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File 1978-0064

Date 8/28/00

Project Name: Lamplite Park - Filing #1

P **S** A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the
r **c** **ISYS** retrieval system. In some instances, not all entries designated to be scanned are present in the file. There
e **a** are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been
s **n** included.
e **n** Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a
n **d** quick guide for the contents of each file.
t Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed
in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.

X	X	*Summary Sheet - Table of Contents
		Application form
		Receipts for fees paid for anything
		*Submittal checklist
		*General project report
		Reduced copy of final plans or drawings
		Reduction of assessor's map
		Evidence of title, deeds
		*Mailing list
		Public notice cards
		Record of certified mail
		Legal description
		Appraisal of raw land
		Reduction of any maps - final copy
		*Final reports for drainage and soils (geotechnical reports)
		Other bound or nonbound reports
		Traffic studies
		Individual review comments from agencies
		*Consolidated review comments list
		*Petitioner's response to comments
		*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
		*Summary sheet of final conditions
		*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)

DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:

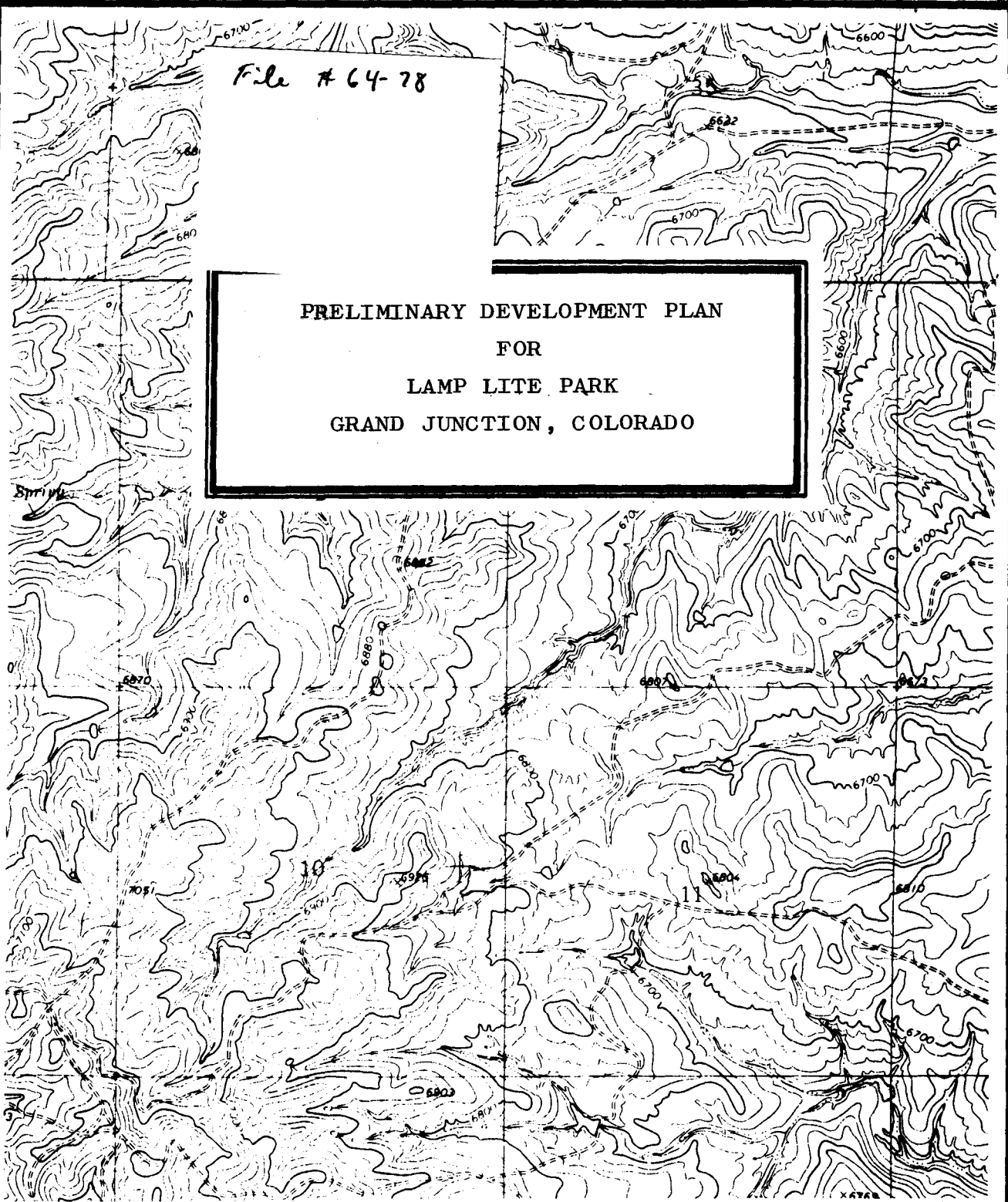
X	X	Follow-Up Form	X	Letter from Ron Rish to James Patty - 10/31/78	
X		Review Sheets	X	X	Planning Commission Minutes - ** - 7/25/78
X	X	Letter from Earl Rhodes to David Eytcheson - 10/17/86	X	X	Memo from Lance Williams to Bob Goldin - 2/16/82
X	X	Letter from Younge & Hockensmith to David Eytcheson - re: release 10/17/86	X	X	Memo from Lance Williams to Ron Rish - 3/23/82
X	X	Memo from Jim Shanks to Mark Achen - 3/2/87	X	X	Letter from Richard Livingston to Lance Williams re: copy of agreement - 2/16/83
X	X	Memo from Planning Dept., City Attorney, Building Dept. to City Council Members - 3/6/87, 3/12/87	X		Declaration of Covenants, conditions and Restrictions
X	X	District Court Report-Civil Action No. 84CV1067 and 89CV792	X		Bid Estimate from Del's Horticultural Services
X	X	Notice pursuant to C.R.S. 24-10-109 from Philip Coebergh to Neva Lockhart - 8/24/84	X	X	Letter from Ron Rish to Rex Price - 2/25/80
X	X	Letter from Andy Anderson to Swain Munson - 10/29/84	X	X	Form letter from Charles Lange to Homeowners - 5/7/84, 6/5/84
X	X	Preliminary Development Plan	X	X	Notes from 6/7/84 Homeowner Meeting
X	X	Planning Commission Report - 2/25/87	X	X	Letter from Ron Rish to James Patty - 6/27/78
X	X	Letter from Robert Bright to James Land - 9/19/80	X	X	Memo from Andy Anderson to City re: land slide problems- 5/14/85

office copy / comments

where is prelim. utilities info per revised prelim. plat rights.

File # 64-78

**PRELIMINARY DEVELOPMENT PLAN
FOR
LAMP LITE PARK
GRAND JUNCTION, COLORADO**



PARAGON ENGINEERING, INC.

P. O. Box 2872
825 Rood Avenue
Grand Junction, Colorado 81501 (303) 243-8966



PARAGON ENGINEERING, INC.

P. O. Box 2872
825 Rood Avenue
Grand Junction, Colorado 81501 (303) 243-8966

July 5, 1977

Grand Junction Planning Commission
Mesa County Courthouse
Grand Junction, Co. 81501

Dear Members:

Enclosed herein is a Preliminary Development Plan for Lamp Lite Park, a planned unit development located in a part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T.1S, R.1W, U. M. and lying South of the Colorado River with a density of 4.5 units per acre.

The enclosed maps and statements have been prepared in order that you may access the relative merits of the proposed development.

A member of our firm and the developer will be at the next regular meeting of the Planning Commission to discuss the project and to answer any questions which may arise.

Sincerely,
Paragon Engineering, Inc.

Robert P. Gerlofs

PRELIMINARY DEVELOPMENT PLAN
FOR
LAMP LITE PARK
GRAND JUNCTION, COLORADO

JULY, 1977

OWNERS AND DEVELOPERS: LAMP LITE DEVELOPMENT
ENGINEERS AND PLANNERS: PARAGON ENGINEERING, INC.
ENGINEERING CONSULTANTS

PRELIMINARY DEVELOPMENT PLAN
FOR
LAMP LITE PARK
"A PLANNED UNIT DEVELOPMENT"

GENERAL

The enclosed maps and statements are provided as a requirement of the City of Grand Junction Planned Development requirements. This information is intended to provide the Planning Commission with sufficient background data to access the Preliminary Development Plan for Lamp Lite Park.

CHARACTER OF LAMP LITE PARK

The site of the proposed PD Development is approximately 18.2 acres which was annexed to the City of Grand Junction in December of 1973, and presently zoned R-1-C. The site is located at the extreme East end of existing Santa Clara Avenue, the site overlooks the Colorado River, and the City of Grand Junction, with an unobstructed view of the Bookcliff Mountains to the North, and a view of the Grand Mesa to the East. There is approximately a fifteen foot drop-off near the center and parallel to the River from which the terrain slopes gradually to the Colorado River. (See Exhibit No. 1). The property is bordered on the West by single family houses, and several multi family dwellings. Immediately South and East of this property are open fields.

Development pressure in the City of Grand Junction indicates that additional housing will be required. The availability of lots for this proposed use is very limited at this time, and the vigorous development activity in the surrounding area indicates that this is an acceptable location for a use of this type.

Strict architectural controls will be instigated to protect the development from undesirable influences. To achieve this a set of covenants, conditions and restrictions will be adopted to insure protection to the residents for Lamp Lite Park and the surrounding areas. In order to promote the health, safety and welfare of the residents in Lamp Lite Park, a corporate Home-owners Association is proposed to be formed. Documents for the above will be submitted to the Commission at Final Development Plan stage.

The sewer, water, electric and gas lines are presently installed in the site facing Santa Clara Avenue. It is anticipated that the City of Grand Junction will provide water & sewer services to Lamp Lite Park.

An irrigation system is proposed to facilitate the watering of the open spaces and lawn areas, irrigation water will be taken from an existing canal which presently crosses the site. Each unit will have its own gas, water and electricity meter and be wired for telephong and cable television.

This property is within 200 feet of Columbus Elementary school, and five blocks from Orchard Mesa Junior High School. The high school students will be bussed to Grand Junction High School, with the bus stopping at the entrance to the project.

There is a bowling alley about two blocks South of this property, and a 7 to 11 convenience store about one block to the South and adjacent to this is a major employment plant. Five blocks South of this property is a Safeway store with plans for building another new Safeway store in the immediate future. There is a new bank within two blocks of the Safeway Store.

Lamp Lite Park consists of 81 single family lots containing a patio home type dwelling. (See Exhibit No. 2 and 4). The resulting density will be 4.5 units per acre.

Open space contains 4.75 acres or approximately 26.2% of the total area in the proposed development. Several large open areas are strategically located at various points throughout the development. All of the open spaces within Lamp Lite Park will be interconnected with pedestrian pathways, and will be completely landscaped, with the exception of the spaces adjacent to the Colorado River which are planned to remain in its natural state. The open space is designed to readily provide access to the River which will also allow pedestrian connections to the Green Belt Project."

Low intensity lighting will be used to light the streets, walkways and open spaces throughout the project.

A 2000 sq. ft. recreation vehicle storage area is planned at the northwesterly corner of the site, the storage area will be fenced with an eight foot security fence and screened from view.

The 81 units within Lamp Lite Park consists of one dwelling unit on an individually owned lot. The proposed dwellings will be patio homes (Zero Lot Lines) in nature. The plan also calls for the capability of joining two units with a single common wall at various points throughout the development. At this time plans indicate that each unit will have a total living space of between 980 and 1100 sq. ft. A minimum of two off street parking spaces will be provided with each building site, one of which will be covered. Additional over flow parking spaces are located at various points about the development. Exhibit No. 2 shows the relationship of the building sites to each other, proposed parking areas, pedestrian and traffic circulation. Exhibit No. 4 depicts a typical lot arrangement. While Exhibit No. 3 shows the relationship of each unit in a vertical prospective.

There are several proposed new shopping and office areas within one-half mile of the project site, and adjacent to U.S. Highway 50.

At this time Grand Junction does not have a bus system, although there have been several proposed. It appears that in the near future we will have some form of public transportation. We do have cab service throughout the valley.

The roadway system within Lamp Lite Park will be partially dedicated and privately owned. Plans call for the roadway extending from Santa Clara Avenue and a roadway extending South from Santa Clara Avenue to be dedicated to the public. All dedicated roads will be paved to a 30' foot width with a 5.25-foot curbwalk on one side and a 2 foot gutter on the other side. Private roads within the development will be constructed to a 22 foot pavement width with 2 foot gutter along each side, private roads will be owned and maintained by the residence of Lamp Lite Park.

The proposed development does not lie within any major drainage courses, however, a small canal traverses East to West across the development. The site is not affected by off-site drainage. The proposed roadway system will carry all drainage away from the proposed development.

LAND OWNERSHIP

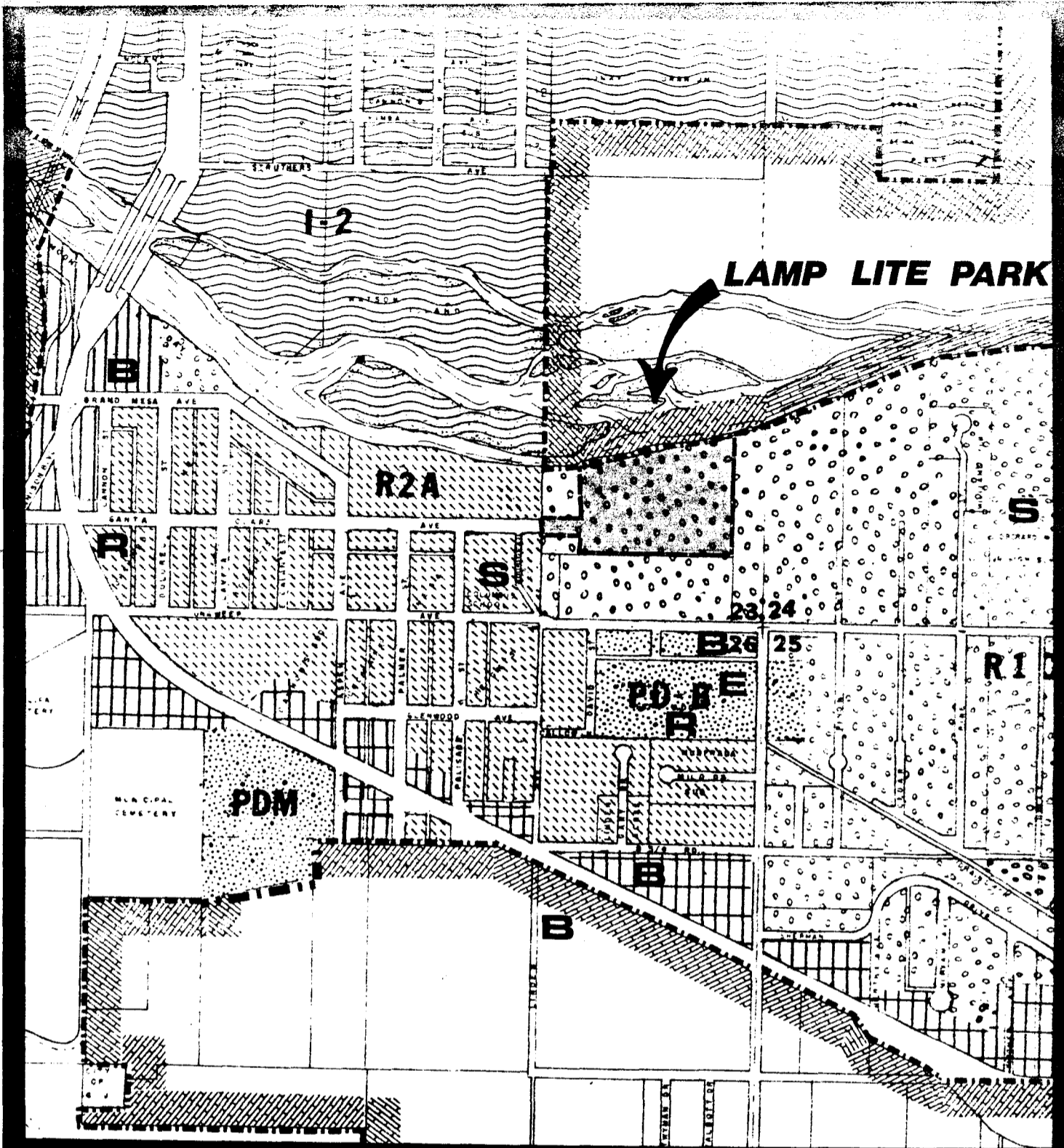
The land within Lamp Lite Park is currently owned by Frederick Fuhrmeister, James R. Land and John Abrahamson who are doing business as Lamp Lite Development in Grand Junction, Colorado.

