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File 1991-0032

Name: Horizon Glenn - Final Plan, Rezone, ODP - NW 12 & Horizon Dr.

P **S** A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS
r **c** retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development
e **a** file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will
s **n** be found on the ISYS query system in their designated categories.
e **e** Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page.
n **d** Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for
t **d** the contents of each file.

X	X	Table of Contents
X	X	Review Sheet Summary
X	X	Application form
X		Review Sheets
		Receipts for fees paid for anything
		*Submittal checklist
X	X	*General project report
		Reduced copy of final plans or drawings
		Reduction of assessor's map.
		Evidence of title, deeds, easements
X	X	*Mailing list to adjacent property owners
		Public notice cards
		Record of certified mail
X		Legal description
		Appraisal of raw land
		Reduction of any maps – final copy
X	X	*Final reports for drainage and soils (geotechnical reports)
		Other bound or non-bound reports
		Traffic studies
X	X	*Petitioner's response to comments
		*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
		*Summary sheet of final conditions

DOCUMENT DESCRIPTION:

X	X	Action Sheet	X	X	Armstrong Consultants, Inc. pavement design - 4/30/91
X	X	Letter from Richard Krohn, Dufford, Waldeck, Milburn & Krohn, attys at law to Kathy Portner re: Dalbys position relative to the so-called Phase II - 4/25/91	X		Letter from Walter Dalby to Fred Weber, Co. Surveyor re: errors on plat - 11/25/91
X	X	Geologic Report - 8/30/79	X	X	Letter from Martin O'Boyle to Kathy Portner re: removing earth berm that prevents surface water from flowing to the swale along Horizon Dr - 1/21/01
X	X	Letter from Grady L. McNure, Western CO Regulatory Office to Bill Foster, S.L. Ventures re: minor road crossings are authorize by nationwide general permit number 14 - 4/23/91	X	X	Letter from Walter Dalby to Fred Weber, Co. Surveyor Mesa Co. Surveying Dept. re: amended plat of Horizon Glen Sub. - 3/23/92
X	X	Letter from Tim Foster to Bennett Boeschstein re: response to letter to Bill Foster - 9/9/91	X	X	Letter from Linda Dannenberger to Timothy Foster, Laiche, & Griff re: Requesting surveyor to exchange the wording on the two blocks so that Jim Spehar can sign the plat - 12/2/92

X	X	Memo from Bill Cheney to Community Dev. Re: irrigation and sewer lines are complete - 1/14/92	X	X	Letter from Walt Dalby to Fred Weber, County Surveyor re: Amended plat - 8/10/92
X	X	Memo from Community Dev. to City Utility Clerk re: corrected lat in process of being reviewed do not issue sewer clearances - 12/4/92	X	X	Feasibility Level Geotechnical Eng. Study for Proposed Horizon Glen Sub. by Lambert and Assoc. - 5/13/91
X	X	Ratification of Plat - 5/4/93	X		Letter from Don Newton to Bill Foster re; water line for Horizon Glen Sub. has been constructed and tested in accordance with City Standards and accepted by Ute Water District - 12/2/91
X	X	Letter from Don Newton to William Foster, S.L. Ventures, Inc. re: items noted as a result of inspection - 6/2/92	X	X	Corporate Resolution Authorizing Establishment of Depository Accounts and Signing of Checks - 11/6/91
X	X	Mesa Co. Surveying Subdivision Review - 5/9/91, 4/15/92			Treasurer's receipt for \$50.00 - 11/1/91
X		Letter from Timothy Foster to Dan Wilson re: limitation of one building permit prior to completion of project - 3/16/92	X	X	Letter from Richard Krohn, of Dufford, Waldeck, Milburn and Krohn to Bennett Boeschstein re: need to obtain and record a simple letter from the owner to the City offering the contents - 10/29/91
X		Protective Covenants for Horizon Glen Subdivision	X		Quit Claim Deed - Bk 1818 /Pg 465 - Correction Quit Claim Deed - Bk 1825 / Pg 574
X	X	DIA - not scanned in ISYS - 10/16/91 - already expired	X		Ordinance No. 2536 - **
X	X	Letter from Don Newton to Pat O'Connor, Armstrong Consultants re: additional comments - 10/9/91			Legal Ad - 5/28/91
X	X	Resolution 61-91 - 10/2/91 - **	X	X	City Council Minutes - ** - 6/5/91, 7/3/91
X	X	Letter from Don Newton to Pat O'Connor re: review of revised plans - 9/16/91			Planning Commission Minutes - 6/4/91
X	X	City Council Workshop - 6/3/91	X		Project Review - 5/9/91
X		Memo from Thomas Logue to City re: in order to complete a detailed subsurface soils investigation it is required that some rough road grading be completed soils investigation will be transmitted by 5/20/91 - 5/1/91	X	X	Letter from Patrick O'Connor to Don Newton re: sight distances - 5/31/91
X	X	Community Dev. Review Comments - 5/20/91	X	X	Letter from Ronald Rish, Armstrong Consultants to Bill Cheney re: response to review comments - 5/31/91
X	X	Letter from Christopher Carroll, CO Geological Survey, Dept. of Nat. Res. to C.D. re: review of geotechnical and environmental reports and plats - 5/30/91	X	X	Warranty Deed - Bk 1147 / Pg 370
X	X	Letter from Tim Foster, Foster, Larson, Laiche and Griff attys at law to Richard Krohn, atty at law re: follow up on previous conversations - 6/17/91	X	X	Memo from Mike Thompson, Fire Chief to Mark Achen re: summary of comments - 6/6/91
X		Public Notice Posting - 5/28/91	X	X	Letter from Richard Krohn, Dufford, Waldeck, Milburn & Krohn attys at law to Bennett Boeschstein re: Tim Foster's letter - 6/21/91
X	X	Letter from Tim Foster to Richard Krohn re: construing yhour correspondence to Bennett as a rejection of our offer - 6/28/91			Letter from Bennett Boeschstein to Bill Foster re: P.W. concerns to be satisfactorily addressed prior to plat recording phase - 9/4/91
X	X	Memo to file- 8/17/91	X		Preliminary Utility Plan - 1/91 - not signed
X		Drainage Sub-Basins	X	X	Final Development Plan - 5/91 - not signed
X		Preliminary Site Plan - Outdated	X		Replat of Lot Two - Foster Sub.
X		Preliminary Grading & Drainage Plan - 3/19/91	X	X	Memo from Fred Weber, Mesa Co. Surveyor to Kathy Portner re: Plat ratification - 5/20/93
X	X	Preliminary Plan Detail Sheet - 1/91	X	X	Letter from Linda Dannenberger, Mesa Co. Planner to Bill Foster, Northwestern Mutual Ins. Co. re: split of property other than the required Co. Planning Subdivision process - 5/10/91
X	X	Letter from Lyle Dechant, Co. Atty to Bill Foster re: replat filed on 11/6/91 without proper supervision - 12/17/91	X	X	Letter from Walt Dalby to Doralyn Genova re: Project Follow-up Review - 11/18/91, 5/27/92
X	X	Letter from Walt Dalby to Dan Wilson re: recorded plat - 11/30/91	X	X	Letter from Linda Dannenberger to Lyle Dechant, Co. Atty re: recording of replat - 11/20/91
X		Letter from Keith Fife to Tim Foster re: applicaton requires a formal resubdivision review -	X	X	Letter from Walt Dalby to Mark Eckert, Co. Admin. re: Recorded plat - 12/4/91
X	X	Memo from Linda Dannenberger to Bob Carman re: need for correction of plat - 12/5/91	X	X	Mesa County Dept. of P.W. - Project Follow-up Review - 12/13/91



ACRES 17.8 FILE NUMBER _____
 UNITS _____ ZONE RSF-4
 DENSITY _____
 ACTIVITY Rezone & Final Plan & Plat (Phase I) TAX SCHEDULE # 2945-021-00-054
 PHASE Final & ODP ODP-Phase II 021
 COMMON LOCATION NW of 12th & Horizon
 DATE SUBMITTED _____ DATE MAILED OUT _____ DATE POSTED _____
 _____ DAY REVIEW PERIOD RETURN BY _____
 OPEN SPACE DEDICATION (acreage) _____ OPEN SPACE FEE REQUIRED \$ _____ PAID RECEIPT # _____
 RECORDING FEE REQUIRED \$ _____ PAID (Date) _____ DATE RECORDED _____

REVIEW AGENCIES	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG
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<input checked="" type="checkbox"/> City Engineer	●	●	●						●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
<input checked="" type="checkbox"/> Transportation Engineer	●	●	●																														
<input checked="" type="checkbox"/> City Parks/Recreation	●	●	●	●																													
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<input checked="" type="checkbox"/> City Police Department	●	●	●																														
<input checked="" type="checkbox"/> County Planning	●	●	●																														
<input checked="" type="checkbox"/> County Engineer	●	●	●																														
<input type="checkbox"/> County Health	●	●	●							●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
<input type="checkbox"/> Floodplain Administration	●	●	●						●																								
<input type="checkbox"/> G.J. Dept. of Energy	●	●	●																														
<input type="checkbox"/> Walker Field	●	●	●																														
<input checked="" type="checkbox"/> School District	●	●	●																														
<input checked="" type="checkbox"/> Irrigation } <u>G.V. Water</u>	●	●	●																														
<input type="checkbox"/> Drainage } <u>Users</u>	●	●	●																														
<input checked="" type="checkbox"/> Water (Ute, Clifton)	●	●	●																														
<input type="checkbox"/> Sewer Dist. (FV, CGV, OM)	●	●	●																														
<input checked="" type="checkbox"/> U.S. West	●	●	●																														
<input checked="" type="checkbox"/> Public Service (2 sets)	●	●	●																														
<input type="checkbox"/> State Highway Department	●	●	●																														
<input type="checkbox"/> State Geological	●	●	●							●	●																						
<input type="checkbox"/> State Health Department	●	●	●																														
<input checked="" type="checkbox"/> City Property Agent	●	●	●																														
<input checked="" type="checkbox"/> City Utilities Engineer	●	●	●																														
<input checked="" type="checkbox"/> City Attorney	●	●	●	●	●																												
<input type="checkbox"/> Building Department	●	●	●							●	●																						
<input type="checkbox"/> DDA	●	●	●																														
<input checked="" type="checkbox"/> GJPC (7 packets)	●	●	●																														
<input checked="" type="checkbox"/> CIC (11 packets)	●	●	●																														
<input checked="" type="checkbox"/> Other <u>State Geological Survey</u>	●	●	●							●	●	●	●																				
<input checked="" type="checkbox"/> <u>Cons of Endinews</u>	●	●	●							●	●	●	●																				
<input checked="" type="checkbox"/> <u>Post Office</u>	●	●	●																														

TOTALS																																		
BOARDS	DATE																																	
STAFF																																		



APPLICATION FEE REQUIREMENTS
 \$585.00 payable to City of G.J. at time of submittal
 State Geological Survey

A

GEOLOGIC REPORT

ON

NORTH 12th AND HORIZON DRIVE

PLANNED DEVELOPMENT

MESA CO., COLO.

AUG. 30, 1979

by

Jack E. Roadifer

GEOLOGIC REPORT ON NORTH 12th AND
HORIZON DRIVE PLANNED DEVELOPMENT
MESA CO., COLO.

LOCATION: The proposed subdivision is in the NE $\frac{1}{4}$ of section 2, T. 1 S., R. 1 W., Mesa County, Colorado about one mile north of Grand Junction.

GEOLOGIC FORMATIONS: The surface rocks are mostly weathered Mancos Shale which has been developed as alluvium along the gulley running east to west through the south part of the property. The alluvium may be rather thick (10 to 20 feet) in the low areas. Some of the higher portions of the property may have Mancos Shale within a few feet of the surface, but drilling will be necessary to determine the thickness of the alluvium. Sandstone frsgments, which have apparently weathered out of the Mancos, are common in the soils in the ridges along the north part of the area.

The Mancos Shale is not well exposed here, but forms the underlying bedrock and may be very near the surface in parts of the area.

STRUCTURE: There are no known faults in the immediate area. The inactive Redlands fault is about 7 miles to the southwest.

The Mancos Shale dips a few degrees to the northeast toward the Piceance basin.

GEOLOGIC HAZARDS: The largest drainage through the area (an unnamed intermittent stream) collects water from a rather large area for several miles upstream toward the Book Cliffs. A major rainstorm in the Book Cliffs area could produce very high runoff in this drainage. Two tributary drainages (also intermittent) enter the major drainage from the north and flow through the property. Although the drainage for these is much more local, a heavy rainshower could produce significant runoff and construction of houses should be prohibited in these areas. The proposed plan wisely shows no houses to be built in the above mentioned drainages.

The slopes in the area are not steep enough nor high enough to be potentially dangerous landslide hazards.

The marshy areas shown on the geologic map are apparently caused by excess irrigation water. The source of this water would have to be determined and the water channeled away from the proposed construction.

CONSTRUCTION FACTORS: Some special construction techniques will probably be needed because of the estimated shallow depth of the Mancos Shale in parts of the area. Soils engineering studies will be very important on this property before construction is begun.

WATER TABLE: The water table is probably quite deep because of the proximity and depth of the valley through the south part of the area. Most of the property slopes toward this valley and drainage should be good.

WATER SUPPLY AND DISPOSAL: Water will be supplied and disposed of by local water and sewer districts.

SUMMARY: There is no geologic reason why this subdivision should not be approved, but soils engineering studies should precede any construction.

Submitted by:

Jack E. Roadifer

Dr. Jack E. Roadifer, Geologist

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if he plans
to proceed to
this. m.~~

5-1-71 C7-80
C7-80 Plat
File

Utilities Coordinating Committee
c/o Paul Hage, Secretary
Public Service Co. of Colo.
P.O. Box 849
Grand Junction, Colorado 81502

Mr. Rick Enstrom
Chairman, Mesa County Commissioners
P.O. Box 897
Grand Junction, Colorado 81502

Should Be dated
12-17-80

Dear Sir:

During the November meeting of the Utilities Coordinating Committee (U.C.C.), Public Service Co. brought attention to the vacation of a portion of Homestead Road within Foster Subdivision. A plat for Foster Subdivision (Exhibit A) was sent out for review in January, 1980. PSCo. commented that the existing gas mains shown on the utility composite were not located accurately. They were in public right-of-way, however, and did not conflict with other utilities.

