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File 1978-0085

Date 9/18/00

Project Name: Horizon / 70 – Final Plat

P r e s e n t	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, not all entries designated to be scanned are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been included.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>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.</p>			
X	X	<b>*Summary Sheet – Table of Contents</b>			
		Application form			
		Receipts for fees paid for anything			
		<b>*Submittal checklist</b>			
		<b>*General project report</b>			
		Reduced copy of final plans or drawings			
		Reduction of assessor's map			
		Evidence of title, deeds			
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		Public notice cards			
		Record of certified mail			
		Legal description			
		Appraisal of raw land			
		Reduction of any maps – final copy			
		<b>*Final reports for drainage and soils (geotechnical reports)</b>			
		Other bound or nonbound reports			
		Traffic studies			
		Individual review comments from agencies			
X	X	<b>*Consolidated review comments list</b>			
		<b>*Petitioner's response to comments</b>			
		<b>*Staff Reports</b>			
		<b>*Planning Commission staff report and exhibits</b>			
		<b>*City Council staff report and exhibits</b>			
		<b>*Summary sheet of final conditions</b>			
		<b>*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)</b>			
<b><u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u></b>					
X	X	Follow-Up Form	X	X	Staff Report – Traffic Signal Expense
X		Review Sheet	X	X	Letter from Rex Chambers to Larry Timm – 9/11/95
X		Letter from Sandy Garrett to Larry Timm – 5/8/96	X	X	Letter from Don Bramer to Don Newton – 8/23/90
X		Deed	X	X	Letter from Ron Maupin, Mayor to Allan Tantleff, Prudential – 6/21/95, 6/22/95
X	X	Final Plat Application	X		Memo from Larry Timm to City Council – 6/22/95
		<b>Correspondence on the Traffic Signal – Horizon Drive and I-70</b>	X	X	Letter from Don Newton to Don Bramer – 9/11/90, 5/7/91
X	X	Letter from Sandy Garrett to Larry Timm	X	X	Letter from Ron Maupin to Frank Taulli – 6/5/95
X		Final Plat	X	X	Letter from Ron Rish to Bob Coburn – 4/11/80, 8/26/80, 10/6/80
X	X	Memo from Larry Timm to Mark Achen - 6/5/95	X	X	Letter from Larry Brown to Mark Achen – 4/14/95
X	X	Letter from Howard J. Pollack to John Shaver – 2/28/95	X	X	Letter from David Campbell to City Council – 9/18/78, 9/19/78
X	X	Memo from Larry Timm to City Council – 6/1/95	X	X	Letter from Larry Timm to Sandy Garrett – 11/18/94
X	X	Memo from John Shaver to Larry Timm – 6/1/95	X		Road Plan
X		Various multitudes of interoffice E-mail re: Hilton paying for 80% of the cost of a traffic signal	X		Utility & Service Plan
X	X	Memo from Larry Timm to Mark Achen – 5/25/95			

27-2.3 FINAL PLAT APPLICATION - City of Grand Junction

Eighteen (18) copies this application required. Numbering system corresponds with Grand Junction Development Regulations. If question not applicable, indicate by n/a.

HORIZON / 70 name of subdivision  
 Fee Paid \$290<sup>00</sup> amount 8-3-78 date

Name and address of land owners and/or subdividers. Developer/Contract holder

Jack Treece dba HORIZON / 70 name

2323 N 7th St. Grand Junction, Colo. address

243-4170 business phone

A. Total Subdivision submitted Yes, portion \_\_\_\_\_  
 Eighteen (18) copies submitted X date 8-3-78

B. Revisions to Preliminary Plat? \_\_\_\_\_ X \_\_\_\_\_  
 yes no

If so, list (add attached sheets if necessary) n/a

The following check list shall be completed to insure that the maps contain the essential information required by the subdivision regulations: (See regulations for detailed information).

- 27-2.3
- b. (2) Scale of Map 1"=100'
  - c. (1) Name of Subdivision ✓
  - (2) Date ✓
  - (3) Legal Description of Property ✓
  - (4) Control points, dimensions, angles, bearings ✓
  - (5) Boundary lines, right-of-way lines, easements, ditches and lot lines with bearings and distances ✓
  - (6) Streets and other rights-of-way - names and dimensions ✓
  - (7) Location and Dimensions of easements ✓
  - (8) Lots numbered and area of each lot in square feet ✓
  - (9) Location and description of all monuments ✓
  - (10) Statement of land ownership ✓
  - (11) Dedication statement - easements, rights-of-way and public sites ✓

- (12) Surveyor or Engineer Certification
- (13) Appropriate Certification Blocks
- (14) Clerk and Recorder Certification Block

Supporting Documents

- 27.2.3 (15) Copy of Certificate of Title with List of all Mortgages, Judgments, Liens, Easements, Contracts, and Agreements of Records
- (16) Proof of Easement Dedication
- d. (1) Improvements Guarantee
- (2) Composite Utility Plan
- (3) Composite Roadway Plan
- (4) Subsurface Soils and Geologic Investigation and Recommendation
- (5) Radiation Survey to State Health Department Standards

The following checklist shall be completed to insure that design standards required by the subdivision regulations are met. (See Regulations for complete details)

- 27-3.1 Site Considerations
- 27-3.2 Streets, Alleys, and Easements
- 27-3.3 Blocks
- 27-3.4 Lots
- 27-3.5 Sidewalks
- 27-3.6 Irrigation Systems and Design
- 27-3.7 Public Sites Reservations and Dedications

NOTE: FOR COMPLETE SUBMITTAL REQUIREMENTS SEE THE GRAND JUNCTION DEVELOPMENT REGULATIONS; INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED! FOLLOWING FINAL APPROVAL, IT IS THE RESPONSIBILITY OF THE DEVELOPER TO INSURE THAT THE FINAL PLAT ORIGINAL, SIGNED REPRODUCIBLES OF UTILITIES AND ROADWAY COMPOSITE, AND ANY REQUIRED SUPPORTING DOCUMENTATION ARE SUBMITTED TO STAFF FOR THE RECORDING OF THE PLAT.

This application completed by:

C&M SURVEYORS & ENGINEERS, INC.

name

656 31 Road  
Grand Junction, Colo.

Address

Arthur T. Mungro

signature

8-3-78

date

REVIEW COMMENT FOR: #85-78 Horizon/70 Subdivision - Final Plat

AS OF AUGUST 22, 1978

Fire Department: Pahse I approved for water.

City Utilities Billing: No comment

City Utilities Engineer: No comment

Police Department: No comment until roadways, parking, etc. submitted

City Public Works Engineer:

Drainage scheme appears okay, assume no conflict with siphon outlet.  
Access entrance is huge. Why 26' pavement for each one way access?  
Something like 15-17' each seems adequate to me. Horizon Circle  
should probably be aligned with frontage road on east side of Horizon.

Planning Staff: Recommend approval based on resolution of City Police  
Works Engineer concerns about access width.

# STATE DEPARTMENT OF HIGHWAYS

JACK KINSTLINGER

EXECUTIVE DIRECTOR

DIVISION OF HIGHWAYS  
E. N. HAASE  
CHIEF ENGINEER



DISTRICT 3  
R. A. PROSENCE  
DISTRICT ENGINEER

STATE OF COLORADO

P.O. BOX 2107-606 SO. 9TH ST. • GRAND JUNCTION, COLO. 81501 • (303) 242-2862

September 18, 1978

Grand Junction City Council  
c/o City Hall  
250 North Fifth Street  
Grand Junction, CO 81501

Gentlemen:

We have been asked to review and comment on the Horizon 70 Ventures proposed development in the southwest quadrant of I-70 and Horizon Drive, they are:

"Significant traffic is expected to be generated by this development but the impact seems to be diminished by the developers proposed channelization of the intersection. Future refinement of the control of the traffic circulation could conceivably be in the form of traffic signal control. Perhaps an escrow account could be established by the developer to assure availability of funds when traffic signal warrants are met."

