

ARMSTRONG CONSULTANTS, INC.

861 Rood Avenue

Grand Junction, Colorado 81501

(303) 242-0101

October 31, 1988

Grand Junction Planning Commission
250 N. Fifth Street
Grand Junction, CO 81501

Dear Members:

Accompanying is a Final Plat Request for the Denver and Rio Grande Western Railroad. This request gained preliminary plan approval from the City in November, 1987. Filing #4 is located between 4th & 5th Streets, 125 feet south of South Avenue.

Major uses adjoining the request include Litton Warehouse on the north, the railroad mainline adjoins the southern property line and the railroad's operational area is located west of Filing #4. The Fifth Street viaduct is the east boundary of the request.

The proposal calls for the platting of 2 lots. Lot 1 is currently occupied by Rio Grande Motor Ways, who operates a truck terminal and warehouse facility. Lot 2 is currently occupied by the local Conoco Oil products plant.

Filing #4 is currently zoned I-1 by the City of Grand Junction. Uses permitted within this zone are primarily to allow light and heavy manufacturing, warehousing and outdoor industrial storage activities.


Existing utility service and vehicular access will remain unchanged to the uses within Filing #4.

Modification to the uses presently occupying lots within Filing #4 will not change as a result of platting of property.

Representatives of the railroad and myself will be in attendance at the scheduled public meeting to address your agency comments and answer any questions which may arise.

Respectfully,

ARMSTRONG CONSULTANTS, INC.



Thomas A. Logue
Project Manager
TAL/sh
DALY31

CONSULTING ENGINEERS

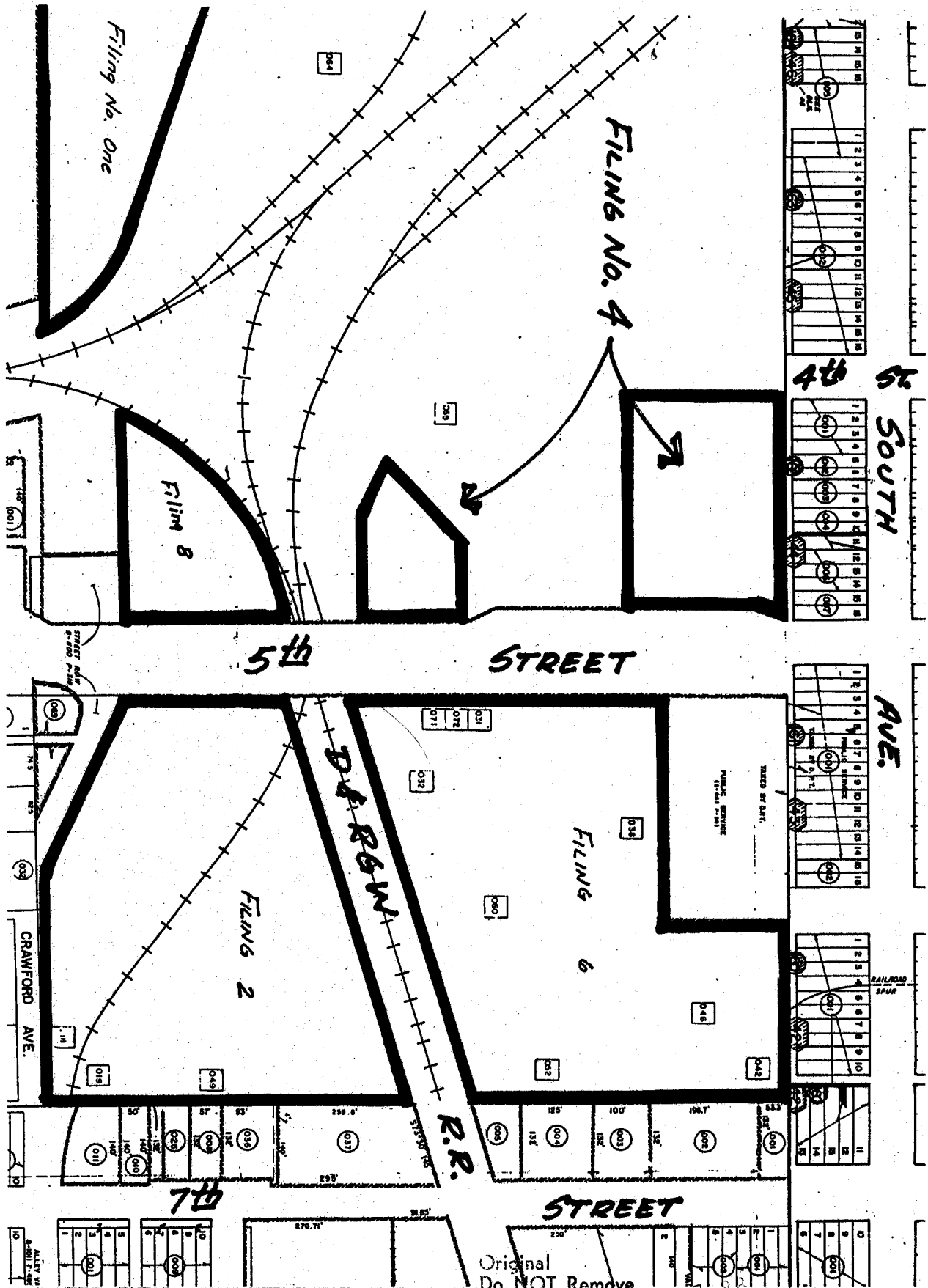
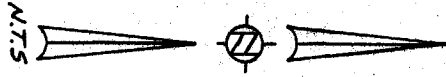
#47 88
Do NOT Remove
from Office