The same plat was reviewed by the U.C.C. on February 20, 1980. The plat that was finally recorded (Exhibit B) on August 20, 1980, and approved by both the County Planning Commission and the Board of County Commissioners on July 22, 1980, differs substantially from that reviewed in February. A major portion of Homestead Road was vacated on the final plat. The result is that the gas main serving an existing customer on Lot One is now on the private property of the owner of Lot Three, jeopardizing service to the existing customer, and placing all of the involved parties in an undesirable situation.

The U.C.C. shows no record that the revised plat was sent out for review to the various review agencies. A check with the Development Department indicates that the Commissioners waived U.C.C. approval of the subdivision in July.

The U.C.C. respectfully requests in the future, and in the interest of providing adequate, reliable and safe utility service to the residents of Mesa County, that should a development project undergo significant change in design or intent, that the project be re-submitted to the various review agencies for comment.

Sincerely,

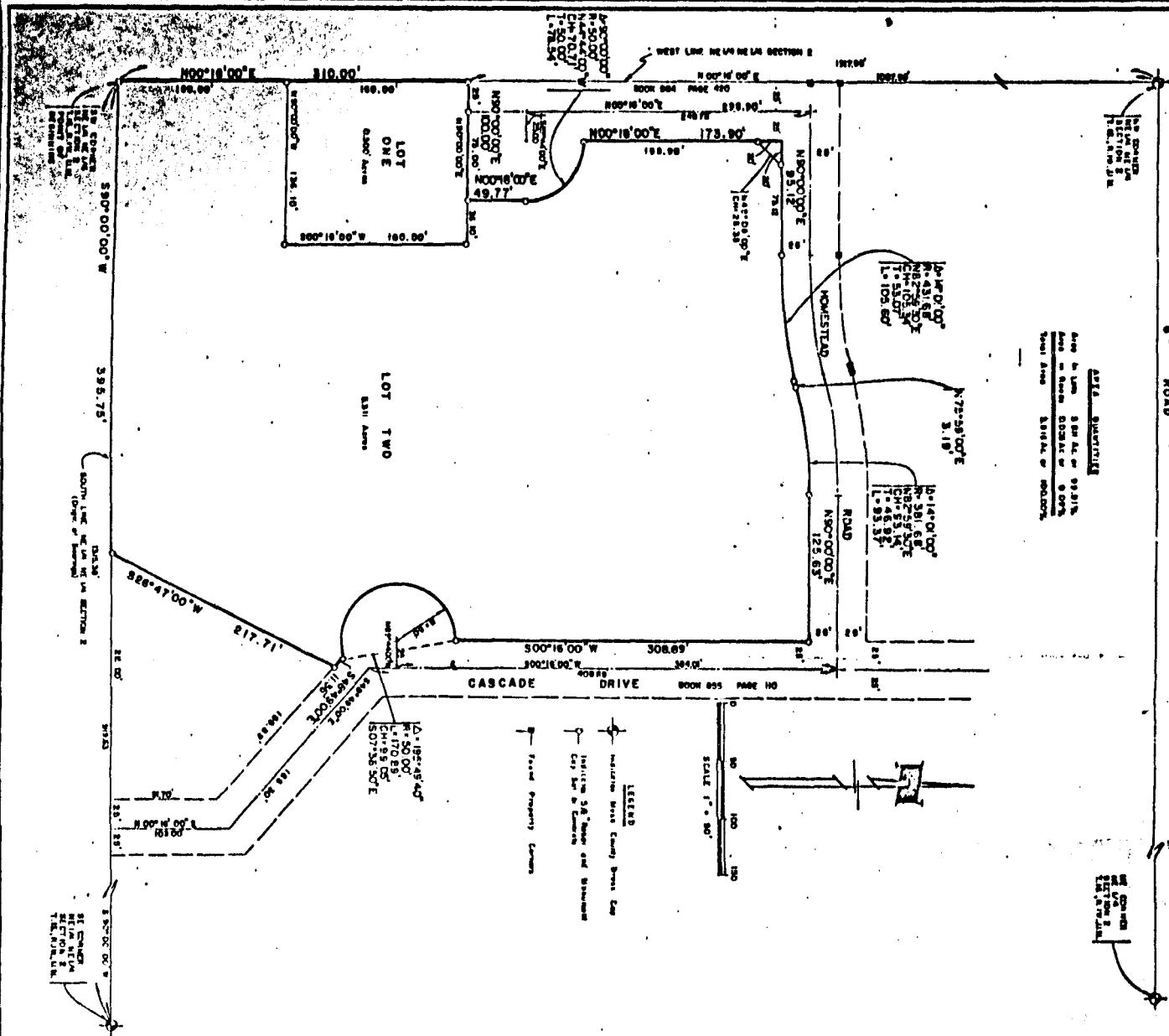
Thomas C. Calvert Jr.

Thomas C. Calvert Jr.
Chairman

12/17/80 ←

FOSTER SUBDIVISION

5-13-97



2216 SURVEILLANCE

Area to be Surveyed
Total Area
Total Area

2216 SURVEILLANCE

Area to be Surveyed
Total Area
Total Area

That I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original survey and that the same is in accordance with the provisions of the laws of the State of California. Witness my hand and seal this 13th day of May, 1997.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original survey and that the same is in accordance with the provisions of the laws of the State of California. Witness my hand and seal this 13th day of May, 1997.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original survey and that the same is in accordance with the provisions of the laws of the State of California. Witness my hand and seal this 13th day of May, 1997.

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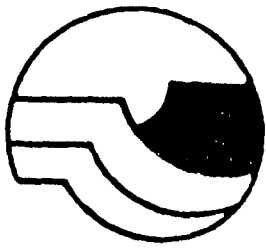
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COUNTY OF LOS ANGELES
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FOSTER SUBDIVISION

EXHIBIT A



Mesa County
Planning
Department

750 Main Street
P.O. Box 20,000-5022
Grand Junction, Colorado
81502-5022

(303) 244-1636

1 June 1990

Mr. Tim Foster
244 N. 7th Street
Grand Junction, CO 81501

RE: Resubdivision of Lot 2 Foster Subdivision

Dear Mr. Foster:

Upon further review of the exemption application you submitted for our review, I have concluded the proposal to resubdivide the above referenced lot requires a formal resubdivision review. I consulted with the Assistant County Attorney and the County Planning Director in arriving at this conclusion.

Section 3.23 of the Mesa County Land Development Code requires a final plat be reviewed by the Board of County Commissioners for major changes in approved subdivisions. Your request is further complicated because it includes property currently outside of Foster Subdivision and under the jurisdiction of the City of Grand Junction.

A preapplication conference is required prior to submitting your request for a resubdivision. If you decide to pursue this proposal please contact the Planning office and arrange a meeting with one of the planners. If you have any questions regarding this matter please contact me.

Sincerely,

Keith B. Fife
Senior Planner

cc: County Attorney's Office
File C7-80



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814-4794

#32 91

April 23, 1991

Regulatory Section (199100378)

Mr. William E. Foster, II, President
S. L. Ventures
101 South Third Street, Suite 375
Grand Junction, Colorado 81501

Original
NOT Remove
from Office

Dear Mr. Foster:

I am responding to your application dated April 9, 1991 for four minor road crossings of an unnamed stream in a development known as Horizon Glen on Horizon Drive in Grand Junction, Mesa County, Colorado. You included a wetland delineation of the project site with your application.

Based on our review of your application on file with this office, we have determined that your minor road crossings are authorized by nationwide general permit number 14 provided you comply with all terms, conditions and best management practices of this permit. I am enclosing an information paper on this permit. Please insure that your construction personnel are well acquainted with the requirements of this permit.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All nationwide permits are scheduled to be modified, reissued, or revoked prior to January 13, 1991. You are responsible for remaining informed of any changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date that the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of the nationwide permit.

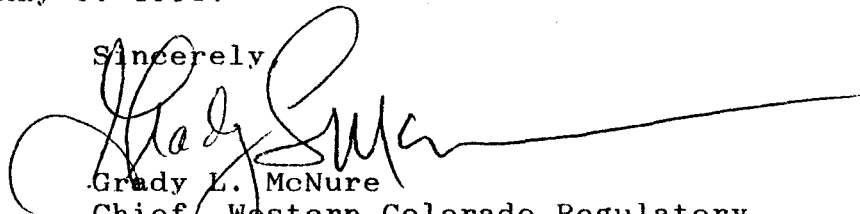
We have assigned number 199100378 to your project. Please refer to this number in any correspondence submitted to this office concerning your project.

Mr. Ken Jacobson of this office reviewed your wetland mapping and we verify that the wetland delineation is accurate. The wetlands jurisdictional delineation is valid for a period of three years from the date of this letter unless new information warrants revision of the delineation before the expiration date.

We also understand that your plans include avoidance of these wetlands in lot development. If your plans change, you should re-initiate contact with this office so we may determine permit needs. I advise you to avoid and minimize impacts to wetlands to the maximum extent practicable. Receiving approval to fill wetlands for non-water dependent activities such as housing, can be very difficult.

If you have any questions, please contact Mr. Jacobson at (303) 243-1199. Mr. Jacobson is currently on military leave and is expected to return on May 6. 1991.

Sincerely,



Grady L. McNure
Chief, Western Colorado Regulatory
Office
402 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563

Enclosure

Copies furnished:

Ms. Kathy Portner, Grand Junction Planning Department, 250 North Fifth Street, Grand Junction, Colorado 81501-2668

Dr. Gene Reetz, Environmental Protection Agency, Attn: 8WM-SP, 999 Eighteenth Street, Suite 500, Denver, Colorado 80202-2405

INFORMATION PAPER
NATIONWIDE GENERAL PERMIT NUMBER
MINOR ROAD CROSSING FILLS

A nationwide general permit is a Department of the Army permit that is issued on a nationwide basis for a specific category of activities that are substantially similar and cause minimal environmental impacts. Nationwide permits are designed to allow the work to occur with little delay or paperwork. They are issued to satisfy the requirements of both Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act, unless otherwise stated. An individual permit application is not required for an activity covered by a nationwide permit.

The Corps of Engineers has issued a nationwide permit for minor road crossing fills including all attendant features both temporary and permanent that are part of a single and complete project for crossing of a non-tidal waterbody, provided:

1. The crossing is culverted, bridged or otherwise designed to withstand and prevent the restriction of expected high flows.
2. Any discharges into any wetlands adjacent to the waterbody do not extend beyond 100 feet on either side of the ordinary high water mark of that waterbody.

A "minor road crossing fill" is defined as a crossing that involves the discharge of less than 200 cubic yards of fill material below the plane of ordinary high water.

The enclosed special conditions must be followed in order for this nationwide permit to be valid.

FOR MORE INFORMATION, WRITE TO THE GRAND JUNCTION REGULATORY OFFICE, U. S. ARMY, CORPS OF ENGINEERS, SACRAMENTO DISTRICT, 400 ROOD AVENUE, ROOM 142, GRAND JUNCTION, COLORADO. 81501-2563 OR TELEPHONE (303) 243-1199.

1 Enclosure
as stated

INFORMATION PAPER
NATIONWIDE GENERAL PERMITS
WESTERN COLORADO

A. SPECIAL CONDITIONS. The following special conditions must be followed in order for the nationwide permits to be valid. Failure to comply with a condition means that the work must be authorized by an individual or regional general permit issued by the District Engineer.

1. That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake.

2. That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting activity.

3. That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.

4. That the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water).

5. That any discharge of dredged or fill material shall consist of suitable material free of toxic pollutants in toxic amounts.

6. That any structure or fill authorized shall be properly maintained.

7. That the activity will not occur in a component of the National Wild and Scenic River System; nor in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status.

8. That the activity shall not cause an unacceptable interference with navigation.

9. That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee will notify the district engineer. If the district engineer determines that such historic properties may be adversely affected, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the effects on such historic properties or he will consider modification, suspension, or revocation in accordance with 33 CFR 325.7. Furthermore, that, if the permittee before or during prosecution of the work authorized, encounters a historic property that has not been listed on the National Register, but which may be

eligible for listing in the National Register, he shall immediately notify the district engineer.

10. That the construction or operation of the activity will not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

11. That the activity will comply with regional conditions which may have been added by the division engineer (None have been added for western Colorado).

12. That the management practices listed below shall be followed to the maximum extent practicable.

B. MANAGEMENT PRACTICES. In addition to the conditions specified above, the following management practices shall be followed, to the maximum extent practicable, in order to minimize the adverse effects of these discharges on the aquatic environment. Failure to comply with these practices may be cause for the district engineer to recommend, or the division engineer to take, discretionary authority to regulate the activity on an individual or regional basis.

1. Discharges of dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practicable alternatives.

2. Discharges in spawning areas during spawning seasons shall be avoided.

3. Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters.)

4. If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flows shall be minimized.

5. Discharges in wetlands areas shall be avoided.

6. Heavy equipment working in wetlands shall be placed on mats.

7. Discharges into breeding areas for migratory waterfowl shall be avoided.

8. All temporary fills shall be removed in their entirety.

C. FURTHER INFORMATION.

1. District engineers are authorized to determine if an activity complies with the terms and conditions of a nationwide permit unless that decision must be made by the division

engineer.

2. Nationwide permits do not obviate the need to obtain other Federal, state or local authorizations required by law.

3. Nationwide permits do not grant any property rights or exclusive privileges.

4. Nationwide permits do not authorize any injury to the property or rights of others.

5. Nationwide permits do not authorize interference with any existing or proposed Federal project.

FOR MORE INFORMATION ON THE NATIONWIDE GENERAL PERMITS IN WESTERN COLORADO, WRITE TO THE GRAND JUNCTION REGULATORY OFFICE, U. S. ARMY, CORPS OF ENGINEERS, SACRAMENTO DISTRICT, 400 ROOD AVENUE, ROOM 142, GRAND JUNCTION, COLORADO 81501-2563 OR TELEPHONE (303) 243-1199.