DEVELOPMENT SCHEDULE

It is anticipated that the total development of the property will occur over a three to five year period. The rate of development is dependent upon the communities growth and housing needs. Development of Lamp Lite Park will begin immediately upon the approval of the final development plan, at the Southwesterly portion of the site.

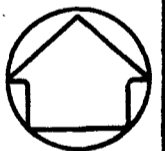
MAPS

In this booklet we have enclosed drawings which schematically illustrates the character and density of dwellings, roadway systems, parking areas and site location.



VICINITY MAP FOR LAMP LITE PARK

- S** Schools
- B** Businesses
- E** Employment Centers
- R** Recreational Facilities and Parks



PRELIMINARY DEVELOPMENT PLAN FOR:
LAMP LITE PARK

OWNER AND DEVELOPER: Lamp Lite Development, P.O. Box 2986 Grand Junction Colorado 81501, Phone 243-0084
 ENGINEERS AND PLANNERS: Poteragon Engineering Inc., P.O. Box 2872 Grand Junction Colorado 81501, Phone 243-8968

68 over flow parking spaces
18 Rec. Vehicle spaces

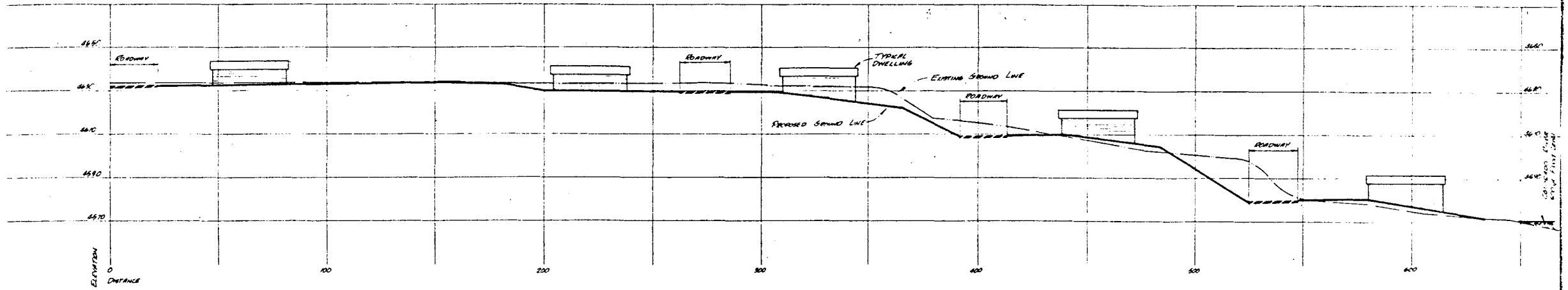


dedicate 28' R.O.W. with Imps. and Walk

Total Number of Acres = 18.2
 Total Number of Units = 82
 Total Area in Open Space = 4.76 or 26.2%
 Density = 4.5 Units Per Acre
 Additional Parking Spaces = 68

NOTE ON FINAL PLAN - EA. LOT SHALL PROVIDE A MIN. OF 2 OFF STREET PARKING SPACES
 (May be stacked)

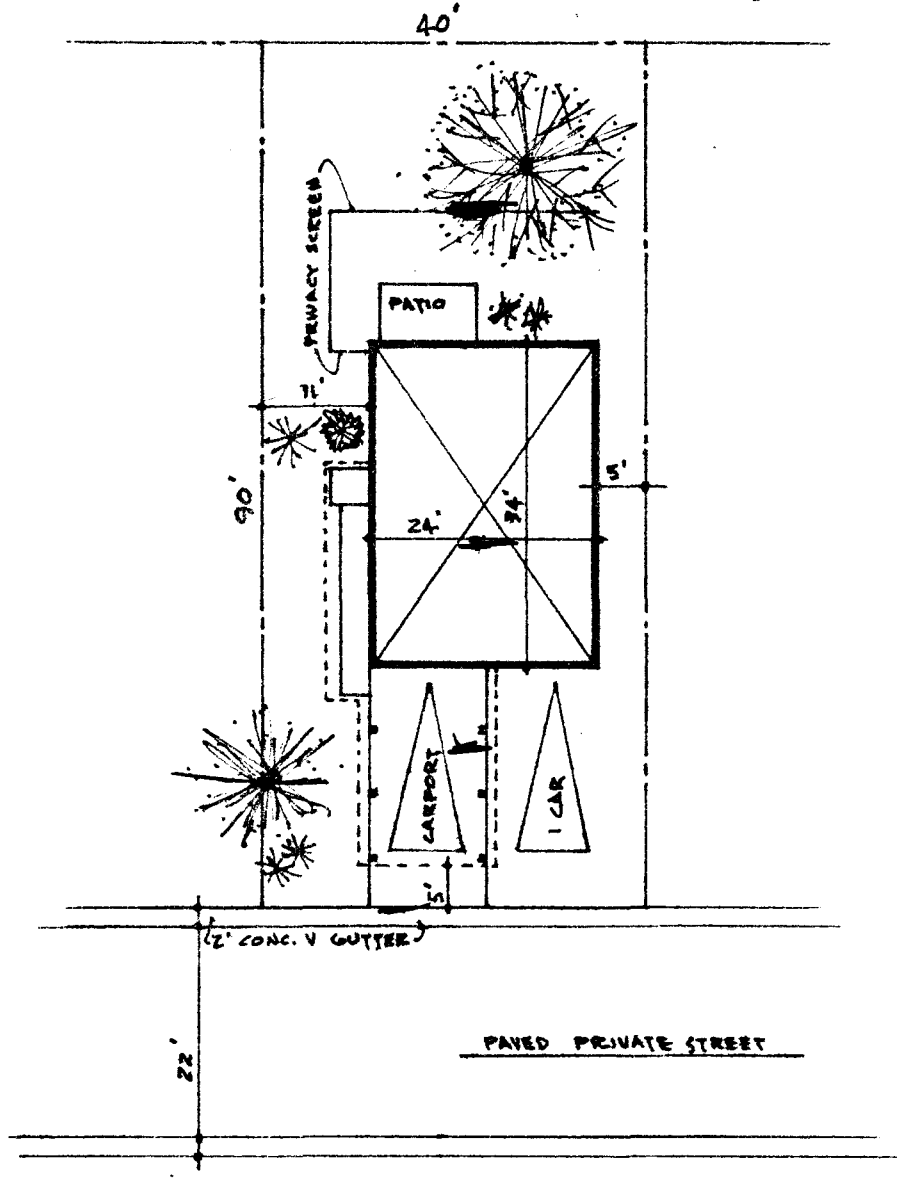
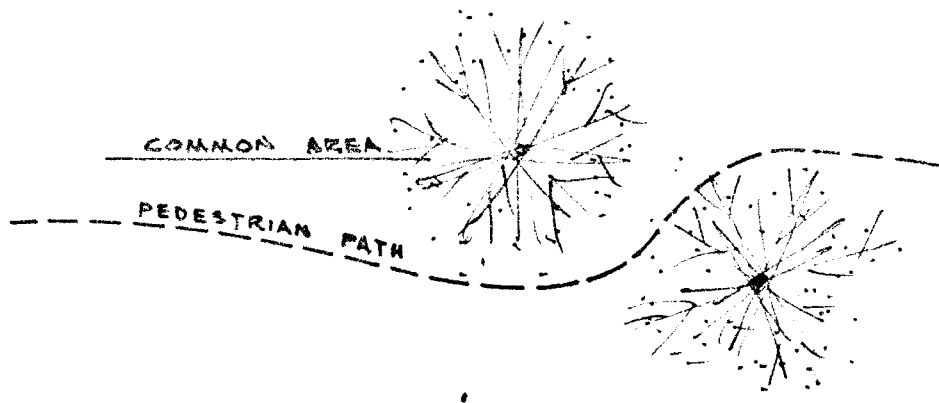




SITE CROSS - SECTION LOOKING WEST



SCALE - 1" = 20'



PROPOSED TYPICAL PLOT PLAN

EXHIBIT #4

APPENDIX

1. Legal Description
2. Preliminary Plan Application
3. Subdivision Summary Form

Legal Description

Beginning at a point N. 00° 12' 06" E 379.8 feet and West 172.8 feet from the Southeast Corner of Lot 4, Section 23, T.1S, R.1W., of the Ute Meridian; Thence N. 00° 12' 06" E along a line 178.2 feet West of the East Line of Section 23 to the South bank of the Colorado River; Thence Southwest along the South bank of the Colorado River to a point 300.00 feet East of the West line of said Lot 4; Thence S. 00° 21' 12" E approximately 390.00 feet to a point; Thence West 119.00 feet; Thence S. 00° 21' 12" E 181.2 feet; Thence West 181.00 feet to the West line of said Lot 4; Thence S. 00° 21' 12" E 14.00 feet along the West line of said Lot 4 to a point West of the point of beginning; Thence East to the point of beginning; AND EXCEPT rights of way and easements for roads, ditches and legal Highways.

and

Beginning on the West line of Lot 4, Section 23, T.1S, R.1W of the Ute Meridian which is the North line and East end of Santa Clara Avenue, Grand Junction, Colorado; Thence S. 00° 21' 12" E 60.00 feet; Thence East 300.00 feet; Thence N. 00° 21' 12" W to the South bank of the Colorado River; Thence Southwesterly along the South bank of the Colorado River to a point 181.00 feet East of the West line of Lot 4; Thence S. 00° 21' 12" E to a point East of the point of beginning; Thence West to the Point of Beginning; and EXCEPT the seller to retain a non-exclusive easement over existing access until Santa Clara Avenue is extended to the East.

7. (18) copies of this application required. Numbering system corresponds with Grand Junction Development Regulations. Layouts and designs initiate for this application should incorporate the Design Standards reviewed in Section III of the regulation. If question not applicable, indicate by n/a.

B. Lamp Lite Park
name of subdivision

C. Owners and/or subdividers.

<u>Lamp Lite Park Development</u>	_____	_____
name	name	name
<u>P. O. Box 2966, Grand Junction, Colorado 81501</u>	_____	_____
address	address	address
<u>245-0084</u>	_____	_____
business phone	business phone	business phone

Designer:

<u>Paragon Engineering, Inc.</u>	<u>243-8966</u>
name	business phone
<u>P. O. Box 2872, Grand Junction, Co.</u>	<u>P. E. No. 9402</u>
address	registration and number

D. Legal description. (Attach additional sheets as necessary). _____

See Attached

Total acreage 18.2.

E. Eighteen (18) copies of map submitted yes x no _____
If "no", explain.

The following check list shall be completed to insure that the map contains the essential information required by the subdivision regulations (see regulations for detailed information).

27-2.2 f. Scale and Size

- | | |
|---------------------------------------------------------------------------------------|----------|
| (1) Proposed Name | <u>x</u> |
| (2) Location and boundaries | <u>x</u> |
| (3) Names and Addresses of subdivider and engineer or surveyor | <u>x</u> |
| (4) Date of preparation | <u>x</u> |
| (5) Total acreage | <u>x</u> |
| (6) Location and dimensions for existing streets, alleys, easements and water courses | <u>x</u> |

DEVELOPMENT SUMMARY FORM

CITY OF GRAND JUNCTION

Date: July 5, 1977

Development Name: Lamp Lite Park

Filing -

Location of Development: TOWNSHIP 1S RANGE 1W SEC 23 1/4 SE

Owner(s) NAME Lamp Lite Development

ADDRESS P. O. Box 2966, Grand Junction, Co. 81501

Developer (s) NAME Above

ADDRESS _____

Type of Development	Number of Dwelling Units	Area* (Acres)	% of * Total Area
<input checked="" type="checkbox"/> Single Family	<u>82</u>	<u>11.85</u>	<u>65.00</u>
<input type="checkbox"/> Apartments	_____	_____	_____
<input type="checkbox"/> Condominiums	_____	_____	_____
<input type="checkbox"/> Mobile Homes	_____	_____	_____
<input type="checkbox"/> Commercial	N. A.	_____	_____
<input type="checkbox"/> Industrial	N. A.	_____	_____
<input type="checkbox"/> Other (specify)	_____	_____	_____
Dedicated Street		<u>1.60</u>	<u>8.8</u>
Walkways		_____	_____
Dedicated School Sites		_____	_____
Reserved School Sites		_____	_____
Dedicated Park Sites		_____	_____
Reserved Park Sites		_____	_____
Private Open Areas		<u>4.75</u>	<u>26.2</u>
Easements		_____	_____
Other (Specify)		_____	_____
TOTAL		<u>18.2</u>	<u>100%</u>

*By Map Measure

Estimated Water Requirements 39,360 gallons/day.

Proposed Water Source(s) City of Grand Junction

Estimated Sewage Disposal Requirement 26,240 gallons/day.

ACTION:

Planning Commission Recommendation

Approval ()

Disapproval ()

Remarks _____

Date _____, 19____.

City Council

Approval ()

Disapproval ()

Remarks _____

Date _____, 19____.

Note: This form is required by C.R.S. 106-3-37 (4) but is not a part of the regulations of the City of Grand Junction.



64-78
File

City of Grand Junction, Colorado 81501
250 North Fifth St., 303 243-2633

June 27, 1978

James T. Patty
Paragon Engineering, Inc.
P. O. Box 2872
825 Rood Avenue
Grand Junction, CO 81501

Dear Jim:

Re: Lamplite Park Filing No. 1

PD

In response to your letter of June 24, 1978, I offer the enclosed Development Review Sheet copy dated July 27, 1978. Upon resolution of the comments, please submit revised construction plans for approval. I will retain the pavement design information for use in reviewing the final plans. My check of the pavement design based on your stated soil R value of 16 (300 psi) shows the proposed pavement of 2 inches asphalt mat on 5 inches aggregate base (Class 6) to be appropriate.

I apologize for the delay in responding, but I feel the Planning Commission review items should be resolved prior to my approval of plan details for construction.

