filings will be subject to the 2010 Zoning and Development Code.

**Background, Analysis and Options:**

The Outline Development Plan for Redlands Mesa Development, located in the Ridges, was approved by the City Council on December 16, 1999. The zoning of the property is PD, Planned Development with an underlying default zone district of R-4. It was designed for 526 residential units, an 18 hole golf course and a commercial parcel including a clubhouse, offices and maintenance facility. The golf course, clubhouse and offices, and maintenance facility have been constructed. The temporary sales office will move to a permanent site near the clubhouse. About 70 residential units have been constructed. The total acreage for the project is 494.08 acres; of those, 145.25 acres are designated open space and deeded to the Redlands Mesa Master Association for care and maintenance. There is a public easement over the open space (but not over the golf course) which is further defined in the "Agreement for Restrictions on the Use of Open Space in Redlands Mesa Planned Development," Recorded at Book 2730, Page 54. There are approximately 60.281 acres remaining to be developed, designated as Parcels 1, 3, 4, 13A, 14, 15A, and 15B.

The original ODP allowed a maximum density of 526 residential units with the density of each phase to be established at the time of Preliminary Plan Approval. Under the 2010 Zoning and Development Code ("new Code"), Preliminary Plans are no longer required, as the ODP must include more detail than required under the previous Zoning Code.

The proposed amended ODP indicates the maximum density of each development area or "Pod." The new Code also allows for density/intensity to be transferred among pods/areas to be developed unless explicitly prohibited by the ODP approval. The Applicants intend to utilize this section of the Code, so the amended ODP does not prohibit transfer of densities. This means that density of a pod can vary from one dwelling unit per acre to eight dwelling units per acre, while preserving the overall maximum density of 526 units. Likewise, the ODP amendments allow construction of single-family homes, townhomes, patio homes or cluster type developments throughout the undeveloped areas, without restricting certain housing types to certain pods. The default zone remains R-4.

Final development plans will be submitted for review and Director approval according to the new Code. The City Attorney will review covenants and restrictions prior to the final development plan approval. More detail is provided in the attached Staff report.

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

The original ODP was consistent with the Growth Plan that was in place at the time the PD Ordinance was adopted. The proposed ODP amendment is consistent with the Comprehensive Plan as follows:

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

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

The Redlands Mesa project has provided and will continue to provide a quality development for the community with attractive open spaces and unique amenities (golf course) and will continue to add balanced growth in the City. The proposed changes will allow flexibility for construction of housing types that the market demands at the time, while respecting an overall density that is consistent with the Comprehensive Plan.

**Board or Committee Recommendation:**

The Planning Commission forwards a recommendation of approval from their meeting of December 13, 2011.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

This has not been previously discussed.

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing Zoning Map  
Blended Residential Map  
Amended Outline Development Plan (ODP) Map  
Parcel Detail Maps (5)  
Planned Development Rezone Ordinance

## ANALYSIS

### I. Background:

#### Uses and Development Character

The proposed amendment to the existing ODP does not change the original use and development character. Single family detached, multifamily residential and commercial were the uses proposed under the original ODP and still allowed under the proposed amendment.

The densities for each Pod (identified as a parcel and number on the plan) are defined on the Plan. The Applicant reserves the right to transfer densities between the Pods not to exceed the maximum density allowed.

#### Density

Eight Filings have already been platted. The overall proposed residential density of the development is 526 dwelling units. A total of 100.18 acres, containing 259 residential lots have been platted. About 70 units have been constructed. Each Pod describes the allowed uses and minimum/maximum density allowed.

#### Access

Access into and through the development was established with the preceding ODP and final plats and will not change.

#### Open Space / Park

The open space throughout this development was established with the preceding ODP and final plats and will not change.

#### Community Benefit

The purpose of the Planned Development (PD) zone is to provide design flexibility. Planned development should be used when long-term community benefits will be derived, and the vision, goals and policies of the Comprehensive Plan can be achieved. Long-term community benefits include:

1. More efficient infrastructure;
2. Reduced traffic demands;
3. More usable public and/or private open space;
4. Recreational amenities; and/or
5. Needed housing choices.

The proposed amendment allows single family detached and multifamily residential



dwelling units creating needed housing choices. Furthermore internal traffic and pedestrian circulation and clustered development create more efficient use of infrastructure and more usable open space.

Therefore the proposed development meets the following community benefits as outlined in Chapter 5:

1. More efficient infrastructure.
2. More usable public and/or private open space.
3. Recreational amenities.
4. Needed housing choices.

### Phasing Schedule

Pursuant to the Code, the PDP will be submitted within 2 years after approval of the ODP, unless a phasing schedule is otherwise approved with the preliminary plan. The Applicant requests the maximum of 10 years to be allowed to complete the platting of the remaining undeveloped parcels.

### Default Zoning

The Applicant is proposing a default zone of R-4, which is consistent with the Comprehensive Plan Blended Map designation of Residential Low. The bulk standards for the R-4 zone, as indicated under Section 21.03.040(e) in the Zoning Code, are as follows:

Density: 2 to 4 dwelling units per acre  
Maximum lot coverage: 50%  
Minimum lot area: 7,000  
Minimum lot width: 70 feet  
Front yard setback: 20 feet for principal structures/25 feet for accessory structures  
Side yard setback: 7 feet for principal structures/3 feet for accessory structures  
Rear yard setback: 25 feet for principal structures/5 feet for accessory structures  
Maximum building height: 40 feet

The Applicant is proposing the following deviations from the R-4 bulk standards:

#### **Rear Yard Setback**

20' From property line (common rear yard lot lines)  
20' From property line (adjacent to golf or open space)

#### **Side Yard Setback**

5' Internal side setback  
15' Minimum between buildings

15' Perimeter side setback

**Lot Width**

20' Minimum Street Frontage

The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the code. These amenities include:

- (1) Transportation amenities including, but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;
- (2) Open space, agricultural land reservation or land dedication of 20 percent or greater;
- (3) Community facilities for provision of public services beyond those required for development within the PD;
- (4) The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; and
- (5) Other amenities, in excess of minimum standards required by this code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

It is felt that this development and the proposed ODP amendment meets Amenities (1) and (2) and therefore the deviations should be approved.

II. Consistency with the Comprehensive Plan:

The original ODP was consistent with the Growth Plan that was in place at the time the PD Ordinance was adopted. The proposed ODP amendment is consistent with the Comprehensive Plan as follows: Goal 3: "The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community."

Goal 8: "Create attractive public spaces and enhance the visual appeal of the community through quality development." The Redlands Mesa project has provided and will continue to provide a quality development for the community with attractive open spaces and unique amenities (golf course) and will continue to add balanced growth in the City. The proposed changes will allow flexibility for construction of housing types that the market demands at the time, while respecting an overall density that is consistent with the Comprehensive Plan.

III. Review criteria of Chapter 21.02.150 of the Grand Junction Municipal Code:

Requests for an Outline Development Plan shall demonstrate conformance with all of the following:

The Outline Development Plan review criteria in Section 21.02.150(b):

- a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The project previously complied with the Growth Plan and continues to comply with the Comprehensive Plan, the Grand Valley Circulation Plan and the adopted codes and zoning requirements for this property, as determined with the approved ODP.

- b) The rezoning criteria provided in Section 21.02.140 of the Grand Junction Municipal Code (GJMC).

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

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

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

- (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

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

Criteria 1, 3 and 5 are found with this application. 1) The adoption of the new Zoning Code in 2010 has updated planning standards and practices and this amended ODP will bring this project in line with those. Criterion 3) Facilities have been installed (infrastructure) which will continue to serve the project. Criterion 5) The new phasing schedule will be a benefit to the community by allowing more time to complete a quality subdivision in slower economic times and by allowing flexibility for future development to respond to market demands for certain housing types.

- c) The planned development requirements of Section 21.05.040(f) GJMC;

- 1. Setback Standards – The following setbacks shall apply:

### **Minimum Front Yard Setback**

- 20' West Ridges Blvd. – from r-o-w (path side)
- 30' West Ridges Blvd. – from r-o-w (non-path side)
- Note: path side is that side 40' from control line shown inside r-o-w.
- 20' From r-o-w (all others unless otherwise depicted on plat)

### **Minimum Rear Yard Setback**

- 20' From property line (common rear yard lot lines)
- 20' From property line (adjacent to golf or open space)
- 5' Internal side setback
- 15' Minimum between buildings
- 15' Perimeter side setback
- 20' Minimum Street Frontage
- 40' Building Height
- 65% Maximum Lot coverage

2. Open Space – No changes are proposed; the ODP will continue to require the same 145.25 acres of open space.
3. Fencing/Screening – no change proposed.
4. Landscaping – No changes are proposed. The landscaping requirements from the original ODP meet or exceed the requirement of the present Zoning and Development Code.
5. Parking – Off street parking is and will continue to be provided in accordance with the Zoning Code.
6. Street Development Standards – Existing streets, alleys and easements have been and will continue to be designed and constructed in accordance with TEDS and applicable portions of the GJMC.

d) The applicable corridor guidelines and other overlay districts in Chapter 21.07.

The applicable corridor guidelines found in Section 21.00.07.020 – Environmental/sensitive land regulations has been addressed by the applicant as:

“The project consists of varied topography, rocky outcrops, and broken terrain providing a variety of site conditions, which naturally allows for the separation of the proposed uses and neighborhoods. These same constraints also limited and/or controlled site access and buildable terrain. The challenge of the site design was to respect the topographic constraints and unique character of the site while providing constructible road alignments, building sites, and a golf course. The neighborhoods through the

approved ODP were placed to take advantage of the natural aspects of the site itself such as the rock outcrops and native vegetation, with special attention paid to the spectacular views in all directions. Land unsuitable for development because of geologic constraints was preserved in its natural state. This included drainage ways, steep terrain (slopes in excess of 30%) and rock outcroppings. Areas of “no disturbance” were identified around all proposed building sites in the approved ODP”.

Also applicable to the site is Sub Section (g) Ridgeline Development, which will continue to be effect for this project. There are no changes proposed by the applicant to this section of the Code.

- e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public services and facilities currently exist in this subdivision or are able to be extended to serve the future development.

- f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Adequate circulation and access was demonstrated with the previously approved ODP and will continue to be provided by the amended ODP. The development has provided numerous offsite capital improvements including a second access to The Ridges via Mariposa Drive to Monument Road. The completion of this connection is a significant benefit to the surrounding developments. Internal access for the undeveloped parcels will be given consideration on an individual basis as each pod is submitted for review and approval.

- g) Appropriate screening and buffering of adjacent property and uses shall be provided;

This was demonstrated with the previous approved ODP and is not changed by this amendment. Screening and buffering will continue to be evaluated during the review of each pod.

- h) An appropriate range of density for the entire property or for each development pod/area to be developed;

The amended ODP continues to allow one dwelling unit per acre and/or up to eight dwelling units per acre on sites with fewer geologic constraints.

- i) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.

