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File 1988-0033

Project Name: Gay Johnson – Alley ROW Vacation, alley btw Grand & White

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 in some instances, not all entries designated to be scanned by the department 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 provided.</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>
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X		Reduction of assessor's map.
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<b><u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u></b>		
X	X	Action Sheet
X		Review Summary
X	X	Review Sheet Summary
X		Development Application - 9/1/88
X	X	Ordinance No. 2403 - **
X		Letter Carl Barnkow to Public Service re:
X	X	Planning Commission Minutes - ** - 9/27/81, 10/4/88
X	X	Development Summary – 10/6/88
X		Public Notice Posting – 9/21/88
X	X	City Council Minutes - ** - 10/19/88
X	X	Site Plan
X		Memo from Kathy Portner to Public Service re: approved that portion of the alley which is under the Gay Johnson's building – 10/24/88
X	X	Letter from Greg Trainor to Gaynell Lenderman, Gay Johnsons, Inc. re: service line issues-maintenance, repair and replacement – 11/14/88



# GAY JOHNSON'S, Inc.

P.O. Box 1829 • Grand Junction, Colorado 81502 • (303) 245-7992

## GAY JOHNSON'S, INC. IMPACT STATEMENT/PROJECT NARRATIVE

The proposal is to vacate an alley that is located directly behind the existing Gay Johnson's Convenience Store and Service Station located at 333 First Street in Grand Junction. The reason for this request for a vacation is to clear the title and avoid any potential legal encumbrances due to the fact that the building extends out into the alley. Although there is no intent to expand the existing property within the alley, our bank is requesting that this situation be rectified before they can receive title insurance and extend permanent financing.

The area impacted by this vacation is the city block presently owned in total by Gay Johnson's (except for one leased lot). The alley does not continue south of this block (south of White Avenue). The alley in the "Johnson block" is difficult to identify and does not act as a thorough street with vehicle circulation in the block itself.

The present services will be maintained and easements provided along with provision for rain water drainage. There are no plans presently for changing the present flow of surface water or for revising the utility arrangement.

There appears to be no complications relating to zoning. The building has been remodeléd and converted from a restaurant into a convenience store. The fuel pumping facilities have been expanded and we feel that vacating the alley would also improve the access to the diesel islands on the south side of the building.

#33 88

Original  
Do NOT Remove  
From Office

• Grand Junction—1st Street  
(303) 243-2421

• North Avenue  
(303) 242-3021

• Cameo  
(303) 464-7275

• Denver  
(303) 571-5195

• Rawlins, Wyoming  
(307) 324-3463

2945-144-01-003  
Admin. of Veterans Affairs  
P.O. Box 25126  
Denver, CO 80225

2945-154-02-003  
Ernest D. Buescher  
140 Power Road, PJ482  
Grand Junction, CO 81503

2945-154-03-001  
Ernest D. Buescher  
714 Golfmore Drive  
Grand Junction, CO 81505

2945-154-03-002  
Lila Mae Wills  
1115 18 Road, Rt. 1  
Fruita, CO 81521

2945-154-03-003  
Bernie G. Dorris  
P.O. Box 4832  
Grand Junction, CO 81502

2945-154-03-007  
Esther L. Fausson  
3318 B. Crestview Way  
Grand Junction, CO 81506

2945-144-01-004  
Alice M. Norgaard  
1131 Grand Avenue  
Grand Junction, CO 81501

2945-154-03-013  
Virgil Z. Vandyke  
2592 Fruitridge Dr.  
Grand Junction, CO 81505