Very truly yours,

Ronald P. Rish, P.E.
City Engineer-Public Works

RPR/hm

Enclosure

cc - Del Beaver ←
John Kenney
Jim Patterson

GOLDEN, MUMBY, SUMMERS & LIVINGSTON

ATTORNEYS AT LAW

MESA UNITED BANK CENTER - 2808 NORTH AVENUE

P. O. BOX 398

GRAND JUNCTION, COLORADO 81501

JAMES GOLDEN
KEITH G. MUMBY
K. K. SUMMERS
J. RICHARD LIVINGSTON

AREA CODE 303
TELEPHONE 242-7322

July 15, 1980

Ronald P. Rish
City Engineer
250 North 5th Street
Grand Junction, CO 81501

File Lamp Lite Park

Re: Santa Clara Irrigation Ditch

Dear Ron:

Fred Fuhrmeister has asked me to contact you regarding the irrigation ditch problem along Santa Clara Avenue near the Lamp Lite Park Subdivision.

Several problems occurred with the development of Lamp Lite in relation to the installation of an underground irrigation line. We have been negotiating with the Orchard Mesa Irrigation District and the Bureau of Water and Power Resources regarding the correction of some of these problems. The proposal which is presently under consideration involves new ditch work east of the Lamp Lite Park along Santa Clara and, therefore, it would not make sense to do any landscaping along the ditch until this work is completed.

If you have any questions regarding this matter, please do not hesitate to call. As soon as I hear from the Irrigation District and Water and Power Resources people regarding a final settlement, I will let you know.

Sincerely,

GOLDEN, MUMBY, SUMMERS & LIVINGSTON

J. Richard Livingston

JRL/ald

cc: J & J Enterprises

cc: Metenev
Patterson
Kenney

*... I will refer to Nick asking
... when they
... 7-15-80 & I ask
... the other side
... due to
... 7-18-80*

**City
County
Development
Department**

CITY OF GRAND JUNCTION—MESA COUNTY—COLORADO 81501
359 WHITE AVE.—ROOM 60—DIAL (503) 243-9200 EXT. 343

September 19, 1980

Mr. James R. Land
P.O. Box 2966
Grand Junction, CO 81502

Dear Mr. Land:


RE: Lamplite Park, Filing #1

As you know there are two streets currently stubbed to the North, River Circle and Olson Avenue. The efforts you have gone to in blocking these stubs to automobile access are appreciated. I'm sure you realize the potential hazard possible to a motorist unfamiliar with the area inadvertently turning into one of these stubs, particularly at night.

If you could insure that these stubs are completely blocked off to motor vehicle traffic and are provided with night visible markings, I'm sure it would result in a safer arrangement.

Thank you for your cooperation.

Sincerely,


Robert L. Bright,
Senior City Planner

RLB:ca

cc: File #64-78



City of Grand Junction, Colorado 81501

City Clerk, P.O. Box 243-2633

October 23, 1980

Mr. Fred Fuhrmeister
J & J Enterprises
520 West Gunnison Ave.
Grand Junction, CO 81501

Dear Fred:

Re: Lamplite Park Subdivision

Our field personnel recently observed that the excavations along the north side of Santa Clara for electrical service have created damage to the sanitary sewer taps to the vacant lots. This is to request those taps be repaired as necessary so the future property owners of those lots and/or the City will not have to repair the damaged pipes when sewer service is requested. Your attention to this matter would be appreciated.

On another matter, Mr. Black of the homeowners association called me this morning complaining about the curbed ends of the parking area in the "cul-de-sac". I tried to explain to him that this parking was provided in lieu of some on-street parking which was not provided due to the narrow streets proposed by you when the subdivision went before Planning Commission and City Council. I suggested that if Mr. Black and/or you would submit to me a revised plan which provided as many parking places and also addressed his concerns, I would be glad to take the proposal to whomever necessary with the City (Development, Public Works Director, and perhaps City Manager) to get him an answer to the alternative proposal. He seems to want to just tear the curbing out and forget about the parking spaces. I told him I did not have that option available to me since the parking was part of the plan approved by Planning Commission and City Council. I hope you will help him solve his apparent problem.

Very truly yours,

Ronald P. Rish
Ronald P. Rish, P.E.
City Engineer

RPR/hm

cc - Bob Bright ✓
Dick Hollinger
John Kenney
Malcolm McGregor
Jim Patterson
Ralph Sterry
File

→ Del Beaver



file

City of Grand Junction, Colorado 81501

250 North Fifth St., 303 243-2633

October 31, 1978

Mr. James T. Patty
Paragon Engineering, Inc.
P. O. Box 2872
Grand Junction, CO 81501

64-78

Dear Jim:

Re: Lamplite Park Filing No. 1

As requested, I have reviewed the detailed construction plans for streets and storm drains for the above as submitted on October 23, 1978, and have the following comments:

1. As stated on my development review sheet of July 27, 1978, the stubs for River Circle and Olson Circle to the north should be 34 ft. mat with 6 ft. curb, gutter and sidewalks on 50 ft. right of way.
2. The enclosed sketch design for parking in the "bulb" on Olson Avenue has been reviewed by Del Beaver and should be followed in detailing the construction plans.
3. A Professional Engineer stamp and signature should appear on the plans.
4. As stated in my June 27, 1978, letter the pavement design based on your stated R value of 16 (300 psi) is approved.
5. Please revise Section A-A on sheet 1 to clearly show vertical-face curbing.
6. The 10% grades shown on sheet 3 for the stubs on River Circle and Olson Circle may not be acceptable. Without more information, I feel the tangent grades should not exceed 8% with the grade within 100 ft. of the north curb line of Santa Clara Avenue not exceeding 5%.

When the above comments have been addressed, please submit a revised set of prints for our files and consider the detailed plans to be approved by this office for construction.

Thanks for your cooperation and if there are any questions about these comments please do not hesitate to call.

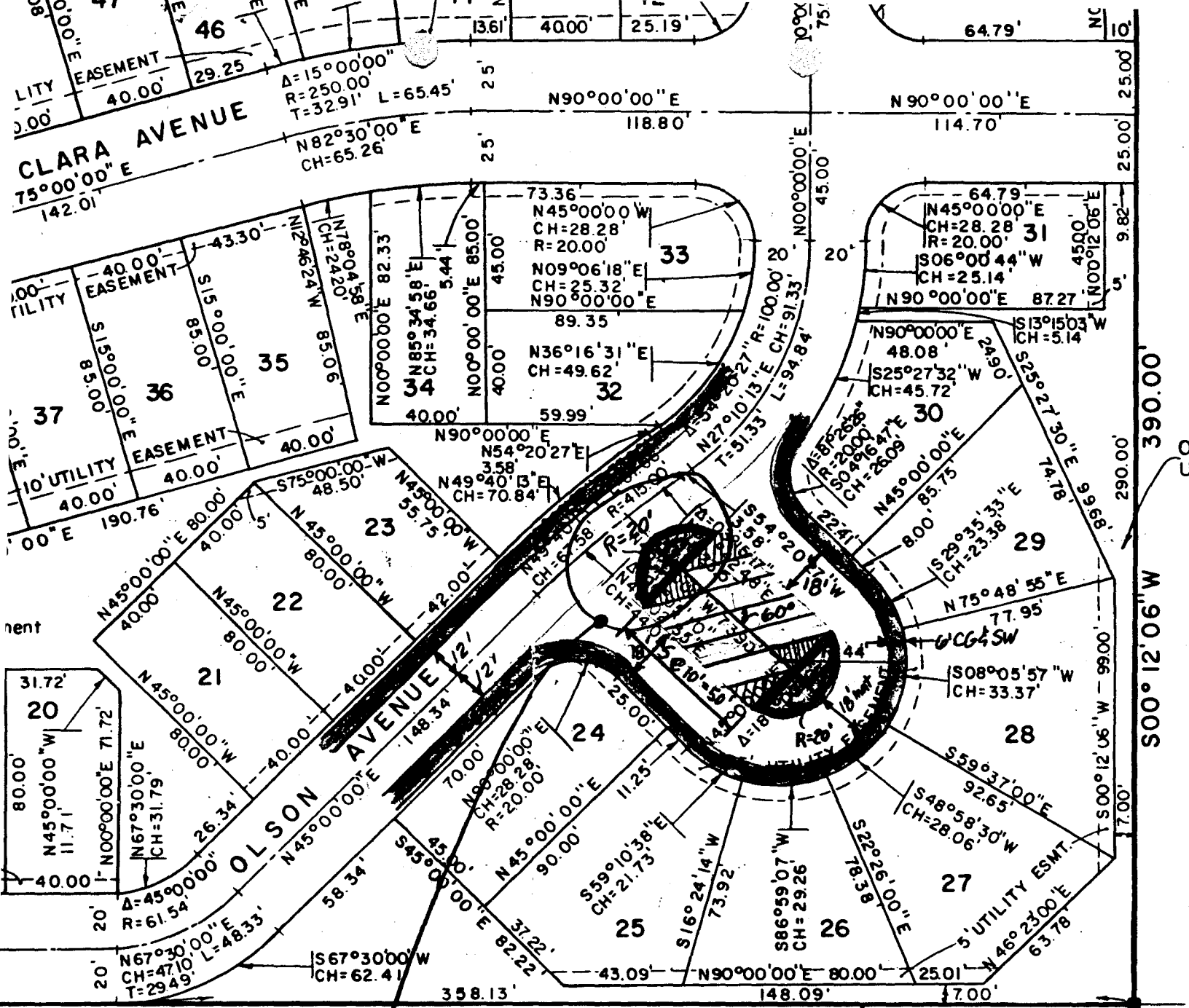
Very truly yours,

Ronald P. Rish, P.E.
City Engineer-Public Works

RPR/hm

Enclosure

cc - Del Beaver
John Kenney
Jim Patterson

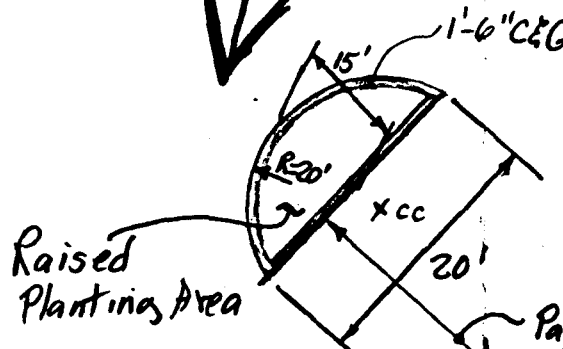


All dimensions to edge of mat.

+ 73.9	6
<u>44</u>	+18
117.9	15
	50
	<u>212</u>
	101
117.9	
<u>-101</u>	
16.9 use 15'	

TRUE POINT
OF
BEGINNING
PPR
10-31-78

Are Also To Be
Drainage



Painted Stalls
8ea. @ 600

∴ 1.9' shy dist on Olson

LINE SE 1/4 SE 1/4 SECTION 23

SE
SE
T.1:
(L



City of Grand Junction, Colorado 81501

250 North Fifth St., 303 243-2633

February 25, 1980

Mr. Rex Price
Paragon Engineering, Inc.
P. O. Box 2872
2784 Crossroads Blvd., Suite 104
Grand Junction, CO 81502

*File
city*

Dear Rex:

Re: Lamplite Park - Filing No. 1

The streets and storm sewers constructed in the above subdivision were final-inspected on August 2, 1979, and our reinspection showed that apparently all deficiencies noted in the inspection have been corrected. We have received the required construction test results and the as-built drawings which acknowledge the facilities have been constructed in accordance with the approved plans and specifications.

In light of the above, the streets and storm drainage facilities for Lamplite Park-Filing No. 1 are accepted by the City and we are now responsible for maintenance of those facilities.

As discussed with Fred Fuhrmeister recently, the two unfinished items of business are:

1. He will barricade the two stub streets to the north with piles of earth or otherwise to prevent unwary motorists from venturing over the hill toward the river.
2. Whatever is necessary will be done prior to July 15, 1980, to insure that overflow from the irrigation ditch along Santa Clara Avenue will not be regularly flowing in the street and/or hazarding the public street improvements. Mr. Fuhrmeister's letter of February 13, 1980, and a February 19, 1980, letter from the U. S. Water and Power Resources Service concerning that ditch are enclosed for your information.

Thanks for your continued cooperation.

Very truly yours,

Ronald P. Rish, P.E.
City Engineer

Enclosures

cc - Fred Fuhrmeister
Doug Cline
Gerald Ashby
John Kenney
Steve McKee
Karl Metzner ✓
Jim Patterson



CITY - COUNTY PLANNING

grand junction-mesa county 559 white ave. rm. 60 grand jct.,colo. 81501

(303) 244-1628

MEMORANDUM

TO: Bob Goldin, City Planner

FROM: Lance Williams, Subdivision Enforcement Officer *LW*

DATE: February 16, 1982

SUBJECT: Lamp Lite Park Subdivision

On Tuesday, February 9, I met with Mrs. Louise Green, 1151 Santa Clara, concerning the problems the homeowners there are having. We toured the subdivision on foot and discussed matters further in her home. I also spoke on the phone with Mrs. Pat Hayes, Secretary-Treasurer of the Homeowners Association.

Following are the concerns and problems which were raised:

- 1) Open Space Tracts D and E were never landscaped. Various plantings, sidewalks and parking areas were never installed in these areas or in Tract C (which was sodded) as agreed upon in the final development plan.
- 2) Mrs. Green claims that Homeowners Association pays for water rights on Tracts A and B, which were not intended to be landscaped.
- 3) Many of the 26 or so current homeowners are dissatisfied with the lack of landscaping and maintenance of existing improvements (Mr. Fred Fuhrmeister, President of the Homeowners Association and one of the developers, is paid a monthly salary by the Homeowners Association to maintain the grounds and irrigation system and apparently he is not doing much) to the point where they refuse to pay their assessments. This leaves five or six homeowners to pay the large bills.
- 4) The use of irrigation water by individual lot owners was to have been regulated by timers on each lot. Evidently, not all the homeowners are using timers.
- 5) Orchard Mesa Irrigation has a suit pending against J & J Enterprises and Fred Fuhrmeister concerning a ditch ROW across the northern tier of lots. Building permits for these lots are being granted despite the lack of clear title.
- 6) Mrs. Green and Mrs. Hayes have been led to believe that only residents of Lamp Lite Park are obligated to pay an assessment, whereas the truth is that all lot owners, whether living on the property or not, have this obligation.

Our office has jurisdiction over problem No. 1 described above. Our approach will be to meet with the three developers and discuss the improvements which need to be completed. Hopefully, we will be able to agree on what needs to be done and by when. If no agreement can be reached, the matter will be taken before the Planning Commission.

The counter staff will also advise anyone applying for a building permit for lots 41-56 that a legal suit is pending which affects those lots.

Respecting the other concerns/problems which were discussed above, I advised Mrs. Green and Mrs. Hayes to familiarize themselves with files 37-77, 70-77, and 64-78 and to seek legal counsel.

If you can, please try to sit in on the meeting with the developers scheduled for 9 a.m., Monday, February 22.

LW/vw

xc: File 64-78
Alex Candelaria

City
County
Development
Department

MEMORANDUM

Reply Requested

Date: 3/23/82

YES NO

To: RON RISH

From: LANCE WILLIAMS
X 1628

The homeowners association at Lamplite Park would like to have the semi-circular planters/traffic control curbing removed from Olson Circle. It is believed that this curbing was poured directly on the asphalt mat, so the paving should not be affected.