DUFFORD, WALDECK, MILBURN & KROHN

ATTORNEYS AT LAW

900 VALLEY FEDERAL PLAZA

P. O. BOX 2188

GRAND JUNCTION, COLORADO 81502-2188

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OF COUNSEL
WILLIAM G. WALDECK
OF COUNSEL

STEPHAN B. SCHWEISSING

April 25, 1991

HAND DELIVERY

Kathy Portner
City of Grand Junction
Development Department
250 North Fifth Street
Grand Junction, CO 81501

Re: Horizon Glen Subdivision, Phases I and II

Dear Kathy:

I know you will recall that I represent Walter Dalby and Gertrude Dalby. Dalbys own property adjoining the northeast portion of Horizon Glen Phase I and the north boundary of Phase II. I just wanted to drop you a note to express Dalbys' position relative to the so-called "Phase II road" which has been the subject of much discussion with staff and at the Planning Commission and City Council hearings on the Horizon Glen Phase I Preliminary Plan and Phase II ODP. Dalbys, of course, are very pleased that the City has approved the concept of the Phase II road.

However, Dalbys feel that staff should consider and Commission and Council should require adequate assurances relative to the Phase II road. They hope staff will recommend, and the Commission and Council will require, as a condition of final approval of Phase I that there be preparation, execution, and recording of a plat of the Phase II property locating, describing, and dedicating the Phase II road. In addition, Dalbys believe the City should require that the Horizon Glen developer escrow or otherwise adequately guaranty payment of its share of the eventual construction cost of the Phase II road.

While I expect to be present on behalf of Dalbys at future Commission and City Council meetings to stress the importance of this issue, I hope you will consider that it also benefits the City and the public, as well as its obvious benefit to the neighborhood, and incorporate this type of requirement in staff recommendations relative to the hearings on the Horizon Glen Phase I final plan.

Kathy Portner
April 25, 1991
Page Two

I would appreciate it if you would contact me with your thoughts after considering this request.

Sincerely,

Richard H. Krohn

RHK/jmc
pc: Walter and Gertrude Dalby
Dan Wilson
16D/4/7060-002

ARMSTRONG CONSULTANTS, INC.

PROJECT NUMBER: 915378

SHEET NO. 1 OF 2

PROJECT: HORIZON GLEN SUB.

DATE: 4/30/91

TITLE: PAVEMENT DESIGN

PREPARED BY: PMO

TRAFFIC LOADING:

#32 91 Original
DO NOT Remove
from Office

16 LOTS @ 10 VEHICLE TRIPS/DAY (2WAY) = 160 ADT

ASSUMING 5% 18K TRUCKS: EDLA = 4.0 (USE 5.0 - MESA COUNTY MINIMUM)

SOIL SUPPORT:

CBR = 8.0 (SOUTH END) CBR = 10.5 (NORTH END SUB.) ∴ USE 8.0 = CBR

ALSO: RECOMMEND 12" SCARIFIED LAYER - RECOMPACT TO 95% STANDARD PROCTOR
AT OPTIMUM TO 3% ABOVE OPTIMUM M.C.

WEIGHTED STRUCTURAL NUMBER:

REGIONAL FACTOR = 5.0 (GROUNDWATER, POOR DRAINAGE, FROST BOILS)

NOMOGRAPH (ENCLOSED) ⇒ WSN = 2.0

STRUCTURAL SECTION:

HOT BITUMINOUS PAVEMENT (H.B.P.) - 3" x 0.40 = 1.2

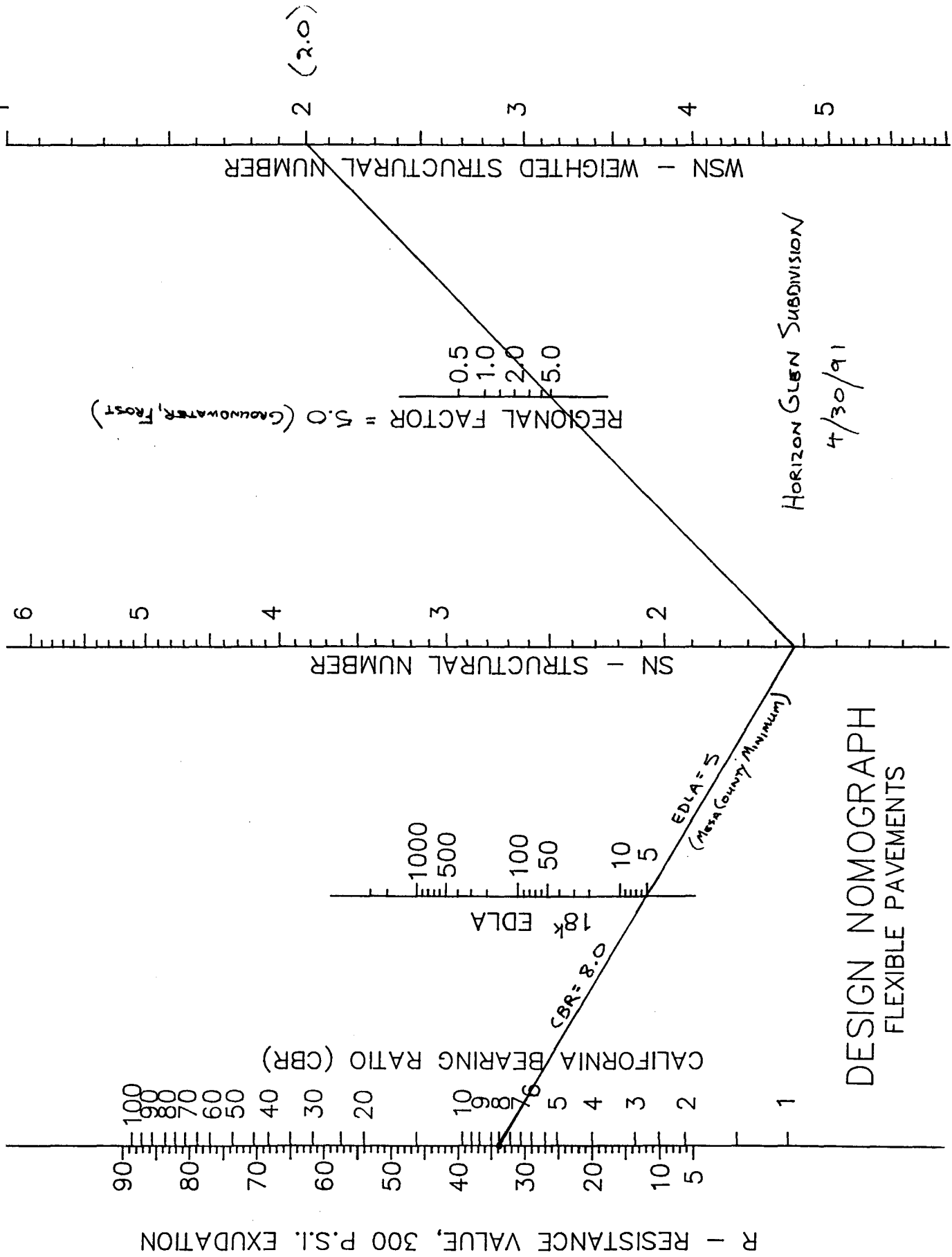
CLASS 6 BASE COURSE - 7" x 0.12 = 0.84

S.N. = 2.04 > 2.0 ✓ O.K.

USE: 3" H.B.P. ON 7" CLASS 6

FIGURE 4 - 7

SERVICEABILITY INDEX = 2.0
 TO BE USED ON COLLECTORS, LOCAL ROADS, LANE AND PLACE



DESIGN NOMOGRAPH
 FLEXIBLE PAVEMENTS

MEMO

TO: Community Development

FROM: Bill Cheney

DATE: January 14, 1992

RE: Horizon Glen Subdivision - Irrigation and Sewer Lines

Work on both the irrigation lines and sanitary sewer lines in Horizon Glen Subdivision has been inspected by City personnel and found to be substantially complete. Consequently the release of funds escrowed for this phase of the project is approved by Public Works.

The sanitary sewer will not however, be accepted for operation and maintenance by the City until the road is paved and all manholes are brought to final grade. The City should retain at least 5% of the requested amount for the completion of the sanitary sewer.

cc: Ron Lappi, Finance

COPY

SKYLINE CONTRACTING, INC

UNDERGROUND UTILITIES . EXCAVATION . SITE WORK .

OFFICE: 2477 Industrial Blvd
Grand Junction, CO 81505
(303)-242-2602

Mike Kelleher, President

INVOICE NUMBER 1921

January 10, 1992

S&L Ventures
%Sunking Management
P.O. Box 3299
Grand Junction, CO 81502
Attn: Chris Motz

RE: Sewer, Irrigation. Culverts and Misc.

Work performed for the above \$ 43,402.92

TOTAL AMOUNT DUE \$ 43,402.92

Respectfully Submitted.

SKYLINE CONTRACTING, INC.
Please Write Invoice #
on your Check Thank You

WE APPRECIATE YOUR BUSINESS
THANK YOU

PROJECT NARRATIVE
HORIZON GLEN SUBDIVISION,
MAY 1, 1991

32 91

Original
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From Office

The accompanying map and statements are intended to respond to the stipulations of the Preliminary Plan approval required by the Grand Junction City Council. This request for approval by the City of Grand Junction includes the following:

1. Final Plat & Plan for Filing 1
2. Revised Outline Development for Filing 2
3. Annexation of Lot B, Replat Lot 2 Foster Subdivision

The replatting process for Lot 2, Foster Subdivision will occur concurrently within Mesa County during the City approval process.

The proposal calls for the phased development of 14.4 acres located northwest of 12th Street and Horizon Drive. Filing 1 contains 17 single family lots on 9.7 acres. Approximately 20 residential units are proposed within Filing 2. Filing 2 housing units will be multi-family in nature.

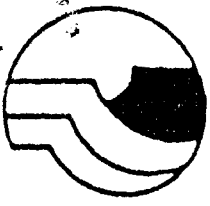
Site development of Filing 1 will begin immediately upon approval of the final plat and plan. It is now known when development of Filing 2 will occur.

In response to the conditions of approval of Filing 1, testimony at the City Council hearing for Filing 2, and staff recommendations, the following is provided.

1. Specific locations for fire hydrant placement are indicated on drawings identified as S1 of 4 and U1 of 1.
2. The Final Development Plan indicates the construction of a berm along the Horizon Drive right-of-way line adjacent to Lot 17. Initial landscaping of the berm will consist of hydro-seeding with natural grass varieties. Every effort will be made to preserve existing vegetation along the Horizon Drive right-of-way during berm construction. No attempt will be made to landscape or berm along Horizon Drive west of Horizon Circle since much of the site lies within an identified wetlands area.
3. The one-way loop has been shortened 275 feet. The drawing identified as R-1 of 4 depicts the street cross-sections per City Council stipulations.
4. No parking signs have been indicated on the drawing identified as R-1 of 4. The covenants have been modified to require each dwelling to have a minimum of 4 off-street parking spaces in addition to those within the garage.
5. Cash escrow payment in the amount of \$22,800 for Horizon Drive improvements will be made at the time of final plat recordation.

6. A cash payment in the amount of \$3,825 will be made at the time of final plat recording for the open space payment.
7. The covenants have been modified to indicate that maintenance of the common drives will be the responsibility of those lot owners sharing the drive and not the City of Grand Junction.
8. Horizon Glen Subdivision will connect to the City water system when it becomes available. It is assumed that this requirement is in the form of an existing City ordinance. Drawings identified as S1 of 3 and S3 of 3 indicate the proposed construction standards for the water supply system within Horizon Glen.
9. Storm water detention has not been provided due to the location of the site in relationship to the entire drainage basin.
10. The previously submitted drainage report address as modifications which will occur to the pond near the north property line. A preservation easement is indicated on the final plat which will prohibit any residential construction below the dam.
11. The final plat indicates preservation easements and Private Open Space within the identified wetlands area. The areas identified as "wetlands" have been illustrated on the Final Development Plan. The covenants include maintenance and use within these areas.
12. The Final Development Plan and drawing identified as U1 of 1 indicates the location of a possible future irrigation pond. An application for water rights from the existing drain is in process. It is not known at this time whether or not the request will be granted.
13. A subsurface soils report is currently being prepared and will be transmitted to the State Geologist for review.
14. A detailed floodplain and drainage analysis was transmitted to the City Engineer's office with the Preliminary Plan. The analysis will not change as a result of final platting. Drawings indicated as sheets R1 thru R4 indicate detailed grading proposals.
15. Minimal disturbance of the wetlands, drainage, and vegetation patterns will be maintained thru final construction. A copy of our wetlands permit is included for review.
16. Building envelopes are indicated on the Final Development Plan.
17. The O.D.P. for Filing 2 indicates a walkway/bikeway along the Horizon Drive channel.
18. The final plat and plan have been submitted in accordance with section 7-5-3.B.4 of the Development Code.

19. A request for replatting Lot Two, Foster Subdivision has been made of Mesa County. When the replat has been accepted by Mesa County, those lots within Horizon Glen currently in the County can then be annexed to the City. The County's approval process will run concurrently with the City's process.
20. The Final Development Plan illustrates existing improvements at the end of F 1/2 Road. Modifications to F 1/2 Road have not been included as part of this proposal. An outlot has been identified on the final plat for ultimate ownership transfer to the adjoining property located south of Lot 1, thus, allowing access to F 1/2 Road.
21. The O.D.P. for Filing 2 illustrates the possible extension of a street between Horizon Drive and the property north of Filing 2.
22. Preliminary street profiles have been included on the O.D.P. for Filing 2 for review of the City in terms of sight distances.