The default zone on the property remains of R-4 (Residential – 4 du/ac). The applicant has proposed the bulk standards as presented above as the new

standard for the remainder of the property. These bulk standards also include building height, 40-feet which is the same as the R-4 zone district; and maximum lot coverage at 65% which is greater than the 50% allowed in R-4. The new setbacks allow for greater density if a townhouse/patio home or cluster development application is received. Ridgeline setbacks will still apply for those parcels impacted by the Ridgeline Development Map of Section 21.07 of the GJMC.

- j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Due to existing economic conditions that are likely to affect the real estate market for many years to come, the applicant is requesting the maximum 10 years be allowed to complete the platting of the remaining undeveloped parcels. Other than completing the entire development by 2021, the applicant does not propose any more specific phasing deadlines.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa ODP application, file number PLN-2011-1183 for an amendment to the Outline Development Plan, staff makes the following findings of fact and conclusions:

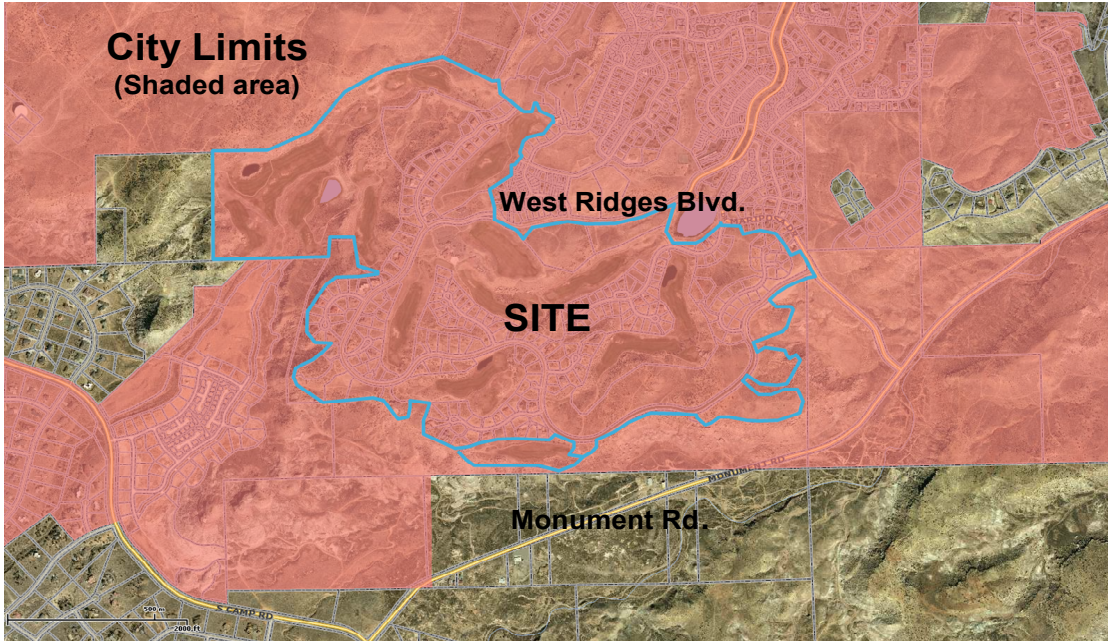
1. The requested amendment to the Outline Development Plan is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.05.150 of the Grand Junction Municipal Code have all been met.
3. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code (rezoning) have been met.
4. The request for a 10 year phasing schedule is in compliance with Section 21.02.080(N)(22)(i) of the GJMC.

#### PLANNING COMMISSIONS RECOMMENDATION:

At their December 13, 2011 meeting the Planning Commission forwarded a recommendation of approval of the requested amendment to the Redlands Mesa Outline Development Plan; file number PLN-2011-1183 with the findings and conclusions listed above.