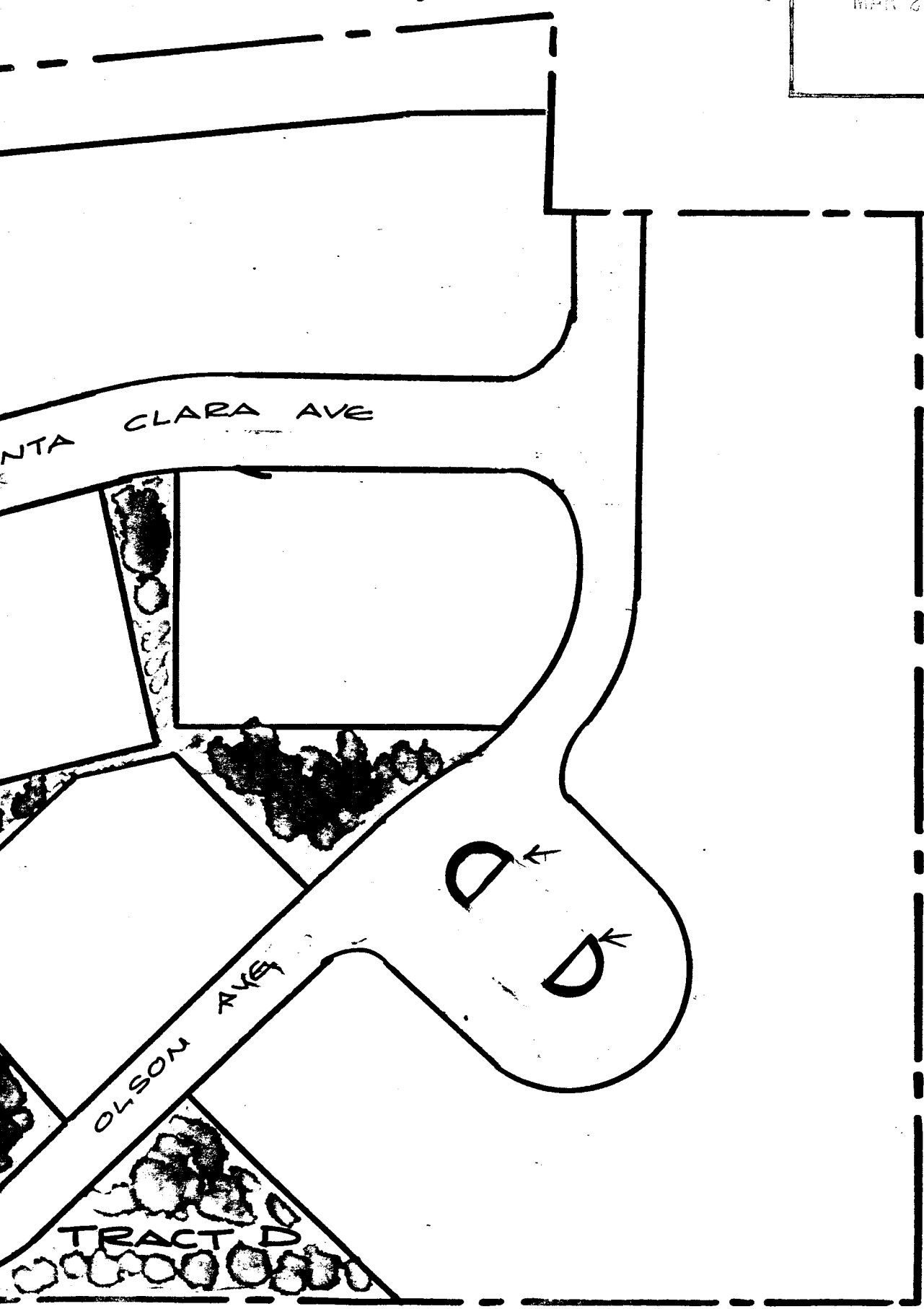
The new developer will pay for & do the removal and authorized by you or the transportation engr. Please give your reply below: (to drop this by our office)

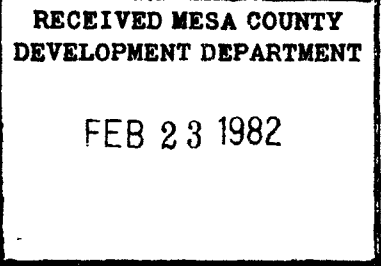
Where will the "guest parking" be then? This project was approved short of adequate parking in my opinion. MR

LITE PARK

LANDSCAPE PLAN

RECEIVED MESA COUNTY
DEVELOPMENT DEPARTMENT
MAR 24 1982





February 23, 1982

Dear Planners and Staff:

Re: Lamplite Park

On January 15, 1982 I purchased the remaining 25 lots in Lamplite Park. Upon study of the plat prior to purchase I found the lot size adequate and development up to that point done in a very orderly manner. I also noted on the plat a 15-foot building separation requirement, plus recorded covenants.

Upon close examination of the lot sizes and separation requirements I found that the buildings I have designed for the subdivision would fit in most cases, but due to the proximity of the rim on lots 41 through 56 I have encountered some problems. On the rim lots I have designed walk-out basement homes with a total width of 37 feet by 34 feet for the single story and 30 by 32 for the two story. These homes fit very nicely on lots 25, 26, 32, 33, 34, 41-48, 50, 51, 55 and 56, but because of the fifteen foot building separation fitting these homes on lots 41-47, 52-54 is very difficult.

When put on zero lot lines the single story house has a typical three foot side-yard. By using the two story model next to each single story model I have a 13-foot building separation and also an eye pleasing mix. By reducing the side-yard requirement on lots 41-56 to 10 feet this will accomplish a workable solution to my problem without affecting subdivision eye appeal.

I welcome any comments you might have and look forward to working with you in the future.

Best regards,

Michael A. Messina
M.A. Messina Construction & Development

FILE # 64-78



CITY - COUNTY PLANNING

grand junction-mesa county 559 white ave. rm. 60 grand jct.,colo. 81501

(303) 244-1628

MEMO

TO: File 64-78, Lamplite Park Subdivision

FROM: Lance Williams *LW*

DATE: March 19, 1982

RE: Lamplite Park Homeowners Association Meeting on March 18, 1982

I attended the Homeowners Association Meeting held at 8:00 p.m. at Columbus Elementary School. Presiding were Mr. Fred Fuhrmeister, Association President, and Mrs. Pat Hayes, Secretary-Treasurer. Twelve other homeowners were present, together with several spouses and Mr. Mike Messina, the new developer.

I discussed what the Planning Department was doing about the lack of landscaping of the open space areas, and solicited comments from the homeowners on what landscaping they would like to have. Following is the consensus on each open space tract discussed:

1. Tract C, which is already planted in grass, should have about six shade trees.
2. Tract D should be dry landscaped -- no grass, but should be planted with a few drought-resistant trees and shrubs, which will be watered by the owner of adjoining lot 24.
3. Tract E should be sodded and receive 6-8 shade trees. A small area, perhaps 20' X 20', could be made into a sandlot for children.
4. No off-street parking or interior sidewalks should be provided, as opposed to the original development plan.
5. The semi-circular planters on Olson Circle should be removed.
6. Mike Messina will be responsible for landscaping Tract B, as it is more a part of the second phase of the development of Lamplite Park. Specific design of this tract will be negotiated among Mike, City Planner Bob Goldin and the present homeowners.

A revised landscape plan will be drawn up immediately. Mike Messina will obtain bids for the work to be done, which will include a sprinkler system for Tract E. The bids will be submitted to Mr. Bob Bray, and he will provide payment to the landscape contractor.

LW/mm

cc: Bob Goldin

April 7, 1982

City of Grand Junction
Planning Department
314 S. 6th Street
Grand Junction, CO 81501

RECEIVED MESA COUNTY
DEVELOPMENT DEPARTMENT
APR 07 1982

Dear Sirs:

I recently purchased Lamplite Park from J & J Enterprises and am in the process of building it out. Upon study of the plat I noted a 15' building separation requirement. This requirement posed several problems for me on lots 8, 41 thru 56. During construction of the subdivision J & J, to address some underground water problems put in a French drain behind lots 41 thru 56.

In construction of this French drain a substantial amount of dirt was moved, changing the contour of the lots to what amounts to a 10' drop off 36' from the street. The original plat designed for homes 25' wide and 38' deep thus allowing a 15' building separation. These homes were targeted primarily for the lower end of the market and although they are somewhat attractive they are not sufficient for our current market. Because of the change in contour and the depth of the sewer line on Santa Clara Ave. All homes built in the future will have to be somewhat wider and have dry basements in them. The homes I have designed for most of these lots are either 2 story with 32' width or 1 story with 37' width. These homes are more attractive and been received by the public very well as 5 are under construction currently and are sold.

On lot 8 I have a similar problem in as much that on the final plat lots 7 & 8 are shown as corrected town homes and in reality lot 7 was built as a single family residence. By reducing the 15' requirement to 10' I can construct an attractive 2 story on this lot and still have excellent building separation.

By reducing the side yard requirement it will not be necessary to rededicate any easements or right of way.

Therefore I respectfully request that the building separation on the remaining lots in Lamplite Park filing #1 be reduced from 15' to 10'. Your cooperation in this matter has been greatly appreciated.

Sincerely,


Michael A. Messina

Lamplite Park
Revised
4-8 B.S.

BK 7367

Page 83

Recorded
4/13/82
by M. Messina

April 13, 1982

Mesa County Clerk & Recorder
314 S. 6th Ave.
Grand Junction, CO 81501

RE: Lamplite Park Side Yard
Requirements

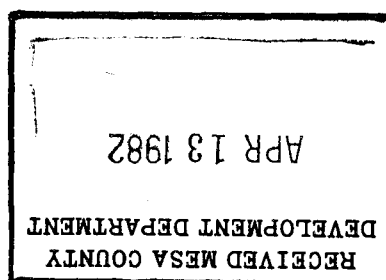
Dear Gentlemen:

Whereas, because of physical restrictions the building separation requirements noted on the final plat of Lamplite Park filing #1 for lots 8, 32, 33 and 41 thru 56 shall be reduced from 15' to 10'. Upon reducing these building separations it shall be noted that no encroachment of easements or rights of way shall exist. It shall also be noted that this reduction in building separation does not alter any recorded lot boundaries or common area dedication.

Sincerely,

Michael A. Messina
MA Messina Construction

Bob Goldin
City Planner



**City
County
Development
Department**

MEMORANDUM

Reply Requested

Date: 5/11/82

 YES NOTo: File 64-78
Lampite #1From: Bob Goldini

Per phone conversation w/
Mike Messina, 5/11/82, 2³⁰ pm,
Messina stated lot 8 would
be the last one built &
he would accommodate lot 7's
request not to encroach into
the 15' set-back previously
approved. A compromise may
result but Messina will
work w/ Mr Green re:
a reasonable solution.

Lamplite #1
file

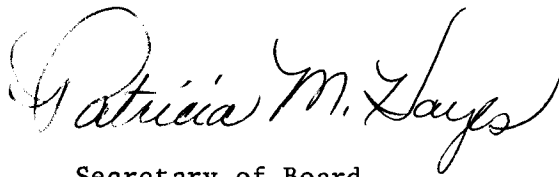
May 12, 1982

TO: Grand Junction Planning Department

RE: Lamplite Park Home Owners Association

It was decided at the Board of Directors Meeting on the 10th of May 1982, that all proposed construction of new houses or additions would also be added to the list of items to be submitted to the Architectural Control Committee, as indicated under Article V of the Declaration of Covenant and conditions and restrictions.

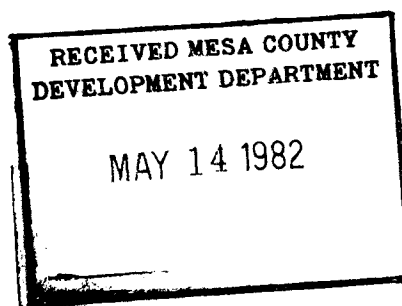
The Lamplite Board is requesting that no building or use permits be issued to any applicant without there plans being approved and signed by the Architectural Control Committee. This is to be effective as of the 11th of May 1982.



Secretary of Board

 243-9166

President of Board



1292503

02:51 PM 81373 P0861
MAY 24, 1982 E.SAWYER, CLK&REC MESA CTY, CO

May 12, 1982

Planning & Zoning Commission
Attention: Bob Golden

Re: Lots 8 and 56, Lamp Lite Park #1

Due to the concern of the adjoining neighbors please change
sideyard requirement from ten feet to fifteen feet as
previously noted on plat.

Thank you for your cooperation.

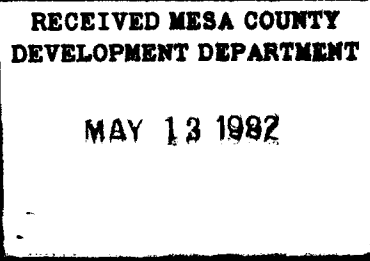
Best regards,

M.A. MESSINA CONSTRUCTION & DEVEL.,



Michael A. Messina

MAM:CAM



**City
County
Development
Department**

MEMORANDUM

Reply Requested

Date: 5/14/82

 YES NOTo: File Lamplite #1From: Bob G

As per conversation with City Atty.
Geoff Ashby, 5/14/82, am —
re: Lamplite Park covenants —

The City cannot enforce private
covenants — it is the Homeowners
responsibility to enforce them.

Covenants are required as part of
the subdivision plat process but
enforcement is internal to
that site — the City is not
involved.

cc. Lance Williams
enforcement



CITY - COUNTY PLANNING

grand junction-mesa county 559 white ave. rm. 60 grand jct.,colo. 81501

(303) 244-1628

Bob Galdin

December 9, 1982

CERTIFIED RETURN RECEIPT
P201 478 704

Mr. Richard Livingston
Attorney at Law
P.O. Box 398
Grand Junction, CO 81502

RE: Lamplite Park Subdivision - Landscaping of Private Open Space
(File #64-78)

Dear Mr. Livingston: -

This letter expresses in writing some of the things we discussed by telephone this morning relative to the failure of the original developers to landscape Tracts "D" and "E" at Lamplite Park. The approved, final development plan required the landscaping, and for some reason it was never done (unlike Tract "C", which had been sodded or seeded).

This department has been attempting to remedy this problem since February of this year, as yet to no avail. Various meetings and conversations with the Lamplite Park Homewoners Association, Mr. Bob Bray, Mr. Fred Fuhrmeister and Mr. Mike Messina have occurred since that time.

As there has been no resolution of this matter over this considerable time period, we are herewith taking the following actions:

- 1) No building permits will be issued for unbuilt lots in Filing 1 (i.e. the existing development).
- 2) Platting of Filing 2, whenever it occurs, will be conditional upon completion of the landscaping in Filing 1.

Building permits for Filing 1 can again be issued when a sufficient amount of funds to complete the needed work (estimated to be about \$10,000) has been placed in an escrow account. In no case will final platting of Filing 2 be allowed until the landscaping has actually been finished.

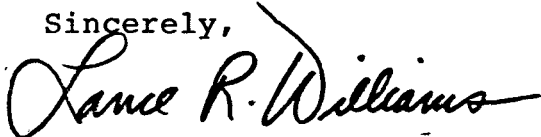
If current residents of Lamplite Park are desirous of re-platting

Letter to Mr. Richard Livingston
December 9, 1982
Page 2

the subdivision to allow the open space areas to be broken up and deeded to adjacent lot owners, they should begin the process in the Planning Department as soon as possible. However, such re-platting will not affect the enforcement actions we are herewith taking until such time as the City Council may approve a re-plat.