Mesa County Department of Public Works
Division of Planning

(303) 244-1636

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

PROJECT REVIEW
5/9/91

- A. PROJECT DESCRIPTION: C42-91 REPLAT OF LOT 2, FOSTER SUBDIVISION
Petitioner: S.L. Ventures
Location: Homestead Drive & Cascade Drive (G & 26-1/2 Roads)
A request to subdivide Lot 2 into 2 lots, one which would be filed as a Replat of Lot 2, Foster Subdivision, a 3.44-acre lot in a Residential (R1B) zone, and the other lot will be annexed into the City of Grand Junction as a part of Horizon Glen Subdivision.
- B. SURROUNDING LAND USE AND ZONING: The area is residential in nature--large, secluded homes on several acres of land. The Foster Subdivision is bordered on the west and south by the City. The County zoning in the immediate area is R1B (1/2 acre density) and R1A (1 acre density).
- C. STAFF COMMENTS: Foster Subdivision was approved in 1980 initially as a 2-lot subdivision with a skewed cul-de-sac at the south property line on Cascade Drive with 50 feet of right-of-way dedicated for both Cascade Drive and Homestead Road. Homestead Road made a 90 degree turn to the south for 300 feet and a 100-foot wide heel-shaped turnaround was provided. The recorded plat shows most of Homestead Road vacated to a 225-foot cul-de-sac, a third lot recorded, a 10-foot right-of-way vacation on Homestead and Cascade, and a vacation of the cul-de-sac as previously required on the south portion of Lot 2.

The approved road plans called for a 22-foot asphalt-paved mat, gravel shoulders, and earthen ditch drainages. A short turning radius was designated at the intersection of Cascade and Homestead. A fire hydrant was required by the Grand Junction Fire Department and a 400-foot, 6-inch water line upgrade was requested by Ute Water in addition to the road improvements, but the recorded improvements agreement only reflects sanitary sewer improvements. The only sewered lot is Lot 1, however. The Board waived the requirement for the Utilities Coordinating Committee to sign off on the plat.

The Fosters approached the County Planning Division in May, 1990 with an exemption application to lessen the property area of Lot 2 by adjusting the south property line of Lot 2. The application was denied due to complications arising from City/County boundary lines, improvements that needed to be constructed, and an attempt to resolve the landlocking of the City property to the south by requiring dedication of a road from Cascade Drive to provide access to that property, also owned by the Fosters. The Fosters

were denied the exemption and informed that resubdivision procedures needed to be followed to accomplish their objective.

The current Assessor's map shows a split of Lot 2 even though one was not approved by the County. The property owner deeded this portion of the lot to family members on December 31, 1990, filing correcting deeds on February 26, 1991 and transferring ownership on March 29, 1991. Family transfers have not qualified as exempt from subdivision regulations since 1983, and this is an illegal split of Lot 2.

The current replat proposes a reduction of Lot 2 and the creation of an out lot to be combined with the property to the south. It is not an administrative procedure because of the fact that road, water and fire flow improvements have not been constructed as required by the review agencies in 1980 (reference Mesa County Land Development Code Section 6.4.9).

The property to the south and the out lot split from Lot 2 are part of a proposal to the City of Grand Junction for a 17-lot residential subdivision named Horizon Glen Subdivision. The City Council granted approval last month to the preliminary plan for Horizon Glen. The replat must be finalized through the County before the City will annex the portion of Lot 2 and grant final approval to Horizon Glen Subdivision.

Foster Subdivision is definitely within the urbanizing area of the County and also within the annexation corridor of immediate interest to the City. Homestead Road should be improved to County standards, and the cul-de-sac that was dedicated should also be constructed and improved. Elton Heights, the subdivision to the north approved in March, 1991, dedicated the right-of-way necessary to complete the full circle 50-foot radius. Cascade Drive should be widened to the 50-foot width required for a local road and half-section improvements should be constructed (Section 4.1.5.B Code). The street frontage available to the parcel to the east facilitates the development of 6 lots in the R1B zone. At that time half-road improvements would be an equitable assessment to that developer. The owner of the property at the south tip of Cascade Drive is very concerned that the west portion of his lot will be difficult to access if Cascade Drive is not constructed. The survey submitted to the Planning Division does not accurately portray the alignment of Cascade Drive.

Cascade Drive has a 6-inch water line to its first curve and a 3-

inch line south. There is a 2-inch line in Homestead Drive. The petitioners have been encouraged to work with the Elton Heights developers to install a hydrant on Cascade Drive to benefit both developments.

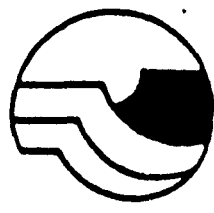
The Code requires connection to sewer services within 90 days of sewer line provision within 400 feet of the property or within 2 years of development approval. Lot 2 should connect to sewer within 90 days as it is currently extended to Lot 1.

D. STAFF RECOMMENDATION: Approval of the replat as it would rectify the unapproved subdivision of Lot 2 as recently recorded subject to:

- 1) Installation of a fire hydrant to be coordinated with the Elton Heights developers;
- 2) Improvements to Homestead Drive as required by County Engineering;
- 3) Dedication of the required 10 feet for Cascade Drive and construction of half-section improvements and a temporary turnaround dedicated and constructed at the end of Cascade Drive;
- 4) Connection to sewer within 90 days for Lot 2.

4-14-93

5-21-91



Mesa County Replat Lot 2, Foster Sub, Public Works

750 Main Street

May 10, 1991

MESA County

Colorado 81502-5022

4-15-93

Kathy,

Mr. Bill Foster
Northwestern Mutual In
101 S. Third Street, S
Grand Junction, CO 8

Rich Krohn mentioned yesterday that you are doing a background Study of the Foster Situation.

Re: Replat of Lot 2,

I thought it might be of some help in getting up-to-speed on what has been going on in the County for the past 2 1/2 years if I put together a package for you.

Dear Bill:

I've also included a Recap letter you may not have seen to Dan Wilson regarding the Situation in the City

While reviewing your a yesterday, it came to means other than the r Tim Foster was notified 2 was to be presented approval per Section 3 (copy enclosed). This disregard for compliance with both state and local regulations has caused our office and the County Attorney considerable concern. Please be prepared to address the problem at the Planning Commission public hearing May 16, 1991 when your petition to replat will be heard.

I hope this material proves to be a convenience for you. This disregard for compliance with both state and local regulations has caused our office and the County Attorney considerable concern. Please be prepared to address the problem at the Planning Commission public hearing May 16, 1991 when your petition to replat will be heard.

The evidence of ownership submitted needs to correctly reflect current property owners. As we discussed earlier today, this evidence of title needs to be received by our office prior to the Planning Commission meeting next Thursday. Likewise, the development application should be updated by that time to demonstrate consent of all current property owners. If these requirements are not met by Thursday, May 16, your application will be pulled from the agenda.

Sincerely,

Linda Dannenberger
Linda Dannenberger, Planner

xc: Tim Foster, Atty
Foster, Larson, Laiche & Griff
422 White Avenue
Grand Junction, CO 81501

Lyle Dechant, County Attorney
Kathy Portner, Grand Junction Community Development
File

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

FEASIBILITY LEVEL GEOTECHNICAL ENGINEERING STUDY

PROPOSED HORIZON GLEN SUBDIVISION

GRAND JUNCTION, COLORADO

Prepared for:

ARMSTRONG CONSULTANTS

PROJECT NUMBER: M91040GE

MAY 13, 1991

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1.0 INTRODUCTION

This report presents the results of the feasibility level geotechnical engineering study we conducted for the proposed Horizon Glen Subdivision, Grand Junction, Colorado. The study was conducted at the request of Mr. Tom Logue, Armstrong Consultants, for Mr. Bill Foster.

The conclusions, suggestions and recommendations presented in this report are based on the data gathered during our site and laboratory study and on our experience with similar soil conditions. Factual data gathered during the field and laboratory work are summarized in Appendices A and B.

1.1 Proposed Construction

The proposed project will consist of developing about seventeen (17) residential lots. The development will include paved roads.

1.2 Scope of Services

Our services included feasibility level geotechnical engineering field and laboratory studies, and analysis and report preparation for the proposed site. The scope of our services is outlined below.

- The field study consisted of describing and sampling the soils encountered in five (5) auger advanced test borings at various locations on the development.

- The soils encountered in the test borings were described and samples retrieved for the subsequent laboratory study.
- The laboratory study included tests of select soil samples obtained during the field study to help assess the strength and swell/consolidation potential of the soils tested. Soil samples were tested for sulfate chemicals which may be potentially corrosive to concrete.
- This report presents our feasibility level geotechnical engineering suggestions and recommendations for planning and design of site development including:
 - . Viable foundation types for the conditions encountered,
 - . Ranges of allowable bearing pressures for the foundation types,
 - . Ranges of lateral earth pressure recommendations for design of laterally loaded walls, and
 - . Geotechnical considerations and recommendations for concrete slab-on-grade floors.
- Our recommendations and suggestions are based on the subsoil and ground water conditions encountered during our site and laboratory studies.

2.0 SITE CHARACTERISTICS

Site characteristics include observed existing and pre-existing site conditions that may influence the geotechnical engineering aspects of the proposed site development.

2.1 Site Location

The proposed development is located north of Horizon Drive about five hundred (500) to six hundred (600) feet west of the intersection of 12th Street and Horizon Drive, Grand Junction, Colorado. A project vicinity map is shown on Figure 1.

2.2 Site Conditions

At the time of our field study the site contained a medium dense cover of native vegetation. The site slopes down generally to the south at slope inclinations ranging from about 3 to 1 (horizontal to vertical) and flatter. A large drainage course is located along the west property line and a large drainage course is located near the central portion of the development. The drainage courses trend generally to the south and are confluent in the south portion of the site. Both drainages contained flowing water at the time of our field study. Some evidence was observed which indicates that the area had been irrigated farm land in the recent past. A small pond is located north of the site in the drainage channel crossing the central portion of the site.

2.3 Subsurface Conditions

The subsurface exploration consisted of observing, describing and sampling the soils encountered in five (5) test borings. The approximate locations of the test borings are shown on Figure 2. The logs describing the soils encountered in the test borings are presented in Appendix A.

The soils encountered in the lower elevation of the site, near the drainage channels, consisted of various mixtures of very soft, wet sandy clay. The soft sandy clay soils tested have a low swell potential when wetted and may consolidate under light

building loads. The soils encountered in the higher elevations of the site consisted generally of sandy and gravelly clay. The sandy and gravelly clay soils tested have a low swell potential when wetted and may consolidate under light to moderate building loads.

Formational material was encountered in the test borings located in the lower elevations of the site, in the south portion of the development, at a depth of about eleven (11) to twelve (12) feet. No formational material was encountered in the test borings in the higher elevations of the site to a maximum depth explored of about twenty (20) feet. The formational material encountered was a silty clay shale of the Mancos formation.

Free subsurface water was encountered in test borings 2 and 3 at a depth of about four (4) feet.

3.0 ON-SITE DEVELOPMENT CONSIDERATIONS

We anticipate that the subsurface water elevation may fluctuate with seasonal and other varying conditions. Deep excavations may encounter subsurface water and soils that may tend to cave. It may be necessary to dewater construction excavations to provide more suitable working conditions. Excavations should be well braced or sloped to prevent wall collapse. Federal, state and local safety codes should be observed.

The formational material encountered in the test borings was very hard. We anticipate that it may be possible to excavate this material, however additional effort may be necessary. We do not recommend blasting to aid in excavation of the material. Blasting may fracture the formational material which will reduce the integrity of the support characteristics of the formational material.

It has been our experience that sites in developed areas may contain existing subterranean structures or poor quality man-placed fill. If subterranean structures or poor quality man-placed fill are suspected or encountered, they should be removed and replaced with compacted structural fill as discussed under COMPACTED STRUCTURAL FILL below.

4.0 FOUNDATION DISCUSSION

Two criteria for any foundation which must be satisfied for satisfactory foundation performance are:

- 1) contact stresses must be low enough to preclude shear failure of the foundation soils which would result in lateral movement of the soils from beneath the foundation, and
- 2) settlement or heave of the foundation must be within amounts tolerable to the superstructure.

The soils encountered in the test borings have varying engineering characteristics that may influence the design and construction considerations of the foundations. The characteristics include swell potential, settlement potential,

bearing capacity and the bearing conditions of the soils supporting the foundations. These are discussed below.

4.1 Swell Potential

Some of the materials encountered in the test borings at the anticipated foundation depth may have swell potential. Swell potential is the tendency of the soil to increase in volume when it becomes wetted. The volume change occurs as moisture is absorbed into the soil and water molecules become attached to or adsorbed by the individual clay platlets. Associated with the process of volume change is swell pressure. The swell pressure is the force the soil applies on its surroundings when moisture is absorbed into the soil. Foundation design considerations concerning swelling soils include structure tolerance to movement and dead load pressures to help restrict uplift. The structure's tolerance to movement should be addressed by the structural engineer and is dependent upon many facets of the design including the overall structural concept and the building material. The uplift forces or pressure due to wetted clay soils can be addressed by designing the foundations with a minimum dead load and/or placing the foundations on a blanket of compacted structural fill. The compacted structural fill blanket will increase the dead load on the swelling foundations soils and will increase the separation of the foundation from the swelling soils. Suggestions and recommendations for design dead load and

compacted structural fill blankets should be made based on site specific geotechnical engineering studies and site specific construction.

4.2 Settlement Potential

Settlement potential of a soil is the tendency for a soil to experience volume change when subjected to a load. Settlement is characterized by downward movement of all or a portion of the supported structure as the soil particles move closer together resulting in decreased soil volume. Settlement potential is a function of foundation loads, depth of footing embedment, the width of the footing and the settlement potential or compressibility of the influenced soil. Foundation design considerations concerning settlement potential include the amount of movement tolerable to the structure and the design and construction concepts to help reduce the potential movement. The settlement potential of the foundation can be reduced by reducing foundation pressures and/or placing the foundations on a blanket of compacted structural fill. The anticipated post construction settlement potential and suggested compacted fill thickness recommendations should be based on site specific soil conditions and site specific proposed construction.