Very truly yours,

R. A. PROSENCE  
DISTRICT ENGINEER

BY

  
DAVID B. CAMPBELL  
DISTRICT SAFETY & TRAFFIC ENGINEER

DBC:lmw

CC: Steve McKee ✓  
Prosen  
Bradbury  
Pat Gierhart  
file

## CITY OF GRAND JUNCTION, COLORADO

## MEMORANDUM

Reply Requested  
Yes  No Date  
Sept. 19, 1978To: (From:) Ron Rish From: (To:) Steve McKee

SUBJECT: J &amp; J Joint Venture Developments

Horizon Drive traffic volume for 1977 A.D.T. was 7,000 vehicles. The peak occurred between 2:00 P.M. and 3:00 P.M. with 554 vehicles.

This developments peak hour should occur either between 5:00 P.M. and 6:00 P.M. due to the office buildings, should workers hours end at 5:00 P.M.; or 12 to 1 P.M. due to the restaurant facilities.

Peak traffic volumes at this access could be as high as 656 vehicles per hour when it is fully developed.

The heaviest movement into the development should be Northbound on Horizon Drive executing a left into the development. The heaviest outbound maneuver will be a right turn onto Southbound Horizon Drive.

The most difficult and hazardous maneuver from this development would be the execution of a left turn to Northbound Horizon Drive and an immediate right onto the I-70 access ramp. This maneuver would be more prevalent during the morning hours by personal lodging at the motel with destination east, and could occur during the morning peak period on Horizon Drive.

The eastbound off ramp from I-70 to Horizon Drive is a very minor movement, and should not create a major problem with the developments access.

It is possible that a traffic signal light would be warranted at this point as soon as the development is in complete operation. The development occurring along Horizon Drive and the Airport will increase the Horizon Drive traffic considerably in the near future.

A traffic signal should be considered as a part of this development and implemented when warranted, but not until it is warranted.

The complicating factor to this intersection is the amount of traffic generated by the development, the increasing traffic volumes on Horizon Drive, (28% from 1973 to 1977, due to developments along Horizon Drive and the Airport) and the close proximity to the interchange of I-70.

cc: Del Beaver ←



City of Grand Junction, Colorado 81501

City Hall, 400 W. 4th St., 303 243-2633

April 11, 1980

Mr. Bob Coburn  
C&M Surveyors & Engineers  
656 31 Road  
Grand Junction, CO 81501

Dear Bob:

RE: Horizon 70 Park Subdivision

As requested, I have reviewed the detailed construction plans for streets and storm drains as submitted on April 8, 1980, and have the following comments:

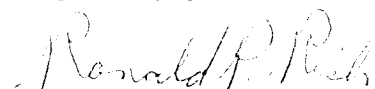
1. The plan should be stamped and signed with your P.E.
2. Add the wording concerning City General Contract Conditions to the notes as discussed in my office on April 8.
3. The cross-pan should be 5 ft. wide instead of the 3 ft. shown.
4. The pavement edge radii at Horizon Drive should be 25 ft. as per City Standard ST-1 for street intersecting with an arterial street.
5. Show a detail of how the curb will be modified at the cross-pan to allow the drainage thru to the catchbasin.
6. The pavement design of August 28, 1978, is acceptable and approved for construction.
7. The revised intersection geometry which basically is a 48 ft. mat with no median is acceptable.
8. The street typical section (50 ft. cross section) and the grade is acceptable.
9. I do not understand the reasoning behind the proposal to delay improving the cul-de-sac until Lot 4 is developed. I am by copy of this letter requesting written direction from Karl Metzner on this matter.
10. The revised street geometry has the curb, gutter and sidewalk cutting across the northeast corner of Lot 2. Since it is not our policy to construct public streets on private property, the required additional right-of-way must be dedicated either by deed to the City or by plat revision. These plans are not approved until this right-of-way is furnished.
11. Since the revised geometry may be of interest to Colorado Division of Highways, their approval should be obtained.
12. As discussed with you and your clients, the street will not function

Page 2, Mr. Bob Coburn

safely unless and until the medians on Horizon Drive have been modified. This submittal did not include any plans for those median changes. When those plans are prepared, they should be submitted to me for review and approval. Because of the potential traffic hazards, I will not accept the improvements for the Horizon 70 Park street nor will the street be opened for public use until the Horizon Drive medians have been physically modified.

When the above comments have been addressed, please submit a revised plan print and consider the plans for to be approved by this office for construction.

Very truly yours,



Ronald P. Rish, P.E.  
City Engineer

RPR/rs

cc: Bragdon  
Metzner ✓  
Patterson  
Wysocki





City of Grand Junction Colorado 81501

1 North Fifth St. 303 243-2633

August 26, 1980

Mr. Bob Coburn  
C & M Surveyors & Engineers  
2820½ North Avenue  
Grand Junction, CO 81501

Dear Bob:

Re: Horizon 70 Commercial Park Subdivision

As requested, we have reviewed the "Traffic Island Redesign" for modifications to the median of Horizon Drive adjacent to the above as submitted August 18, 1980. This drawing addresses all comments to date. We take no exception to its content so please consider it approved by this office for construction.

Your contractor should perform all removals, concrete work and paving. At your request, I can arrange to have City crews (1) remove pavement markings, (2) paint new pavement markings, and (3) furnish and install traffic control signs. This work by City crews would require your client's agreeing to reimburse the City for time and material costs.

As stated in item 12 of my April 11, 1980, letter and related to Mr. Treece yesterday at the site, this work must be completed prior to City acceptance of any street improvements for Horizon 70 Park and/or opening of the street for public use. Please notify me for a final-inspection when the median modifications are complete.

Very truly yours,

A handwritten signature in cursive script that reads "Ronald P. Rish".

Ronald P. Rish, P.E.  
City Engineer

RPR/hm

cc - Jack Treece  
Jim Bragdon  
Bob Bright ✓  
John Kenney  
Jim Patterson  
File



RECEIVED MESA COUNTY  
DEVELOPMENT DEPARTMENT  
OCT 07 1980

City of Grand Junction, Colorado 81501  
250 North Fifth St. 303 243-2633  
October 6, 1980

Mr. Robert Coburn  
C & M Surveyors & Engineers  
2820 1/2 North Avenue  
Grand Junction, CO 81501

Dear Bob:

Re: Horizon/70 Subdivision

The street and storm sewer constructed in the above subdivision have been final-inspected and apparently all deficiencies noted in the prior 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. We received the power-of-attorney for future street improvements to Horizon Drive and the median modifications have been completed as agreed.

The cul-de-sac at the west end of the street has been graveled only as a temporary treatment. It is understood, based on my discussion on the site with Mr. Treece on August 25, 1980, that he is responsible to construct the permanent cul-de-sac with curb, gutter, sidewalk and asphalt pavement as shown on the approved plan when Lot 4 is developed but in no case later than two (2) years from today. I am by copy of this letter advising the Development Department and requesting their concurrence with this proposal.

In light of the above, the street and storm drainage facilities for Horizon/70 Subdivision are accepted by the City except for the remaining cul-de-sac construction, and we are now responsible for the maintenance of those facilities.

Thanks for your cooperation in these matters.