Anna Company
Box 489
Grand Junction, CO 81502

Thomas G. Litton
Box 1356
Grand Junction, CO 81502

Original
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From Office

7/7 00



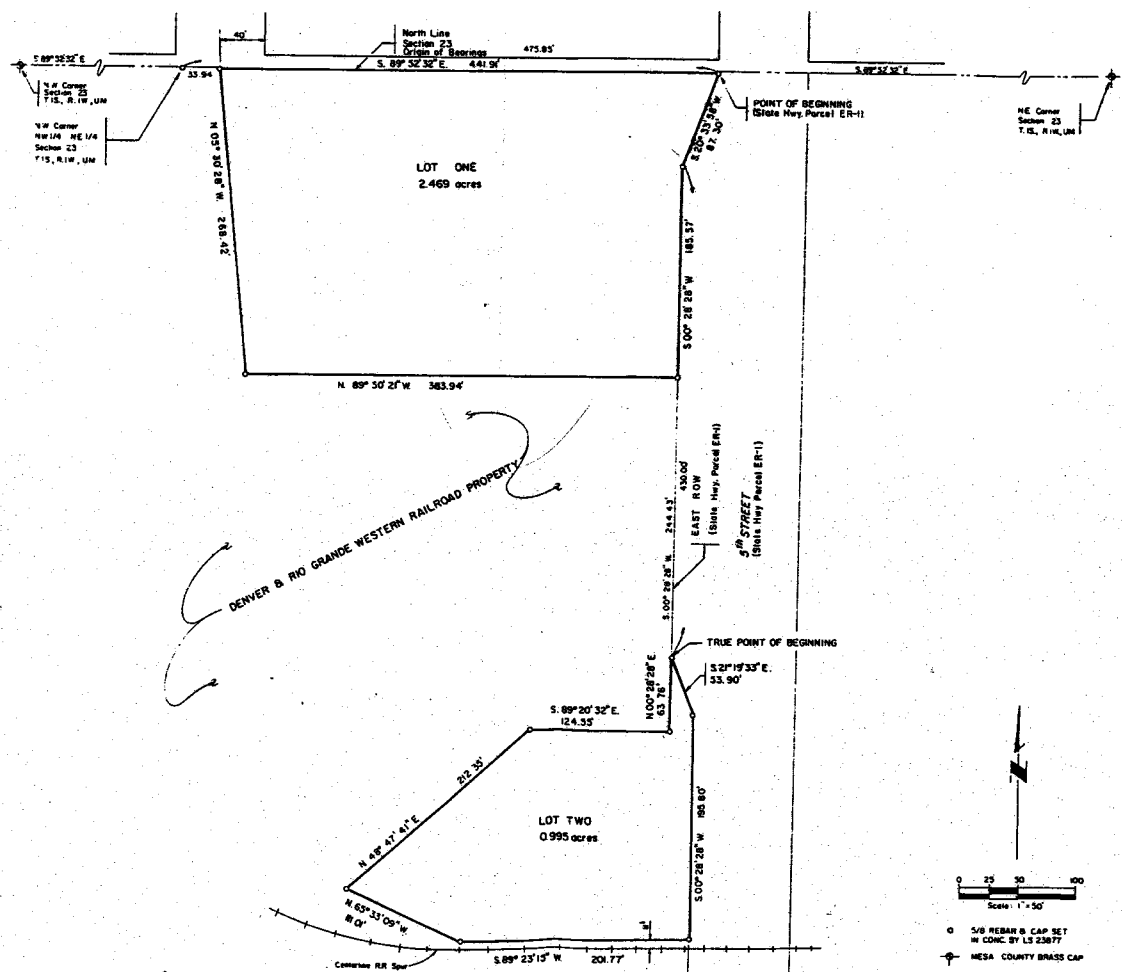
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1. 5.00°28'28" N., 47.30 FEET.
 2. 5.00°28'28" N., 430.00 FEET.
 TO THE TRUE POINT OF BEGINNING; THESE CONTINUING ALONG SAID EAST LINE OF STATE HIGHWAY PARCEL ER-1, THE FOLLOWING TWO (2) COURSES:
 1. 2.21°18'28" N., 50.00 FEET.
 2. 5.00°28'28" N., 195.00 FEET.
 THENCE S. 89°23'15" W., 201.77 FEET; THENCE N. 63°33'09" W., 111.00 FEET; THENCE N. 69°41'47" E., 212.35 FEET; THENCE S. 89°20'32" E., 124.55 FEET; THENCE N. 69°28'28" E., 43.15 FEET TO THE TRUE POINT OF BEGINNING. BOTH PARCELS CONTAIN 3.464 ACRES.