4.3 Soil Support Characteristics

The soil bearing capacity is a function of the engineering properties of the soils supporting the foundations, the

foundation width, the depth of embedment of the bottom of the foundation below the lowest adjacent grade, the influence of the ground water and the amount of settlement tolerable to the structure. Soil bearing capacity and associated minimum depth of embedment should be based on site specific geotechnical engineering studies.

5.0 FOUNDATION RECOMMENDATIONS

We have analyzed spread footings and drilled piers as potential foundation systems for the proposed structures. These are discussed below.

5.1 Spread Footings

The structures may be founded on spread footings which are placed either on the natural undisturbed soils or a blanket of compacted structural fill. The blanket of compacted structural fill is to help reduce the anticipated post construction settlement. The anticipated post construction settlement and associated fill thickness supporting the footings should be based on site specific soil and construction conditions. If the footings are supported on a blanket of compacted structural fill the blanket of compacted structural fill should extend beyond each edge of each footing a distance at least equal to the fill thickness. Geotechnical recommendations for constructing compacted structural fill are presented below. The soil bearing capacity will depend on the minimum depth of embedment of the

bottom of the footing below the lowest adjacent grade. The embedment concept is shown on Figure 3. We anticipate that the footings may be designed using a soil bearing capacity ranging from about 500 to 750 pounds per square foot for footings on the soft wet clay and about 1000 to 1500 pounds per square foot for footings on the sandy and gravelly clay with a minimum depth of embedment of at least one (1) foot when placed either on the natural undisturbed soils or a blanket of compacted structural fill.

We anticipate that the post construction settlement may be about one half (1/2) to one (1) inch.

The actual swell potential and settlement potential, as discussed above, will vary with site specific conditions including the moisture content of the supporting soils.

5.2 General Spread Footing Considerations

In our analysis it was necessary to assume that the material encountered in the test borings extended throughout the building sites and to a depth below the maximum depth of the influence of the footings. We should be contacted to provide site specific geotechnical engineering studies based on conditions for each site and planned construction.

We anticipate that the surface of the formational material may undulate which may result in a portion of the footings supported on the overlying soils. If this happens the

foundations will perform differently between the areas supported on formational material and the areas supported on the non-formational material. For this reason we suggest that if formational material is encountered only in portions of the foundation excavations at footing depth the foundation in all areas should be extended to support all footings on the formational material.

The bottom of any footings exposed to freezing temperatures should be placed below the maximum depth of frost penetration for the area. Refer to the local building code for details.

The bottom of the foundation excavations should be proof rolled or proof compacted prior to placing compacted structural fill or foundation concrete. The proof rolling is to help reduce the influence of any disturbance that may occur during the excavation operations. Any areas of loose, low density or yielding soils evidenced during the proof rolling operation should be removed and replaced with compacted structural fill. Caution should be exercised during the proof rolling operations. Excess proof rolling may increase pore pressure of the soil and degrade the integrity of the soils.

All footings should be proportioned as much as practicable to reduce the post construction differential settlement. Footings for large localized loads should be designed for bearing pressures and footing dimensions in the range of adjacent

footings to reduce the potential for differential settlement. We are available to discuss this with you.

Foundation walls may be reinforced, for geotechnical purposes. We suggest at least two (2) number 5 bars, continuous at the top and the bottom (4 bars total), at maximum vertical spacing. This will help provide the walls with additional beam strength and help reduce the effects of slight differential settlement. The walls may need additional reinforcing steel for structural purposes. The structural engineer should be consulted for foundation design. The structural engineering reinforcing design tailored for each site of this project will be more appropriate than the suggestions presented above.

5.3 Drilled Piers

Drilled piers or caissons that are drilled into the unweathered formational material can be used to support the proposed structure in the lower elevations of the site in the areas with soft wet clay. The piers should be drilled into the formational material a distance equal to at least two (2) pier diameters, or ten (10) feet, whichever is deeper. We anticipate that the piers may be designed as end bearing piers using a formational material bearing capacity of about 15,000 to 20,000 pounds per square foot. We suggest that piers be designed using end bearing capacity only. Side shear may be used for the design to resist uplift forces. When using skin friction for resisting

uplift we suggest that you discount the upper portion of the pier embedment in the formational material to a depth of at least one and one half (1 1/2) pier diameters into the formational material. The bottom of the pier holes should be cleaned to insure that all loose and disturbed materials are removed prior to placing pier concrete. Because of the rebounding potential in the formational materials when unloaded by excavation and the possibility of desiccation of the newly exposed material we suggest that concrete be placed in the pier holes immediately after excavation and cleaning. We anticipate that the post construction settlement potential of each pier may be about one quarter (1/4) inch to one half (1/2) inch.

The portion of the pier above the formational surface and in the weathered formational material should be cased with a sonotube or similar casing to help prevent flaring on the top of the pier holes and help provide a positive separation of the pier concrete and the adjacent soils. Construction of the piers should include extreme care to prevent flaring of the top of the piers. This is to help reduce the potential of swelling soils to impose uplift forces which will put the pier in tension. The drilled piers should be vertically reinforced to provide tensile strength in the piers should swelling on-site soils apply tensile forces on the piers. The structural engineer should be consulted to provide structural design recommendations.

The grade beams between piers should be provided with void spaces between the soil and the grade beam. The grade beam should not come in contact with the soils. This is to help reduce the potential for heave of the foundations should the soils swell.

Free ground water and caving soils were encountered in the test borings at the time of the field study. We anticipate that ground water will be encountered in the pier holes. If ground water is encountered, the pier holes should be dewatered prior to placing pier concrete and no pier concrete should be placed when more than six (6) inches of water exists in the bottom of the pier holes. The piers should be filled with a tremie placed concrete immediately after the drilling and cleaning operation is complete. It may be necessary to case the pier holes with temporary casing to prevent caving during pier construction.

Very difficult drilling conditions were encountered in the formational material during our field study. We anticipate that the formational material may be very difficult to drill with pier drilling equipment readily available in western Colorado. It may be necessary to obtain specialty pier drilling equipment to drill piers into the formational material encountered in our test borings.

The structural engineer should be consulted to provide structural design recommendations for the drilled piers and grade beam foundation system.

6.0 INTERIOR FLOOR SLAB DISCUSSION

It is our understanding that, as currently planned, the floors may be either concrete slabs-on-grade or a supported structural floors. The natural soils that will support interior floor slabs are stable at their natural moisture content. However, the owner should realize that when wetted, the site soils may experience volume changes.

Engineering design dealing with swelling soils is an art which is still in its infancy. The owner is cautioned that the soils on this site may have swelling potential and concrete slab-on-grade floors and other lightly loaded members may experience movement when the supporting soils become wetted. We suggest you consider floors suspended from the foundation systems as structural floors or a similar design that will not be influenced by subgrade volume changes. If the owner is willing to accept the risk of possible damage from swelling soils supporting concrete slab-on-grade floors, the following recommendations to help reduce the damage from swelling soils should be followed. These recommendations are based on generally accepted design and construction procedures for construction on soils that tend to experience volume changes when wetted and are intended to help reduce the damage caused by swelling soils. Lambert and Associates does not intend that the owner, or the owner's consultants should interpret these recommendations as a solution

to the problems of swelling soils, but as measures to reduce the influence of swelling soils.

Concrete flatwork, such as concrete slab-on-grade floors, should be underlain by compacted structural fill. We anticipate that the layer of compacted fill should be about one (1) to two (2) feet thick and constructed as discussed under COMPACTED STRUCTURAL FILL below. The thickness of the compacted structural fill layer should be determined on a site specific basis.

The natural soils exposed in the areas supporting concrete slab-on-grade floors should be kept very moist during construction prior to placement of concrete slab-on-grade floors. This is to help increase the moisture regime of the potentially expansive soils supporting floor slabs and help reduce the expansion potential of the soils. We are available to discuss this concept with you.

Concrete slab-on-grade floors should be provided with a positive separation, such as a slip joint, from all bearing members and utility lines to allow their independent movements and to help reduce possible damage that could be caused by movement of soils supporting interior slabs. The floor slab should be constructed as a floating slab. All water and sewer pipe lines should be isolated from the slab. Any appliances, such as a water heater or furnace, placed on the floating floor slab should be constructed with flexible joints to accommodate

future movement of the floor slab with respect to the structure. We suggest partitions constructed on the concrete slab-on-grade floors be provided with a void space above or below the partitions to relieve stresses induced by elevation changes in the floor slab.

The concrete slabs should be scored or jointed to help define the locations of any cracking. The areas defined by scoring and jointing should be about square and enclose about 200 square feet. Also, joints should be scored in the floors a distance of about three (3) feet from, and parallel to, the walls.

If moisture rise through the concrete slab-on-grade floors will adversely influence the performance of the floor or floor coverings a moisture barrier may be installed beneath the floor slab to help discourage capillary and vapor moisture rise through the floor slab. The moisture barrier may consist of a heavy plastic membrane, six (6) mil or greater, protected on the top and bottom by at least two (2) inches of clean sand. The plastic membrane should be lapped and taped or glued and protected from punctures during construction.

The Portland Cement Association suggests that welded wire reinforcing mesh is not necessary in concrete slab-on-grade floors when properly jointed. It is our opinion that welded wire mesh may help improve the integrity of the slab-on-grade floors.

We suggest that concrete slab-on-grade floors should be reinforced, for geotechnical purposes, with at least 6 x 6 - W2.9 x W2.9 (6 x 6 - 6 x 6) welded wire mesh positioned midway in the slab. The structural engineer should be contacted for structural design of the floor slabs.

7.0 COMPACTED STRUCTURAL FILL

Compacted structural fill is typically a material which is constructed for direct support of structures or structural components.

There are several material characteristics which should be examined before choosing a material for potential use as compacted structural fill. These characteristics include; the size of the larger particles, the engineering characteristics of the fine grained portion of material matrix, the moisture content that the material will need to be for compaction with respect to the existing initial moisture content, the organic content of the material, and the items that influence the cost to use the material.

Compacted fill should be a non-expansive material with the maximum aggregate size less than about two (2) to three (3) inches and less than about twenty five (25) percent coarser than three quarter (3/4) inch size.

The reason for the maximum size is that larger sizes may have too great an influence on the compaction characteristics of

the material and may also impose point loads on the footings or floor slabs that are in contact with the material. Frequently pit-run material or crushed aggregate material is used for structural fill material. Pit-run material may be satisfactory, however crushed aggregate material with angular grains is preferable. Angular particles tend to interlock with each other better than rounded particles.

The fine grained portion of the fill material will have a significant influence on the performance of the fill. Material which has a fine grained matrix composed of silt and/or clay which exhibits expansive characteristics should be avoided for use as structural fill. The moisture content of the material should be monitored during construction and maintained near optimum moisture content for compaction of the material.

Soil with an appreciable organic content may not perform adequately for use as structural fill material due to the compressibility of the material and ultimately due to the decay of the organic portion of the material.

The natural on-site soils are not suitable for use as compacted structural fill material supporting building or structure members because of their clay content and swell potential. The natural on-site soils may be used as compacted fill in areas that will not influence the structure such as to

establish general site grade. We are available to discuss this with you.

All areas to receive compacted structural fill should be properly prepared prior to fill placement. The preparation should include removal of all organic or deleterious material and the areas to receive fill should be proof rolled after the organic deleterious material has been removed. Any areas of soft, yielding, or low density soil, evidenced during the proof rolling operation should be removed. Fill should be moisture conditioned, placed in thin lifts not exceeding six (6) inches in compacted thickness and compacted to at least 90 percent of maximum dry density as defined by ASTM D1557, modified Proctor.

We recommend that the geotechnical engineer or his representative be present during the proof rolling and fill placement operations to observe and test the material.

8.0 LATERAL EARTH PRESSURES

Laterally loaded walls supporting soil, such as basement walls, will act as retaining walls and should be designed as such.

Walls that are designed to deflect and mobilize the internal soil strength should be designed for active earth pressures. Walls that are restrained so that they are not able to deflect to mobilize internal soil strength should be designed for at-rest earth pressures. The values for the lateral earth pressures will

depend on the type of soil retained by the wall, backfill configuration and construction technique. We suggest that for design of laterally loaded walls you consider an active lateral earth pressure range of about 50 to 85 pounds per cubic foot per foot of depth and an at-rest lateral earth pressure range of about 70 to 100 pounds per cubic foot per foot of depth for the on-site soils retained. Lateral earth pressure values should be verified on a building and site specific basis.

The soils tested have measured swell pressure of about 300 pounds per square foot. Our experience has shown that the actual swell pressure may be much higher. If the retained soils should be come moistened after construction the soil may swell against retaining or basement walls. The walls should be designed to resist the swell pressure of the soils.

The above lateral earth pressures may be reduced by overexcavating the wall backfill area beyond the zone of influence and backfilling with crushed rock type material. The zone of influence concept is presented on Figure 4.

Resistant forces used in the design of the walls will depend on the type of soil that tends to resist movement. We suggest that you consider a passive earth pressure range of 170 to 295 pounds per cubic foot per foot of embedment and a coefficient of friction range of 0.1 to 0.3 for the on-site soil. The passive

lateral earth pressure values and the coefficient of friction should be verified on a site specific basis.

The lateral earth pressure values provided above, for design purposes, should be treated as equivalent fluid pressures. The lateral earth pressures provided above are for level well drained backfill and do not include surcharge loads or additional loading as a result of compaction of the backfill. Unlevel or non-horizontal backfill either in front of or behind walls retaining soils will significantly influence the lateral earth pressure values. Care should be taken during construction to prevent construction and backfill techniques from overstressing the walls retaining soils. Backfill should be placed in thin lifts and compacted, as discussed in this report to realize the lateral earth pressure values.

Walls retaining soil should be designed and constructed so that hydrostatic pressure will not accumulate or will not affect the integrity of the walls. Drainage plans should include a subdrain behind the wall at the bottom of the backfill to provide positive drainage. Exterior retaining walls should be provided with weep holes to help provide an outlet for collected water behind the wall. The ground surface adjacent to the wall should be sloped to permit rapid drainage of rain, snow melt and irrigation water away from the wall backfill. Sprinkler systems

should not be installed directly adjacent to retaining or basement walls.