Very truly yours,  
*Ronald P. Rish*  
Ronald P. Rish, P.E.  
City Engineer

cc - John Kenney  
Bob Bright  
Jim Patterson  
Jack Treece

9-10-90

Dave,

*Council  
fji JTA  
9/5/90  
C. Greg Trainor  
GRA  
(I presume  
he means a  
traffic signal a  
few  
let me  
is*

If a signal were installed in this area I would think it should go at the I-70 interchange. Can we do a signal warrant study at this location? I will respond to Mr. Bramer's request. Don

August 23, 1990

Mr. Don Newton  
City Engineer  
City of Grand Junction  
250 N. 5th  
Grand Junction, Colorado 81501

Dear Mr. Newton:

I'm writing this letter to address a concern I have regarding Horizon Drive here in Grand Junction. Over the past couple years I've watched the traffic flow going north and south increase tremendously. It presently is extremely difficult to enter Horizon Drive from the Hilton driveway, and many times is nearly impossible to turn left onto Horizon from the west bound off-ramp from I-70. In the past months, there have been several fender benders and too many to count near misses.

We at this time would like to request that the city take a closer look at placing a street light in this area to better afford traffic flow from the business in this area.

With the increased focus on tourism it is very important that the visitors to our city are able to enter and leave with safety in mind.

Thank you in advance for your attention to this matter. I'll look forward to hearing from you.

Sincerely,

GRAND JUNCTION HILTON

*Don W. Bramer/sjn*

Don W. Bramer  
General Manager, C.H.A.

DWB:tgn

cc: Mark Achen

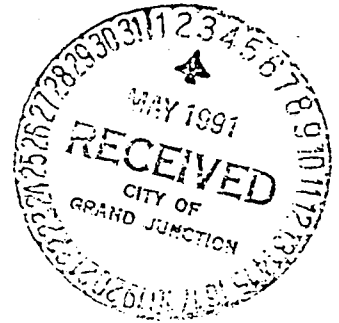
*I think he means traffic signal*



743 Horizon Drive Grand Junction, Colorado 81506 303/241-8888  
Reservations 1-800/HILTONS

GRAND JUNCTION HILTON

May 1, 1991



Mr. J. Don Newton  
City Engineer  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81501

Dear Mr. Newton:

It has been several months since I spoke with you regarding the possibility of installing a traffic signal in the area of Horizon Drive and Interstate 70. As we are quickly approaching the summer months, the traffic is continuing to increase, and promises to be even more of a problem as the summer tourist traffic peaks. I'm writing in case I missed some correspondence which indicated positively or negatively what was happening with this project.

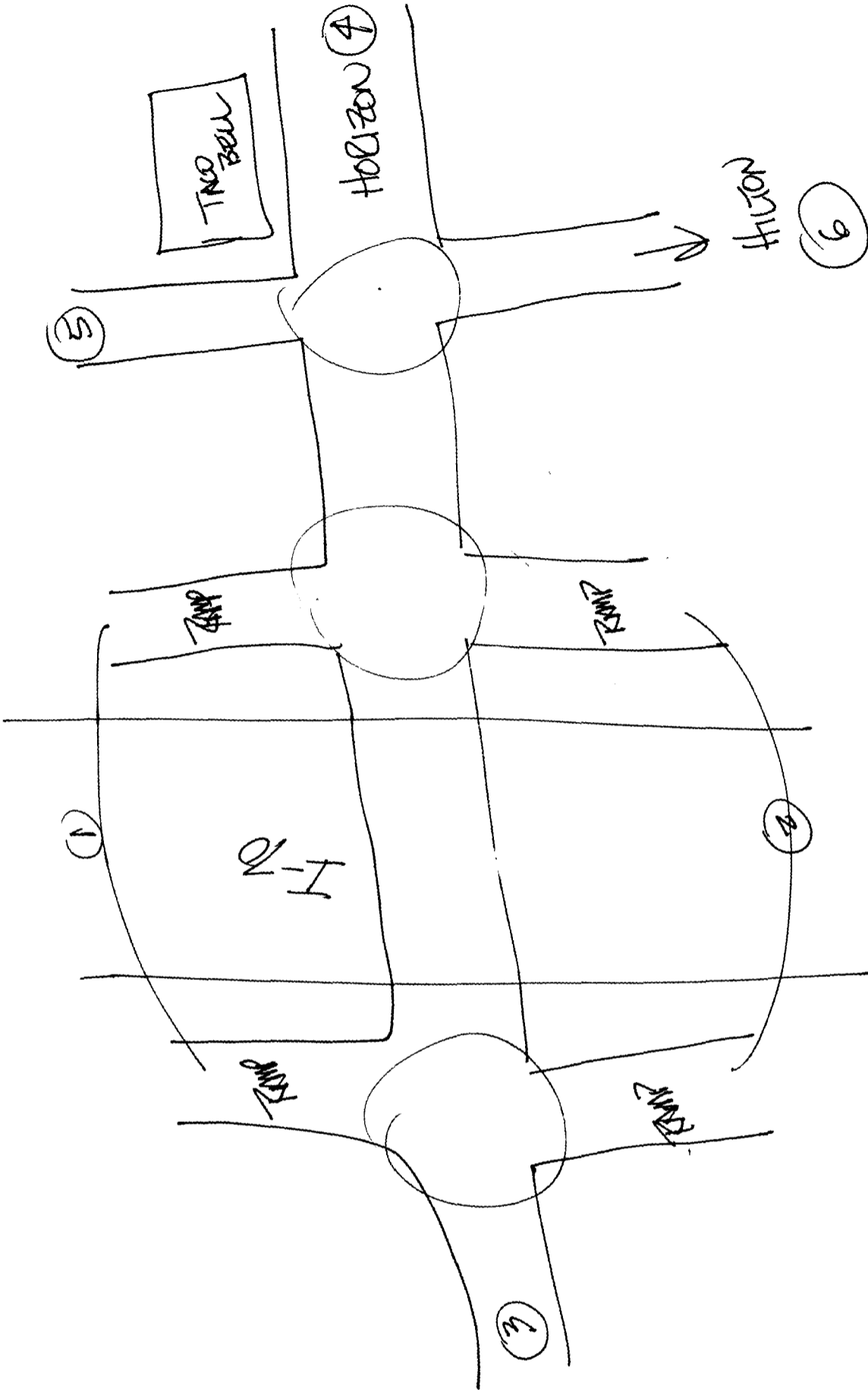
As the traffic signal warrant study was conducted this past fall by the city traffic engineer, and your September letter indicated that some type of results by the end of October I am assuming that I did indeed miss the correspondence that must have been sent out. Would you please send me a copy of what those results were, and indicate what direction this is presently going. Thank you for your attention and I will anxiously await your correspondence.

Sincerely,

GRAND JUNCTION HILTON

Don W. Bramer, CHA  
General Manager

/a



May 7, 1991

Don W. Bramer  
General Manager, C.H.A.  
Grand Junction Hilton  
743 Horizon Drive  
Grand Junction, CO 81506

Dear Mr. Bramer:

RE: Horizon Drive and Highway I-70

I am writing in response to your letter dated May 1, 1991, regarding signalization at Interstate 70 and Horizon Drive.

On February 25, 1991, data was forwarded to the Colorado Department of Highways here in Grand Junction to determine if signalization is warranted at the above referred location (see enclosed letter). The information supplied by the City of Grand Junction to the Colorado Department of Highways was then forwarded to their main office in Denver and is presently being reviewed.

I did receive a phone call early this month from the Colorado Department of Highways, Grand Junction office, informing me that an answer to this request is being prepared and is to be submitted shortly. Please be aware that I-70 and Horizon Drive is property of the Colorado State Highway Department and comes under their jurisdiction.

The cost to signalize an intersection of this nature is approximately \$100,000.00 and monies have to be budgeted on a priority basis. We, the City of Grand Junction, are acting as a middle-man on behalf of your request.

We will inform you of the State Highway's findings and recommendations as soon as we receive them. If you wish to contact the Colorado Department of Highways, you may call Jim Nall, District Traffic Engineer at 248-7213.