2945-144-01-015  
Rhea C. Shaw  
1150 White Ave.  
Grand Junction, Co 81501

2945-154-04-001  
Barbara J. Raso  
500 Walnut Ave.  
Grand Junction, CO 81501

2945-144-01-007  
Avix M. Carlson  
1150 White Ave.  
Grand Junction, CO 81501

2945-154-04-002  
Barbara J. Raso  
P.O. Box 2328  
Grand Junction, CO 81502

2945-151-00-092  
James A. Holmes, Jr.  
200 W. Grand  
Grand Junction, CO 81505

2945-154-01-010  
Minnie Fuoco  
411 32 Road  
Clifton, CO 81520

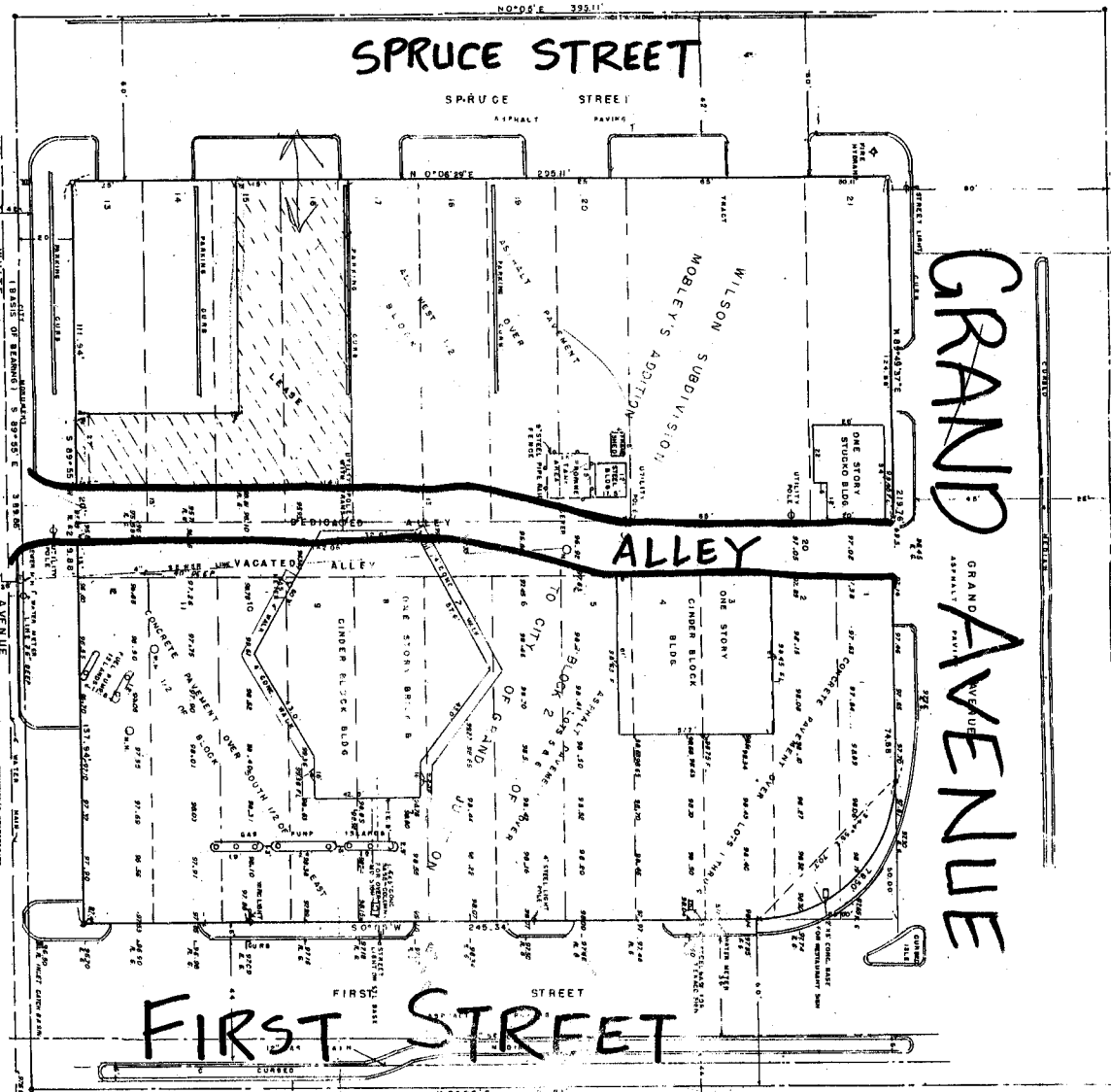
2945-154-02-001  
Western Slope Beverage Co.  
140 Power Road  
Grand Junction, CO 81503

2945-154-02-002  
James A. Holmes, Jr.  
200 W. Grand Avenue  
Grand Junction, CO 81505

#33 88

Original  
Do NOT Remove  
From Office

# GRAND AVENUE



According to Colorado Law, this map, certificate and legal description shall constitute the entire agreement between the parties hereto and shall in no way be subject to oral modification, alteration or amendment. All disputes between the parties shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The date of certification shall be the date of certification shown herein.