9.0 DRAIN SYSTEM

A drain system should be provided around building spaces below the finished grade and behind any walls retaining soil. The drain systems are to help reduce the potential for hydrostatic pressure to develop behind retaining walls. A sketch of the drain system is shown on Figure 5.

Subdrains should consist of a three (3) or four (4) inch diameter perforated pipe surrounded by a filter. The filter should consist of a filter fabric or a graded material such as washed concrete sand or pea gravel. If sand or gravel is chosen the pipe should be placed in the middle of about four (4) cubic feet of aggregate per linear foot of pipe. The drain system should be sloped to positive gravity outlets. If the drains are daylighted the drains should be provided with all water outlets and the outlets should be maintained to prevent them from being plugged or frozen. We should be contacted to provide site specific geotechnical engineering details of the drain system.

10.0 BACKFILL

Backfill areas and utility trench backfill should be constructed such that the backfill will not settle after completion of construction, and that the backfill is relatively

impervious for the upper few feet. The backfill material should be free of trash and other deleterious material. It should be moisture conditioned and compacted to at least 90 percent relative compaction using a modified Proctor density (ASTM D1557). Only enough water should be added to the backfill material to allow proper compaction. Do not pond, puddle, float or jet backfill soils.

Backfill placement techniques should not jeopardize the integrity of existing structural members. We recommend recently constructed concrete structural members be appropriately cured prior to adjacent backfilling.

11.0 SURFACE DRAINAGE

The foundation soils should be prevented from becoming wetted after construction. This can be aided by providing positive and rapid drainage of surface water away from the building.

The final grade of the ground surface adjacent to the building should have a definite slope away from the foundation walls on all sides. We suggest a minimum fall of about one (1) foot in the first ten (10) feet away from the foundation. Downspouts and faucets should discharge onto splash blocks that extend beyond the limits of the backfill areas. Splash blocks should be sloped away from the foundation walls. Snow storage areas should not be located next to the structure. Proper

surface drainage should be maintained from the onset of construction through the proposed project life.

12.0 LANDSCAPE IRRIGATION

An irrigation system should not be installed next to foundation walls, concrete flatwork or asphalt paved areas. If an irrigation system is installed, the system should be placed so that the irrigation water does not fall or flow near foundation walls, flatwork or pavements. The amount of irrigation water should be controlled.

13.0 SOIL CORROSIVITY TO CONCRETE

Chemical tests were performed on a sample of soil obtained during the field study. The soil sample was tested for pH, water soluble sulfates, and total dissolved salts. The results are presented in Appendix B. The test results indicate a water soluble sulfate content of 0.25 to 0.95 percent. Based on the American Concrete Institute (ACI) information a water soluble sulfate content of 0.95 percent indicates severe exposure to sulfate attack on concrete. We suggest sulfate resistant cement be used in concrete which will be in contact with the on-site soils. Recommendations for sulfate resistant cement based on the water soluble sulfate content should be used. The American Concrete Institute recommends a maximum water/cement ratio of

0.45 for concrete where severe exposure to sulfate attack will occur.

14.0 CONCRETE QUALITY

It is our understanding current plans include reinforced structural concrete for building foundations and walls, and may include concrete slabs-on-grade and pavement. To insure concrete members perform as intended the structural engineer should be consulted and should address factors such as design loadings, anticipated movement and deformations.

The quality of concrete is influenced by proportioning of the concrete mix, placement, consolidation and curing. Desirable qualities of concrete include compressive strengths, water tightness and resistance to weathering. Engineering observations and testing of concrete during construction is essential as an aid to safeguard the quality of the completed concrete. Testing of the concrete is normally performed to determine compressive strength, entrained air content, slump and temperature. We recommend that your budget include provisions for testing of concrete during construction and that the testing consultant be retained by the owner or the owner's engineer or architect, not the contractor, to maintain third party credibility.

15.0 DESIGN CONSIDERATIONS

This subsoil and foundation study is based on a feasibility level geotechnical engineering field and laboratory study, therefore it is necessary to assume that the subsurface conditions do not vary greatly from those encountered in the test borings. Our experience has shown that significant variations are likely to exist and can become apparent only during additional site specific subsurface studies. For this reason, and because of our familiarity with the project, Lambert and Associates should be retained to provide site specific geotechnical engineering studies. The cost of the geotechnical engineering studies and material testing during construction or additional engineering consultation is not included in the fee for this report. We recommend that your construction budget include site visits early during construction for the project geotechnical engineer to observe foundation excavations and for additional site visits to test compacted soil. We recommend that the observation and material testing services during construction be retained by the owner or the owner's engineer or architect, not the contractor, to maintain third party credibility. We are experienced and available to provide material testing services. We have included a copy of a report prepared by Van Gilder Insurance which discusses testing services during construction. It is our opinion that the owner, architect and engineer be

familiar with the information. If you have any questions regarding this concept please contact us.

It is difficult to predict if unexpected subsurface conditions will be encountered during construction. Since such conditions may be found we suggest that the owner and the contractor make provisions in their budget and construction schedule to accommodate unexpected subsurface conditions.

This report does not provide earthwork specifications. We can provide guidelines for your use in preparing project specific earthwork specifications. Please contact us if you need these for your project.

16.0 LIMITATIONS

It is the owner's and the owner's representatives responsibility to read this report and become familiar with the recommendations and suggestions presented. We should be contacted if any questions arise concerning the geotechnical engineering aspects of this project as a result of the information presented in this report.

The recommendations outlined above are based on our understanding of the currently proposed construction. We are available to discuss the details of our recommendations with you, and revise them where necessary. This geotechnical engineering report is based on the proposed site development and scope of services as provided to us by Mr. Tom Logue and Mr. Bill Foster,

on the type of construction planned, existing site conditions at the time of the field study, and on our findings. Should the planned, proposed use of the site be altered, Lambert and Associates must be contacted, since any such changes may make our suggestions and recommendations given inappropriate. This report should be used ONLY for the planned development for which this report was tailored and prepared, and ONLY to meet information needs of the owner and the owner's representatives. In the event that any changes in the future design or location of the building are planned, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and conclusions of this report are modified or verified in writing. It is recommended that the geotechnical engineer be provided the opportunity for a general review of the final project design and specifications in order that the earthwork and foundation recommendations may be properly interpreted and implemented in the design and specifications.

This report presents both suggestions and recommendations. The suggestions are presented so that the owner and the owner's representatives may compare the cost to the potential risk or benefit for the suggested procedures.

We represent that our services were performed within the limits prescribed by you and with the usual thoroughness and competence of the current accepted practice of the geotechnical

engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or our contract. We are available to discuss our findings with you. If you have any questions please contact us. The supporting data for this report is included in the accompanying figures and appendices.

This report is a product of Lambert and Associates. Excerpts from this report used in other documents may not convey the intent or proper concepts when taken out of context or they may be misinterpreted or used incorrectly. Reproduction, in part or whole, of this document without prior written consent of Lambert and Associates is prohibited.

We have enclosed a copy of a brief discussion about geotechnical reports published by Association of Soil and Foundation Engineers for your reference.

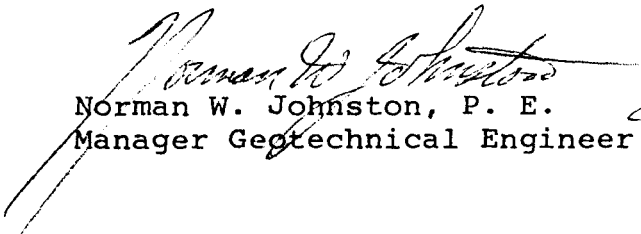
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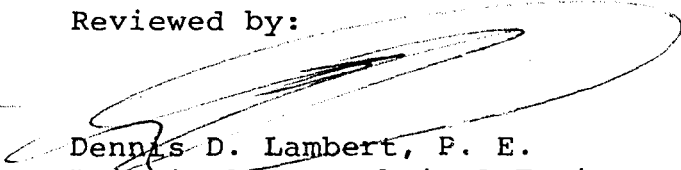
If you have any questions concerning this report or if we may be of further assistance, please contact us.

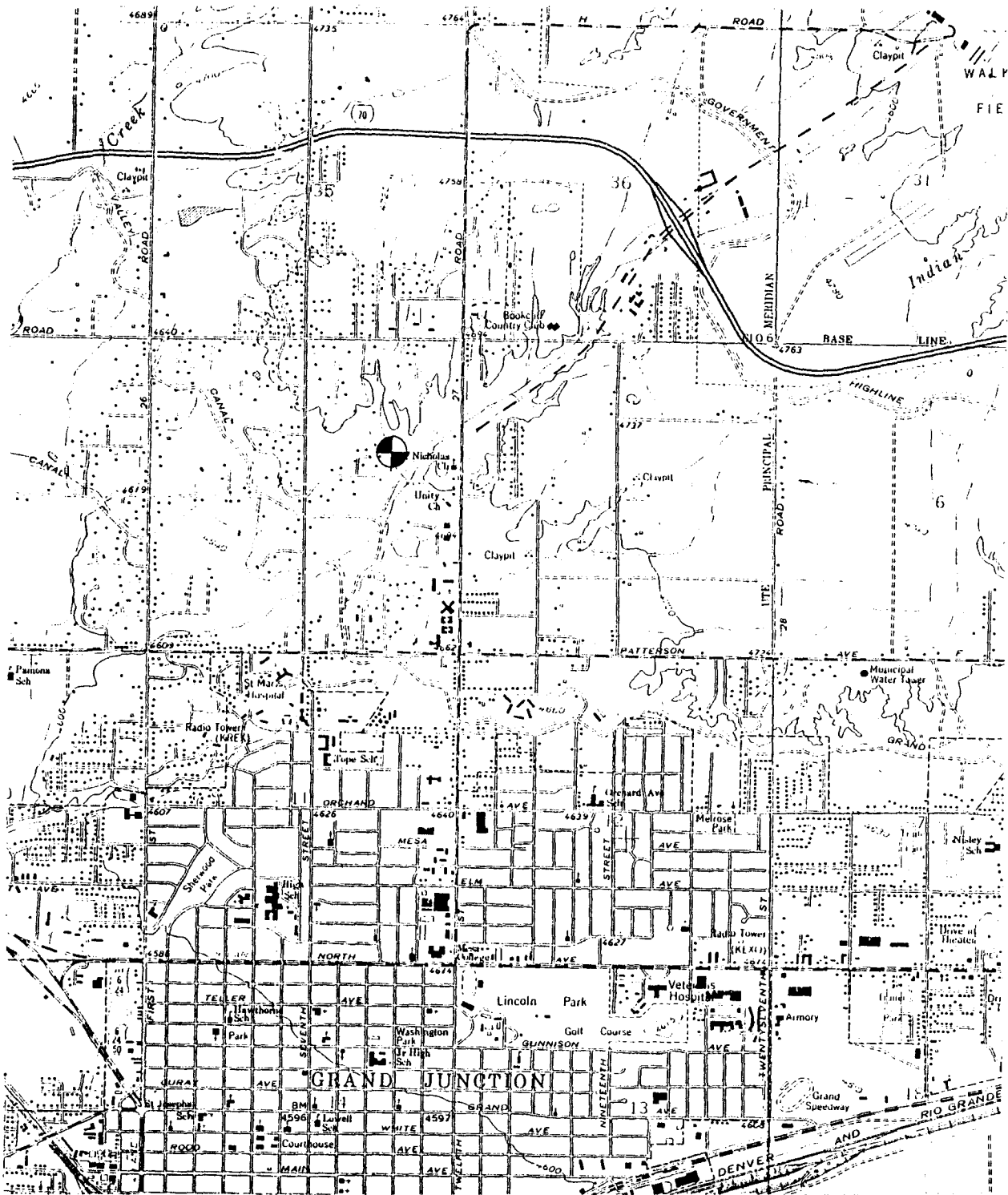
Respectfully submitted;

LAMBERT AND ASSOCIATES

Reviewed by:


Norman W. Johnston, P. E.
Manager Geotechnical Engineer


Dennis D. Lambert, P. E.
Principal Geotechnical Engineer



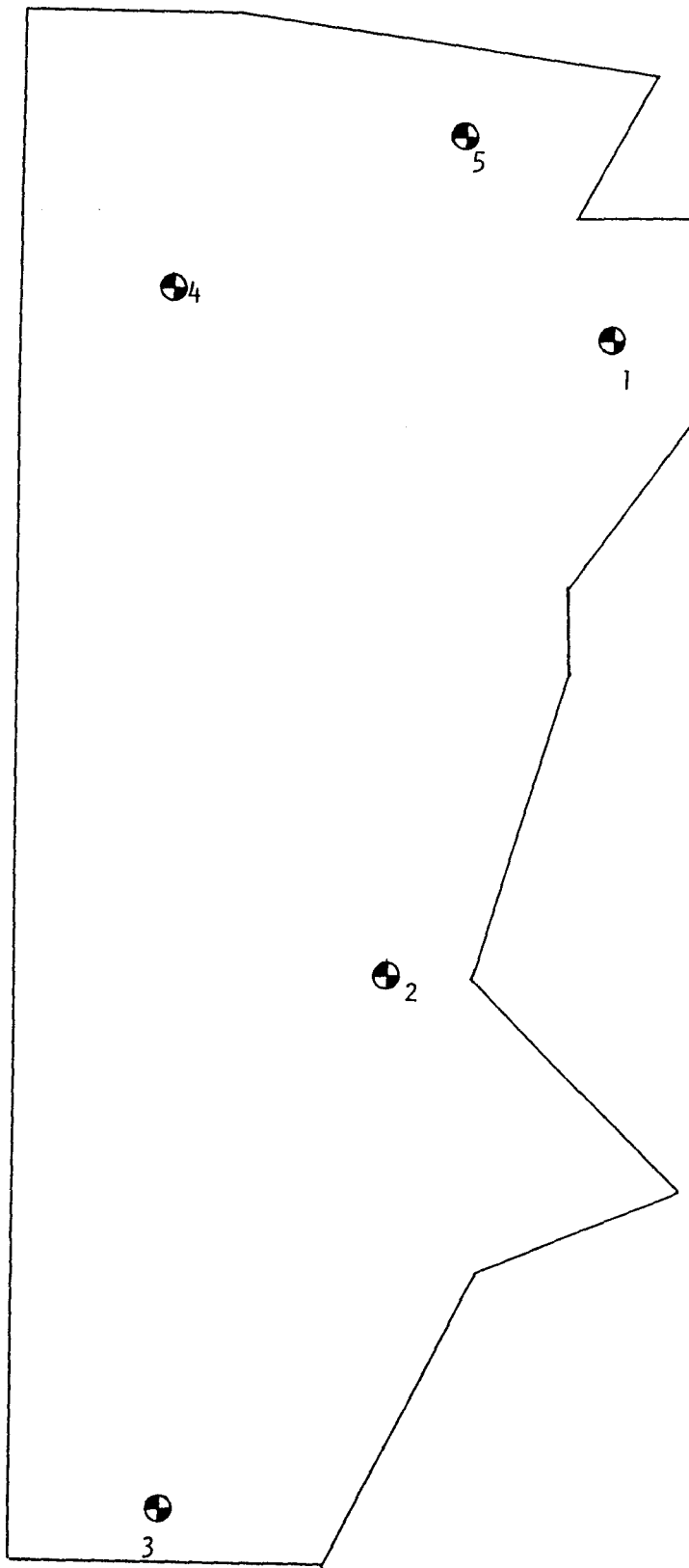
⊕ Indicates approximate project location