Sincerely,

J. Don Newton,  
City Engineer

ckb/DT/Hzon-70

xc: Jim Shanks, Public Works Director  
Mark Achen, City Manager

November 18, 1994

Ms. Sandy Garrett  
c/o Hilton Hotel  
  
, Colorado 8150

Dear Ms. Garrett,

Please find enclosed the City Council minutes concerning participation by the Hilton Hotel in the cost of constructing a traffic signal on Horizon Drive.

As you discussed with John Shaver of the City Attorney's Office, the installation of a traffic signal at or near the entrance to the Hilton was a condition of approval of the hotel project. Specifically stated and required by motion of the City Council is the requirement that the Hilton participate "80% in the cost of installation when the signal is warranted." Recently, the Traffic division of the City Public Works Department has determined that the traffic on Horizon Drive now warrants the placement of a traffic signal. Construction of the signal is underway and will be operational by the end of the week. In accordance with the current anticipated cost of the signal, the Hilton's share of the construction is \$\*.

It is my understanding in speaking with Mr. Shaver that you would like an opportunity to review the planning files on this matter and after you have done so that you would like to meet with me and other city staff to discuss the matter further. Please feel free to come to the Community Development Department during normal business hours to review file #\*\* and following that review, please call me at 244-1430 at your earliest convenience to schedule a mutually convenient time to meet.

If you have any questions or if I or my staff may be of assistance to you, please do not hesitate to call.

COMMUNITY DEVELOPMENT DEPARTMENT

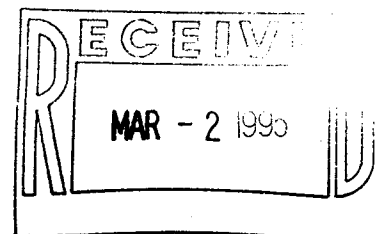
by: \_\_\_\_\_  
Larry Timm  
Director  
250 N. 5th Street  
Grand Junction, CO 81501  
(303) 244-1430

enclosures

pc: Kathy Portner

BROWNSTEIN HYATT FARBER & STRICKLAND, P.C.

ATTORNEYS AT LAW  
TWENTY-SECOND FLOOR  
410 SEVENTEENTH STREET  
DENVER, COLORADO 80202-4487  
TELEPHONE (303) 534-6335  
TELECOPIER (303) 623-1956



Howard J. Pollack

February 28, 1995

*R. LARRY TOWN*  
*DAN WILSON*  
*20 2/2*

John P. Shaver, Esq.  
City Attorney  
250 N. 5th Street  
Grand Junction, Colorado 81501

Re: Traffic Signal on Horizon Drive

Dear John:

I am writing as a follow-up to our earlier conversations concerning Prudential's alleged responsibility for 80% of the cost of the installation of the above-referenced traffic signal. As we discussed, our research has not revealed any documentation in the land records which establishes an obligation of the landowner to pay for the traffic signal.

Accordingly, it would appear that the payment obligation was a personal obligation of the original developer. As such, it is unfair to hold Prudential responsible for the personal obligation of the developer, particularly in this case where there are a number of other parties who have benefitted from the installation of the traffic light.

Should you have any questions or comments regarding the above, please do not hesitate to call me.

Yours truly,

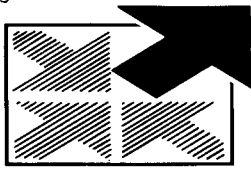
A handwritten signature in black ink, appearing to be "Howard J. Pollack", written over a large, faint circular stamp or watermark.

Howard J. Pollack

HJP/clz

cc: Rory Dean Smith  
Laura Jean Christman, Esq.  
Wayne F. Forman, Esq.





# LARRY BROWN

*Public Affairs Counselor: Informed Consent/Coalition Building • Strategies • Media  
Qualitative Research • Two-Way Public Information • Reputation Management*

P. O. BOX 2397 • LITTLETON, CO 80161 • OFFICE: (303) 220-9380 • FAX: (303) 220-9383

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MR. MARK ACHEN, CITY MANAGER  
CITY OF GRAND JUNCTION  
250 N. FIFTH ST.  
GRAND JUNCTION, COLO. 81501

April 14, 1995

Dear Mark,

Earlier today, your Mr. Larry Tinn called to tell me that between the Hilton record of ownership changes and bankruptcy, and the limp evidence in city records, case requiring Hilton to pay for traffic signals at Horizon Drive is very weak. I appreciate the effort and the courtesy; I would like to reiterate my recollection and concern.

Between 1977 and 1979, the Grand Junction City Council approved a change for Hilton (probably zoning or plat) contingent on them paying for signals when needed at that intersection. Andy Williams represented Hilton owners; George Orbanek was the Sentinel's city hall reporter; and I made the motion.

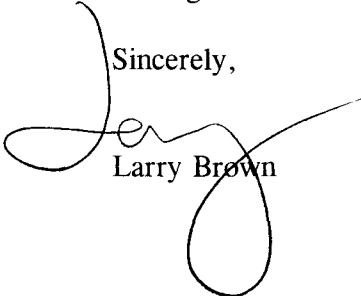
This was no different than hundreds of stipulations ranging from power of attorney for annexation later as a result of earlier sewer tap connections or changing zoning in return for closing a curb cut or making a right-of-way dedication. Logical teeth seemed to be if owners refuse to comply with agreement that made the property what it is, it ought to revert to what it was before the agreement.

Our council, and probably others, labored mightily to attach strings to developments in hopes of reaching a balance between individual property rights and burden to city taxpayers. I find it disheartening to think that either because the city clerk did not fully record a motion, or because then council was ill-advised legally or for some reason only present city counsel can explain, those deliberations may be worthless.

As you know, I am now neither a property owner nor a resident of Grand Junction. This issue does not affect me personally and I will not involve myself in it beyond this letter. Hearing about the lights at the intersection several months ago prompted my call to you because I saw an opportunity to save your taxpayers money. You shouldn't file a case if you don't have one, and only you and your people know whether or not you do.

Otherwise, I wish you continued success. Please convey my warmest regards to R. T. and any other old fogies still floating around.

Sincerely,

  
Larry Brown

DRAFT/TIMM

May 12, 1995

Hilton traffic signal

STAFF REPORT Hilton Hotel: Traffic Signal Expense

Date:

Staff:

ACTION REQUESTED: City Council direction on next steps, if any.

EXECUTIVE SUMMARY: A condition of approval of the subdivision plat for the area the Hilton Hotel is located was that the Hilton pay 80% of the cost of traffic signalization when it is warranted. There appears to have been no City follow through in assuring that this condition of approval was carried out. Since the time of the plat approval, ownership of the Hilton Hotel has changed. The traffic signals have been installed at this location, without financial participation from the Hilton Hotel.

BACKGROUND: In October, 1994, Former City Council member Larry Brown called the City Manager to question whether the Hilton Hotel is paying for the signal at Horizon Drive and I-70. He asserted that he had made the motion, during consideration of the final plat for the subdivision, that required the hotel to pay the full cost of such a signal should it ever be required. A copy of the minutes from the City Council meeting of Oct 4, 1994 is attached. A copy of a letter from State Dept. of Highways and a staff memo on this subject are also attached. The approved motion included a condition that the developer be charged with 80% of the cost of signalization when it is warranted. Staff research reveals no steps were taken by the City to follow through on the action of the City Council at that time. Traffic signals were installed at the subject location on \_\_\_\_\_, with no financial participation by the Hilton Hotel. Representatives of the Hilton Hotel were contacted regarding this matter beginning in October, 1994. A copy of the February 28, 1995 response from the Hilton Hotel is attached.