SUBJECT TO EXISTING RIGHTS-OF-WAY FOR ROAD PURPOSES.
 THAT SAID OWNER HAS CAUSED THE SAID REAL PROPERTY TO BE Laid OUT AND SUBDIVIDED AS A D & R G W RAILROAD SUBDIVISION, FILING PLAN, A SUBDIVISION OF A PART OF THE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO.
 THAT THE SAID OWNER DO HEREBY DEDICATE AND SET APART ALL OF THE STREETS AND ROADS AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC POWER AND UTILITY PROVIDERS TO THE PUBLIC UTILITIES THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS ON THE ACCOMPANYING PLAT FOR POSITION, EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AND SERVICE FACILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC LINES, GAS LINES, DRAINAGE LINES AND TELEPHONE LINES, TOGETHER WITH THE RIGHT TO TRAVEL INTERFERING TREES AND BRUSH, WITH PERPETUAL RIGHT OF ACCESS AND EGRESS FOR INSTALLATION AND MAINTENANCE AND REPAIRS OF SUCH LINES. SUCH EASEMENTS AND RIGHTS SHALL BE UTILIZED IN A REASONABLE AND PRUDENT MANNER.
 IN WITNESS WHEREOF, SAID OWNER HAVE CAUSED THEIR NAMES TO BE HEREINTO SUBSCRIBED THIS _____ DAY OF _____, A.D., 1988.