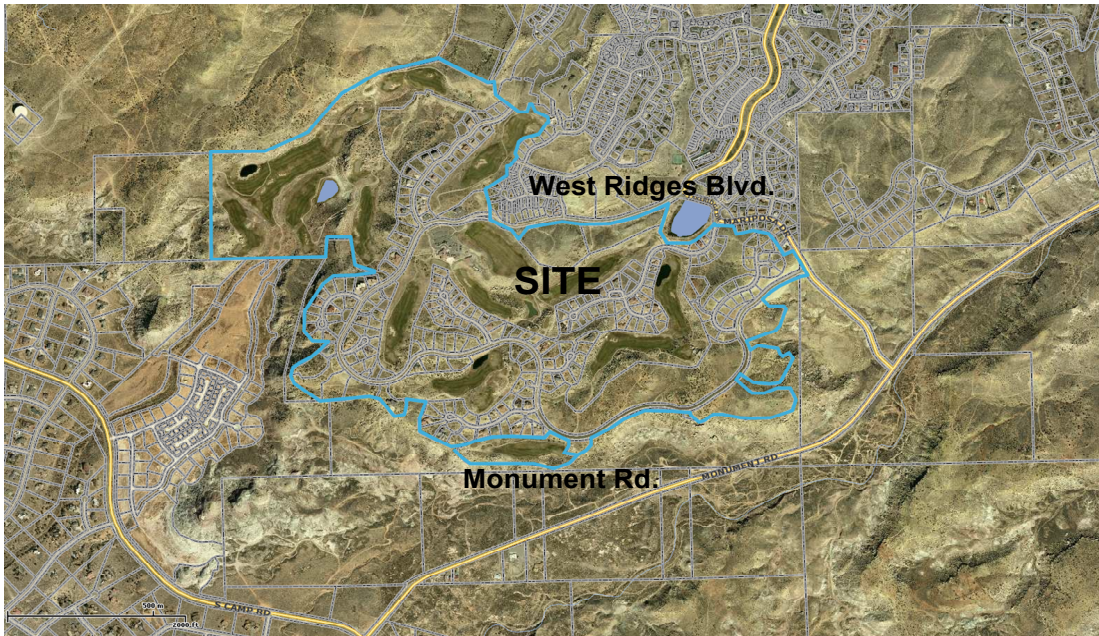
# Site Location Map

Amending Redlands Mesa ODP



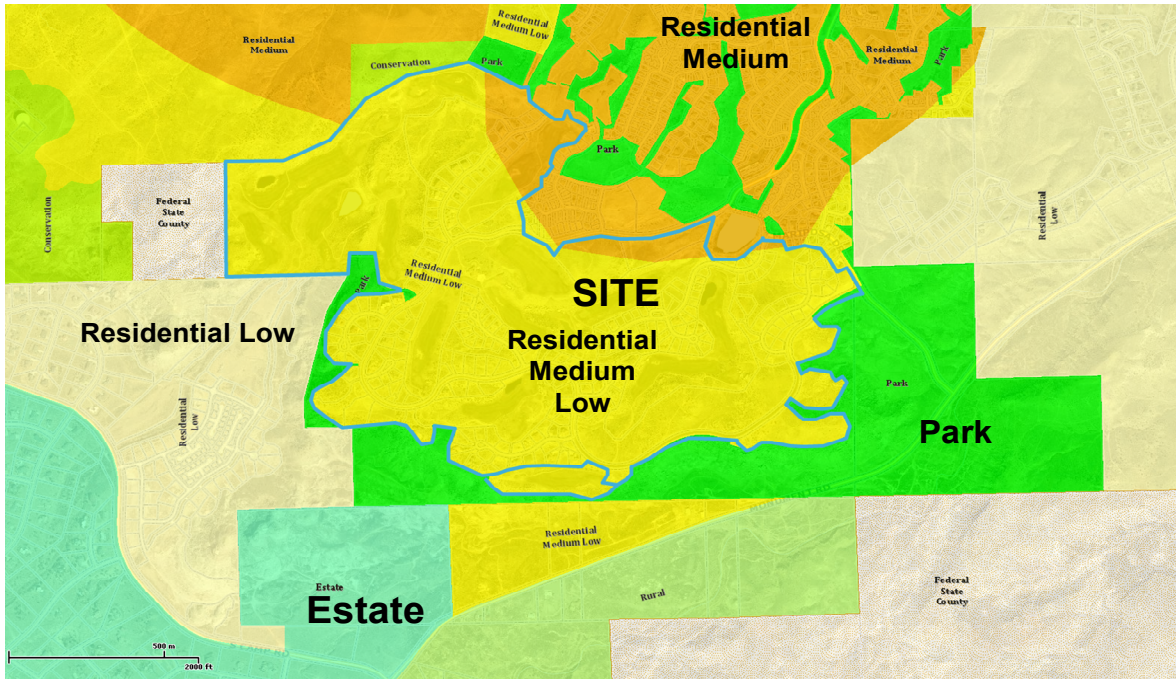
# Aerial Photo Map

Amending Redlands Mesa ODP



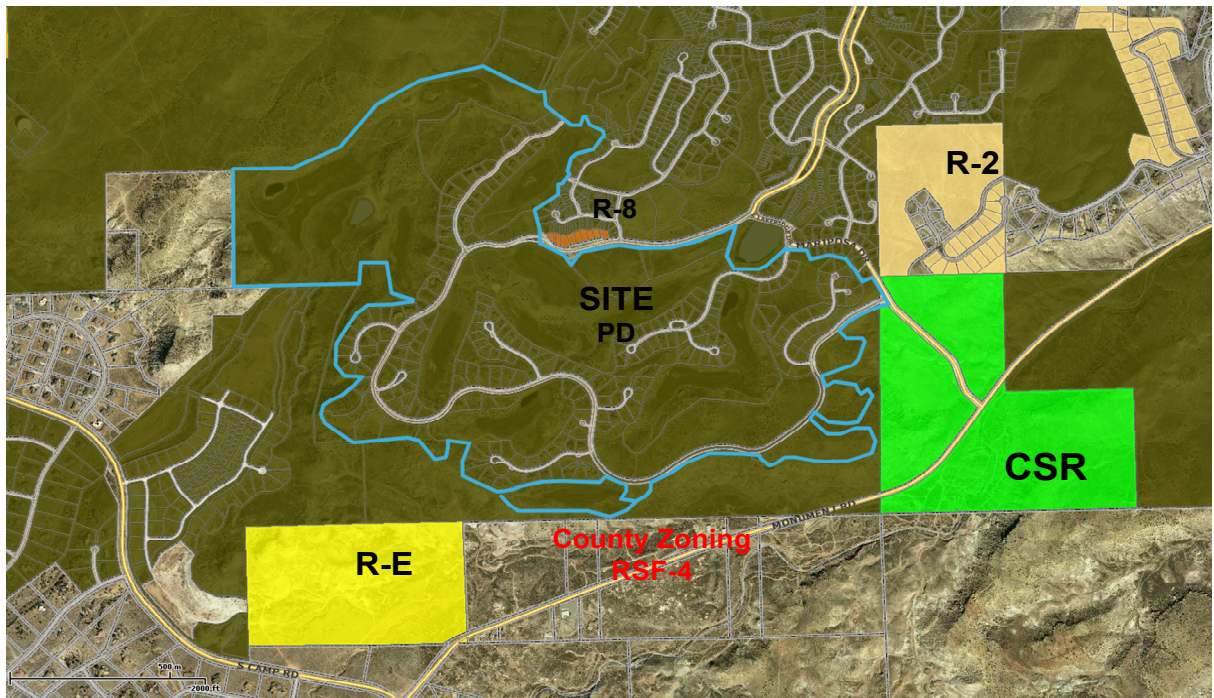
# Comprehensive Plan Map

## Amending Redlands Mesa ODP



# Existing City and County Zoning Map

## Amending Redlands Mesa ODP

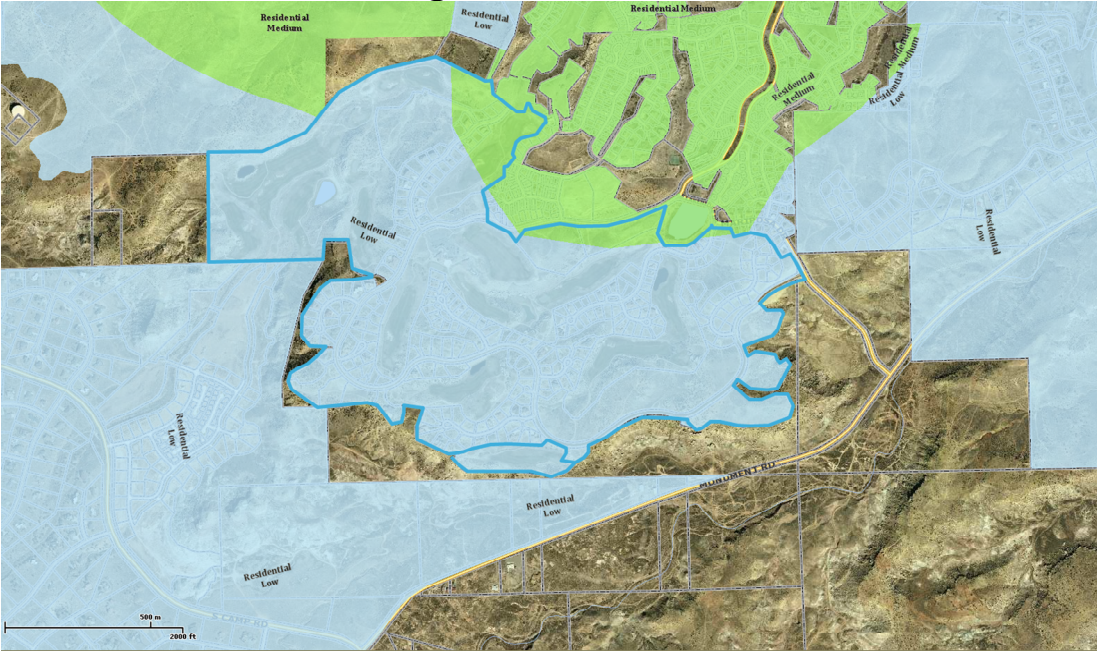


NOTE: Please contact Mesa County directly to determine parcels and the zoning thereof.