STAFF ANALYSIS:

*Howard Pollock*

STAFF RECOMMENDATIONS:

HILTONST

To: John Shaver  
Cc: Dan Wilson, Mark Relph, Jim Shanks  
From: Larry Timm  
Subject: Hilton Hotel, traffic signal  
Date: 5/12/95 Time: 5:00p

Attached is the FIRST DRAFT of the staff report for CC consideration of the Hilton Hotel traffic signal issue. This is tentatively scheduled for City Council discussion at its June 19 workshop. Please make the changes necessary to make this a thorough, accurate report. Virtually all I know about this situation is in the draft report as currently written, so obviously I need your input. Thanks.

Atts: HILTONST

To: Jim Shanks, Mark Relph  
Cc: Mark Achen, Dave Varlely, John Shaver  
From: Larry Timm  
Subject: Re: [REDACTED]  
Date: 5/12/95 Time: 2:47p

Originated by:	LARRYT	5/12/95	5:00p
Forwarded by:	MARKR	5/15/95	8:22a (CHANGED)
Replied by:	JODYK	5/15/95	1:47p
Replied by:	MARKR	5/15/95	2:23p
Replied by:	JODYK	5/23/95	2:24p
Forwarded by:	MARKR	5/24/95	4:37p (CHANGED)
Replied by:	MARKR	5/25/95	10:07a

Assuming we proceed to have this on the June 19 CC Workshop agenda, we need to arrive at a single staff position on the share of the cost that we hope to get the Hilton to pay. [REDACTED]

\*\*\*\*\* ORIGINAL MESSAGE FOLLOWS \*\*\*\*\*

Larry: I have read the CC minutes and the staff reports from the late 1970's concerning the Hilton Hotel and the traffic signal. I can find no rational basis with the 80% of the signal cost that CC established for the Hilton entrance; it seems very arbitrary to me. The traffic numbers shown in the staff report do not justify this percentage. . . there is a CC comment that Horizon Drive would not need the signal if the Hilton property was not developed. However, this does make sense to me because CC talked in terms of signaling the Hilton entrance along with some, if not all, of the I-70 ramps (that too is not clear). Therefore, the I-70 ramps could reach a point when they would need a signal, even without the Hilton development.

Based upon the 1978 CC action, 80% of the signal cost, including the ramps, is \$90,242.40. If you looked at the percentage of trip generation, then the Hilton would be paying 10.8% of the cost, or \$12,182.72. I still believe that the "leg" method is more reasonable and relates to a cost of \$18,800.55. Mark.

DRAFT

DRAFT/TIMM

June 1, 1995

Memorandum

To: City Council  
Mark Achen  
Dave Varley

Fm: Larry Timm

Re: Hilton Hotel traffic signal

In October, 1994, Former City Council member Larry Brown called the City Manager to question whether the Hilton Hotel is paying for the new traffic signal at Horizon Drive and I-70. He asserted that when he was on the City Council, the City Council passed a motion, during consideration of the final plat for the subdivision (Horizon/70 Subdivision) that the hotel is now located in, that required the developer to pay all or a portion of the cost of such a signal when the signal is warranted. The subdivision developer was Jack Treece. The approved motion included a condition that the developer be charged with 80% of the cost of signalization when it is warranted. A copy of the minutes from the City Council meeting of October 4, 1978 is attached.

Staff research reveals no steps were taken by the City to follow through on the action of the City Council at that time. The appropriate staff action that should have occurred was \_\_\_\_\_.

Traffic signals were installed at the subject location on \_\_\_\_\_, with no financial participation by the Hilton Hotel.

Representatives of the Hilton Hotel were contacted regarding this matter beginning in October, 1994. The hotel is currently owned by the Colorado PERA. Colorado PERA purchased the property from the FDIC following bankruptcy proceedings. The hotel's day to day operations are run by a local manager, but the property is managed by Prudential. Prudential has said that they can find no documentation in the land records for the property that establishes an obligation of the landowner to pay for the traffic signal, and that the payment obligation was a personal obligation of the original developer. They say that is it unfair to hold Prudential responsible for this personal obligation of the developer, particularly where there are other parties who have benefitted from the installation of the traffic light. A copy of the February 28, 1995 response regarding this matter from Prudential is attached.

The City engineering staff has reviewed the traffic at the Horizon Drive traffic signal location and can find no rational basis for 80% cost being assigned to the hotel. They find, based on the percentage of trip generation from the leg of the intersection that

accesses the hotel, that the Hilton Hotel should be paying \$18,800.55. This amount represents \_\_\_\_% of the total cost (\$\_\_\_\_\_) of the signalization.

The City has obtained funds for the cost-sharing of the subject traffic signal from other new developments in the immediate vicinity. Specifically, \_\_\_\_\_

In the absence of a strong legal basis for requiring the hotel to pay its fair share of the cost of the traffic signal, it appears that the City should attempt to obtain funds from the hotel on the basis of equity or fairness, rather than law. To that end, the City should attempt to deal directly with the hotel owner, Colorado PERA, rather than their property managers. This could be accomplished by a letter to the owner, signed by the Mayor, which requested cost sharing in the amount of \$18,800.55.

Direction should be sought from the City Council as to whether to proceed in this manner and to draft a letter to the hotel owner accordingly.

HILTONST

To: Larry Timm  
Cc: Dan Wilson  
From: John Shaver  
Subject: Hilton Hotel  
Date: 6/01/95 Time: 5:12p

Larry,

This message is written in response to your request that I review your draft memorandum to the CC regarding the Hilton traffic signal problem.

Dan and I have only briefly discussed this issue so-I've copied him with this e-mail to make sure that we are all on the same wavelength.

Your second paragraph in the memo could be completed something like this:

"Staff research reveals that no steps were taken by the City to follow through on the action of the City Council at that time. The appropriate action that could have occurred could have been any one, or a combination of, the following: 1) recordation in the Mesa County land records, in the chain of title for the property in the subdivision, the requirement that payment be made for the signal; 2) the posting of a financial guarantee for the construction of the signal; 3) the execution of a contract or other form of evidence of the requirement of payment for the signal in the future. Without any of these steps having been accomplished the uncollectibility of this obligation was ensured."

I've thought long and hard on this one and am unable to come up with a plausible legal theory on how to collect this money. Besides the practical problems with lack of recording or other evidence there are the problems of laches, estoppel, the statute of limitations and the statute of frauds (you are probably familiar with all of these but this one-the statute of frauds simply says that no suit shall be maintained on contracts unless there is a writing signed by the person against whom enforcement is sought).

Maybe Dan has a theory on how we can get there from here but I don't. There is something to be said for admitting mistakes and moving on-this case seems to typify facts necessitating application of that approach.

Please also note that "is" should be "was" in the 8th line of the first paragraph; "is" ought to be "are" in line 12. In the 4th paragraph, line 10, "it" needs to be "is" and "is" needs to be "it".

It is my recollection that both Taco Bell and Burger King may have paid.

In the second to the last paragraph you may want to think about changing the 1st line to read

"In the absence of any binding legal theory for requiring..."; think about deleting "rather than law" at the end of that line. In the 5th line "should" ought to be "may". In the 6th line you may want to insert "and asset" between "property" and "managers". In lines 7 & 8 delete "which" and change "request" to "requesting".

in the last paragraph try "Direction is requested...to the hotel owner  
requesting payment".

If should have questions or if I may otherwise be of assistance to you,

please let me know.

ips



DRAFT

June 5, 1995

Memorandum

To: City Council  
Mark Achen  
Dave Varley

Fm: Larry Timm

Re: Hilton Hotel traffic signal

In October, 1994, Former City Council member Larry Brown called the City Manager to question whether the Hilton Hotel is paying for the new traffic signal at Horizon Drive and I-70. He asserted that when he was on the City Council, the City Council passed a motion, during consideration of the final plat for the subdivision (Horizon/70 Subdivision) that the hotel is now located in, that required the developer to pay all or a portion of the cost of such a signal when the signal was warranted. The subdivision developer was Jack Treece. The approved motion included a condition that the developer be charged with 80% of the cost of signalization when it is warranted. A copy of the minutes from the City Council meeting of October 4, 1978 are attached.