This map was excerpted from a map provided by United States Geologic Survey and is intended to present geotechnical data only

PROJECT VICINITY MAP

Lambert and Associates

Project No.:	M91040GE
Date:	5/13/79
Figure:	1



NO SCALE

5⊕ Indicates approximate test boring location

This sketch was reproduced from a sketch provided by others and is intended to present geotechnical data only

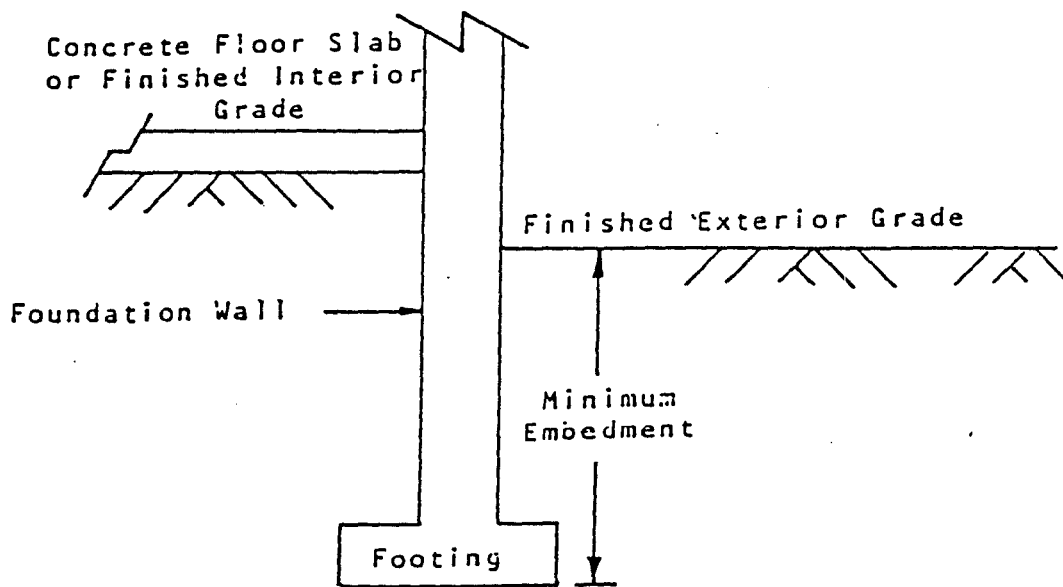
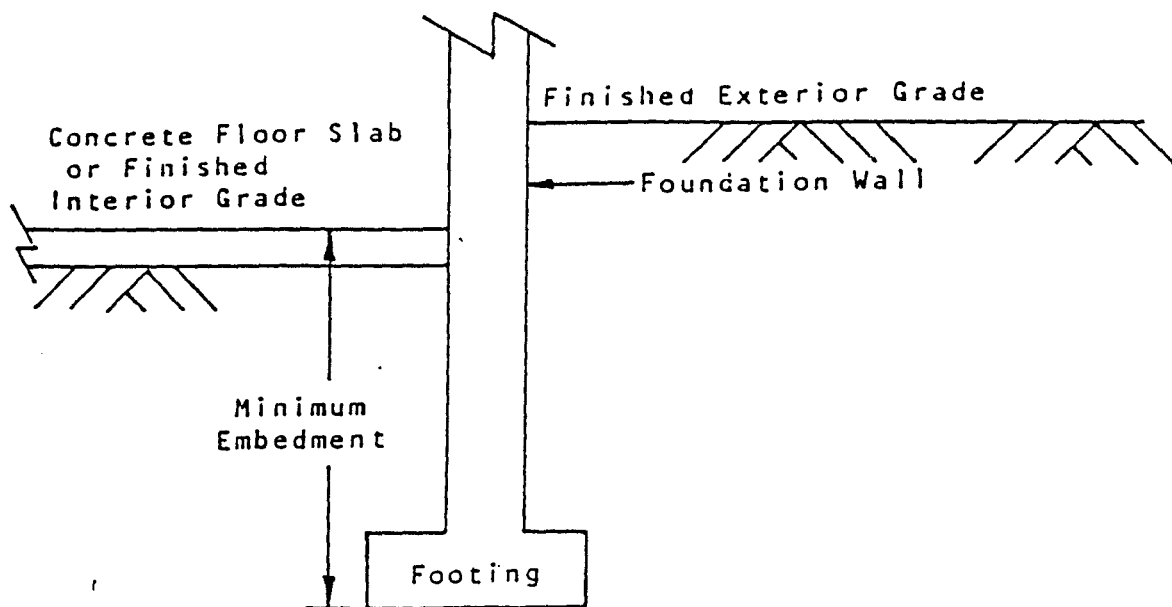
TEST BORING LOCATION SKETCH

Lambert and Associates

Project No: M91040GE

Date: 5/13/91

Figure: 2



EMBEDMENT CONCEPT

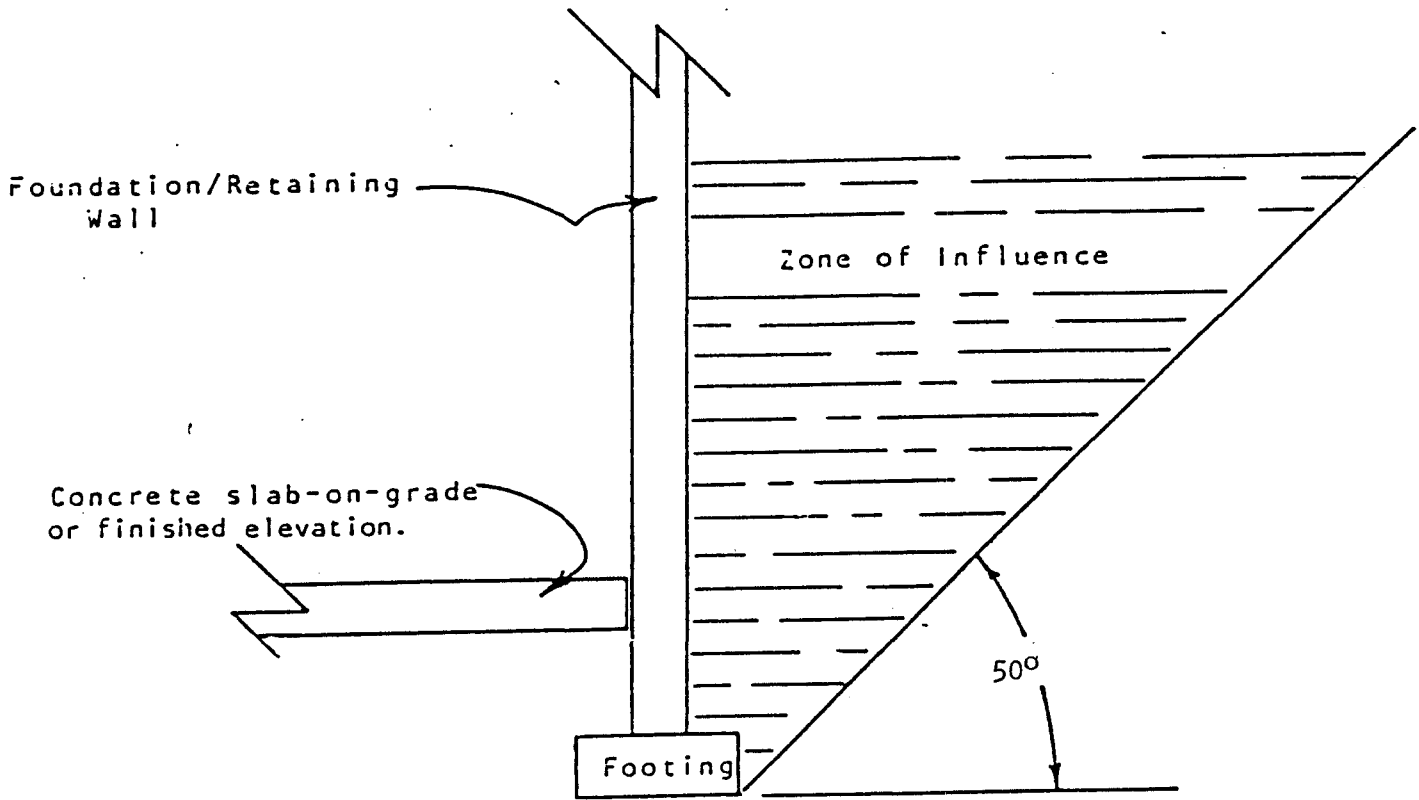
NO SCALE

Lambert and Associates

Project No.: M91040GE

Date: 5/13/91

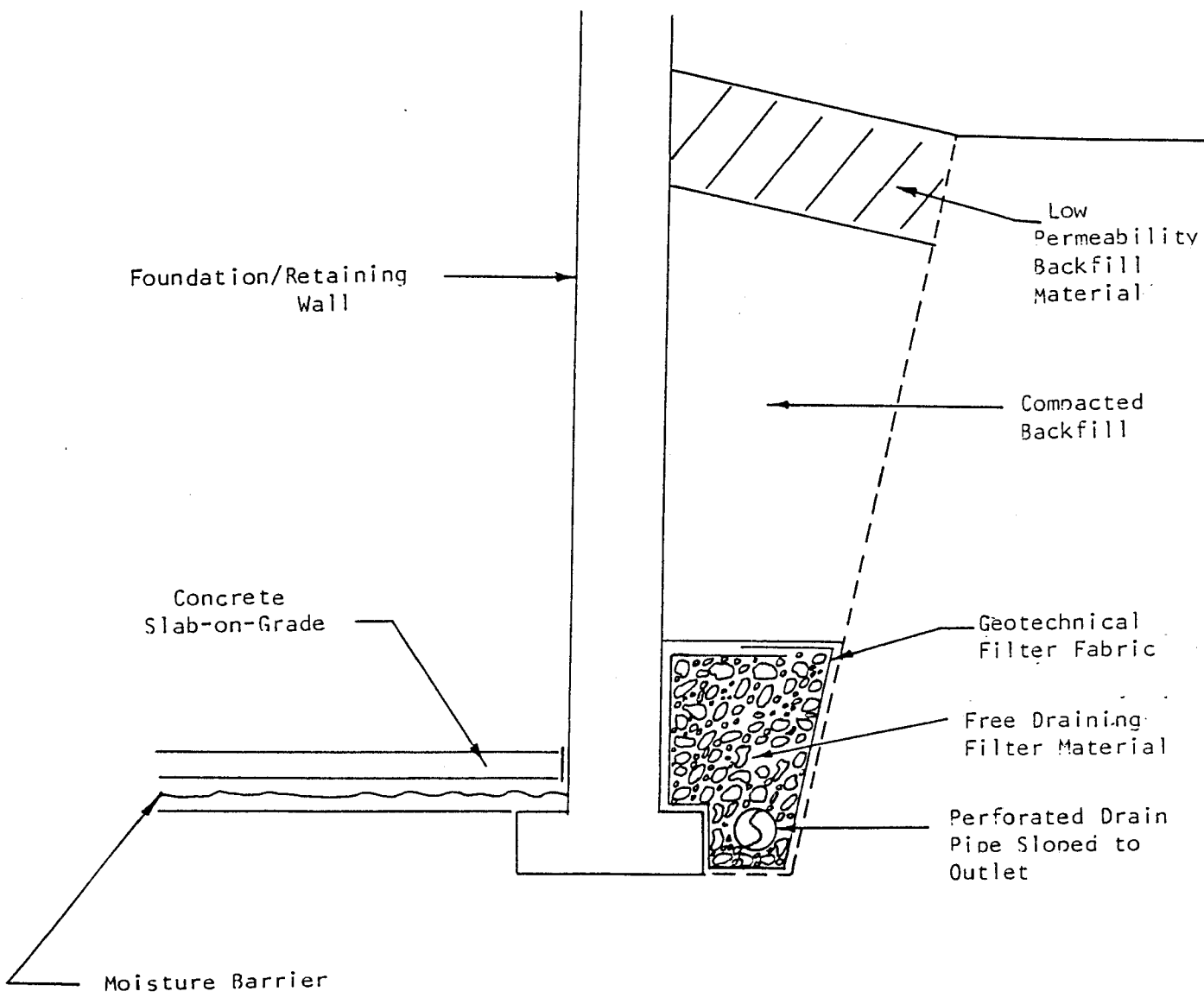
Figure: 3



SACKFILL ZONE OF INFLUENCE CONCEPT

Lambert and Associates

Project No.:	M91040GF
Date:	5/13/91
Figure:	4



This sketch is to show concept only.
 The text of our report should be
 consulted for additional information.