# Blended Residential Map

## Amending Redlands Mesa ODP





# Parcel 1 Map

5.178 acres

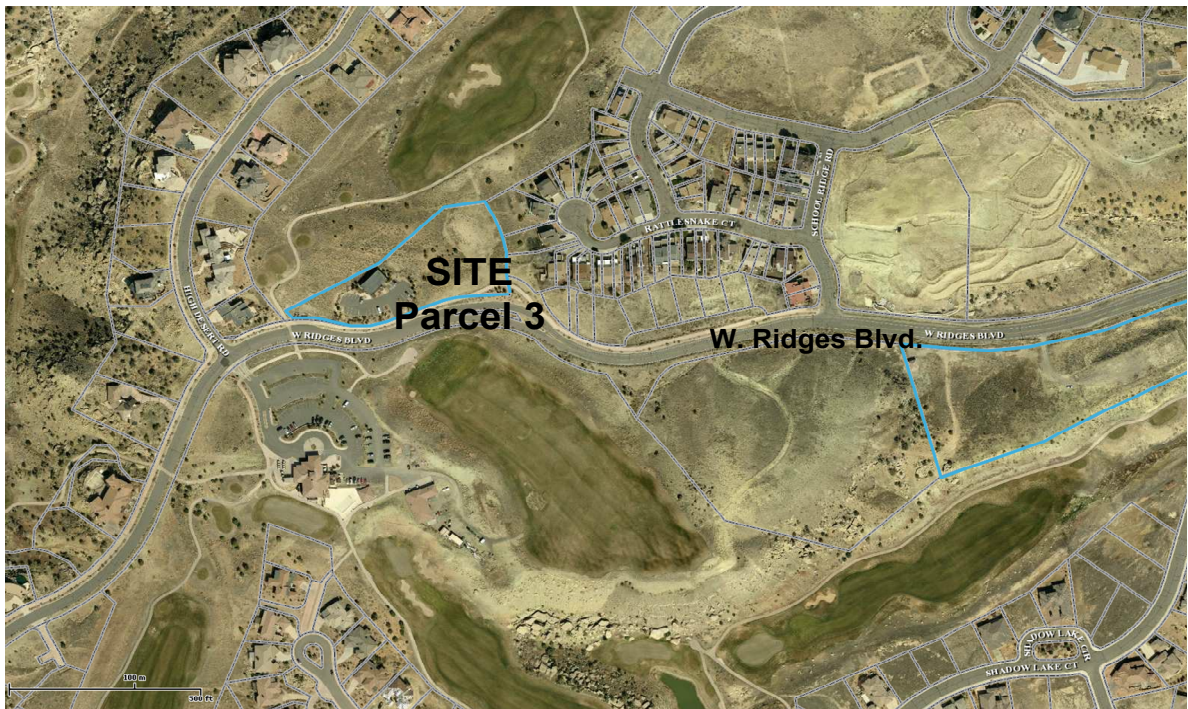
Redlands Mesa ODP



# Parcel 3 Map

2.294 acres

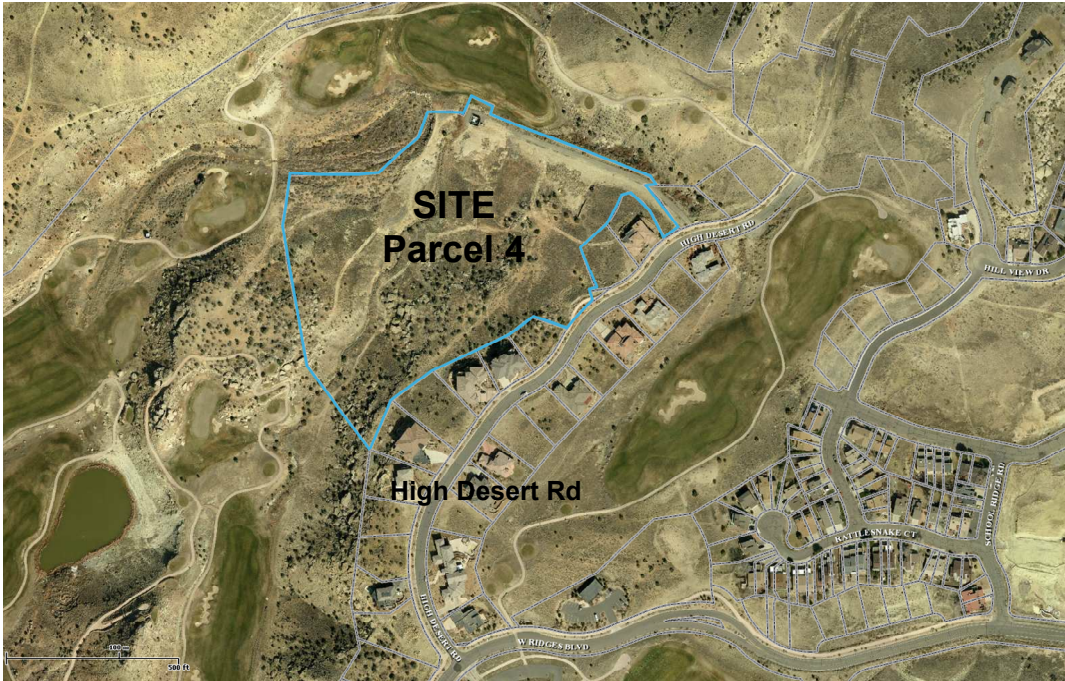
Redlands Mesa ODP



# Parcel 4 Map

13.525 acres

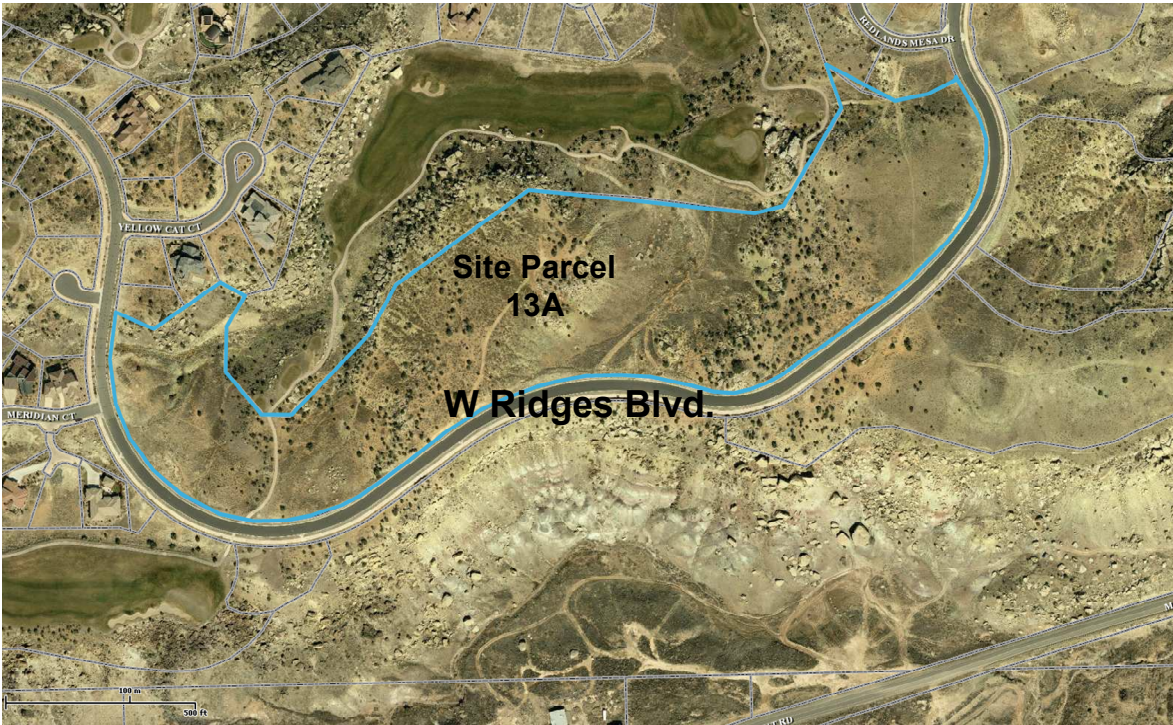
Redlands Mesa ODP



# Parcel 13A Map

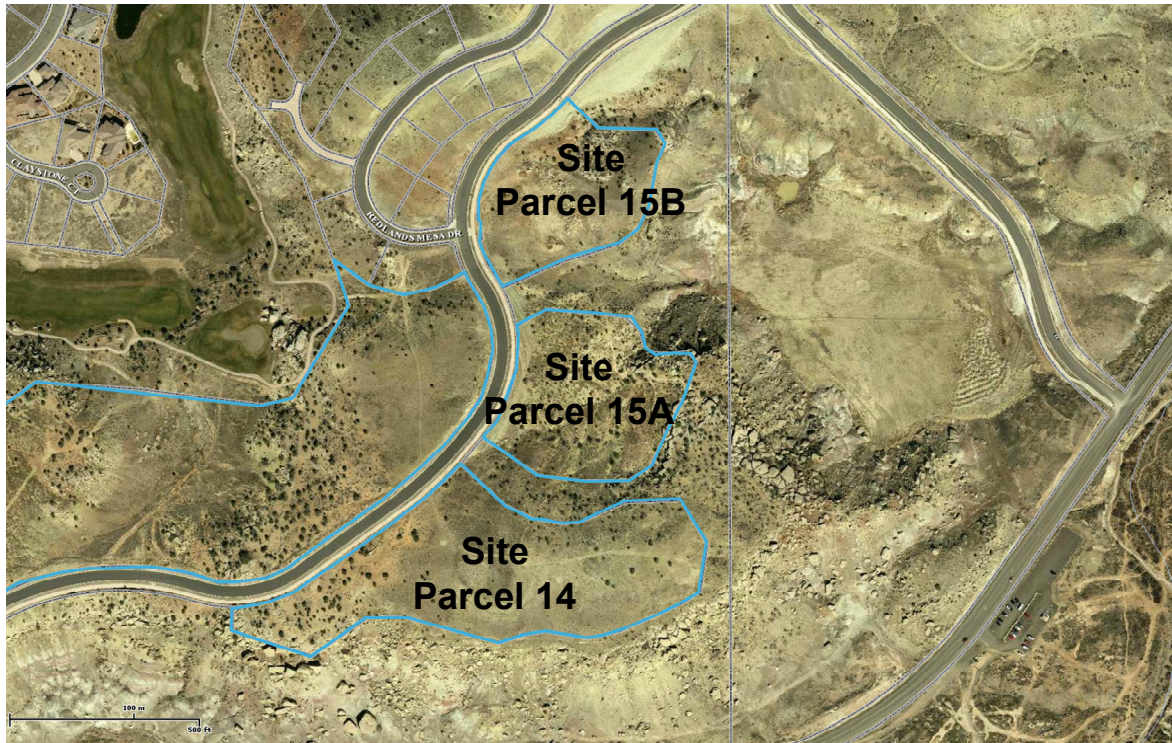
23.871 acres

Redlands Mesa ODP



# Parcels 14, 15A and 15B Map

15.413 acres



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE  
OUTLINE DEVELOPMENT PLAN FOR REDLANDS MESA**

**Recitals**

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of the amendments to the Outline Development Plan for Redlands Mesa, finding that the ODP as amended conforms to the Future Land Use map, the Blended Map and the goals and policies of the City's Comprehensive Plan. The ODP as amended meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code and the requirements of Section 21.02.150, regarding Planned Developments. The default zoning is R-4, Residential – 4 units per acre.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Redlands Mesa Amended Outline Development Plan, as shown on Exhibit "A" attached, is in conformance with the criteria of Section 21.02.150 of the Grand Junction Municipal Code.

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

The Redlands Mesa Planned Development is zoned PD (Planned Development), and development pods shall not exceed the maximum of 8 dwelling units per acre; or the minimum of 1 dwelling unit per acre. Overall maximum density for the entire development does not change; it remains at 526 units.

This Ordinance is further conditioned:

- 1) If the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards. The default standards of the R-4 zoning designation will apply.
- 2) All remaining parcels shall be platted by December 2021.
- 3) The bulk standards for the remaining undeveloped parcels, to wit parcels 1, 3, 4, 13A, 14, 15A and 15B, containing 60.281 acres, more or less, if not encumbered by Ridgeline Development Standards found in Section 21.00.07.020, shall be:

***Minimum Front Yard Setback***

- 20' West Ridges Blvd. – from r-o-w (path side)
- 30' West Ridges Blvd. – from r-o-w (non-path side)  
Note: path side is that side 40' from control line shown inside r-o-w.
- 20' From r-o-w (all others unless otherwise depicted on plat)

**Minimum Rear Yard Setback**

- 20' From property line (common rear yard lot lines)
- 20' From property line (adjacent to golf or open space)
- 5' Internal side setback
- 15' Minimum between buildings
- 15' Perimeter side setback
- 20' Minimum Street Frontage
- 40' Building Height
- 65% Maximum Lot coverage

4) Filings One through Seven setbacks are recorded on the respective plats. Filing 8, Lot 1, Block 1, setbacks are the same as those applied to Filing 7.

5) Due to topography constraints, transfer of density/intensity between the development pods/areas to be developed is allowed.

6) Dwelling units may be in the form of single-family attached, single-family detached, patio homes, townhomes or cluster development. Any given development pod may contain any one or more of these housing types.

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

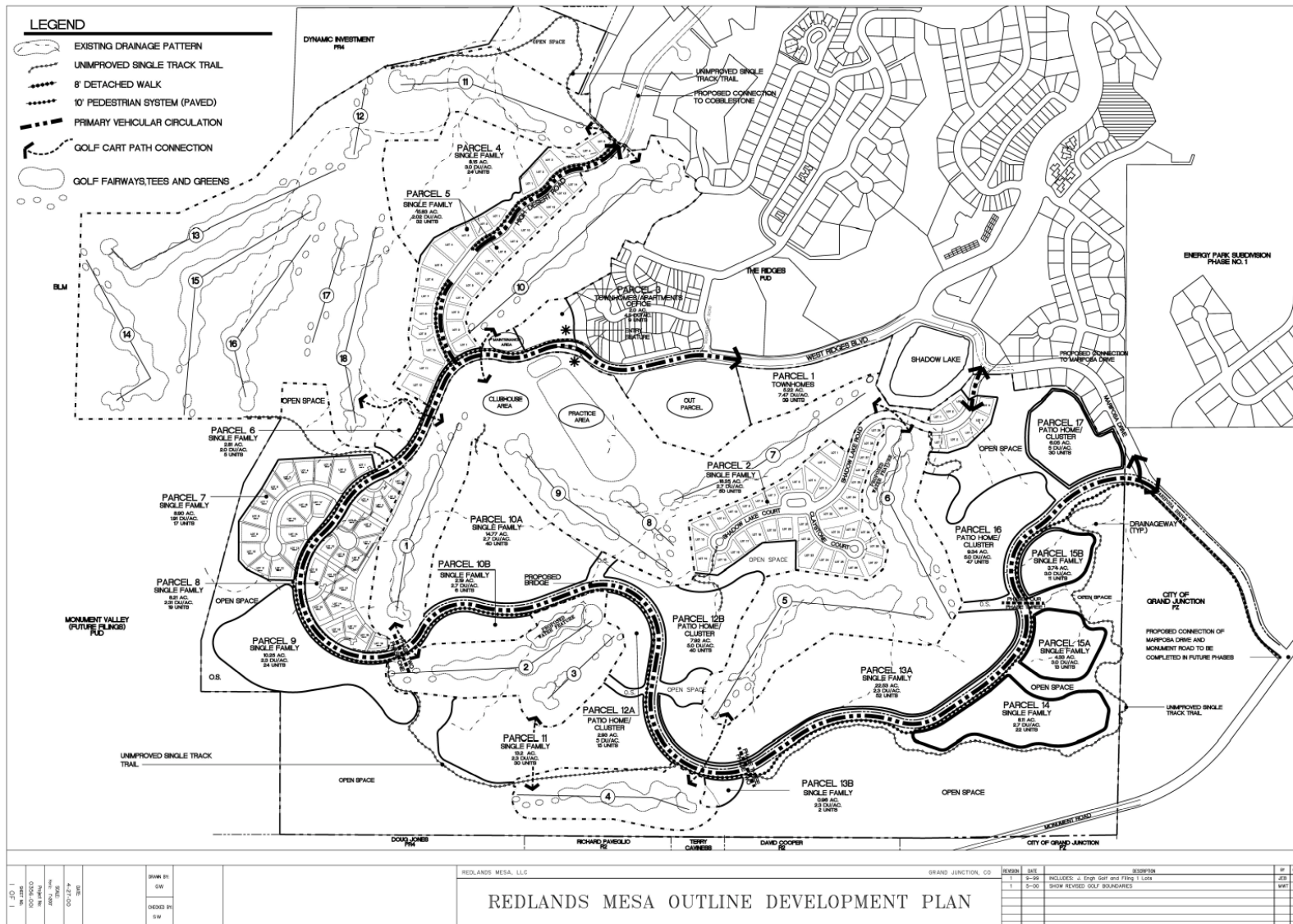
**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

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

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

Exhibit "A"







Date: December 21, 2011

Author: Brian Rusche

Title/ Phone Ext:

Senior Planner / 4058

Proposed Schedule:

January 4, 2012

2nd Reading (if applicable): N/A

File # (if applicable):

RVP-2011-1284

**Attach 4  
Golden Corral Revocable Permit, Located at  
1100 Independent Ave**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Golden Corral Revocable Permit, Located at 1100 Independent Avenue
<b>Action Requested/Recommendation:</b> Adopt a Resolution Granting a Revocable Permit to RFR Properties, LLC dba Golden Corral Located at 1100 Independent Avenue
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Brian Rusche, Senior Planner

**Executive Summary:**

RFR Properties, LLC is requesting a Revocable Permit to construct a walk-in cooler and storage shed onto the existing Golden Corral restaurant at 1100 Independent Avenue. The proposed addition will extend into the adjacent, unnamed right-of-way approximately 7 feet from a distance of 41 feet.

**Background, Analysis and Options:**

The Golden Corral restaurant was constructed in 1995 at 1100 Independent Avenue. The property is known as Lot 2 of the Replat of Independence Center Subdivision. The restaurant was approved (SPR-1995-087) and built in accordance with the Code in place at that time.

In 2002, additional right-of-way (ROW) was acquired for the purpose of constructing a round-a-bout on Independent Avenue. This round-a-bout was necessary to alleviate congestion at the intersection of Independent Avenue and US Highway 6 & 50. Right-of-way was acquired from the corners of Lot 2, along with a new, unnamed, street along the south side of Lot 1, which is the location of Sam’s Club and was part of their parking lot. The acquisition of this ROW created street frontage on all four sides of the Golden Corral, which had previously been a corner lot.

In 2011, a new owner acquired the restaurant. In an effort to upgrade the facility, this owner (applicant) is proposing an expansion on the north side of the building in order to install a cooler and storage shed for the restaurant. This expansion will facilitate the storage of food and supplies necessary to operate a successful restaurant.

The proposed expansion would extend into the public ROW of this unnamed street 7 feet for a distance of 41 feet. This includes the necessary curbs and bollards to protect the building and provide proper drainage and traffic circulation. The design of the unnamed street includes sufficient width for loading and unloading, activity which

occurs frequently. While the length of this area will decrease, it will still be long enough for a standard delivery truck and no part of the expansion will impede vehicular traffic exiting the Sam's Club site. In addition, no pedestrian access will be impacted.