We trust that this matter can be satisfactorily resolved in the near future. If you have any questions, please give me a call at 244-1628.

Sincerely,



Lance R. Williams
Development Enforcement Officer

LW/vw

xc: Mr. Mike Messina
Lamplite Park Homeowners Association
Mr. Bob Goldin, City Planner
Mr. Kirk Pittman, Zoning Administrator
Mr. Richard Hollinger, Chief Building Official
Mr. Gene Benson, Planning Technician

A G R E E M E N T

THIS AGREEMENT Made and entered into this 15th day of February, 1983 by and between Michael A. Messina, hereinafter referred to as "Messina" and Jon F. Abrahamson, d/b/a J & J Enterprises, and Lamp Lite Park Joint Venture, hereinafter referred to as "Abrahamson."

WITNESSETH:

WHEREAS, Abrahamson was the owner and developer of Lamp Lite Park Subdivision, and;

WHEREAS, Messina has purchased developed lots in Lamp Lite Park and approximately 5 acres adjacent to the subdivision on the north, and;


WHEREAS, pursuant to the Subdivision Improvements Agreement entered into at the time Lamp Lite Park was platted certain open space improvement in Lamp Lite Park needs to be done.

NOW, THEREFORE, for and in consideration of the transfer of property referenced above, the parties hereto mutually covenant and agree as follows:

1. From and after the date hereof, Messina shall be solely and individually responsible for completion of actions required under the Subdivision Improvements Agreement for Lamp Lite Park Subdivision.

2. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors or assigns.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year first above written.


Jon F. Abrahamson


Michael A. Messina

GOLDEN, MUMBY, SUMMERS & LIVINGSTON

ATTORNEYS AT LAW

MESA UNITED BANK CENTER - 2808 NORTH AVENUE

P. O. BOX 398

GRAND JUNCTION, COLORADO 81502

AREA CODE 303
TELEPHONE 242-7322

JAMES GOLDEN
KEITH G. MUMBY
K. K. SUMMERS
J. RICHARD LIVINGSTON

February 16, 1983

Lance R. Williams
Mesa County Development Department
559 White Avenue, Room 60
Grand Junction, Colorado 81501

Re: Lamp Lite Park Subdivision

Dear Lance:

Enclosed please find a copy of the Agreement entered into between Jon F. Abrahamson and Michael A. Messina, wherein Mr. Messina assumes responsibility for completion of subdivision improvements in Lamp Lite Park Subdivision Filing No. One.

If you have any questions regarding this matter, please do not hesitate to contact me.

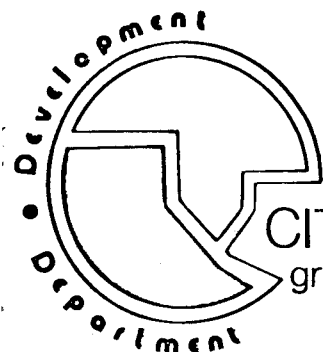
Sincerely,

GOLDEN, MUMBY, SUMMERS & LIVINGSTON

BY


J. Richard Livingston

JRL:db
Enclosure



CITY - COUNTY PLANNING

grand junction-mesa county 559 white ave. rm. 60 grand jct.,colo. 81501

(303) 244-1628

MEMORANDUM

TO: Ron Rish, City Engineer

FROM: Lance R. Williams, City-County Development Enforcement Officer *LRW*

DATE: March 22, 1983

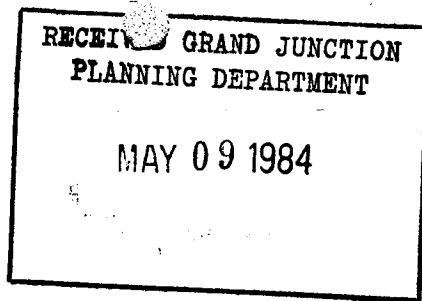
RE: Drainage Problem - Lamplite Park Subdivision ^{#64-78} (located at east end of Santa Clara Avenue on Orchard Mesa)

On March 15, 1983, I received a complaint from Mr. Andy Martinez, who resides at 1154 Olson Avenue in Lamplite Park. He stated that drain water ponds up in front of his and one or two other houses on the west end of Olson Avenue (see enclosed plat reduction). I made a site inspection on March 18 and indeed found there is no provision for the disposition of storm drainage in this part of the subdivision. The drainage plan in the file only very vaguely addressed drainage at this end of the street.

There is not at this time a developer we can seek recourse against. Could we work together on achieving a solution to this problem?

LW/vw

xc: Andy Martinez



May 7, 1984

Dear Homeowner:

There will be a General Meeting of all Lamp Lite Park Homeowners on Thursday, June 7, 1984, at 7 p.m. in the Cafeteria at Orchard Mesa Junior High School. Please make arrangements to attend.

Items of discussion will be:

1. Election of new board members.
2. Decision on what to do with common grounds.
3. Finding someone to operate the irrigation pumps.
4. Care of the common grounds.

Enclosed with this letter is a Statement showing your balance on Home Owners Association Dues. At the present time, there is only \$70.00 in our Operating Account. This is not enough money to pay the balance of taxes for 1983 due on two of the common grounds or insurance on the common grounds (due in May, 1984). With the summer ahead of us, and without money to pay Public Service, it is more than possible that any irrigating done in the subdivision will have to be done on Ute Water.

May I remind you that the covenants, found in the Title Policy you received following closing on your home, a provision was made that a Lien may be filed against any property in the subdivision if Home Owners Association Dues are past due. If a Lien is filed, it could cause problems with the sale of your home in the subdivision or could cause problems if you are trying to apply for any kind of loan.

Your prompt attention to this matter will be appreciated. See you on June 7. Thank you.

Sincerely,

Charles M. Lange
Board Member

Enclosure

CML/ml

cc

Km ✓ let me know results of survey

June 15, 1984

Dear Lamp Lite Park Homeowner:

At the "Homeowners Association" meeting on June 7, 1983, the following items were discussed:

- 1. The common ground problems and a possible solution.
- 2. The "Homeowners Association's" future.

Sutherland

Three options were presented to our group by Mr. Mike ~~Sullivan~~ from the Grand Junction City Planning Department and myself. The options are:

1. KEEP THE COMMON GROUNDS AND "HOMEOWNERS ASSOCIATION" AS IT IS SET UP NOW.

If this option is chosen, new board members will have to be elected and someone found to run the irrigation pumps and care for the common grounds. With this option, if the association were to run low on funds and be unable to pay the taxes on the common grounds, Mesa County could place a lien on every home in the subdivision until said taxes are paid. As you know, a lien on your property could mean problems with a possible sale or personal loan you wish to acquire. Barring any major repairs to the sprinkling system or pumps, estimated operating costs for maintaining the common grounds and pump system for 1984 is:

Liability Insurance	\$ 190.00
Taxes	1,000.00
Electricity for pumps	500.00
Care of common grounds and pump operation	<u>1,200.00</u>
TOTAL ESTIMATE	<u>\$2,890.00</u>

COPY

2. KEEP THE "HOMEOWNERS ASSOCIATION" AND DONATE THE COMMON GROUNDS TO A NON-PROFIT ORGANIZATION.

It is highly unlikely that we could find a non-profit organization to take the common grounds since major utility lines run thru them.

3. RE-SURVEY THE COMMON AREA AND DEED IT TO THE ADJACENT HOMEOWNERS' LOTS.

Each homeowner adjacent to common area (excluding the R.V. storage area) would incorporate his portion of the area into his property. This area will be determined by a survey and re-plat of the subdivision to be approved by the Grand Junction City Planning Department. Costs of the abovesaid survey and re-plat should be around \$3,300 or \$58 per lot. The City Planning Department suggested selling the R.V. storage area as a means of reimbursing each homeowner for his \$58 portion of the survey and re-plat fee with the balance being put into an account for pump and irrigation system repair or replacement. The additional monies would also help cover a "City Park Fee" if the city should elect to impose this fee (this fee is standard for all new subdivisions without common areas). I understand that taxes on enlarged lots would increase \$10 to \$15.

If Option 3 is chosen, another decision will need to be made.

3A. ELIMINATE THE 'HOMEOWNERS ASSOCIATION' AND ESTABLISH A 'WATERING ASSOCIATION'.

If a 'Watering Association is formed, each lot will have one vote in the Association and each lot owner will be required to be a member and pay his dues in this Association.

3B. KEEP THE 'HOMEOWNERS ASSOCIATION'.

Each lot will still have one vote in the Association and each lot owner will still be required to be a member and pay dues in this Association.

In order for any option to be approved, a 60% vote must be obtained. Regardless of the option chosen, ALL PAST DUE HOMEOWNER ASSOCIATION DUES MUST BE PAID!

Please vote on the enclosed ballot and return to me within one week from the above date. Thank you for taking the time and effort to make the decision you feel best in this matter.

Yours truly,

Charles M. Lange

Enclosure

CML/ml

cc

COPY

"BALLOT"

#1

KEEP THE COMMON GROUNDS AND "HOME OWNERS ASSOCIATION AS IT IS SET UP NOW.

#2

KEEP THE "HOMEOWNERS ASSOCIATION" AND DONATE THE COMMON GROUNDS TO A NON-PROFIT ORGANIZATION.

#3

RE-SURVEY THE COMMON AREA AND DEED IT TO THE ADJACENT HOMEOWNER'S LOTS.

#3A

ELIMINATE THE "HOMEOWNERS ASSOCIATION" AND ESTABLISH A "WATERING ASSOCIATION".

#3B

KEEP THE "HOMEOWNERS ASSOCIATION".

COPY

#3a

SELL THE R.V. STORAGE AREA TO REIMBURSE HOMEOWNERS FOR THEIR EXPENSE IN THE RE-SURVEY.

#3b

KEEP THE R.V. STORAGE AREA AND PAY TAXES AND INSURANCE ON THIS YEARLY.

Implicite

PRAKKEN & COEBERGH, P.C.

ATTORNEYS

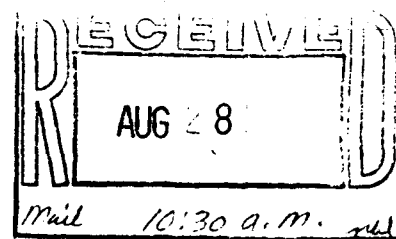
SUITE 505

VALLEY FEDERAL PLAZA

P.O. BOX 27

GRAND JUNCTION, COLORADO 81502

(303) 242-1770



WILLIAM D. PRAKKEN
PHILIP COEBERGH

August 24, 1984

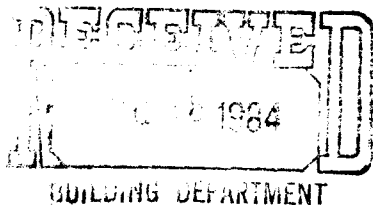
Ms. Neva Lockhart
City Clerk
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

Re: Notice to the City of Grand Junction, Colorado
Pursuant to C.R.S. §24-10-109

Dear Neva:

My firm has been retained by Larry Anderegg and his wife in regard to problems with a home they purchased at 1158 Santa Clara, Grand Junction, Colorado. The home was built by Michael Messina in the Lamp Lite Park Subdivision in 1982. Because of problems with the soil at the Anderegg home, it has recently become apparent that legal action will be necessary for the Andereggs to recover their investment in the home. The Andereggs hereby give the City notice that they intend to make a claim against the City for acts or omissions on the part of the City Building Department and/or Building Inspector or their employees in administering and enforcing the codes regulating building construction. As a result of the actions of the City Building Department and/or Building Inspector and the builder Michael Messina, the Andereggs have now been ordered to vacate their home by September 15, 1984.

It is the Andereggs' position that the City and Mr. Messina were aware of the likely problems in the Lamp Lite Park Subdivision, but that permits were granted for the construction despite the known problems. Mr. Anderegg



Ms. Neva Lockhart
Page Two
August 24, 1984

was informed neither by the City nor by Mr. Messina of the likelihood of problems with the soil at his home.

As a result of the improper acts or omissions of the building officials and of Mr. Messina, the Andereggs have suffered a loss in value of their home in the approximate amount of \$65,000. The current address of the Andereggs is 1343 Hall Avenue, Grand Junction, Colorado 81501. The problem with the soil underneath the home has been evident for sometime, but the extent of the problem and the obvious need to take legal steps only became evident recently with confirmation thereof in a letter from Roy Anderson, Chief Building Official, to Mr. Anderegg dated August 20, 1984.

Please present this notice to the City Council and note that I have sent a copy of the letter to Gerald Ashby as attorney for the City. I will expect to hear from you if you have any questions.

Very truly yours,



Philip Coebergh

bt

cc: Gerald Ashby

Larry Anderegg



CITY-COUNTY BUILDING DEPARTMENT

634 MAIN STREET GRAND JUNCTION, CO 81501 244-1631

October 29, 1984

Mr. Swain Munson
Cornell University
Box 432, Sage Hill
Ithaca, New York 14853

Dear Mr. Munson:

On October 26, 1984, Building Inspector Dan Davis and I inspected your home located at 1160 Santa Clara.

Although there is some earth settlement under the rear foundation wall, there are no signs of stress or damage to the structure itself at this time. We would, however, like to inspect your house at least every two weeks for the next several months to make sure that the existing situation does not change.

If new cracks and settlement occur in the soils under the structure, we may have to take action similar to that taken at 1156 and 1158 Santa Clara.

I have spoken to your new renter and he is quite willing to work with us and allow entry for inspection purposes. Therefore, I will turn the keys to your house over to Larry Anderegg per your request.

Thank you for your cooperation. We will keep you apprised of any new developments.

Sincerely,

Roy "Andy" Anderson
Chief Building Official

RAA/bc
Certified #P-612-298-049



CITY-COUNTY BUILDING DEPARTMENT

634 MAIN STREET GRAND JUNCTION, CO 81501 244-1631

MEMORANDUM

TO: Mark Achen, City Manager
 Gerald Ashby, City Attorney
 Bennett Boeschstein, Director of County Planning
 Bob Carmen, County Engineer
 Lyle Dechant, County Attorney
 Mark Eckert, Assistant County Administrator
 Bob Goldin, Senior City Planner
 John Kinney, City Engineer
 Karl Metzner, Director of City Planning
 Mike Sutherland, City Planning

FROM: Roy "Andy" Anderson, Chief Building Official *RAA*

DATE: May 14, 1985

SUBJECT: Lamplite Park Subdivision Land Slide Problems

There is a meeting scheduled for Friday, May 24, 1985, at 10:00 a.m. to be held in the City Manager's Conference Room. Please try to attend, but if you cannot, please send someone to represent your department.

The main subject for discussion will be the Lamplite Subdivision and the recent damage to structures built along and near an active landslide area overlooking the Colorado River and within that subdivision.

I have asked Mr. John Rold, State Geologist, to attend the meeting. He has agreed to discuss the problem of the landslide with us with the understanding that there will be no charge for this visit and consultation.

The problems being experienced in the Lamplite Subdivision are not unique. There are also slide problems near Collbran, Mesa and Vega Lake. Other geologic considerations include rockfall hazards, storm runoff and flooding. The ever present question is who should be responsible to see that these hazards are properly mitigated. Should it be the developer, the building contractor, the engineer providing the soil's report, the planning department, the building department, or the city or county engineer. The answer to this question will most probably take some time and careful consideration since all of the entities mentioned play a roll in the process. This is, however, a question that both the City and County should ask for themselves and answer as soon as possible.