**WHITE AVENUE**  
 BASIS OF BEARING  
 1. 10° 00' 00" E 338.00'  
 2. 10° 00' 00" E 338.00'  
 3. 10° 00' 00" E 338.00'

**WILSON SUBDIVISION**  
 MOBLEY'S ADDITION  
 IMPROVEMENT SURVEY C  
 ADDITION TO CITY OF GRAND JUNCTION 91



**IMPROVEMENT SURVEY C**  
 WILSON SUBDIVISION OF BLOCK 2 OF MOBLEY'S ADDITION TO CITY OF GRAND JUNCTION 91  
 SOLE SUBDIVISION COMPANY  
 833 87  
 1000 10th St. Grand Junction, CO 81505

**#33-87**  
 SCALE: 1" = 40'

1. This map is drawn to the scale of 1" = 40' and is intended to show the location and boundaries of the lots and blocks shown hereon. It is not intended to show the location of any buildings or other structures shown hereon. The location of any buildings or other structures shown hereon is shown for information only and is not intended to be a part of this map. The location of any buildings or other structures shown hereon is shown for information only and is not intended to be a part of this map. The location of any buildings or other structures shown hereon is shown for information only and is not intended to be a part of this map.

#33 88  
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# REVIEW SHEET SUMMARY

FILE NO. 33-88 TITLE/HEADING Alley Vacation DUE DATE 9/20/88

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES Petitioner: Gaynell Lenderman

Location: North/south alley between Grand and White Avenues, west of N. 1st Street

PETITIONER ADDRESS 680 Step-A-Side Drive Grand Junction, CO

ENGINEER n/a

DATE REC.            AGENCY                    COMMENTS

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED  
A MINIMUM OF 48 HOURS PRIOR TO THE FIRST SCHEDULED PUBLIC HEARING.

9/20/88	Development Dept.	This proposal was denied by Planning Commission on 12/1/87. The denial was based on the petitioner having no specific plan for the property and opposition voiced by the other landowner along the alley. Since then, the petitioner has completed improvements on the property. We recommend the petitioner contact the other property owner involved prior to the hearing to resolve any differences.
9/16/88	Public Service gas: electric:	There is a 2" MW gas line in this alley. There exists north/south overhead power line. Must be covered by a utility easement.
9/20/88	Public Works	Rather than vacate the entire alley, I offer the following suggestions: 1) Vacate only that portion where the building encroaches the alley right-of-way, reserving an easement for existing utilities, etc.; or 2) Issue a revocable permit for the encroachment. A revocable permit would only require action by the City Council and not the Planning Commission.
9/9/88	Mtn. Bell	U.S. West has no objections to vacating the present alley as long as it remains as a utility easement. At present, U.S. West has an aerial cable feeding from the south across White Avenue along the proposed alley vacation to Grand that has to remain to serve the "Johnson" block. This aerial cable is attached to PSCO poles which also provides electric power.
9/6/88	Fire Dept.	This office has no objections to the alley vacation as long as a minimum of 20" twenty feet of clear space is maintained around the building for Fire Department access. If any future development is planned, our office will need to review the plans to ensure adequate fire access and protection is provided. If you have any questions, please call.
9/20/88	Police Dept.	No problems noted as long as the area to the west is not built upon. If property directly west of the convenience store is sold or has buildings constructed, then consideration of an alley right-of-way should be reviewed.

*sent 9/22*



**GAY JOHNSON'S Inc.**

RECEIVED GRAND JUNCTION  
PLANNING DEPARTMENT

SEP 30 1988

P.O. Box 1829 • Grand Junction, Colorado 81502 • (303) 245-7992

September, 29, 1988

Grand Junction Planning Department  
City Hall  
Grand Junction, CO 81501

RE: FILE #33-88 - VACATION OF 20 FOOT ALLEY

In response to your review sheet summary, I have the following information:

DEVELOPMENT DEPT.: We have no additional plans for the property now that our remodeling project has been completed. However, as expressed in our Project Narrative it is imperative that we gain title to the property under the existing building which extends into the alley in order to secure title insurance for our financing. We have contacted Minnie Fuoco, the other property owner adjacent to the alley. At this time she does not appear to have any objections to the vacation.

PUBLIC SERVICE: We are aware of the 2" MW gas line in the alley and will grant the necessary easement if the alley is vacated.

PUBLIC WORKS: Partial vacation of the alley would be acceptable, however, we are aware of the fact that the Planning Commission does not look in favor of partial vacations. A revocable permit is not acceptable because of the revocable nature of it.

MOUNTAIN BELL: An easement will be maintained for the aerial cables.

FIRE DEPARTMENT: We will maintain at least twenty feet of clearance around the building as required for access.

POLICE DEPARTMENT: We have no building plans for the property across from the alley, however, the alley easement will be maintained under any circumstance.