A neighborhood meeting was held on November 7, 2011. Only the operating manager, city staff, and consultants to the owner were present.

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

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

**Policy A: To create large and small "centers" throughout the community that provide services and commercial areas.**

The existing restaurant is located within the City Center and has access to US Highway 6 & 50. Its location between two major shopping complexes (Sam's Club and Rimrock) and adjacent highway traffic is ideal. The owner would like to maintain this location.

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

By granting permission to utilize a small portion of public right-of-way, the existing facility can be upgraded, rather than become unusable and potentially abandoned.

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

The restaurant, part of a national chain, is a part of the regional shopping and dining opportunities found along the US Highway 6 & 50 corridor.

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

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

**Legal issues:** N/A

**Other issues:** N/A

**Previously presented or discussed:** No

**Attachments:**

1. Staff report/Background information
2. Site Location Map
3. Aerial Photo Map
4. Comprehensive Plan Map
5. City Zoning Map
6. Pictometry photo

7. North Elevation
8. Original ROW dedication document
9. Resolution w/ Exhibit "A"
10. Revocable Permit w/ Exhibit "A"
11. Agreement.

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		1100 Independent Avenue	
<b>Applicant:</b>		RFR Properties LLC	
<b>Existing Land Use:</b>		Restaurant	
<b>Proposed Land Use:</b>		Restaurant	
<b>Surrounding Land Use:</b>	<b>North</b>	Sam's Club	
	<b>South</b>	Rimrock Marketplace (shopping center)	
	<b>East</b>	Commercial	
	<b>West</b>	Commercial	
<b>Existing Zoning:</b>		C-2 (General Commercial)	
<b>Proposed Zoning:</b>		C-2 (General Commercial)	
<b>Surrounding Zoning:</b>	<b>North</b>	C-2 (General Commercial)	
	<b>South</b>	C-2 (General Commercial)	
	<b>East</b>	C-2 (General Commercial)	
	<b>West</b>	C-2 (General Commercial)	
<b>Future Land Use Designation:</b>		Commercial	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

**Section 21.02.180 of the Grand Junction Municipal Code:**

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

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

In 2011, a new owner acquired the restaurant. In an effort to upgrade the facility, this owner (applicant) is proposing an expansion on the north side of the building in order to install a cooler and storage shed for the restaurant. This expansion will facilitate the storage of food and supplies necessary to operate a successful restaurant.

By granting permission to utilize a small portion of public Right-of-Way, the existing facility can be upgraded, rather than become unusable and potentially abandoned.

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

The restaurant, part of a national chain, is a part of the regional shopping and dining opportunities found along the US Highway 6 & 50 corridor. Its location between two major shopping complexes (Sam's Club and Rimrock) and adjacent highway traffic is

ideal. By granting permission to utilize a small portion of public Right-of-Way, the existing facility can be upgraded.

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

In 2002, additional Right-of-Way (ROW) was acquired for the purpose of constructing a round-a-bout on Independent Avenue. This round-a-bout was necessary to alleviate congestion at the intersection of Independent Avenue and US Highway 6 & 50. Right-of-way was acquired from the corners of Lot 2, along with a new, unnamed, street along the south side of Lot 1, which is the location of Sam's Club and was part of their parking lot. The acquisition of this ROW created street frontage on all four sides of the Golden Corral, which had previously been a corner lot.

The proposed expansion would extend into the public ROW of this unnamed street 7 feet for a distance of 41 feet. This includes the necessary curbs and bollards to protect the building and provide proper drainage and traffic circulation. The design of the unnamed street includes sufficient width for loading and unloading, activity which occurs frequently. While the length of this area will decrease, it will still be long enough for a standard delivery truck and no part of the expansion will impede vehicular traffic exiting the Sam's Club site. In addition, no pedestrian access will be impacted.

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

The existing restaurant is located within the City Center and has access to US Highway 6 & 50. Its location between two major shopping complexes (Sam's Club and Rimrock) and adjacent highway traffic is ideal.

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

The proposed expansion would extend into the public ROW of this unnamed street 7 feet for a distance of 41 feet. This includes the necessary curbs and bollards to protect the building and provide proper drainage and traffic circulation. The design of the unnamed street includes sufficient width for loading and unloading, activity which occurs frequently. While the length of this area will decrease, it will still be long enough for a standard delivery truck and no part of the expansion will impede vehicular traffic exiting the Sam's Club site. In addition, no pedestrian access will be impacted.

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

The proposal furthers several goals of the Comprehensive Plan, including:

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

Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

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

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

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, Section 21.02.180 of the Zoning and Development Code and the SSID Manual.

The applicant has met the necessary submittal requirements.

### **FINDINGS OF FACT/CONCLUSIONS/CONDITIONS**

After reviewing the Golden Corral Revocable Permit application, file number RVP-2011-1284 for the issuance of a revocable permit for a cooler and storage addition in the adjacent right-of-way, staff makes the following findings of fact and conclusions:

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

### **STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the requested revocable permit for Golden Corral, file number RVP-2011-1284, with the Findings and Conclusions as stated above.

# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2





# Comprehensive Plan Map

Figure 3



# Existing City Zoning Map

Figure 4





Approximate Location of  
Addition →



2083970 10/28/02 0430PM  
MONIKA TODD CLK&RED MESA COUNTY CO  
REC FEE \$35.00 SURCHG \$1.00  
DOCUMENTARY FEE \$EXEMPT

**WHEN RECORDED RETURN TO:**  
City of Grand Junction  
Real Estate Division  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

**SPECIAL WARRANTY DEED**

SAM'S REAL ESTATE BUSINESS TRUST, a Delaware business trust, Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents does hereby grant and convey to The City of Grand Junction, a Colorado home rule municipality, whose address is 250 North 5<sup>th</sup> Street, Grand Junction, Colorado 81501, Grantee, its successors and assigns forever, the following described tract or parcel of land, to wit (hereinafter the "Property"):

See **Exhibit "A"** and **Exhibit "B"** attached hereto and incorporated herein by reference.

Subject to all matters listed on **"Exhibit C"** attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining, unto the said Grantee and unto its successors and assigns forever, the said Grantor hereby covenanting that it will warrant and defend the title to said premises unto the said Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under Grantor.

Grantor hereby expressly reserves unto itself a perpetual non-exclusive easement for vehicular and pedestrian ingress and egress over and on the Property conveyed hereby for the benefit of Grantor and Grantor's successors, assigns, employees, lessees, agents, vendors and customers.

Executed and delivered this 18 day of Sept., 2002.

Attest: SAM'S REAL ESTATE BUSINESS TRUST, a Delaware business trust

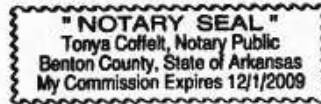
By Joan Mladucky  
Title: asst. Secretary

By Robert M. Bedard  
Title: Assistant Vice President

State of Arkansas )  
                                  ) ss.  
County of Benton )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September, 2002, by Robert M. Bedard, as ASST VICE PRESIDENT and attested to by Joan Mladucky as ASST SECRETARY of SAM'S REAL ESTATE BUSINESS TRUST, a Delaware business trust.

My commission expires 12-1-2009  
Witness my hand and official seal.



Tonya Coffelt  
Notary Public

Approved as to legal terms on  
by [Signature]  
Wal-Mart Legal Team  
Date: 9-18-02

**EXHIBIT A**  
**Right-of-Way Description** **BOOK 3188** **PAGE 186**

A tract of land for Right-of-Way located in Lot 1, Replat of Independence Center Subdivision, as recorded in Plat Book 14, Pages 126 and 127 of Mesa County records, and being located in the Southwest Quarter (SW1/4) of Section 10, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado and more particularly described as follows:

Commencing at the Southwest 1/16<sup>th</sup> corner, whence the South Center 1/16<sup>th</sup> corner bears South 89 degrees 59 minutes 00 seconds East, a distance of 1308.95 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence South 89 degrees 59 minutes 00 seconds East, a distance of 393.12 feet; thence North 00 degrees 01 minutes 00 seconds East, a distance of 30.18 feet, to the Southeast corner of Lot 2, said Replat of Independence Center Subdivision, the POINT OF BEGINNING; thence following the East lot line of said Lot 2 the following two (2) courses: (1) along a curve to the left, having a delta angle of 57 degrees 00 minutes 57 seconds, with a radius of 32.00 feet, an arc length of 31.84 feet, a chord bearing of North 28 degrees 30 minutes 29 seconds East, and a chord length of 30.55 feet; (2) North 00 degrees 00 minutes 00 seconds East, a distance of 143.25 feet; thence, along the North line of said Lot 2, North 90 degrees 00 minutes 00 seconds West, a distance of 213.07 feet; thence along the Southwest line of said Lot 1 the following two (2) courses: (1) along a curve to the left, having a delta angle of 02 degrees 42 minutes 34 seconds, with a radius of 233.00 feet, an arc length of 11.02 feet, a chord bearing of North 01 degrees 12 minutes 58 seconds East, and a chord length of 11.02 feet; (2) North 00 degrees 08 minutes 19 seconds West, a distance of 73.93 feet; thence along a curve to the left, having a delta angle of 89 degrees 51 minutes 41 seconds, with a radius of 25.00 feet, an arc length of 39.21 feet, a chord bearing of South 45 degrees 04 minutes 09 seconds East, and a chord length of 35.31 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 129.87 feet; thence along a curve to the left, having a delta angle of 53 degrees 05 minutes 07 seconds, with a radius of 48.00 feet, an arc length of 44.47 feet, a chord bearing of North 63 degrees 27 minutes 27 seconds East, and a chord length of 42.90 feet; thence along a curve to the right, having a delta angle of 13 degrees 02 minutes 01 seconds, with a radius of 67.00 feet, an arc length of 15.24 feet, a chord bearing of North 43 degrees 25 minutes 54 seconds East, and a chord length of 15.21 feet; thence along a curve to the left, having a delta angle of 49 degrees 56 minutes 54 seconds, with a radius of 48.00 feet, an arc length of 41.84 feet, a chord bearing of North 24 degrees 58 minutes 27 seconds East, and a chord length of 40.53 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 5.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 52.00 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 5.00 feet; thence along a curve to the left, having a delta angle of 49 degrees 56 minutes 54 seconds, with a radius of 48.00 feet, an arc length of 41.84 feet, a chord bearing of South 24 degrees 58 minutes 27 seconds East, and a chord length of 40.53 feet; thence along a curve to the right, having a delta angle of 99 degrees 46 minutes 08 seconds, with a radius of 67.00 feet, an arc length of 116.67 feet, a chord bearing of South 00 degrees 03 minutes 50 seconds East, and a chord length of 102.48 feet; thence along a curve to the left, having a delta angle of 49 degrees 49 minutes 14 seconds, with a radius of 48.00 feet, an arc length of 41.74 feet, a chord bearing of South 24 degrees 54 minutes 37 seconds West, and a chord length of 40.44 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 86.19 feet; thence along a curve to the left, having a delta angle of 89 degrees 59 minutes 00 seconds, with a radius of 35.00 feet, an arc length of 54.97 feet, a chord bearing of South 44 degrees 59 minutes 30 seconds East, and a chord length of 49.49 feet, to a point on the existing South lot line of said Lot 1, Replat of Independence Center Subdivision; thence, along said South line of Lot 1, Replat of Independence Center Subdivision, North 89 degrees 59 minutes 00 seconds West, a distance of 109.57 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.823 Acres more or less, as described.