RAA/bc
 cc John Rold, State Geologist
 Gordon Tiffany, County Administrator

#64 78

STATE OF COLORADO



Lamplite Park
final plan file

RICHARD D. LAMM
GOVERNOR

JOHN W. ROLD
DIRECTOR

COLORADO GEOLOGICAL SURVEY
DEPARTMENT OF NATURAL RESOURCES
715 STATE CENTENNIAL BUILDING — 1313 SHERMAN STREET
DENVER, COLORADO 80203 PHONE (303) 866-2611

August 5, 1985

Roy Anderson
Chief Building Official
City of Grand Junction
Grand Junction, Colorado 81501-2791

To: Bob Goldin
City Planning
From: Andy

Dear Mr. Anderson:

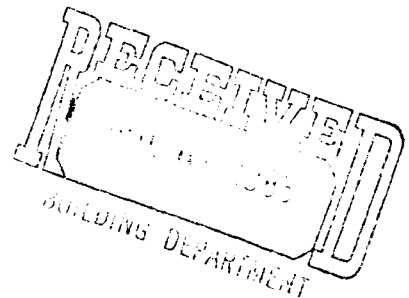
This letter is to confirm our discussion of July 27, 1985 regarding the general scope of services, cost and scheduling for a study of the Lamplite Subdivision landslide area by the Colorado Geological Survey for the City of Grand Junction.

The study would be designed to identify the type of landslide process operating, to locate the slide plane(s), to determine the factors causing the continuing instability and to make recommendations for management of the slide area. We will need four months from receipt of the City's formal authorization of the work to complete our report.

The work we propose will require core drilling of six holes to a depth of approximately fifty feet. They would all probably be located between the slide scarp and the Colorado River, so we request that the City make arrangements for access to private property. To get the needed information the borings will need to be cored continuously. The material encountered will include soil, gravel, broken shale rock and undisturbed shale rock. The best type of drill that we know of for coring this variety of material is a continuous flight hollow stem auger with a wire line core barrel.

It would be our preference that the city make the financial arrangements for drilling but we would have to approve the equipment & drilling specifications to ensure that needed information is obtained. It would also be a good idea to install perforated plastic pipe so that the water levels in the slide can be monitored. We would provide a geologist to locate the boring sites, log the cores and generally supervise the drilling. The drilling contractor should provide a complete crew to operate the rig, and provide access roads as necessary to locations staked by the C.G.S.

#64 78



G E O L O G Y
STORY OF THE PAST... KEY TO THE FUTURE

Roy Anderson
August 5, 1985
Page 2

Cost estimates for CGS work are as follows:

1) Senior geologist, 160 hrs @ \$52.00 =	\$8,320.00
2) Travel and per diem at actual cost	<u>\$750.00</u>
Total C.G.S. cost.....	\$9,070.00

Estimated cost for Drilling Contractor, approx. 300 ft of core drilling and completion as observation wells.....	\$6,000.00
Soil and rock lab. testing to C.G.S. specification.....	<u>\$1,000.00</u>
Total drilling and testing.....	\$7,000.00

Grand Total \$16,070.00

Our costs to the City will not exceed \$9,070.00. The \$7,000.00 budget requested for core drilling and lab. testing would be subject to your actual arrangements with a drilling contractor, and geotechnical testing laboratory.

If you require additional information, please contact me.

Sincerely,

William P. Rogers

William P. Rogers, Chief
Environmental and Engineering Geology Section

ca:WPR-86-007

Lamp Light Subdivision
file

YOUNGE & HOCKENSMITH

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

200 GRAND AVE., SUITE 500

P.O. BOX 1768

GRAND JUNCTION, COLORADO 81502-1768

303-242-2645

OF COUNSEL
THOMAS K. YOUNGE

FRANK M. HOCKENSMITH
DAN G. GRIFFIN
KIRK RIDER
JAMES S. CASEBOLT
RONALD W. GIBBS
CATHY P. HOLLINGSWORTH
GARY L. DOENLING
TERRY D. SLATER
EARL G. RHODES

August 14, 1985

To: Bob Goldin
From: Andy
Subject: Lamp Light Subdivision
Date: 8/26/85
FYI

C. Joseph Croker, Esq.
LACROIX, ACHZIGER, MULTZ & CROKER, P.C.
P. O. Box 2685
Grand Junction, Colorado 81502

RE: Larry Anderegg and Cheryl Anderegg v. Michael Messina,
et al. - Civil Action No. 84 CV 1067

Dear Joe:

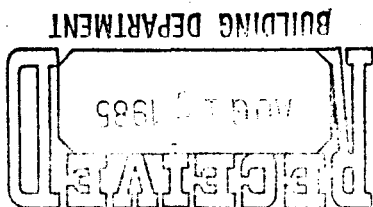
I called you the other day at the request of Andy Anderson, the City Building Inspector. As you may know, there are ongoing problems with the Lamplight Park Subdivision, and the City is desirous of doing some general investigation as to the nature of the escarpment. In order to accomplish this, it is necessary that persons from the Colorado Geological Survey be allowed on the property of your client, Mr. Messina, in order to drill some test holes. Therefore, may this letter serve as a request of Mr. Messina from the City of Grand Junction for permission to enter onto his property. Of course, the City can inform Mr. Messina of the exact type of drilling that will be done and the date upon which access is necessary.

I would appreciate it if you would call me with a response. Thank you in advance for your cooperation.

Very truly yours,

YOUNGE & HOCKENSMITH
Professional Corporation

By *ER*
Earl G. Rhodes #64 79



EGR:sma

cc: Roy A. Anderson, Chief Building Official

Objective No. 1

Determine what further study by the Survey would accomplish, give an estimation of the study costs, and the costs to implement the study recommendations.

Further investigation would consist of shallow soil borings and test pits to determine the exact location of the original scarp to evaluate long-term stability of Santa Clara Avenue and the potential threat to underground utilities located in Santa Clara Avenue. These results may then lead to a slope stabilization plan.

The cost estimates for the study are as follows:

Drilling & excavation.....	\$ 7,100 - 9,150
Geological Survey Fee.....	12,000
Contingency	2,000
Total	21,000 - 23,150

The drilling and excavation cost is the Surveys' estimate of the cost range at which private contractors will bid the work. The Survey's fee includes the design of the study, supervision of the drilling and excavation, plus the analysis and reporting of the findings. The \$2,000 contingency cost is provided only to ensure that total costs will be within this range; it may never be spent. Once the Survey has completed the study, they will be able to determine if there will be any additional costs, and if so, the cost of implementing the study's recommendations.

The principal problem associated with the landslide issue is that the original scarp has been completely obscured by the Lamp Lite subdivision residences. This makes it extremely difficult for the State Geologists to give an opinion on two very important questions: 1) Is the surface distress observed on the site due to motion of the actual slide mass along the original scarp, or is it just due to settlement and failure of the fill wedge placed during overlot grading as a part of the development? and; 2) If motion has been reinitiated along the main head scarp, will it continue to the point that lateral support behind the scarp will be reduced allowing a new scarp to form further to the south?

There is some evidence of minor cracking in the asphaltic pavement of Santa Clara Avenue, but no direct indication that this is related to the slide.

A network of relatively deep trenches oriented north-south across the trend of the original scarp might provide some useful information regarding the resolution of the above questions. Water levels and safety considerations in the

loose, granular material may preclude actual inspection of the area of critical interest, however. Therefore, dewatering and shoring of the trenches would be necessary.

The results of this test may then suggest a slope stabilization plan. The most extensive alternative would consist of a drainage gallery with associated outfalls to the river, grading of the slope, and development, and the undisturbed alluvial material above and immediately south of the original main scarp. The State Geologist feels the City should develop an action plan as soon as possible.

Objective No. 2

Estimate the cost to purchase all privately owned residential units on the north side of Santa Clara Avenue and east of address 1154.

(Note: The following estimates are by the City Planning Department and not by a professional appraiser. Therefore, the City may want to have a formal appraisal completed prior to any action by the Council).

There is a clear question of the highest and best use of the residential units, and what the property that will support as the highest present value. The Lamp Lite Subdivision is zoned residential. Although the State Geologist and the Chief Building Inspector both believe that all of the above mentioned residential properties will eventually be condemned, and it would be in the best interest of the City for these properties to be removed, for the purpose of this report, the property must be valued under its present residential use.

The houses on the north and south side of Santa Clara are not truly comparable. The houses on the north side are larger, have garages instead of carports and are generally a better built home. The homes on the north side of Santa Clara compare favorably with those in the nearby Lynwood Subdivision which have an average listing price of \$34,000 and an average sales price of \$32,000. The available market data for homes on Santa Clara in Lamp Lite Subdivision is presented below:

1147 Santa Clara under contract for	\$22,000
1153 Santa Clara active list (repo).....	29,000
1155 Santa Clara active list (repo).....	22,500
1156 Santa Clara sale, condemned prop.....	10,000
1165 Santa Clara active list.....	29,000
1179 Santa Clara FHA.....	24,500

Because of current market conditions and the unique situation of the Lamp Lite houses, there is very limited data to analyze. In addition, there is very little demand for the houses on the north side of Santa Clara except for speculation or relocation purposes. The City would have little need for a park in the Lamp Lite area, since the Duck Pond Park and Orchard Mesa Jr. High fields and park are both within one-half mile of Lamp Lite Subdivision. Therefore, based on the available data, our estimation of the cost to purchase the privately owned properties is as follows:

Address	Purchase Price
1156 Santa Clara	\$10,000
1168 & 70 Santa Clara	50,000
1178 Santa Clara	15,000
Total	75,000

The total cost to the City for obtaining all of the government owned lots, after the houses have been removed, has not been determined. There are however, several options available.

Objective No. 3

Determine the procedure necessary for the Grand Junction City Council to legally put a hold on all building permits in the Lamp Lite subdivision north of Santa Clara Avenue and east of address 1154.

The Building Inspector has already put an informal hold on any building permit for the previously indicated addresses pursuant to the Colorado State Geologists Lamp Lite Landslide Report. In this report the State Geologist stated: "We feel there is no cost effective way to allow long-term continued residential use of the lots north of Santa Clara Avenue east of address 1154." Further, both the Chief Building Inspector and the Colorado State Geologist believe that all of the above mentioned addresses will eventually be condemned. Thus, the temporary action taken by the Building Inspector and any formal action taken by the City Council will ensure that the situation is not made worse by additional development. Also that the interest of health, safety and welfare will have additional protection. The Building Inspector will formally implement the building permit freeze upon the written request of the City.

Building permits may be legally withheld under the Uniform Building Code, as adopted by the City of Grand Junction under Chapter 2, Sec. 203, Unsafe Buildings; Chapter 3, Sec. 303 (a) Issuance and (e) Suspension or Revocation; and Sec. 307 (f) Revocation of Certificate of Occupancy ("C.O."). These four sections allow building official to withhold or revoke a permit or C.O. where there has been an error or incorrect information in the original or proposed plans. That the houses are located on a landslide is sufficient evidence of errors or incorrect information. Further, the City is empowered under C.R.S. Sec. 24-65.1-101 (a) and (c) to protect the health, safety and welfare of the people and to protect the land and environment of the state.

The Council may, therefore, direct the Building Inspector to formally freeze all building permits until the degree of risk is determined and any mitigating actions are decided. All corresponding planning clearances will automatically be frozen by the Council directive.

**LAMPLITE PARK LANDSLIDE INVESTIGATION
SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS**

Conclusions:

- 1) Original landslide was rotational and existed prior to 1954. Sometime between 1954 and 1973 the slide area was significantly altered by both quarrying and filling.
- 2) Main scarp is buried under 15 to 20 feet of fill and the location could not be specifically determined. Inferred location is at or below foundations of the structures on the north side of Santa Clara.
- 3) At this time just the upper portion of the slide mass is failing. Potentially, the weight of the upper mass could cause middle and lower sections to move.
- 4) Reinitiation of slide was caused by two main factors:
 - a) Additional weight caused by structures and fill.
 - b) Lubrication of slide planes caused by increased moisture in the slide mass.
- 5) Cost to stabilize slide with structures in place would exceed value of properties.
- 6) Residential uses should be discontinued beyond very short term.

Recommendations:

- 1) Additional investigation to determine exact location of scarp to evaluate long-term stability of road and utilities.
- 2) If determined feasible by #1, stabilized slope by dewatering and regrading.
- 3) Discontinue long-term residential use and remove structures.
- 4) If short-term residential use is continued, residences should be notified of dangers and monitoring systems should be installed to detect gas leaks.

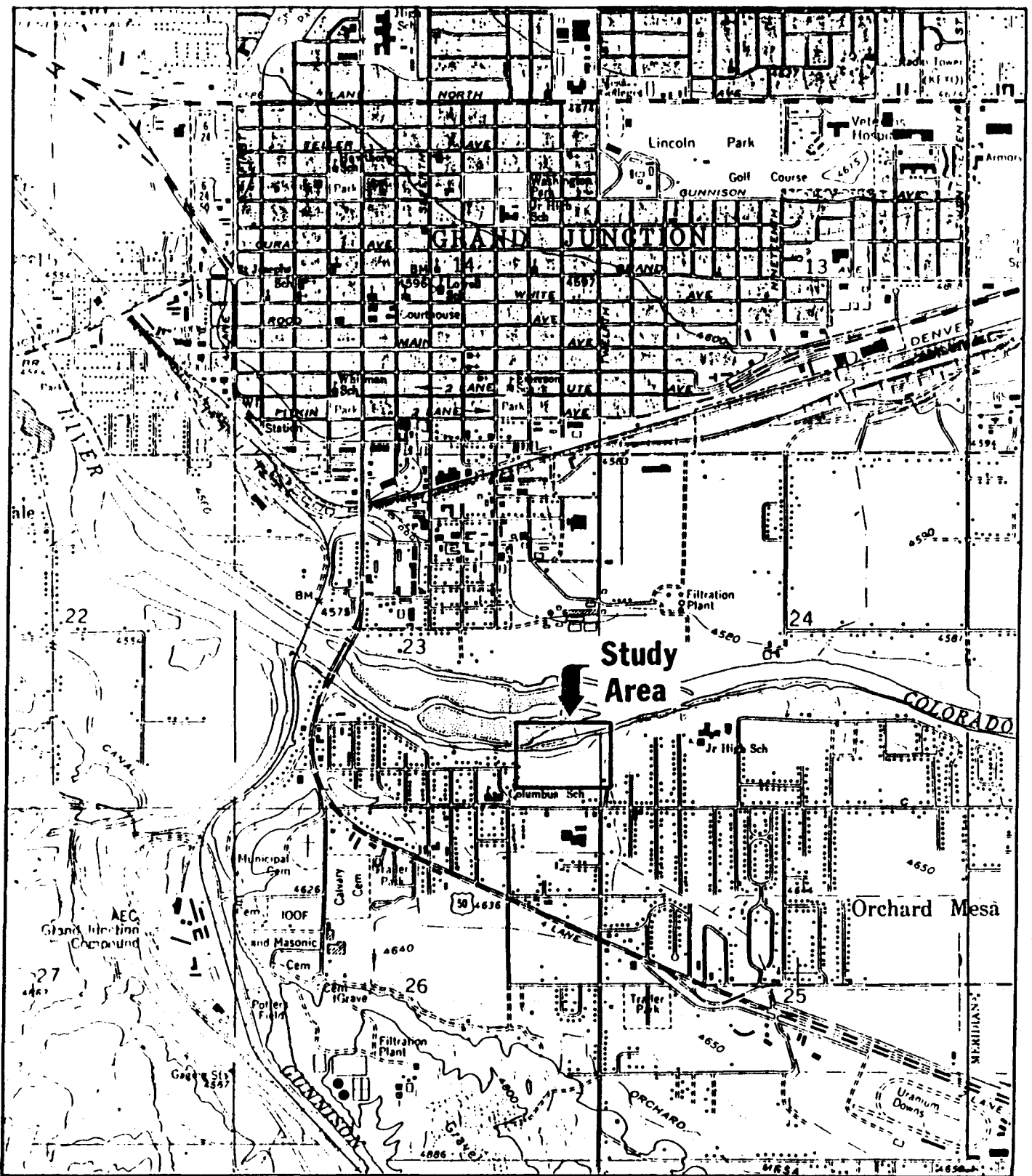


Figure 1. Lamplite Park location map.