# development summary



File # 33-88 Name Alley Vacation Date 10/6/88

**PROJECT LOCATION:** North/south alley between Grand and White Avenues, west of 1st Street.

**PROJECT DESCRIPTION:** Gay Johnson's request to vacate the alley on which a portion of their building sets.

## REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE			TECHNICAL REQUIREMENTS		
	YES	NO*		SATISFIED	NOT SATISFIED*
Complies with adopted policies n/a			Streets/Rights Of Way	X	
Complies with adopted criteria n/a			Water/Sewer	X	
Meets guidelines of Comprehensive Plan		n/a	Irrigation/Drainage n/a		
			Landscaping/Screening		
			Other: _____		

\* See explanation below

Gay Johnson's has requested that the north/south alley running behind their existing building be vacated. This same request was denied by Planning Commission 12/87 because of opposition by the other property owner involved, and because at that time, they did not have specific plans for the property. Since Gay Johnson's remodel is now complete, they have resubmitted their request. Their improvements survey shows that about 4 feet of the existing building is on the alley ROW. To clear the title, a partial vacation, vacating that portion of the alley the building is on, would be acceptable.

In 1962 the same request was made so that Gay Johnson's could add 15' to the back of their existing building. The compromise was that the alley ROW would be moved 15' to the west. Gay Johnson's agreed to install cast iron sewer pipe under the addition and pay for new alley improvements.

### STATUS & RECOMMENDATIONS:

It appears from the old records that the intent in 1962 was to move the alley ROW far enough to the west to accommodate the proposed addition. According to the improvements survey, the alley was moved only 13'. We feel the alley should be retained as a through access, but have no problem with vacating that portion of the ROW the building sets on.

### Planning Commission Action

10/4/88 Planning Commission recommended that the portion of the alley ROW under the building be vacated, retaining all necessary easements.





Grand Junction Planning Department  
250 North Fifth Street  
Grand Junction, Colorado 81501-2668  
(303) 244-1430

**MEMORANDUM**

TO: Public Service  
FROM: Kathy Fortner *kp*  
DATE: October 24, 1988  
RE: Alley Vacation Request

You had previously commented on a request to vacate the north/south alley between Grand and White Avenues, west of N. 1st Street. All the utility companies had requested that easements be retained. Upon the Planning Commission's recommendation, City Council approved the vacation of only that portion of the alley which is under the Gay Johnson's building.

I have included a legal description for that piece to be vacated and a copy of the improvements survey for the property. Please let me know as soon as possible if you need an easement on that portion to be vacated. If you have any questions please call me at 244-1446.

/kp



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

November 14, 1988

Gaynell Lenderman  
Gay Johnsons, Inc.  
P.O. Box 1829  
Grand Junction, CO 81502

Dear Mrs. Lenderman:

The 4" sewer line at the rear (west) of the new Gay Johnson's service station on 1st Street is a service line and, as such, is the responsibility of the property owner for ownership, maintenance, repair and replacement.

As outlined in City ordinances:

"A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot..." Code of Ordinances, City of Grand Junction, Section 24-26, Sewers.

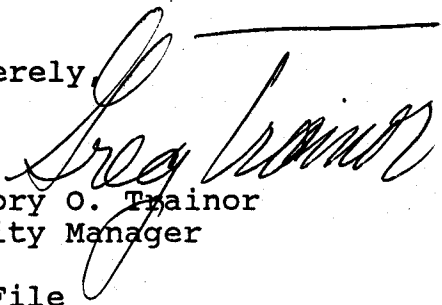
Thus, the Utility Department's position is as follows:

1. This line is the responsibility of the current owner, Gay Johnsons. Regardless of where the line goes on the property, including under the existing building where the line is currently located, it is your responsibility to maintain this line.
2. Only one building shall be served by this line.
3. No additional connections onto this service line will be allowed.
4. At any time that the adjacent properties are sold and are no longer under single ownership, a separate sewer service line will be required to be installed and connected to the sewer for service to those other properties. Future construction of any structures, whether on Gay Johnson's property or not,

will require a separate sewer service line to be built. Future construction will be required to pay the applicable plant investment and tap fees. Existing buildings currently served by this service line, if maintained for the same use, when placed on a separate service line, will not have to pay the plant investment fee, but will pay the tap fee.

5. This service line is the ownership of Johnsons so construction on the Fuoco property would not be allowed to connect.

Sincerely,

  
Gregory O. Trainor  
Utility Manager

xc: File

GT:skw