Prepared By:  
Patrick R. Green, PLS 17485  
LANDesign, L.L.C.  
244 North 7<sup>th</sup> Street  
Grand Junction, CO 81501  
Lot 1 ROW

---

**RECORDER'S NOTE :**  
**THE FOLLOWING PAGE(S)**  
**ARE OVERSIZE**

Book 3188 Page(s) 187

Of Reception # 2083970

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SCALE: 1"=50'



**EXHIBIT B**

**SAM'S Real Estate Business Trust**  
Lot 1  
A Replat of  
Independence Center Subdivision  
Plat Book 14, Pages 126 & 127  
2945-103-32-002  
**BOOK 3188 PAGE 187**

Jack L. & Patricia E. Bogart  
Unit A Bogart I Commercial Condominiums  
Condominium Book 2, Pages 170 - 172

Art Depot

Bogart Lane

Frontage Road  
HIGHWAY 6 & 50  
(Variable Width ROW)

20' Utility Easement  
Plat Book 14, Pages 126 & 127

20' Utility Easement  
Plat Book 14, Pages 126 & 127

40' Utility & Sidewalk Easement  
Plat Book 14, Pages 126 & 127

20' Western Slope Co's Easement  
Plat Book 570, Page 216

15' Water Easement  
By Plat of  
Independence Center Subdivision  
Plat Book 14, Pages 126 & 127

20' Utility Easement  
Plat Book 14, Pages 126 & 127

Found Brass Disk  
PLS 29041

Found Brass Disk  
PLS 29041

Found Brass Disk  
PLS 29041

SC1/16 Sec. 10  
T1S, R1W, UM  
MCSM #204

SW1/16 Sec. 10  
T1S, R1W, UM  
MCSM #1272

SW1/16 Sec. 10  
T1S, R1W, UM  
MCSM #1272

Independent Avenue  
(60' Wide ROW)

$\Delta=02^{\circ}42'34''$   
 $R=232.99'$   
 $L=11.02'$   
 $Ch=11.02'$   
 $Brg=N01^{\circ}12'58''E$

$\Delta=89^{\circ}51'41''$   
 $R=25.00'$   
 $L=39.21'$   
 $Ch=35.31'$   
 $Brg=S45^{\circ}04'09''E$

$\Delta=49^{\circ}58'54''$   
 $R=48.00'$   
 $L=41.84'$   
 $Ch=40.53'$   
 $Brg=N24^{\circ}58'27''E$

$\Delta=13^{\circ}02'01''$   
 $R=67.00'$   
 $L=15.24'$   
 $Ch=15.21'$   
 $Brg=N43^{\circ}25'54''E$

$\Delta=53^{\circ}05'07''$   
 $R=48.00'$   
 $L=44.47'$   
 $Ch=42.90'$   
 $Brg=N63^{\circ}27'27''E$

$N00^{\circ}00'00''E$   
5.00'

$N90^{\circ}00'00''E$   
52.00'

$S00^{\circ}00'00''W$   
5.00'

$\Delta=49^{\circ}56'54''$   
 $R=48.00'$   
 $L=41.84'$   
 $Ch=40.53'$   
 $Brg=S24^{\circ}58'27''E$

$\Delta=99^{\circ}46'08''$   
 $R=67.00'$   
 $L=116.67'$   
 $Ch=102.48'$   
 $Brg=S00^{\circ}03'50''E$

Cross Access Easement  
By Plat of  
Independence Center Subdivision  
Plat Book 14, Pages 126 & 127

$N90^{\circ}00'00''W$  213.07'

LKB Corporation  
Lot 2  
A Replat of  
Independence Center Subdivision  
Plat Book 14, Pages 126 & 127  
2945-103-32-003

$N00^{\circ}00'00''E$  143.25'

$\Delta=49^{\circ}49'14''$   
 $R=48.00'$   
 $L=41.75'$   
 $Ch=40.44'$   
 $Brg=S24^{\circ}54'37''W$

$\Delta=89^{\circ}59'00''$   
 $R=35.00'$   
 $L=54.97'$   
 $Ch=49.49'$   
 $Brg=S44^{\circ}59'30''E$

$\Delta=57^{\circ}00'57''$   
 $R=32.00'$   
 $L=31.84'$   
 $Ch=30.55'$   
 $Brg=N28^{\circ}30'29''E$

$N00^{\circ}00'00''E$   
30.18'

$N89^{\circ}59'00''W$  109.57'

$S89^{\circ}59'01''W$  1319.53'

$S89^{\circ}59'00''E$  393.12'  
 $S89^{\circ}59'00''E$  1308.95' (Basis of Bearings)

## EXHIBIT C

## Permitted Exceptions

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date that proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
6. Unpatented mining claims; reservations or exceptions in patents, or an act authorizing the issuance thereof; water rights, claims or title to water.
7. All taxes and assessments now a lien or payable.
8. All easement(s) across herein described property as shown on the Plat of said subdivision, together with incidental purposes.
9. Reservations and exceptions in Patents, or Acts authorizing the issuance thereof, including the reservation of the right of proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises as reserved in United States Patent recorded January 14, 1893 in Book 11 at Page 248.
10. Right of way granted to Grand Valley Rural Power Lines, Inc., by instrument recorded November 15, 1937 in Book 369 at Page 155 and in Quit Claim Deed recorded May 5, 1972 in Book 976 at Page 220, across the North 50 feet of E 1/4 NE 1/4 SW 1/4 Section 10, Township 1 South, Range 1 West, Ute Meridian to erect, construct, operate and maintain a line or lines for the transmission or distribution of electric energy and right to enter over adjoining lands of grantor for purposes of exercising the rights and privileges herein granted, in which the specific location is not defined.
11. Easement and/or Right of way granted to Public Service Company by instrument recorded October 7, 1966 in Book 901 at Page 410 together with incidental purposes.
12. Terms, conditions, stipulations, obligations and provisions of the Easement and Agreement recorded November 19, 1991 in Book 1866 at Page 344 together with incidental purposes.
13. Terms, conditions, stipulations, obligations and provisions of the Easement Agreement recorded October 1, 1985 in Book 1557 at Page 644 together with incidental purposes.

14. Restrictions, which do not contain a forfeiture or reverter clause, but omitting restrictions, if any, based on race, color, religion, or national origin, as contained in instrument recorded October 1, 1985 in Book 1557 at Page 644, including the terms and conditions thereof.
15. Note(s) as shown on the Plat of Replat of Independence Center Subdivision providing as follows:
  1. Property does not fall within the 100 year flood plain, as per the Army Corps of Engineers Flood Hazard Information Maps.
  2. 18' PVP irrigation line right-of-way conveyed by irrigation easement in Book 461 at Page 157, Mesa County Records.
  3. 10' Sanitary Sewer Lines crossing Lot 3 and the Easterly part of Lot 1 shall not be accepted by the City of Grand Junction until said Sanitary Sewer lines are brought up to City of Grand Junction standards. Maintenance and upgrade responsibilities remain with property owners until such time.

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

**A RESOLUTION CONCERNING  
THE ISSUANCE OF A REVOCABLE PERMIT TO  
RFR PROPERTIES LLC DBA GOLDEN CORRAL  
LOCATED AT 1100 INDEPENDENT AVENUE**

**Recitals.**

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

Lot 2 of the Replat of Independence Center Subdivision as shown on the plat of "Replat of Independence Center Subdivision" as recorded in Plat Book 14, Pages 126 and 127 of the Mesa County records, said parcel being the same as that parcel described in deed recorded in Book 3491, Pages 783 through 785, EXCEPT those parcels for right-of-way as described in deeds recorded at Book 3188, Pages 172 through 174 and Book 3188, Pages 175 through 177.

Identified by Mesa County Tax Schedule Number 2945-103-32-003

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to construct a cooler and storage addition to be in right-of-way within the following described public right-of-way:

A parcel of land situate in a cross access easement by Plat of a Replat of Independence Center Subdivision as recorded in Plat Book 14, Pages 126 and 127 of the records of Mesa County, Colorado, also located within the Right-of-way as described in Book 3188, Page 184 of said records of Mesa County, Colorado, and being more specifically described as follows:

Beginning at a point which bears N89 Degrees 46'47"E 62.54 feet from a found #5 rebar with cap property corner at the northwesterly corner of part of Lot 2, a Replat of Independence Center Subdivision, Plat Book 14, Pages 126 and 127 of the Records of Mesa county, Colorado, and considering a line between said found northwesterly corner of said parcel and a found PK nail with brass tag marked PLS 17485 at the northeasterly corner of said parcel to bear N89 Degrees 46'47" E with all other bearings contained herein relative thereto;

thence N00 Degrees 13'13"W 7.00 feet;

thence N89 Degrees 46'47"E 41.00 feet;

thence S00 Degrees 13'13"E 7.00 feet;

thence S89 Degrees 46'47"W 41.00 feet to the point of beginning contain 287 square feet, more or less, as shown on attached Exhibit "A".

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-1284 in the office of the City's Public Works Department, Planning Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

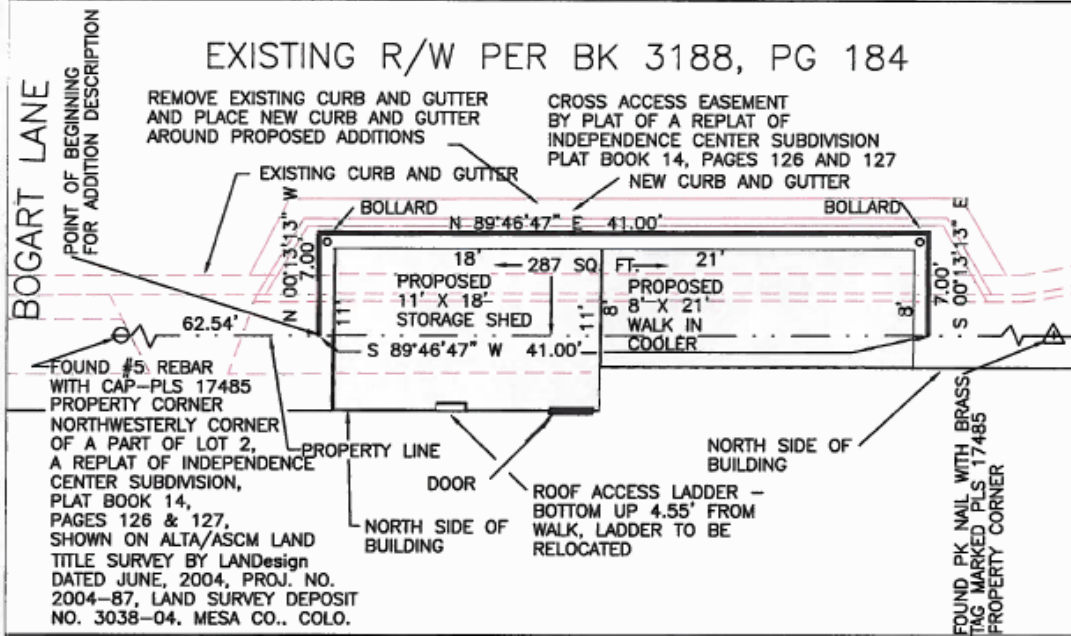
Attest:

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

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

EXHIBIT "A"

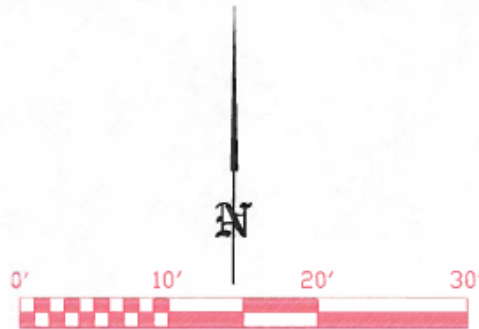
EXISTING R/W PER BK 3188, PG 184



SURVEYOR'S CERTIFICATE

I, Wayne H. Lizer, a registered Professional Land Surveyor in the State of Colorado, hereby certify that this map was prepared from field notes provided to me by Polaris Surveying, of which work was done under my direct supervision, and by field checking by myself, and that this map is true and correct to the best of my knowledge and belief.