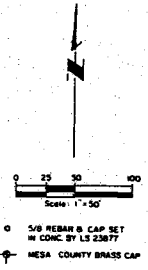
THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY
 A BELMONT CORP. U.S. 146,794, PRESIDENT
 STATE OF COLORADO }
 COUNTY OF DENVER } SS
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D., 1988 BY U.S. 146,794, PRESIDENT OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, A BELMONT CORPORATION.
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC
 Address: _____
 CLERK AND RECORDS CERTIFICATE
 STATE OF COLORADO }
 COUNTY OF MESA } SS
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS RECORDED IN MY OFFICE AT _____ O'CLOCK THIS _____ DAY OF _____, A.D., 1988 AND IS FULLY RECORDED IN PLAT BOOK NO. _____ PAGE _____

CLERK AND RECORDS DEPUTY FEES \$ _____
 CITY APPROVAL
 THIS PLAT OF D & R G W RAILROAD SUBDIVISION, FILING PLAN, A SUBDIVISION OF THE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, IS APPROVED AND ACCEPTED BY THIS _____ DAY OF _____, A.D., 1988
 City Manager _____ President of Council _____ Engineer, Planning Commission _____
 Director of Development _____ City Engineer _____

SURVEYOR CERTIFICATE
 I, DANIEL E. BROWN CERTIFY THAT THE ACCOMPANYING PLAT OF D & R G W RAILROAD SUBDIVISION FILING PLAN A SUBDIVISION OF A PART OF THE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS A FIELD SURVEY OF SAID _____

DANIEL E. BROWN, U.S.C. SURVEYING SYSTEMS, INC. SITE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 L.S. No. 23877



NOTES: According to Colorado law you must examine and read within 60 days after any defect in this survey within six years after you first discover such defect. In no event, may any defect based upon any defect in this survey be removed more than ten years from the date of the notification shown herein.

D & R G W RAILROAD SUBDIVISION
 Filing No. 4
 Located in Part of the N 1/4 Sec. 21 T. 15, R. 1W, UM

ARMSTRONG CONSULTANTS, INC.
 1000 1/2 Street, Suite 100
 Grand Junction, Colorado 81505
 Phone: 731-2100
 Fax: 731-2101

REVIEW SHEET SUMMARY

FILE NO. 47-88 TITLE/HEADING D&RGW Railroad, Final Plat #4 DUE DATE 11/16/88

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES Petitioner: D&RGW Railroad, Tom Logue

Phase: Final Plat Location: 712 4th Street and 2nd and South Avenues

Acres: 4.3 and 1.2

PETITIONER ADDRESS c/o The Anshutz Corp. 555 17th Street, Denver, CO 80202

ENGINEER n/a

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

11/07/88	Grand Jct. Drainage	The Grand Junction Drainage District does not have any open ditches or tiled drains in the area to be platted into D&RGW Railroad Subdivision, filing #4. There are no adopted nor proposed plans for extending any open drains or tiled drains into the area to be platted in this project.
11/08/88	Public Works	No comments.
11/09/88	Parks/Rec.	None.
11/16/88	Police Dept.	No problems noted.
11/14/88	Public Service	Ingress and egress easement on South 6th Street should also be designed as utility easement to cover existing natural gas facilities. Note: This is not on Filing #4, but is on Filing #6 and should be considered.
	gas: electric:	
		Request 10' easement for existing overhead electric line as shown on lot 1 and on lot 2. Ingress and egress easement for lots 1 through 5 should be designated as utility easement to cover existing electric facilities.
11/09/88	Mtn. Bell	Locate buried telephone cable crossing lot #1, then provide 10' wide utility easement to cover it.
11/09/88	Fire Dept.	We have no objection to this request. If and when any proposed building is to take place, we will need to review the plans prior to any building.
11/02/88	City Attorney	<ol style="list-style-type: none"> 1. Conflict: Armstrong does City consulting work? 2. Who is owner? Anshutz or Railroad? Who are Logue/Phillips? 3. What are uses between portions of filing #4; are these to be divided? 4. See notes in blue on plat sheet. Once these are answered, I'd like to see the revised plat.
11/16/88	DDA	The proposed final plat for the D&RGW Subdivision, Filing #4, appears consistent with the existing and possible future uses of the area. The DDA would like, however, to raise the issue of ongoing DDA boundary expansion southward along 5th Street. This subdivision creates a need for the D&RGW to participate in this expansion if the DDA is to be allowed its southward momentum towards the river. We would respectfully request the D&RGW to commit to inclusion in the DDA District as part of this review process. A staff member of the DDA will be present at the scheduled public meeting, December 6, 1988.