Carl Blake re: Lamp Lite

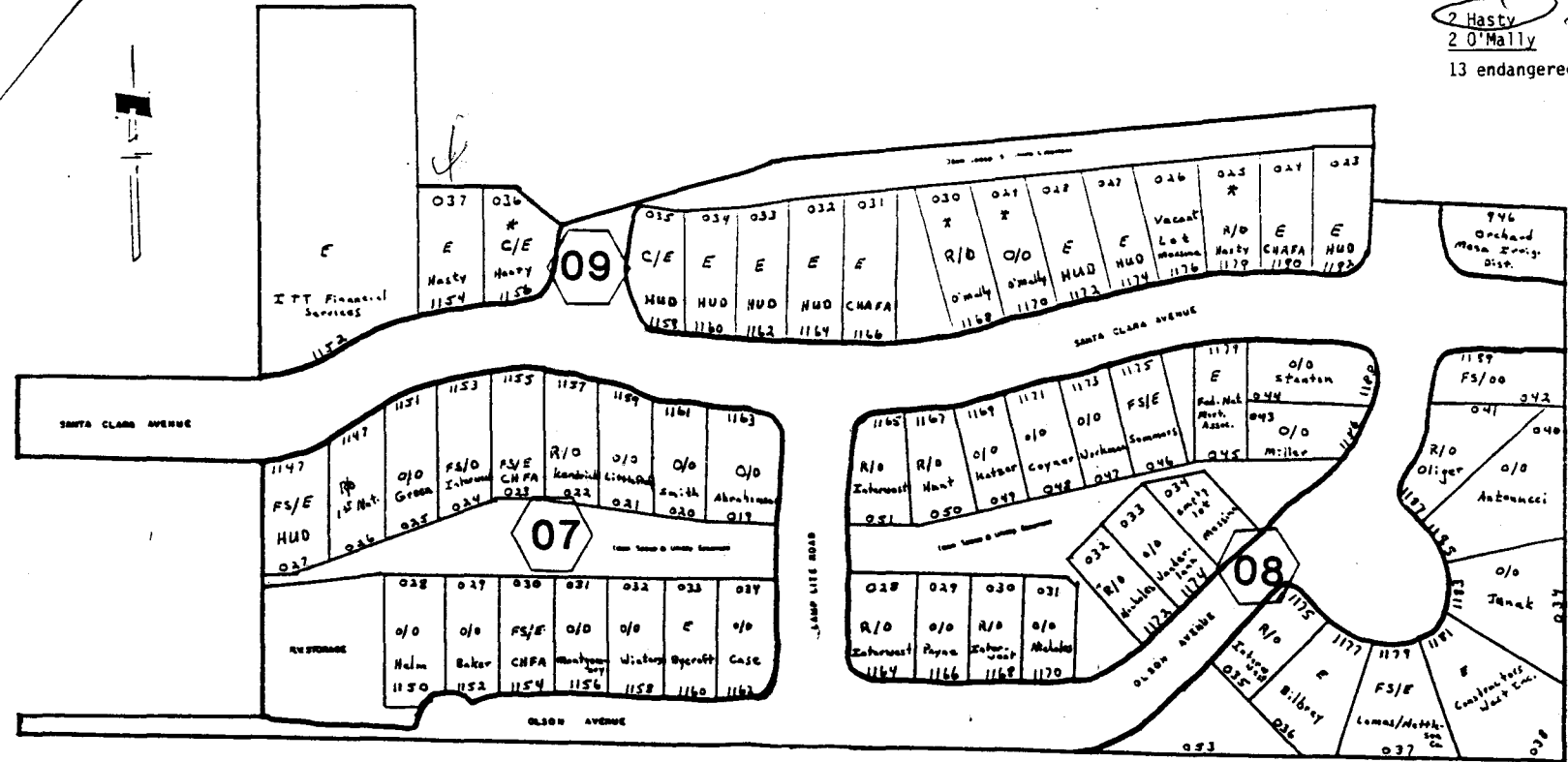
LAMP LITE PARK FILING NO. ONE AMENDED

Homes in Slide Area

7 HUD
2 CHAFA

2 Hasty
2 O'Mally

13 endangered houses



Explanation

Occupancy status	No. of units
E = empty	21
C = condemned	2
R = rental	8
O = occupied	33
o/o = owner occupied	21
FS = for sale (sign)	7

2 digit number = block #
 3 digit number = parcel #
 4 digit number = street address
 Owners name listed between occupancy status and parcel street address

2945-234-

AREA QUANTITIES

Total Area = 200 000	0.000000
Total Area in 2000 Yards	0.000000
Total Area in 1000 Yards	0.000000
Total Area in 500 Yards	0.000000
Total Area in 250 Yards	0.000000
Total Area in 125 Yards	0.000000
Total Area in 62.5 Yards	0.000000
Total Area in 31.25 Yards	0.000000
Total Area in 15.625 Yards	0.000000
Total Area in 7.8125 Yards	0.000000
Total Area in 3.90625 Yards	0.000000
Total Area in 1.953125 Yards	0.000000
Total Area in 0.9765625 Yards	0.000000

*Greg
PMT
Karl*

TO: Jim Shanks, Public Works & Utilities
FROM: Mark Achen, City Manager *[Signature]*
DATE: March 2, 1987
SUBJ: Lamplite Park Subdivision subsidence

Please have the planning division with City Attorney Ashby's assistance prepare a report on the legal issues and status of this matter. The report should include a discussion of the city's options for recovering expenses or penalizing responsible parties, e.g. denying them city business or prohibiting them from doing business in the city.

Also indicate legal actions that have occurred to date in this matter and their status. Submit this report by March 12th for distribution with packets for Council's March 16th workshop.

cc: City Attorney Ashby
Karl Metzner, Planning Director

/mka

Greg

If you have any comments please submit them to Terri Troutman by the 10th

Karl: I really do not like the preferred list concept, but that is not a legal issue.

Note deletions [Signature]

*T looks
Greg*

p.s. Write on the draft



Grand Junction Planning Department
559 White Avenue, Room 60
Grand Junction, Colorado 81501-2643
(303) 244-1648

MEMORANDUM

TO: City Council Members
FROM: City Planning Department
City Attorney
City/County Building Department

DATE: March 6, 1987

RE: Lamplite Park Subdivision ~~Subsidence~~

Landslide
Subdivision (?)
small landslide.

The following is a report on legal issues and status, and legal actions and status of Lamplite Park ~~Subsidence~~ as they relate to the City of Grand Junction (City), including options for the City to either recover expenses or penalize responsible parties.

Introduction

On March 2, 1987 Council heard the recommendation by the Growth and Planning Committee that \$15,000 be approved for the second phase study by the Colorado Geological Survey (CGS). Councilman Bennett raised the issues of compensation to the City for its cost, and penalizing responsible parties, e.g. denying them the City's business.

Conclusion

~~from their current location to~~
ol

There have been two lawsuits involving the City; both have had favorable dispositions. The City has little risk in further suits against it, particularly if the houses, located on the head scarp of the landslide, are removed, *because of notice provision of Governmental Immunity Act and slide not continuing.* So far, the City has not suffered any physical damage and, therefore, has no right to legal action against any party. The cost for the CGS surveys was voluntary and taken as a ~~preemptive~~ *preventative* measure; the courts do not compensate this type of cost. *to protect our own self interest*

Rather than prematurely penalize involved parties and increase the City's exposure to additional lawsuits, we ~~recommend~~ *may* the City ~~initiate~~ a preferred contractor list to reward those firms who have provided exceptional service.

Consider

However, even suggest this as option may create its own problems, identifying and eliminating... particularly if no way.

History of Lamplite Subdivision

- * Annexed to Grand Junction in 1973. Lamplite was submitted for subdivision in 1977, PD8 by Furmeister, Land and Abrahamson.
- Geotechnical report by Lincoln-DeVore indicates houses can be built on site if both site and foundations are properly engineered. Site work is begun but never completed, since ~~Paragon engineering (engineer for subdivision, since folded) indicated that the work was being improperly done.~~
- * Mike Messina (no longer in Grand Junction) purchased lots in interest in 1982 from J & J Enterprises (which has since gone bankrupt) and built houses in the immediate area of the head scarp of the landslide. The foundations were engineered by Tom Beck of Beck-Shrum (has since left the area).
- * Problems with ground failure affecting landscaping and foundations occur in 1983. Anderegg and Smith houses are condemned.
- * Lawsuit filed by Anderegg; suit dismissed.
- * Lawsuit filed by Smith
- * City approached by Colorado Geological Survey (CGS) to see if assistance was required. The City, acting to protect self-interest in Santa Clara Avenue and its utilities lying under the street, commissioned the study (Conclusions and Recommendations Summary attached.)
- * Smith lawsuit ^{against the city and county were} settled out of court due to change in law. The lawsuit has continued as to the remaining ~~parties~~ defendants. *what since*
- * Council ~~considers buy-out of remaining private homes; decides not City's responsibility, rather, should leave problem to~~ ^{individuals suing the lenders on their own} errors and omissions insurance of the lender or ^{other} private ^{legal} suit actions. *City will assist residents by providing early ^{landslide} warning as part of second phase of geological study and coordinating available programs. for errors and omissions they made*
- * The study by CGS to determine exact location of the original scarp of slide, to evaluate long-term stability of the houses and Santa Clara Avenue, and the potential threat to underground utilities located beneath Santa Clara Avenue, is being considered by Council.

Legal Issues/Actions and Their Status

Regarding Anderegg v. City of Grand Junction, the suit alleged that Grand Junction, the builder, and the foundation engineer should compensate the Anderegg's for cost, including \$65,000 for the home. The matter was dismissed by order of the court as a result of a motion to dismiss. The motion argued that the City

was immune from suit based upon the Public Duty Doctrine. The court agreed and dismissed Anderegg's claim. It is to be noted that subsequent to the court's decision, the Colorado Supreme Court in Leak v. Cain abrogated the Public Duty Doctrine. There is, therefore, some possibility of the judge's decision being reversed in the future.

not unless appeal time has not passed

by the judge lower courts decision that is future case of a future agreed upon

law changed

Regarding the Smith case, using similar arguments, the matter was resolved in the summer of 1986 ^{by} settlement, half of which came from the City and half from the County. The City's insurer has asked that the settlement amount remain confidential.

The matter was not simply dropped like the Anderegg case because of the change in the case law.

There are houses in the Lamplite Subdivision which have some damage and others which may be damaged in the future. As to the Smith and Anderegg claims, Earl Rhodes, who handled the cases for the City, had occasion to look at the question of the City's exposure for approval of the subdivision and approval of building permits. He feels the City is not at risk for its issuance of building permits, since the City required the subject foundations be engineered and were, in fact, presented with engineered plans. It is Mr. Rhodes' position that the City is not qualified to review the work of a professional engineer and must accept the engineer's work unless it is on notice of some gross or obvious irregularity.

In regard to subdivision approval, ~~there may be a jury question as to the City's responsibility. Here again, however,~~ the records show that the City has in its possession a soils report from Lincoln-DeVore which recommends construction of dwellings on the slide area conditional upon engineered foundations. In this instance as well, the recommendation was followed and the City cannot be put in the position of having to second guess a professional recommendation.

HUD, owner of seven houses in the slide area, has reviewed the possibility of legal action against the City. As a general rule, each case must be dealt with individually to see whether there is a defense. It appears that the homes will be removed before any additional structural damage occurs, which seems to make the issue moot.

?
should 3' mound

Legal Actions Available to the City

To date the City has not suffered any damage and, therefore, has no cause of action. The cost incurred by the City, ~~to date,~~ for the CGS studies, ~~though hopefully preemptive of damage,~~ is voluntary. The court does not compensate for speculative damages or costs voluntarily incurred. If the City is sued, it may cross-claim against any of the other available suable defendants. ~~It~~ was not pursued in the Smith case, since it was settled and ~~it~~ would not have been cost-effective, ~~to cross-claim.~~

A counter suit or cross claim

if further legal action

~~even if a cross claim later can not include the cost of the study~~

if cost of

understand

understanding the city, with a suit, would not be compensated

However, even in a cross claim the city would not ~~cannot claim~~ compensation for the cost of the study.

has been

liability

for

Without a legal determination of ~~guilt~~ in this case, it would be presumptuous of the City to take any action which would impair an individual's or company's right to do business or slander their reputation such as by prohibiting them from doing business in the City. What the City can do, and what ~~is~~ done in ^{other} many areas, is to have a preferred contractor list. In that way, ~~the City~~ ^{a consultant or contractor} rewards those who have done consistently high quality work. In the long view, this is a better way to serve both the City and the community. ~~Then, if the City suffers any damage, it can initiate legal action.~~ Even this option, however, can create ~~many~~ problems, ~~therefore~~ ~~we recommend the~~

such as the manner in which the evaluation criteria would be determined and administered



Grand Junction Planning Department
 559 White Avenue, Room 60
 Grand Junction, Colorado 81501-2643
 (303) 244-1648

MEMORANDUM

TO: City Council Members
 FROM: City Planning Department
 City Attorney
 City/County Building Department
 DATE: March 12, 1987
 RE: Lamplite Park Subdivision Landslide

The following is a ^①report on legal issues and status, and legal actions and status of Lamplite Park Subdivision landslide as they relate to the City of Grand Junction (City), ^②including options for the City to either recover expenses or penalize responsible parties.

Introduction

On March 2, 1987 Council heard the recommendation by the Growth and Planning Committee that \$15,000 be approved for the second phase study by the Colorado Geological Survey (CGS). Councilman Bennett raised the issues of compensation to the City for its cost, and penalizing responsible parties, e.g. denying them the City's business.

Conclusion

There have been two lawsuits involving the City; both have had favorable dispositions. The City has little risk in further suits against it, particularly if the houses, located on the head scarp of the landslide, are removed, because of notice provisions of the Governmental Immunity Act and the slide not continuing. *History provided on next page; further details on legal issues & actions on 3rd page*
 So far, the City has not suffered any physical damage and, therefore, has no right to legal action against any party. The cost for the CGS surveys was voluntary and taken as a preventative measure to protect our own self-interest; the courts do not compensate this type of cost.

status

Recovery of #

*example: you have \$100,000 in corn
 neighbor 50 cattle
 if build fence to protect corn before damage done, no compensation
 cattle do damage before built, get cost of damages plus reasonable cost
 to mitigate or prevent further damage.*

Rather than prematurely penalize involved parties and increase the City's exposure to additional lawsuits, we suggest that if the City is to do anything, it consider a preferred contractor list to reward those firms who have provided exceptional service. However, even this option may create its own problems.