*Wayne H. Lizer*  
 Wayne H. Lizer  
 Colorado P.E., P.L.S. #14113



MAP FOR DESCRIPTION FOR AN ADDITION TO THE GOLDEN CORRAL RESTAURANT FOR HILGENFELD CONSTRUCTION 1100 INDEPENDENT AVENUE GRAND JUNCTION, COLORADO

W.H. LIZER AND ASSOCIATES  
 ENGINEERING CONSULTING AND LAND SURVEYING  
 576 25 ROAD-UNIT 8  
 GRAND JUNCTION, COLORADO  
 11/06/11, 2011 PROJECT NO. 114340-7  
 PHONE (970) 241-1129

## REVOCABLE PERMIT

### Recitals.

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

Lot 2 of the Replat of Independence Center Subdivision as shown on the plat of "Replat of Independence Center Subdivision" as recorded in Plat Book 14, Pages 126 and 127 of the Mesa County records, said parcel being the same as that parcel described in deed recorded in Book 3491, Pages 783 through 785, EXCEPT those parcels for right-of-way as described in deeds recorded at Book 3188, Pages 172 through 174 and Book 3188, Pages 175 through 177.

Identified by Mesa County Tax Schedule Number 2945-103-32-003

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to construct a cooler and storage addition to be in right-of-way within the following described public right-of-way:

A parcel of land situate in a cross access easement by Plat of a Replat of Independence Center Subdivision as recorded in Plat Book 14, Pages 126 and 127 of the records of Mesa County, Colorado, also located within the Right-of-way as described in Book 3188, Page 184 of said records of Mesa County, Colorado, and being more specifically described as follows:

Beginning at a point which bears N89 Degrees 46'47"E 62.54 feet from a found #5 rebar with cap property corner at the northwesterly corner of part of Lot 2, a Replat of Independence Center Subdivision, Plat Book 14, Pages 126 and 127 of the Records of Mesa county, Colorado, and considering a line between said found northwesterly corner of said parcel and a found PK nail with brass tag marked PLS 17485 at the northeasterly corner of said parcel to bear N89 Degrees 46'47" E with all other bearings contained herein relative thereto;  
thence N00 Degrees 13'13"W 7.00 feet;  
thence N89 Degrees 46'47"E 41.00 feet;  
thence S00 Degrees 13'13"E 7.00 feet;  
thence S89 Degrees 46'47"W 41.00 feet to the point of beginning contain 287 square feet, more or less, as shown on attached Exhibit "A".

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2011-1284 in the office of the City's Public Works Department, Planning Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.



The City of Grand Junction,  
a Colorado home rule municipality

Attest:

---

City Clerk

---

City Manager

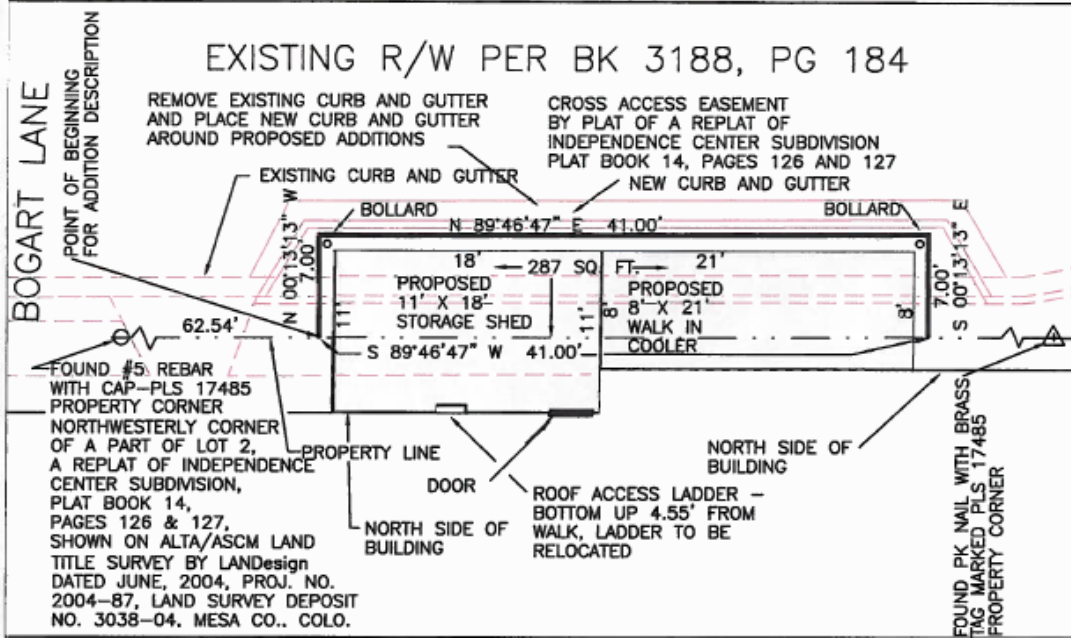
Acceptance by the Petitioner:

---

RFR Properties, LLC

EXHIBIT "A"

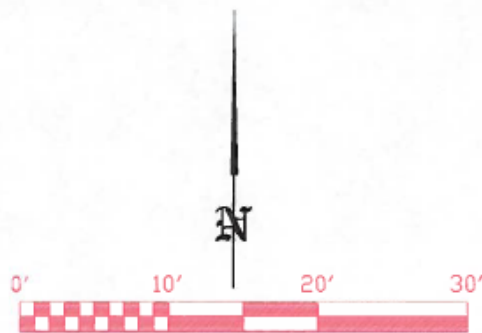
EXISTING R/W PER BK 3188, PG 184



SURVEYOR'S CERTIFICATE

I, Wayne H. Lizer, a registered Professional Land Surveyor in the State of Colorado, hereby certify that this map was prepared from field notes provided to me by Polaris Surveying, of which work was done under my direct supervision, and by field checking by myself, and that this map is true and correct to the best of my knowledge and belief.

*Wayne H. Lizer*  
 Wayne H. Lizer  
 Colorado P.E., P.L.S. #14113



MAP FOR DESCRIPTION FOR AN ADDITION TO THE GOLDEN CORRAL RESTAURANT FOR HILGENFELD CONSTRUCTION 1100 INDEPENDENT AVENUE GRAND JUNCTION, COLORADO

W.H. LIZER AND ASSOCIATES  
 ENGINEERING CONSULTING AND LAND SURVEYING  
 576 25 ROAD—UNIT 8  
 GRAND JUNCTION, COLORADO  
 11/06/11, 2011 PROJECT NO. 114340-7  
 PHONE (970) 241-1129

**AGREEMENT**

RFR Properties LLC, for itself and for its successors and assigns, does hereby agree to:

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

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

RFR Properties LLC

By: \_\_\_\_\_  
Arthur H. Robbins, Managing Member

State of Colorado )  
                          )ss.  
County of Mesa     )

The foregoing Agreement was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2012, by Arthur H. Robbins, Managing Member of RFR Properties LLC.

My Commission expires: \_\_\_\_\_  
Witness my hand and official seal.

\_\_\_\_\_  
Notary Public



Date: December 16, 2011

Author: Duane Hoff Jr.

Title/ Phone Ext: Buyer - 1545

Proposed Schedule:

January 4, 2012

2nd Reading

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

File # (if applicable): \_\_\_\_\_

**Attach 5  
Contract for Radio System Site Repeater Tower at  
Rabbit Valley**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Radio System Site Repeater Tower at Rabbit Valley
<b>Action Requested/Recommendation:</b> Authorize the Purchasing Division to Enter Into a Contract with EasTex Tower, Inc. of Colorado Springs, Colorado for the Construction of an 800 MHz Radio Tower Site in the Estimated Amount of \$127,485
<b>Presenter(s) Name &amp; Title:</b> John Camper, Police Chief Troy Smith, Deputy Police Chief Jay Valentine, Financial Operations Manager

**Executive Summary:**

This is the contract award for the construction of an 800 MHz radio tower site, located at Rabbit Valley that will be added to enhance and upgrade the public safety radio network.

**Background, Analysis and Options:**

The City of Grand Junction operates the Regional Communication Center (GJRCC) which serves nineteen agencies in the region, and is responsible for the operation, maintenance, planning, procurement and installation of radio communication resources for public safety agencies serving the county. Additional enhanced radio system availability and coverage is required to address incidents along I-70, the effects of residential and commercial growth in the rural and mountainous areas of the county, to include the increased activity by energy companies exploring for natural gas and other energy resources.

This contract will provide the civil and general construction site work necessary for the project. However, in preparation for the full scope of this project, the following services, equipment, and structures have been acquired:

- In early 2010, staff began working with the Bureau of Land Management to acquire the necessary permits for the location site in Rabbit Valley.
- In mid 2010, with a Sole Source City Council Approval, the City purchased the Motorola radio equipment required for the tower (the State of Colorado will be providing the installation of the radio equipment to meet with the State requirements).

- Also in mid 2010, the City contracted with Alpine Archaeological Consultants, Inc. to comply with the requirements for an archaeological study to be performed for the permit requirements.
- In late 2010, Geotechnical Engineering Group was hired to perform soils testing for the tower site.
- Also in late 2010, the City purchased the radio tower for the site through Rohn Products, LLC.
- In late 2011, a formal solicitation was performed for the prefabrication of a concrete building for the site (2012 funds will be used for the building as it will be delivered and installed in February 2012).

Once the project is complete, GJRCC will own and manage the equipment located at this site. Ongoing maintenance costs will be incorporated into existing maintenance agreements held by GJRCC. GJRCC will continue to manage electric utilities, generator maintenance and fueling, and building, ground and road maintenance.