Staff research reveals that no steps were taken by the City to follow through on the action of the City Council at that time. The appropriate action that could have occurred could have been any one, or a combination of the following: 1) recordation in the Mesa County land records, in the chain of title for the property in the subdivision, of the requirement that payment be made for the signal; 2) the posting of a financial guarantee for the construction of the signal; 3) the execution of a contract or other form of evidence of the requirement of payment for the signal in the future. Without any of these steps having been accomplished the uncollectibility of this obligation was ensured.

Traffic signals for the intersection of the Interstate on and off ramps, plus the Hilton intersection, were installed on November 29, 1994, with no financial participation by the Hilton Hotel.

Representatives of the Hilton Hotel were contacted regarding this matter beginning in October, 1994. The hotel is currently owned by the Colorado PERA. Colorado PERA purchased the property from the FDIC following bankruptcy proceedings. The hotel's day-to-day operations are run by a local manager, but the property is managed by Prudential. Prudential has said that they can find no documentation in the land records for the property that establishes an obligation of the landowner to pay for the traffic signal, and that the payment obligation was a personal obligation of the original developer. They say that it is unfair to hold Prudential responsible for this personal obligation of the developer,

particularly where there are other parties who have benefitted from the installation of the traffic light. A copy of the February 28, 1995 response regarding this matter from Prudential is attached.

The City engineering staff has reviewed the traffic at the Horizon Drive traffic signal location and can find no rational basis for 80% cost being assigned to the hotel. They find, based on the leg of the intersection that accesses the Hotel, that the Hilton Hotel should be paying \$18,800.55. This amount represents one-sixth of the total cost (\$112,803) of the signalization.

The City has obtained funds for the cost-sharing of the subject traffic signal from other new developments in the immediate vicinity. Specifically, the Taco Bell Restaurant immediately across Horizon Drive from the Hotel, in the amount of \$15,000.

In the absence of any binding legal theory for requiring the hotel to pay its fair share of the cost of the traffic signal, it appears that the City should attempt to obtain funds from the Hotel on the basis of equity, fairness or public responsibility. To that end, the City may attempt to deal directly with the Hotel owner, Colorado PERA, rather than their property and asset managers. This could be accomplished by a letter to the owner, signed by the Mayor, requesting cost sharing in the amount of \$18,800.55.

Direction is requested from the City Council as to whether to proceed in this manner and to then send a letter to the Hotel owner requesting payment.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT  
June 5, 1995

Mr. Frank Taulli, Chairman  
Board of Directors  
Colorado PERA  
1300 Logan Street  
Denver, CO 80203

Re: Hilton Hotel  
Grand Junction, CO.

Dear Mr. Taulli:

The subdivision in which the Hilton Hotel is now located was platted in October, 1978. At the time of plat approval, the Grand Junction City Council conditioned the plat approval on the developer being charged 80% of the cost of signalization, when warranted, of the Interstate/Horizon Drive/Hilton Hotel intersection. Traffic signals for the subject intersection were installed on November 29, 1994, with no financial participation by the Hilton Hotel.

The City engineering staff has reviewed the traffic at the Horizon Drive traffic signal location and can find no rational basis for 80% cost being assigned to the Hotel. They find, however, based on the leg of the intersection that accesses the Hotel, that the Hilton Hotel's fair share of the cost is \$18,800.55. This amount represents one-sixth of the total cost (\$112,803) of the signalization.

Members of the City staff have had recent conversations on this matter with PERA's asset managers at Prudential, specifically Cheryl Byrne and Howard Pollack. From a strictly legal perspective, it is arguable whether the City can require payment from the Hotel. It is not the City's intent to pursue this matter on legal grounds. Instead, the City appeals to the PERA, as owner of the Hotel, to financially participate to the extent of one sixth of the cost of the signalization on the grounds of civic responsibility.

Your Board's positive response to this request would be greatly appreciated.

Sincerely,

Ron Maupin,  
Mayor

HILTONST

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DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

June 5, 1995

Memorandum

To: City Council  
Mark Achen  
Dave Varley

Fm: Larry Timm

Re: Hilton Hotel traffic signal

In October, 1994, Former City Council member Larry Brown called the City Manager to question whether the Hilton Hotel is paying for the new traffic signal at Horizon Drive and I-70. He asserted that when he was on the City Council, the City Council passed a motion, during consideration of the final plat for the subdivision (Horizon/70 Subdivision) that the hotel is now located in, that required the developer to pay all or a portion of the cost of such a signal when the signal was warranted. The subdivision developer was Jack Treece. The approved motion included a condition that the developer be charged with 80% of the cost of signalization when it is warranted. A copy of the minutes from the City Council meeting of October 4, 1978 are attached.

Staff research reveals that no steps were taken by the City to follow through on the action of the City Council at that time. The appropriate action that could have occurred could have been any one, or a combination of the following: 1) recordation in the Mesa County land records, in the chain of title for the property in the subdivision, of the requirement that payment be made for the signal; 2) the posting of a financial guarantee for the construction of the signal; 3) the execution of a contract or other form of evidence of the requirement of payment for the signal in the future. Without any of these steps having been accomplished the uncollectibility of this obligation was ensured.

Traffic signals for the intersection of the Interstate on and off ramps, plus the Hilton intersection, were installed on November 29, 1994, with no financial participation by the Hilton Hotel.

Representatives of the Hilton Hotel were contacted regarding this matter beginning in October, 1994. The hotel is currently owned by the Colorado PERA. Colorado PERA purchased the property from the FDIC following bankruptcy proceedings. The hotel's day-to-day operations are run by a local manager, but the property is managed by Prudential. Prudential has said that they can find no documentation in the land records for the property that establishes an obligation of the landowner to pay for the traffic signal, and that the payment obligation was a personal obligation of the original developer. They say that it is unfair to hold Prudential responsible for this personal obligation of the developer,

particularly where there are other parties who have benefitted from the installation of the traffic light. A copy of the February 28, 1995 response regarding this matter from Prudential is attached.

The City engineering staff has reviewed the traffic at the Horizon Drive traffic signal location and can find no rational basis for 80% cost being assigned to the Hotel. They find, based on the leg of the intersection that accesses the Hotel, that the Hilton Hotel should be paying \$18,800.55. This amount represents one-sixth of the total cost (\$112,803) of the signalization.

The City has obtained funds for the cost-sharing of the subject traffic signal from other new developments in the immediate vicinity. Specifically, the Taco Bell Restaurant immediately across Horizon Drive from the Hotel, in the amount of \$15,000.

In the absence of any binding legal theory for requiring the hotel to pay its fair share of the cost of the traffic signal, it appears that the City should attempt to obtain funds from the Hotel on the basis of equity, fairness or public responsibility. To that end, the City may attempt to deal directly with the Hotel owner, Colorado PERA, rather than their property and asset managers. This could be accomplished by a letter to the owner, signed by the Mayor, requesting cost sharing in the amount of \$18,800.55.

Direction is requested from the City Council as to whether to proceed in this manner and to then send a letter to the Hotel owner requesting payment.

*Strengthen - more reasons  
- City use of rooms  
- VCB*

*more Selb  
on why.*

*NOT why NOT.*



City of Grand Junction, Colorado  
250 North Fifth Street  
81501-2668  
FAX: (303) 244-1599

June 21, 1995

Mr. Allan Tantleff, Vice President  
Prudential Real Estate Investors  
51 JFK Parkway  
Short Hills, New Jersey 07078

Re: Hilton Hotel  
Grand Junction, CO.