History of Lamplite Subdivision

- * Annexed to Grand Junction in 1973. Lamplite was submitted for subdivision in 1977, PD8 by Furmeister, Land and Abrahamson.
 - Geotechnical report by Lincoln-DeVore indicates houses can be built on site if both site and foundations are properly engineered. Site work is begun but never completed.
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- * Lawsuit filed by Smith.
- * City approached by Colorado Geological Survey (CGS) to see if assistance was required. The City, acting to protect self-interest in Santa Clara Avenue and its utilities lying under the street, commissioned the study (Conclusions and Recommendations Summary attached.)
- * Smith lawsuit against the City and County was settled out of court due to a change in the law. The lawsuit is continuing against the remaining defendants.
- * The study by CGS to determine exact location of the original scarp of slide, to evaluate long-term stability of the houses and Santa Clara Avenue, and the potential threat to underground utilities located beneath Santa Clara Avenue, is being considered by Council.

Legal Issues/Actions and Their Status

Regarding Anderegg v. City of Grand Junction, the suit alleged that Grand Junction, the builder, and the foundation engineer should compensate the Anderegg's for cost, including \$65,000 for the home. The matter was dismissed by order of the court as a result of a motion to dismiss. The motion argued that the City was immune from suit based upon the Public Duty Doctrine. The court agreed and dismissed Anderegg's claim. It is to be noted that subsequent to the court's decision, the Colorado Supreme Court in Leak v. Cain abrogated the Public Duty Doctrine. There is, therefore, some possibility of a future Lamplite Subdivision case having a different holding.

Regarding the Smith case, the matter was resolved in the summer of 1986. The matter was not simply dropped by the court like the Anderegg case because of the change in the case law. A settlement was agreed upon, half of which came from the City and half from the County. The City's insurer has asked that the settlement amount remain confidential.

There are houses in the Lamplite Subdivision which have some damage and others which may be damaged in the future. As to the Smith and Anderegg claims, Earl Rhodes, who handled the cases for the City, had occasion to look at the question of the City's exposure for approval of the subdivision and approval of building permits. He feels the City is not at risk for its issuance of building permits, since the City required the subject foundations be engineered and were, in fact, presented with engineered plans. It is Mr. Rhodes' position that the City is not qualified to review the work of a professional engineer and must accept the engineer's work unless it is on notice of some gross or obvious irregularity.

In regard to subdivision approval, the records show that the City has in its possession a soil report from Lincoln-DeVore which recommends construction of dwellings on the slide area conditional upon engineered foundations. In this instance as well, the recommendation was followed and the City cannot be put in the position of having to second guess a professional recommendation.

HUD, owner of seven houses in the slide area, has reviewed the possibility of legal action against the City. As a general rule, each case must be dealt with individually to see whether there is a defense. It appears that the homes will be sold and moved before any additional structural damage occurs, which seems to make the issue moot.

Legal Actions Available to the City

To date the City has not suffered any damage and, therefore, has no cause of action. The cost incurred by the City for the CGS studies is voluntary. The court does not compensate for speculative damages or costs voluntarily incurred. If the City is sued, it may cross-claim against any of the other available suable defendants. However, even in a cross-claim or counter claim, the City would not be compensated for the cost of the study. A cross-claim was not pursued in the Smith case since it was settled, and further legal action would not have been cost-effective.

Without a legal determination of liability in this case, it would be presumptuous of the City to take any action which would impair an individual's or company's right to do business or slander their reputation such as by prohibiting them from doing business in the City. What is informally done now by the City and what is done in other areas, is to have a preferred contractor list. In that way, the City rewards those who have consistently provided high quality work. In the long run, this may be a better way to serve both the City and the community. Even this option could create significant administrative and legal problems when selecting and applying the criteria for evaluation.

xc: Mark Achen
Gerry Ashby
Andy Anderson
Jim Shanks
Karl Metzner

FRANK M. HOCKENSMITH
DAN G. GRIFFIN
KIRK RIDER
JAMES S. CASEBOLT
RONALD W. GIBBS
CATHY P. HOLLINGSWORTH

TERRY D. SLATER
EARL G. RHODES

YOUNGE & HOCKENSMITH
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
200 GRAND AVE., SUITE 500
P.O. BOX 1768
GRAND JUNCTION, COLORADO 81502-1768
303-242-2643

OF COUNSEL
THOMAS K. YOUNGE

October 17, 1986

David F. Eytcheson, Branch Manager
Crawford & Co.
P. O. Box 2329
Grand Junction, Colorado 81502

RE: Insured: City of Grand Junction
 Claim Number: GJ-003-84-68
 Date of Incident: September 12, 1984
 Claimants: Rick and Brenda Smith
 Your File No.: 312-15710

Dear Mr. Eytcheson:


Enclosed for your file, please find the following:

1. Original, fully executed Release;
2. Copy of Order for Dismissal; and,
3. Our final statement in this matter.

This concludes our handling of this matter, and upon receipt of payment of our statement, we will close our file. Thank you for the opportunity to be of service to you.

Very truly yours,

YOUNGE & HOCKENSMITH
Professional Corporation

By 
Earl G. Rhodes

EGR:sma
Enclosures

cc: Linda Luce
✓ Gerald Ashby
(With Enclosures)

RELEASE

The undersigned, RICK W. SMITH, BRENDA S. SMITH, and MESA FEDERAL SAVINGS AND LOAN, for and in consideration of the payment of \$5,000.00, the receipt of which is hereby acknowledged, release J. C. MARSDEN, THE CITY OF GRAND JUNCTION AND THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO, AND THEIR OFFICIALS AND EMPLOYEES, PAST, PRESENT, AND FUTURE, for and from liability from any and all damages, injuries, losses, and liabilities of whatsoever kind and nature arising from, or in any way arising out of, any and all known and unknown, foreseen and unforeseen damages, injuries, losses, and liabilities which we may now or hereafter have, resulting directly or indirectly from damages and injuries arising out of the ownership or interest in Lot 55 in Lamplite Park, Filing No. 1, Amended, Mesa County, Colorado, and also known as 1156 Santa Clara Avenue, Grand Junction, Colorado.

We fully realize that we may have sustained or will sustain unknown or unforeseen damages, injuries, losses, and liabilities resulting directly or indirectly from this accident. By executing this document, we fully intend to release everyone and every entity from any and all liability for any and all such unknown or unforeseen damages, injuries, losses, and liabilities resulting directly or indirectly from this accident.

We state that the settlement underlying the execution of this document was made in contemplation not only of known damages, injuries, losses, and liabilities, but also in contemplation of the possibility that We may have sustained or will in the future sustain damages, injuries, losses, and liabilities which are presently in existence but unknown to us or which may not now be in existence but which may arise or become known in the future resulting directly or indirectly from the accident, and we do fully intend to release everyone and every entity for any and all such known or unrealized damages, injuries, losses, and liabilities.

We state that we are fully informed as to the nature, extent, and character of our damages, injuries, losses, and liabilities and as to the nature, extent, severity, duration, and risk of complication, risk of consequences, aggravation, recovery, and all other known and unknown, foreseen and unforeseen consequences of said damages, injuries, losses, or liabilities.

For the consideration stated herein, we assume the risk that the settlement underlying the execution of this document was made on the basis of mistake or mistakes, mutual or unilateral, including but not limited to mistakes regarding: the nature or extent of the underlying damages, injuries, losses, or liabilities; the risk of complications, and the nature or extent of the liabilities; the future course, effect, or consequence of known or unknown damages, injuries, losses, or liabilities; the impression that we are fully informed as to the nature, extent, complications, effects, or consequences of the underlying damages, injuries, losses, or liabilities; the extent of recovery or expected recovery from known and unknown damages, injuries, losses, or liabilities; and the possibility of mistake as to damages, injuries, losses, or liabilities, which are presently unknown or unforeseen but which we have sustained or will in the future sustain resulting directly or indirectly from the accident.

We state that we have been advised of our right to consult, at our expense, additional professionals of our own choosing, including doctors and lawyers, regarding any and all known and unknown, foreseen and unforeseen, damages, injuries, losses, or liabilities of whatsoever kind and nature we may have or will incur resulting directly or indirectly from this accident.

We warrant that no promise or inducement has been offered except as set forth herein and that this document was executed without reliance upon any statement or representation by the persons released to us concerning the nature or extent of any damages, injuries, losses, or liabilities therefor, and that we are legally competent to execute this document and accept full responsibility therefor and assume the risks of any mistake of fact as stated herein.

It is understood and agreed that the acceptance of the consideration is in full accord and satisfaction of a disputed claim and that payment of the sums is not to be construed in any way as an admission of liability on the part of THE CITY OF GRAND JUNCTION AND THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO, THEIR OFFICIALS AND EMPLOYEES, but, on the contrary, THE CITY OF GRAND JUNCTION AND THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO, THEIR OFFICIALS AND EMPLOYEES, specifically deny any liability on account of this accident or any matters related or incident thereto. It is further understood and agreed that all agreements and understandings between THE CITY OF GRAND JUNCTION AND THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO, THEIR OFFICIALS AND EMPLOYEES, and us are embodied and expressed in this document and that the terms of this document are contractual and not mere recitals.

This Release is made in accordance with § 13-50.5-105, C.R.S. as amended. The undersigned expressly reserves the right to sue or continue suit against any other person or entity who is not a party to this agreement.

We understand and agree that the signing of this document shall be forever binding upon us, our successors in interest, and those holding claims deriving from ours, and no rescission, modification, or release of us from the terms of this document will be made for any reason.

We have carefully read this document and know its contents and have signed it freely and voluntarily.

IN WITNESS WHEREOF, we have set our hands and seals this 28 day of August, 1986.

CAUTION: READ BEFORE SIGNING.

Rick W. Smith
RICK W. SMITH

STATE OF Colorado)
COUNTY OF Mesa) ss.

Subscribed and sworn to before me this 28 day of August, 1986, by Rick W. Smith.

WITNESS my hand and official seal.

My commission expires:

Mark Williams
Notary Public



Brenda S. Smith
BRENDA S. SMITH

STATE OF _____)
COUNTY OF _____) ss.

Subscribed and sworn to before me this _____ day of _____, 1986, by Brenda S. Smith.

WITNESS my hand and official seal.

My commission expires:

Notary Public

MESA FEDERAL SAVINGS AND LOAN

By: Patrick L. Connelly
Mesa Federal Savings and Loan
as Attorney-in-Fact for the
Sears Mortgage Securities
Corporation

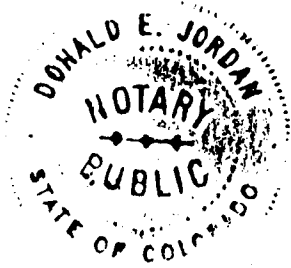
STATE OF COLORADO)
) ss.
COUNTY OF M E S A)

*Mesa
Federal*

The foregoing instrument was acknowledged before me
this 15 day of July 1986, by Patrick L. Connelly as President
Attorney-in-Fact for the Sears Mortgage Securities Corporation.

Witness my hand and official seal.

My commission expires: NOV. 21, 1986



Donald E. Jordan
Notary Public

NOTES FOR JUNE 7, 1984 MEETING OF LAMPETTE HOMEOWNERS

Contact person: Charles M. LANGE 242-4780 (HOME)
- teaches at O.M. Jr. High 242-5564 @ O.M.
Pat Green - 248-4245

Primary Concerns:

- 1) What can be done with the Common Grounds?
- 2) maintenance of Common Grounds
- 3) operation & maintenance of irrigation system

- 1) Can ground be divided and purchased by lot owners?
 - A. if so will it require a replat & adjustment of lot lines?
 - B. will easements in common ground be affected by divisions?
 - C. will proceeds of ground sales go into "fees in lieu of open space"?
 - D. Can proceeds go into Homeowners Assn. instead?

If open space is owned by all members of Assn. and taxes are still owed, the Assessor's office will automatically file liens against all property owners. Back taxes will have to be paid before any alternative can be acted on.

If replatted, every owner would need to sign off the signature block on official recorded plat.

Subdivision Lampyre Park Filing #1 AMENDED.
 Date 5 JULY 78 Item # 64-78
 Petitioner JAMES R. LAUD ET AL
E end of Santa Clara Ave.

Review Agencies Comments

P. STAFF

- ① INCREASE TRACTE OPEN SPACE to the NORTH
- ② TRACT F. WINDWAY TO LINE L.P.W. WINDWAY IN TRACTE
- ③ PARKING layout on Tract lot.
- 4. Sidewalks on both sides of sts. (S. E side of Olson to S. boundary of Project.)
- ⑤ Fire dept. - revise hydrant locations (see sheet)
- ⑥ Eng. - NO on ~~the~~ street parking on 24' mat rds. ~~24'~~ 24' mat should be ~~24'~~ 22'
- ⑦ Parks & Rec. - same comment as prev. submittal. (Design and species)

Review Agencies Comments

- 8. P. Sec. Need ediments
- 9. P. Staff - Suggest installing City ^{Eng. Parks} parking in turnaround node off Olson Ave due to maintenance problems and proximity to other off street parking.

Action Taken

P.C. approved 27 Jun 79
 C.C. approved 2/19/78

Comments

Action Taken

P.C. _____
 C.C. _____

Comments

ITEMS REQUIRED FROM DEVELOPER

- Check Utility Agreement Title Investigation
- Drainage Landscaping Covenants
- Improvements Guarantee Annexation Other (Specify)

PLANT LIST

KEY	COMMON NAME
AP	AUSTRIAN PINE
AS	AMERICAN SYCAMORE
BSP	BLUE SPRUCE
BW	BLACK WALNUT
BL	BLACK LOCUST
AL	AMERICAN LINDEN
CA	CATALPA
ESP	ENGLEMANN SPRUCE
DF	DOUGLAS FIR
GA	GREEN ASH
HL	HONEY LOCUST
EAS	ROCKY MTN. JUNIPER
SP	SCOTCH PINE

UTILITIES LEGEND

	8" SANITARY SEWER
	WATER MAIN: SIZED AS SHOWN
	NATURAL GAS
	CABLE TV, TELEPHONE, ELECTRIC: SAME TRENCH
	ELECTRIC: PROPOSED UNDERGROUND
	EXISTING AERIAL
	STREET LAMP
	FIRE HYDRANT: 6" SERVICE LINE EASEMENT

NOTE: EXISTING UTILITIES ARE SHOWN AS ABOVE WITH DASHED LINE

LANDSCAPING NOTES: TYPICAL LOT

1. TOP SHALL BE PLACED AS INDICATED AND SHALL BE MERION KENTUCKY SOIL
2. EACH LOT SHALL HAVE A LANDSCAPING ALLOWANCE WITH THE OTHER MAY CHOOSE ONE (1) IN CALIBER TREE LISTED IN "1"; ONE (1) MEDIUM SIZE TREE (1" IN CALIBER) FROM "2"; ONE (1) SMALL TREE, CONTAINER STOCK FROM "3"; FIVE (5) 3 GAL. SHRUBS FROM "4":
 - "3": AMERICAN LINDEN GREEN ASH "MARSHALL'S" HONEY LOCUST (SPECIES)
 - "4": REDBUD OLIVE "SUNSHINE" TREE "NEW JAR" TREE
3. LANDSCAPING AT THE STREET SIDE SHALL BE DESERT TYPE TO MID-POINT OF HOUSE