A formal solicitation was issued through BidNet (an on-line site for governmental bid document distribution), posted on the City’s internet Bid page, advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA).

EasTex Tower, Inc. of Colorado Springs, CO was the responsive low bidder with a bid of \$127,485.

Bids were received from the following companies:

<b>Company</b>	<b>Location</b>	<b>Amount</b>	<b>% From Low Bid</b>
EasTex Tower	Colorado Springs, CO	\$127,485.00	
Patriot Towers	Evergreen, CO	\$149,463.90	17.2%
Mueller Construction	Glenwood Springs, CO	\$160,661.00	26.0%
Milender White Const	Arvada, CO	\$171,919.00	34.9%
PNCI Construction	Grand Junction, CO	\$174,661.22	37.0%

This project is scheduled to begin mid January 2012 and is scheduled to be completed by the end of February 2012.

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

**Goal 9:** Public safety facilities and services for our citizens will be a priority in planning for growth.

This project will provide additional vital communications coverage to the state’s 800MHz system that is used by the regions public safety and emergency personnel.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

**Project Costs:**

<b>Construction Contract Amount -</b>	<b>\$127,485.00</b>
Pre-fabrication & Erection of Building (Mays Concrete) -	\$ 66,450.00
Radio Tower Purchase (Rohn Products)-	\$ 5,160.00
Archaeologist Survey (Alpine Archaeological Consultants)-	\$ 5,460.00
Geotechnical Services (Geotechnical Engineering Group)-	\$ 1,885.00
Radio Equipment (Motorola) -	\$ 430,156.00
Grand Valley Power	\$ 2,000.00
<b>Total Estimated Project Cost -</b>	<b>\$638,596.00</b>

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

Purchase of Motorola radio equipment was approved for Sole Source purchase by Council on December 14, 2009.

**Attachments:**

N/A



Date: December 21, 2011  
 Author: Tim Moore  
 Title/ Phone Ext: Public Works and Planning Director, x1554  
 Proposed Schedule: January 4, 2012  
 2nd Reading: \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 6**  
**North Avenue Streetscape Grant Request**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> North Avenue Streetscape Grant Request
<b>Action Requested/Recommendation:</b> Authorize the Acting City Manager to Submit a Grant Application to the Federal Transportation, Community and System Preservation Program
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Rob Schoeber, Parks and Recreation Director

**Executive Summary:**

Staff seeks Council approval to submit a grant through the Federal Transportation, Community and System Preservation Program (TCSP) for streetscape improvements to North Avenue between 12<sup>th</sup> and 23<sup>rd</sup> Streets. The total grant request is \$822,000 and the City’s 20% required match consists of in-kind design and construction administrative and inspection services.

**Background, Analysis and Options:**

The Federal Transportation Community and System Preservation Program (TCSP) provides a grant opportunity to begin the implementation phase of the North Avenue plan. This grant focuses on livability aspects of highway corridors, including multi-modal design, access to transit, services and centers of trade. This grant is a 20% local agency and 80% Federal grant and Staff is proposing that the City’s 20% be in-kind services only.

The streetscape improvements proposed are between 12<sup>th</sup> and 23<sup>rd</sup> Streets. These improvements include replacing the median curbing as needed, adding landscape ground cover, and upgrading the irrigation system to the existing medians. Additionally, the proposal includes adding sidewalk in areas where no walk exists and combining driveways where possible.

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

**Goal 8** which states, “Create attractive public spaces and enhance the visual appeal of the community through quality development”.

**Policy A** – Design streets and walkways as attractive public spaces.

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

**Policy F** – Encourage the revitalization of existing commercial areas.

The North Avenue West Corridor Plan implements Goal 8 and three of its policies. The recommended street cross section (Option 3) provides for enhanced pedestrian amenities that will be attractive public spaces. The Plan's recommended changes to the street edge, for example, building close to the street, increasing sidewalk width, adding plantings, pedestrian lighting, other pedestrian amenities, consolidating accesses, providing parking to the side and rear, etc. will revitalize the North Avenue corridor, a very important commercial corridor in the community.

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

**Policy E** – When improving existing streets or constructing new streets in residential neighborhoods, the City and County will balance access and circulation in neighborhoods with the community's need to maintain a street system which safely and efficiently moves traffic throughout the community.

The North Avenue West Corridor Plan implements Goal 9 and one of its policies. One of the Guiding Principles in the Plan is to minimize impacts to existing neighborhoods. The Plan is further enhancing this goal by creating a corridor that helps the City reach its vision of becoming most livable by providing for all modes of transportation on North Avenue in a safer and more aesthetic way.

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

**Financial Impact/Budget:**

No budget impact - as structured, the required 20% match for the grant will be in-kind services including surveying, engineering, contract administration and construction inspection.

**Legal issues:** N/A

**Other issues:** N/A

**Previously presented or discussed:**

Council discussed the grant opportunity at the December 19, 2011 workshop.

**Attachments:**

None





Date: December 15, 2011  
 Author: Harry Weiss  
 Title/ Phone Ext: DDA Director, x 4134  
 Proposed Schedule: December 19, 2011  
 2nd Reading  
 (if applicable): January 4, 2012  
 File # (if applicable): NA

**Attach 7  
 Public Hearing – An Ordinance Extending DDA  
 Tax Increment on Property and Sales Tax to  
 Fund Capital and Operations**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> An Ordinance Extending the DDA Tax Increment on Property and Sales Tax to Fund Capital and Operations
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication of the Proposed Ordinance
<b>Presenter(s) Name &amp; Title:</b> John Shaver, City Attorney Harry Weiss, DDA Executive Director

**Executive Summary:**

Extension of the DDA tax increment on property and sales tax is the final legislative action required of City Council pursuant to state enabling legislation to fully implement the previously approved 20-year extension of the DDA’s charter. Extension of the tax increment secures the financial foundation for future DDA capital projects undertaken in pursuit and fulfillment of its statutory mission to  
 “promote the health, safety, prosperity, security, and general welfare ...halt or prevent deterioration of property values or structures within (the) central business district...halt or prevent the growth of blighted areas, and... assist ...in the development and redevelopment of such districts...” (CRS Sect, 31-25-802).

**Background, Analysis and Options:**

The Grand Junction Downtown Development Authority was established in accordance with state enabling legislation governing the creation and operations of Downtown Development Authorities in Colorado. The initial term of the Authority lasted 25 years, and was subsequently extended for a 5-year period expiring in 2011. Pursuant to the provisions of state law allowing the extension of the authority for an additional 20 years, the reauthorization of the DDA has completed all steps of the statutory process save for this final legislative action.

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

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

For 30 years the DDA has been a primary agent of revitalization and improvement of the central business district of Grand Junction, undertaking a diverse spectrum of projects, individually and in collaboration with other agencies, encompassing streetscape and utility improvements, land assemblage for new infill development, support for local business, expansion of parking capacity, wayfinding, and support of the cultural arts. Over the course of its history the DDA's designated district of activity has been repeatedly expanded to broaden the access to capital funding for needed improvements in an area stretching from Grand Avenue to the riverfront, reflecting the expansion of what the community recognizes as the city center.

Extension of the DDA for an additional 20 years will both sustain ongoing efforts and facilitate new initiatives to strengthen investment, tourism, mixed-use infill development, adaptive rehabilitation, housing, transportation improvements and economic vitality in the center city.

**Board or Committee Recommendation:**

The extension of the DDA for an additional 20-year term has followed the statutory requirements including all necessary ratifications by the DDA Board of Directors.

**Financial Impact/Budget:**

Tax increment revenues collected over the 20 year period will be pledged by the DDA for the payment of the principal and interest due in connection with bonds, loans, advances and indebtedness of the Authority.

**Legal issues:**

The Ordinance was prepared in accordance with State law by the City Attorney.

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Proposed Ordinance

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

**AN ORDINANCE EXTENDING THE PERIOD DURING WHICH THE GRAND JUNCTION, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY (DDA) MAY ALLOCATE AND COLLECT A PROPERTY AND SALES TAX INCREMENT TO FUND THE CAPITAL AND OPERATIONS OF THE DDA AS PROVIDED BY LAW**

Recitals:

The Grand Junction, Colorado Downtown Development Authority (“the Authority” or “DDA”) has adopted a Plan of Development (“Plan”) for the Authority. The Plan and boundaries were initially approved by the Grand Junction City Council (“the Council”) on December 16, 1981 pursuant to Resolution and Colorado law.

Since that time, several people and entities owning property near or within the DDA, pursuant to §31-25-822, C.R.S. and Article X of the Authority's Plan, have petitioned for inclusion within the Authority's boundaries. The boundaries of the DDA have been expanded by the Council by Ordinance Nos. 2045, 2116, 2382, 2400, 2425, 2470, 2655, 2820, 2830, 2914, 3008, 4305, 4326 and 4395.

During the years since its inception the Authority has engaged in a number of substantial projects including the renovation of the Two Rivers Convention Center, the elimination of slum and blight at and near the corner of 2<sup>nd</sup> Street and Colorado Avenue, the reconstruction of 7<sup>th</sup> Street, Colorado Avenue and the hallmark achievement of the renovation of Main Street.

On May 16, 2008 the general assembly passed SB 08-170 amending the Downtown Development Authority act by extending the period of time that a DDA may utilize tax increment financing.

According to the 2008 law the City Council as the governing body for the DDA may, by the passage of an ordinance, extend for 20 years the lawful right of the Authority to allocate and collect property and sales taxes for financing the purposes of the Authority. That process is known as the “TIF Extension.”

Also according to the law on the first day of the TIF Extension the base year for the allocation of property taxes must be advanced by ten years. After that ten year period the base year must be advanced by one year for every addition year of the life of the Authority through the final ten years.

The DDA Board respectfully requests that City Council approve this, the TIF Extension, ordinance. The approval of the ordinance and the consequential funding of the Authority for the next 20 years will allow the Authority to fully implement its statutory objectives and purposes all as more particularly described in the Authority's Plan of Development. To the extent necessary or required the DDA Board further recommends and requests that

the Plan be amended by passage of the ordinance to extend the division of taxes for an additional 20 years as provided by Colorado law.

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

1. The City Council hereby approves a 20 year extension ("TIF Extension") of the period during which the Grand Junction Downtown Development Authority may allocate and collect property and sales taxes.
2. That the TIF Extension term shall commence in 2012 for the taxes payable in 2013 and thereafter.
3. On the first day of the TIF Extension the base year for the allocation of property taxes must be advanced by ten years.
4. After that ten year period the base year must be advanced by one year for every addition year of the life of the Authority through the final ten years.
5. The City Council hereby finds and determines that the approval of the ordinance will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City and of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property included within the Authority and the TIF district.
6. Adoption of this Ordinance does not, shall not and will not provide for or allow or authorize receipt or expenditure of tax increments without requisite statutory and Plan compliance.

INTRODUCED on first reading this 19<sup>th</sup> day of December and ordered published in pamphlet form.

PASSED and ADOPTED this \_\_\_\_ day of January 2012 and ordered published in pamphlet form.

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President of the Council

Attest:

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City Clerk