Dear Mr. Tantleff:

The subdivision in which the Hilton Hotel is now located was platted in October, 1978. At the time of plat approval, the Grand Junction City Council conditioned the plat approval on the developer being charged 80% of the cost of signalization, when warranted, of the Interstate/Horizon Drive/Hilton Hotel intersection. In 1990 and 1991, the City received written requests from Mr. Don Bramer, then General Manager of the hotel, to install a traffic signal at this location. Traffic signals for the subject intersection were installed on November 29, 1994, with no financial participation by the Hilton Hotel.

Members of the City staff have had recent conversations on this matter with your asset manager, Cheryl Byrne and your attorney, Howard Pollack. In his February 28, 1995 letter, Mr. Pollack rejected any obligation to help pay for the traffic signal.

Clearly, the installation of a traffic signal at this location is a great benefit for the hotel and its customers. As Mr. Bramer pointed out in his 1991-92 letters, it was extremely difficult to enter Horizon Drive from the Hilton driveway prior to the signal installation. A major reason why the City located the Visitor and Convention Center across the street from the Hilton was the existence of the traffic signal. I am sure the close proximity of the Visitor and Convention Center to the Hilton helps to attract visitors to your hotel.

The City has received \$15,000 towards the cost of the traffic signal from Taco Bell, which is located immediately across the intersection from the Hilton Hotel.

I, and other City representatives, would like to meet with you to discuss this matter at your earliest convenience. A member of the City staff will be calling you in the near future to make meeting

arrangements.

Thank you.

Sincerely,  
Ron Maupin, Mayor

cc: Jeff Chambers, Hotel Manager  
Cheryl Byrne  
City Council  
City Manager

June 22, 1995

Memorandum

To: City Council  
Mark Achen  
Dave Varley  
Dan Wilson

Fm: Larry Timm *LT*

Re: Hilton Hotel traffic signal

In October, 1994, Former City Council member Larry Brown called the City Manager to question whether the Hilton Hotel is paying for the new traffic signal at Horizon Drive and I-70. He asserted that when he was on the City Council, the City Council passed a motion, during consideration of the final plat for the subdivision (Horizon/70 Subdivision) that the hotel is now located in, that required the developer to pay all or a portion of the cost of such a signal when the signal was warranted. The subdivision developer was Jack Treece. The approved motion included a condition that the developer be charged with 80% of the cost of signalization when it is warranted. A copy of the minutes from the City Council meeting of October 4, 1978 are attached.

Staff research reveals that no steps were taken by the City to follow through on the action of the City Council at that time. The appropriate action that could have occurred could have been any one, or a combination of the following: 1) recordation in the Mesa County land records, in the chain of title for the property in the subdivision, of the requirement that payment be made for the signal; 2) the posting of a financial guarantee for the construction of the signal; 3) the execution of a contract or other form of evidence of the requirement of payment for the signal in the future. According to John Shaver, without any of these steps having been accomplished, the obligation is uncollectible from a legal standpoint.

Traffic signals for the intersection of the Interstate on and off ramps, plus the Hilton intersection, were installed on November 29, 1994, with no financial participation by the Hilton Hotel.

Representatives of the Hilton Hotel were contacted regarding this matter beginning in October, 1994. The hotel is owned by the Prudential Insurance Company of America. Apparently Prudential purchased the property from the FDIC following bankruptcy proceedings. The hotel's day-to-day operations are run by a local



documentation in the land records for the property that establishes an obligation of the landowner to pay for the traffic signal, and that the payment obligation was a personal obligation of the original developer. They say that it is unfair to hold Prudential responsible for this personal obligation of the developer, particularly where there are other parties who have benefitted from the installation of the traffic light. A copy of the February 28, 1995 response regarding this matter from Prudential's attorney is attached.

The City engineering staff has reviewed the traffic at the Horizon Drive traffic signal location and can find no rational basis for 80% cost being assigned to the Hotel. They find, based on the leg of the intersection that accesses the Hotel, that the Hilton Hotel should be paying \$18,800.55. This amount represents one-sixth of the total cost (\$112,803) of the signalization. An issue for the City is whether we try to obtain 80% of the cost (\$90,242) per the City Council motion, or try to obtain the \$18,800 per the current traffic situation, or some amount between the two.

The traffic signal clearly benefits the hotel--and in fact was even requested by the hotel manager in 1990. The City has obtained funds for the cost-sharing of the subject traffic signal from other new developments in the immediate vicinity. Specifically, the Taco Bell Restaurant immediately across Horizon Drive from the Hotel, in the amount of \$15,000.

Since we have not been successful in our efforts through Prudential's attorney, the City should attempt to meet with the property owner directly to obtain funds voluntarily on the basis of equity, fairness or public responsibility. To that end, the Mayor has sent a letter to the person at Prudential that is responsible for the property, requesting a meeting with him to discuss this matter. The objective of this meeting would be to obtain voluntary cost sharing in the amount of the full \$90,242, the \$18,800, or some amount in between.

Note:

City staff is gathering accident data for the intersection both before and after the installation of the signal. It is anticipated that this data will show a lowering of accidents, which we can point to as a benefit to the hotel and its customers.

Larry Timm



City of Grand Junction, Colorado  
250 North Fifth Street  
81501-2668  
FAX: (303) 244-1599

June 22, 1995

Mr. Allan Tantleff, Vice President  
Prudential Real Estate Investors  
51 JFK Parkway  
Short Hills, New Jersey 07078

Re: Hilton Hotel  
Grand Junction, CO.

Dear Mr. Tantleff:

The subdivision in which the Hilton Hotel is now located was platted in October, 1978. At the time of plat approval, the Grand Junction City Council conditioned the plat approval on the developer being charged 80% of the cost of signalization, when warranted, of the Interstate/Horizon Drive intersection. In 1990 and 1991, the City received written requests from Mr. Don Bramer, then General Manager of the hotel, to install a traffic signal at this location. Traffic signals for this intersection were installed on November 29, 1994, with no financial participation by the Hilton Hotel.

Members of the City staff have had recent conversations on this matter with your asset manager, Cheryl Byrne and your attorney, Howard Pollack. In his February 28, 1995 letter, Mr. Pollack rejected any obligation to help pay for the traffic signal.

Clearly, the installation of a traffic signal at this location is a great benefit for the hotel and its customers. As Mr. Bramer pointed out in his 1991-92 letters, it was extremely difficult to enter Horizon Drive from the Hilton driveway prior to the signal installation. A major reason why the City located the Visitor and Convention Bureau across the street from the Hilton was the existence of the traffic signal. I am sure the close proximity of the Visitor and Convention Bureau to the Hilton helps to attract visitors to your hotel.

The City has received \$15,000 towards the cost of the traffic signal from Taco Bell, which is located immediately across the intersection from the Hilton Hotel.

I, and other City representatives, would like to meet with you to discuss this matter at your earliest convenience. A member of the City staff will be calling you in the near future to make meeting arrangements.

Thank you.

A handwritten signature in cursive script that reads "Ron Maupin".

Sincerely,  
Ron Maupin, Mayor

cc: Jeff Chambers, Hotel Manager  
Cheryl Byrne  
City Council  
City Manager

# interoffice

MEMORANDUM

---

**to:** Larry Timm, Community Development Director  
**from:** Dave Tontoli, Traffic Engineer  
**subject:** Accident Survey  
**date:** June 27, 1995

I have conducted an accident survey before the installation of the traffic signal at Horizon Drive and Horizon - I-70 Court, and a survey after the signal was in operation, as of November 29, 1994. Finding are as follows:

- ▶ 1 accident occurred in 1989
- ▶ 3 accidents occurred in 1990
- ▶ 2 accidents occurred in 1991
- ▶ 2 accidents occurred in 1992
- ▶ 3 accidents occurred in 1993
- ▶ 2 accidents occurred in 1994
- ▶ 0 accidents from November 29, 1994 to present



September 11, 1990

City of Grand Junction, Colorado  
81501-2668  
250 North Fifth Street

Don W. Bramer  
General Manager, C.H.A.  
Grand Junction Hilton  
743 Horizon Drive  
Grand Junction, CO 81506

Re: Horizon Drive Traffic

Dear Mr. Bramer:

I am writing in response to your letter of August 23, 1990 requesting that the City consider the installation of a traffic signal in the area of Horizon Drive and Interstate 70. We are aware of the continuing increase in traffic on Horizon Drive and problems with crossing and turning movements during peak traffic periods.