11/16/88

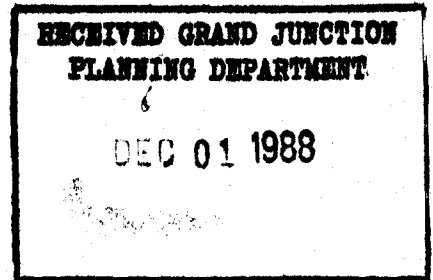
Planning Dept.

1. Easements must be dedicated for all existing utilities on both lots.
2. Both lots are currently developed with existing industrial uses, so there will be no required open space fees. If the uses should change, open space fees may be required at that time.
3. When the revised plat is submitted, it should be in full compliance to all plat requirements per the Grand Junction Zoning and Development Code and amendments. Please note those comments and changes which have been required on previous final plats of the D&RGW properties to ensure all details are included.

*Hand delivered to J. Logan
11/22/88
Sent to County on 11/22/88 also*

REVIEW AGENCY RESPONSE
FILE #47-88

ACTIVITY - D&RGW Railroad Subdivision Filing #4
PETITIONER - D&RGW Railroad
LOCATION - 712 Fourth Street



<u>AGENCY</u>	<u>RESPONSE</u>
Grand Junction Drainage	No response required.
Public Works	No response required.
Park-Rec.	No response required.
Police Department	No response required.
Public Service - Gas	Easements requested for future Filing 6 will be incorporated with the preparation of the Filing 6 plat.
Public Service - Electric	Requested 10 foot easement for existing overhead electric line will be provided on Lots 1 & 2. Easements requested for future Filing 6 will be incorporated with the preparation of the Filing 6 plat.
Mountain Bell	The underground phone cable crossing Lot 1 has been located in the field and a 10 foot wide utility easement will be designated on the final plat.
Fire Department	No response required.
City Attorney	1. No response. 2. The owner of the property is the Denver & Rio Grande Western Railroad Company which is owned by the Anschutz Corporation. Mr. Logue is the project manager with Armstrong Consultants who represents the Anschutz Corporation. Mr. Phillips is an authorized agent of the Denver & Rio Grande Western Railroad Company.

AGENCY

RESPONSE

3. The use between Lots 1 & 2 is the railroad main line. In conjunction with the main line are numerous spurs and sidings which are a part of overall railroad operations. There are no plans in the future to subdivide the property lying between Lots 1 & 2 due to its strategic nature.
4. The notes indicated on the plat sheet will be incorporated with other required revisions on the final plat and submitted to the City Attorney for review prior to recording.

D.D.A.

See attached letter to D.D.A.

Planning Department

1. The required easements will be dedicated for all existing utilities on all lots.
2. No response required.
3. See attached letter to Dan Wilson, City Attorney.



File: IC
XC: Tom Job
Len
REC'D DEC 01 1988

2400 ANACONDA TOWER · 555 SEVENTEENTH STREET · DENVER, COLORADO 80202 · 303-298-1000 · TWX 910-931-2620

November 25, 1988

Ms. Mary Ann Harms
Downtown Development Authority
115 N. 5th Street, Suite 540
P. O. Box 296
Grand Junction, Colorado 81502

Dear Ms. Harms:

In reference to the Downtown Development Authority's expressed interest in the D&RGW Subdivision, Filing No. 4, I offer the following comments.

On August 30, 1988, Mr. Gary Ferguson, then Director of the DDA, met with representatives of the Denver and Rio Grande Western Railroad and me to discuss the possible inclusion of railroad property within the DDA boundaries. Mr. Ferguson indicated that the DDA wished to extend its boundaries south across the railroad mainline. We indicated at that meeting that, given the preliminary information we had, we did not wish to create a "roadblock" for such extension. However, we did discuss our concerns about the exact nature of the inclusion process and which properties would need to be included to allow DDA to move south.

Specifically, we did not want to include the area between Lots 1 and 2 of Filing 4 because it is a parcel of several hundred acres. It is unlikely we would receive benefits equivalent to our future tax obligation. We discussed the possibility of leapfrogging over railroad operating property, thereby, avoiding the problem. Gary was to explore these concerns with DDA's counsel.