Because this interchange is on an interstate highway, any signalization or other improvements would require the approval of the Colorado Department of Highways and the Federal Highway Administration. We would also request State and/or Federal funding of traffic signals if signalization is warranted. A traffic signal warrant study will be conducted this fall by the City Traffic Engineer.

The results of this study will be forwarded to the State Highway Department along with our recommendations and request for any improvements which may be warranted.

I will let you know the results of the traffic study which should be completed by October 31, 1990.

Sincerely,

A handwritten signature in cursive script that reads "J. Don Newton".

J. Don Newton  
City Engineer

xc: Bob Moston, CDOH  
Mark Achen  
Dave Tontoli  
Greg Trainor

skw

file:bramer



angle 17  
apptn 11/10/85  
base 1  
DAN 06  
John S.  
we asked for \$18,800 (as the  
calculated fair share)

RECEIVED GRAND JUNCTION  
PLANNING  
SEP 13 RECD

September 11, 1995

Mr. Larry Timm  
Community Development  
City of Grand Junction  
250 North 5th Street  
Grand Junction, CO 81501

Dear Larry:

I apologize for the delay, but after a great deal of debate, I have finally managed to convince the "powers that be" to make a contribution to the stoplight on Horizon Drive. They have agreed to contribute \$15,000 in a payment program, to commence in October.

I am in the process of working with our attorneys at Richfield to draw up a no-responsibility letter. If you have anything in your files that would hold us harmless, etc., I would appreciate it.

Thank you very much.

Sincerely,

GRAND JUNCTION HILTON  
*Rex N. Chambers*  
Rex N. Chambers  
General Manager

RNC/smg

RECEIVED GRAND JUNCTION  
PLANNING DEPARTMENT  
SEP 13 RECD



City of Grand Junction, Colorado  
250 North Fifth Street  
81501-2668  
FAX: (303) 244-1599

January 30, 1996

Sandy Garrett  
Hilton Hotel  
743 Horizon Drive  
Grand Junction, CO 81506

Dear Sandy:

Enclosed is the signed release regarding the Hotel's contribution of \$15,000 to the City of Grand Junction towards the cost of installation of the traffic signals at the intersection of I-70 and Horizon Drive. From our phone conversation today, I assume that the funds will be delivered or presented to the City by mid-February at the latest. If you wish to present the check at a City Council meeting, please contact David Varley, Assistant City Manager (244-1502), by February 13. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Timm".

Larry Timm  
Director of Community Development

to be ref for report  
#85-78

Document: I:\FINANCE\CLERK\CMINUTES\781004.WP

SUBDIVISION - HORIZON 70, FINAL PLAT, SW CORNER OF I-70 AND HORIZON DRIVE

Taken from the table for further discussion was the Horizon 70 final subdivision plat to be located on the southwest corner of I-70 and Horizon Drive. At the last Council meeting, members of Council expressed concern with the traffic situation as it relates to the ramp from I-70 and Horizon Drive. Senior Planner Del Beaver reviewed Planning Commission and Planning Staff comments. He submitted a copy of a letter from Dave Campbell, State Highway Department, and a copy of a memo to City Engineer Ron Rish from Traffic Engineer Steve McKee. The letter from Mr. Campbell addressed significant traffic in the area and indicated that the developer's proposed channelization of the intersection will diminish the impact and spoke to eventual traffic signal control, and suggested the establishment of an escrow account by the developer to assure availability of funds when traffic signal warrants are met. Mr. McKee's memo to Mr. Rish indicates traffic volumes, peak hour flows, and the problems that would be associated with this intersection. Mr. Beaver said it is still Staff's understanding that upon the petitioner working out the final schematics toward this intersection with the realigned islands and signalization would mitigate to a great degree the concerns evidenced by Mr. McKee and Mr. Campbell.

Mr. Rish indicated signalization of the intersection would be warranted upon full development of the property in question.

It was moved by Councilman Kozisek and seconded by Councilman Brown that the Final Plat of Horizon 70 Subdivision be approved subject to the conditions of the Planning Commission and the Planning Staff and subject to the developer being charged with 80% for signalization when it is warranted, directing the Staff to use input for the closing of the ditch road, and the channelization of the intersection.

Mr. Treece, the developer, stated that he cannot understand the comparison of the absolute peak traffic that he would generate in three or four years with today's traffic on Horizon Drive seems to him an unfair comparison. If his development can be projected, it would seem that Horizon Drive can also be projected to seek what peak development will be and what percentage is being talked about. Secondly, Mr. Treece said they have drawn a plan for an office building. The possibility is that in four years they will not put up an office building. It may be condominiums, it may be open land and they may have a lot less traffic generated from this development. When the time comes for a traffic light at that intersection, there may be other reasons in four years for the traffic light. He indicated that Horizon Drive is a very active area with plans for four laning it. He stated that a traffic light may go up there without his development generating much of the traffic, and yet at this meeting he is being committed for a certain percentage of that. He said there are two unknown factors: what he is going to do and what Horizon Drive is going to do. He continued that he felt it was fair at the last meeting when he indicated that he was willing to participate in the signalization so that at the time it is necessary an evaluation can be made as to who is getting the most benefit and who is getting how much benefit. He expressed no doubt but that the traffic signal would benefit other people as well. He



said he did not feel it is fair to expect him to pay a certain percentage of the cost now when it is not known what the cost will be in three to four years' time.

Councilman Brown stated that, even though Horizon Drive traffic triples, if the development does not go in there would be no need for a signal.

Motion carried with President Johnson voting NO.

President Johnson felt the percentage figure is too arbitrary at this time

*John Shaver*

RELEASE

KNOW ALL MEN BY THESE PRESENTS:

That the City of Grand Junction, for the sole consideration of Fifteen Thousand Dollars (\$15,000.00), to the City of Grand Junction paid by Richfield Hospitality Services, Inc., by and on behalf of the Hilton Hotel - Grand Junction and its Owner, hereinafter collectively referred to as Payor, has released and discharged and by these presents, does release and forever discharge the said Payor and all other persons, firms, and corporations as principals, agents, or successors from any and all claims or obligations for or because of any requirement for the payment of or for participation in the cost of installation of a traffic signal at the intersection of Horizon Drive and Horizon 70 Court, Grand Junction, Colorado.

The City of Grand Junction and the Payor understand and agree that this release is made as a compromise to avoid the expense of dispute resolution and to terminate all controversy and/or claims in any way arising from or associated with the requirement of the Grand Junction City Council that the Payor, as a condition of subdivision, pay all or any portion of such cost as occasioned by the construction of the Hilton Hotel - Grand Junction at the intersection described. A photocopy of the minutes of the meeting at which the requirement was imposed are attached hereto and incorporated by this reference as if fully set forth. By the execution hereof, the City of Grand Junction hereby acknowledges and agrees that as of the date hereof, the Payor, its successors and assigns, have fully and completely complied with the requirements of the Grand Junction City Council as it relates to contributions for traffic signals or roadway and intersection improvements or construction of any kind as occasioned by the development of the hotel.

IN WITNESS WHEREOF, Mark K. Achen, City Manager, has hereunto set his hand this 29<sup>th</sup> day of January, 1996.



Mark K. Achen  
250 North 5th Street  
Grand Junction, CO 81501

ATTEST:



Stephanie Nye