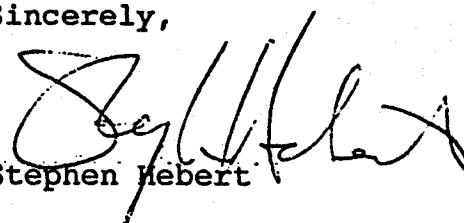
Unfortunately, with Mr. Ferguson leaving earlier this fall, we have not been able to resolve these issues. We do not believe there is any reason to delay the platting of Filing No. 4; however, we will be happy to continue our discussions of the DDA boundary extension and possible inclusion of our property.

Ms. Mary Ann Harms
November 25, 1988
Page Two

Unfortunately, I will be out of town when your board meets next month, and will not be able to attend the December 6 Planning Commission Hearing, although, there will be a representative from the railroad at the hearing. I hope we can renew our discussions the week of December 12th.

Please let me know if you need any additional information and how you wish to proceed on these matters.

Sincerely,



Stephen Hebert

SH/rm
encl.

cc: Harry A. Phillips
Bill Davies
Don Brungardt
Tom Logue/Armstrong Consultants
861 Rood Avenue
Grand Junction, Colorado 81501

ARMSTRONG CONSULTANTS, INC.

861 Rood Avenue

Grand Junction, Colorado 81501

(303) 242-0101

November 21, 1988

Dan Wilson, City Attorney
City of Grand Junction
250 N. Fifth Street
Grand Junction, CO 81501

Dear Mr. Wilson:

Recently it came to our attention that the City Council adopted a text amendment on August 17, 1988, amending Section 6-8-2 Subsection A-1b.

The amendment requires a registered surveyor to certify compliance of the final plat with all applicable local and state land use codes. It should be pointed out that since 1981 the code has required a registered engineer provide certification of compliance, to our knowledge, this requirement has not been enforced by the City, until recently.

Our firm has serious reservations as to the wordage of the text amendment. Our professional liability insurance carrier has advised us that, "should we provide certification as outlined in your regulation that they would not recognize or accept liability". We assume that this situation would apply to most insurance carriers providing liability insurance coverage to either engineers or surveyors operating in the State of Colorado.

We welcome the opportunity to meet with you personally and discuss our concerns and offer suggestions for possible rewording of this portion of the code.

In the mean time, we respectfully request that the City maintain the status quo and not require certification until this problem can be resolved.

Respectfully,

ARMSTRONG CONSULTANTS, INC.

Thomas A. Logue
Thomas A. Logue
Project Manager

EAA/sh, DALY18

cc: Carl Metzner, Development Dept.
Mark Achen, City Manager

CONSULTING ENGINEERS

development summary



File # 47-88 Name D&RGW Railroad Final Plat, Filing #4 Date 12-9-88

* FOR CITY COUNCIL INFORMATION ONLY - NO HEARING REQUIRED *

PROJECT LOCATION: 712 So. 4th St.; 2nd & South Av.

PROJECT DESCRIPTION: This is a final plat for Filing #4 (of 7 plats approved about a year ago under preliminary plat review) for various properties which the D&RGW Railroad would like to sell. The plat consists of 2 lots on 5.5 acres in an Industrial (I-1) zone. The two lots are divided by the railroad mainline tracks.

REVIEW SUMMARY (Major Concerns)

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

* See explanation below

Since both lots are developed there are no open space fees required at this time. If a change in use should occur on either lot, open space fees would be required for that lot at that time.

Downtown Development Authority is continuing to pursue inclusion of railroad properties in its district. Per Dan Wilson the City cannot force the RR to join DDA as part of subdivision approval. RR representatives have indicated a willingness to join providing the RR mainline right-of-way is not included.

STATUS & RECOMMENDATIONS:

Necessary easements will be included on the final plat sheet prior to recording.

Staff has recommended that representatives of the railroad, DDA's attorney and the City Attorney meet to discuss alternatives for "leapfrogging" the mainline ROW so that properties on both sides can be included, while still extending the DDA boundaries to the Colorado River.

Planning Commission Action

Approval of Final Plat Filing #4