CONCEPTUAL SKETCH OF FOUNDATION DRAIN SYSTEM

Lambert and Associates

Project No.:	M91040GE
Date:	5/13/91
Figure:	5

APPENDIX A

The field study was performed on May 2, 1991. The field study consisted of logging and sampling the soils encountered in five (5) test borings. The approximate locations of the test borings are shown on Figure 2. The log of the soils encountered in the test borings are presented on Figures A2 through A6.

The test borings were logged by Lambert and Associates and samples of significant soil types were obtained. The samples were obtained from the test borings using a Modified California Barrel sampler and bulk disturbed samples were obtained. Penetration blow counts were determined using a 140 pound hammer free falling 30 inches. The blow counts are presented on the logs of the test borings such as 25/4 where 25 blows with the hammer were required to drive the sampler 4 inches.

The engineering field description and major soil classification are based on our interpretation of the materials encountered and are prepared according to the Unified Soil Classification System, ASTM D2488. Since the description and classification which appear on the test boring log is intended to be that which most accurately describes a given interval of the test boring (frequently an interval of several feet) discrepancies do occur in the Unified Soil Classification System

nomenclature between that interval and a particular sample in the interval. For example, an interval on the test boring log may be identified as a silty sand (SM) while one sample taken within the interval may have individually been identified as a sandy silt (ML). This discrepancy is frequently allowed to remain to emphasize the occurrence of local textural variations in the interval.

The stratification lines presented on the logs are intended to present our interpretation of the subsurface conditions encountered in the test borings. The stratification lines represent the approximate boundary between soil types and the transition may be gradual.

KEY TO LOG OF TEST BORING

Date Drilled _____ Field Engineer _____ Boring Number _____
 Location _____ Elevation _____
 Diameter _____ Total Depth _____ Water Table _____

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
				Sand, silty, medium dense, moist, tan, (SM) ↑ Unified Soil Classification	Notes in this column indicate tests performed and test results if not plotted. DD: Indicates dry density in pounds per cubic foot MC: Indicates moisture content as percent of dry unit weight LL: Indicates Liquid Limit PL: Indicates Plastic Limit PI: Indicates Plasticity Index
				← Indicates Bulk Bag Sample ← Indicates Drive Sample ← Indicates Sampler Type: C - Modified California St - Standard Split Spoon H - Hand Sampler	
	5	C	7/12	Indicates seven blows required to drive the sampler twelve inches with a hammer that weighs one hundred forty pounds and is dropped thirty inches.	
	10			BOUNCE: Indicates no further penetration occurred with additional blows with the hammer NR: Indicates no sample recovered CAVED: Indicates depth the test boring caved after drilling	
	15			← Indicates the location of free subsurface water when measured	
	20			CLAY NOTE: Symbols are often used only to help visually identify the described information presented on the log. SILT SAND GRAVEL CLAYSTONE SANDSTONE	
	25				

Project Name Horizon Glen Project Number M91040GE Figure A1

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled 5/2/91 Field Engineer Woods Boring Number 1
 Location See test boring location sketch Elevation _____
 Diameter 4 inches Total Depth 20 feet Water Table None encountered

Depth Feet	Sample Type	N	Soil Description	Laboratory Test Results
5	Bulk C	9/6 14/6	Clay, sandy and gravelly, loose, slightly moist, brown (CL)	
10	C	25/4	bounce	
15				
20			Clay, sandy and gravelly, very moist, brown (CL)	
25			Bottom of test boring 1 at 20 feet	

Project Name Horizon Glen Project Number M91040GE Figure A2

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled 5/2/91 Field Engineer Woods Boring Number 2
 Location See test boring location sketch Elevation _____
 Diameter 4 inches Total Depth 20 feet Water Table 4 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	5	C	3/6 3/6	Clay, sandy, soft to medium stiff, very moist to wet, brown (CL)	Swell Consolidation Test: MC: 25.6% DD: 101.0 pcf Direct Shear Strength Test: MC: 25.6% DD: 95.0 pcf
	10			Clay, sandy, slightly gravelly, slightly stiff, very moist to wet, brown (CL)	
	15			Formational material, silty, clayshale hard, Mancos formation	Moisture Content: 52.1%
	20			Bottom of test boring 2 at 20 feet	
	25				

Project Name Horizon Glen Project Number M91040GE Figure A3

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

LOG OF TEST BORING

Date Drilled 5/2/91 Field Engineer Woods Boring Number 3
 Location See test boring location sketch Elevation _____
 Diameter 4 inches Total Depth 15 feet Water Table 4 feet

Depth of Feet	Sample		Soil Description	Laboratory Test Results
	Type	N		
5	Bulk		Clay, sandy, very soft, very moist to wet brown (CL)	
10			Formational material, silty, clayshale hard, Mancos formation	
15			Bottom of test boring 3 at 15 feet	
20				
25				

Project Name Horizon Glen Project Number M91040GE Figure A4

LOG OF TEST BORING

Date Drilled 5/2/91 Field Engineer Woods Boring Number 4
 Location See test boring location sketch Elevation _____
 Diameter 4 inches Total Depth 19 feet Water Table None encountered

Depth of Feet	Sample		Soil Description	Laboratory Test Results
	Type	N		
5	Bulk		Clay, sandy and gravelly, medium stiff, slightly moist, brown (CL)	
10	Bulk			
15				
20			Bottom of test boring 4 at 19 feet	
25				

Project Name Horizon Glen Project Number M91040GE Figure A5

LOG OF TEST BORING

Date Drilled 5/2/91 Field Engineer Woods Boring Number 5
 Location See test boring location sketch Elevation _____
 Diameter 4 inches Total Depth 18 feet Water Table None encountered

Depth ft	Sample		Soil Description	Laboratory Test Results
	Type	N		
<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 10px;">5</div> <div style="margin-bottom: 10px;">10</div> <div style="margin-bottom: 10px;">15</div> <div style="margin-bottom: 10px;">20</div> <div style="margin-bottom: 10px;">25</div> </div>	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 10px;">Bulk</div> <div style="margin-bottom: 10px;">C</div> <div style="margin-bottom: 10px;">Bulk</div> </div>	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="margin-bottom: 10px;">9/6</div> <div style="margin-bottom: 10px;">18/6</div> </div>	<p>Clay, sandy and gravelly, slightly stiff, slightly moist, brown (CL)</p>	<p>Swell Consolidation Test: MC: 7.4% DD: 99.0 pcf</p>
20			Bottom of test boring 5 at 18 feet	

Project Name Horizon Glen Project Number M91040GE Figure A6

APPENDIX B

The laboratory study consisted of performing:

- . Moisture content and dry density tests,
- . Swell-consolidation tests,
- . Direct Shear Strength tests,
- . Sieve analysis tests,
- . Atterberg limits tests, and
- . Chemical tests.

It should be noted that samples obtained using a drive type sleeve sampler may experience some disturbance during the sampling operations. The test results obtained using these samples are used only as indicators of the in situ soil characteristics.

TESTING

Moisture Content and Dry Density

Moisture content and dry density were determined for each sample tested of the samples obtained. The moisture content was determined according to ASTM Test Method D2216 by obtaining the moisture sample from the drive sleeve. The dry density of the sample was determined by using the wet weight of the entire sample tested. The results of the moisture and dry density determinations are presented on the log of test borings, Figures A2 through A6.

B1

Swell Tests

Loaded swell tests were performed on drive samples obtained during the field study. These tests are performed in general accordance with ASTM Test Method D2435 to the extent that the same equipment and sample dimensions used for consolidation testing are used for the determination of expansion. A sample is subjected to static surcharge, water is introduced to produce saturation, and volume change is measured as in ASTM Test Method D2435. Results are reported as percent change in sample height.

Consolidation Tests

One dimensional consolidation properties of drive samples were evaluated according to the provisions of ASTM Test Method D2435. Water was added in all cases during the test. Exclusive of special readings during consolidation rate tests, readings during an increment of load were taken regularly until the change in sample height was less than 0.001 inch over a two hour period. The results of the swell-consolidation load test are summarized on Figures B1 and B2, swell-consolidation tests.

It should be noted that the graphic presentation of consolidation data is a presentation of volume change with change in axial load. As a result, both expansion and consolidation can be illustrated.

B2

Direct Shear Strength Tests

Direct shear strength properties of sleeve samples were evaluated in general accordance with testing procedures defined by ASTM Test Method D3080. The direct shear strength test was performed on a sample obtained from test boring 2 at a depth of four (4) to five (5) feet. Based on the results of the direct shear strength tests an internal angle of friction of 10 degrees and a cohesion of 125 pounds per square foot were used in our analysis.

Sieve Analysis Tests

Sieve analysis tests were conducted on selected samples of the material obtained during our field study. The sieve analysis tests were conducted in general accordance with ASTM Test Method D422. The results of the sieve analysis tests are presented on Figures B3 through B5.

Atterberg Limits Tests

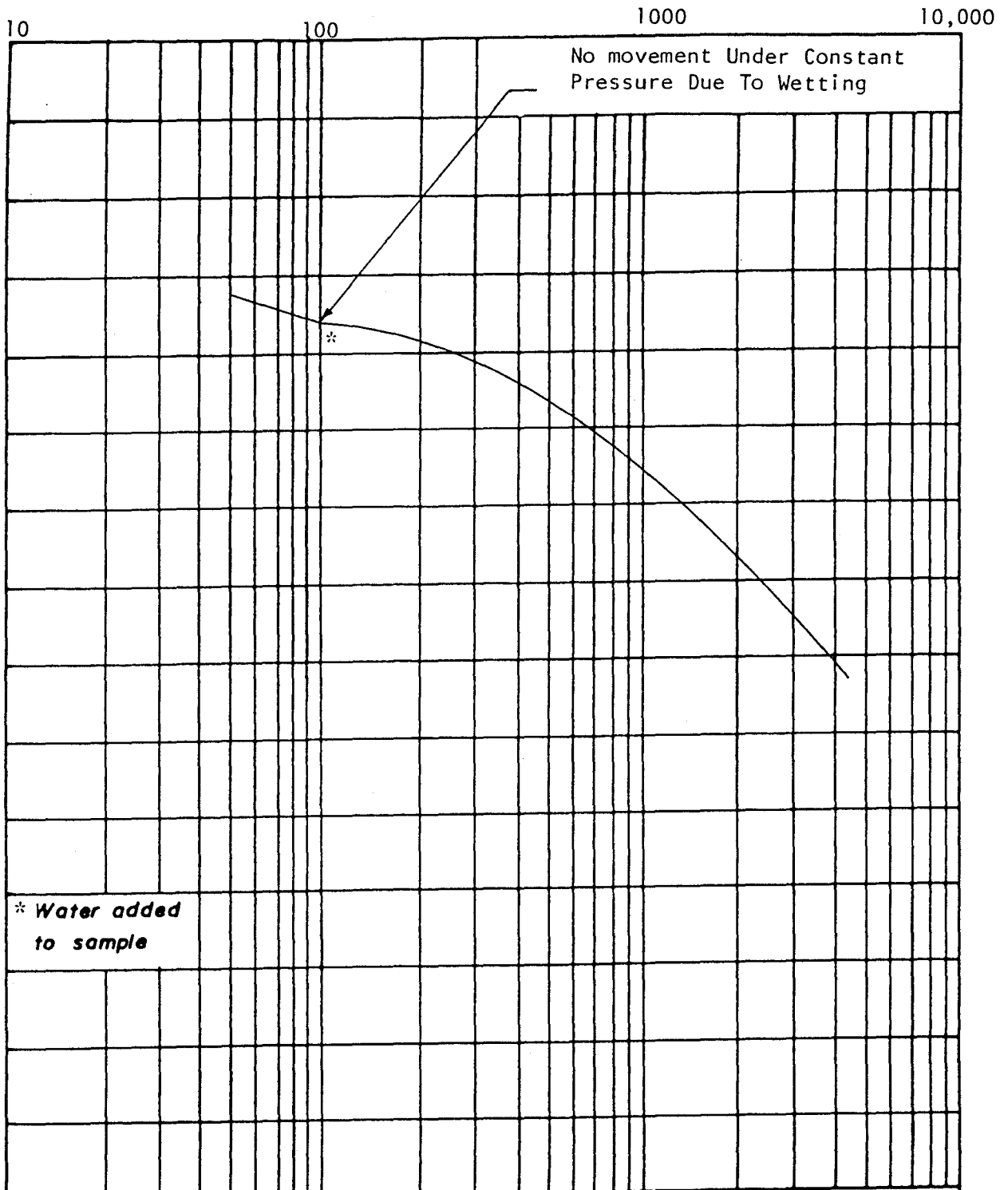
Atterberg limits tests were conducted on samples obtained during our field study. The Atterberg limits tests were conducted in general accordance with ASTM Test Method D4318. The results of the Atterberg limits test are presented on Figures B3 through B5.

Chemical Tests

Chemical tests for water soluble sulfates, pH, and total dissolved salts were performed by Grand Junction Laboratories on select samples obtained during the field study. The results of the chemical tests are tabulated below.

TEST BORING	DEPTH	PH	TOTAL DISSOLVED SALTS	WATER SOLUBLE SULFATE
3	2 to 4 feet	7.8	0.57%	0.25%
4	4 feet	8.2	1.17%	0.94%

PRESSURE (POUNDS PER SQUARE FOOT)



SUMMARY OF TEST RESULTS					
Boring No. 2	Moisture Content (%)	Dry Density (P.C.F.)	Height (in.)	Diameter (in.)	Swell Pressure (P.S.F.)
Depth 4-5 feet	25.6	101.0	1.0	1.94	200 +
Initial					
Final					
Soil Description	Clay, sandy, light brown				

SWELL - CONSOLIDATION TEST

Lambert and Associates

Project No. : M91040GE
 Date : 5/13/91
 Figure : B1

PRESSURE (POUNDS PER SQUARE FOOT)

10

100

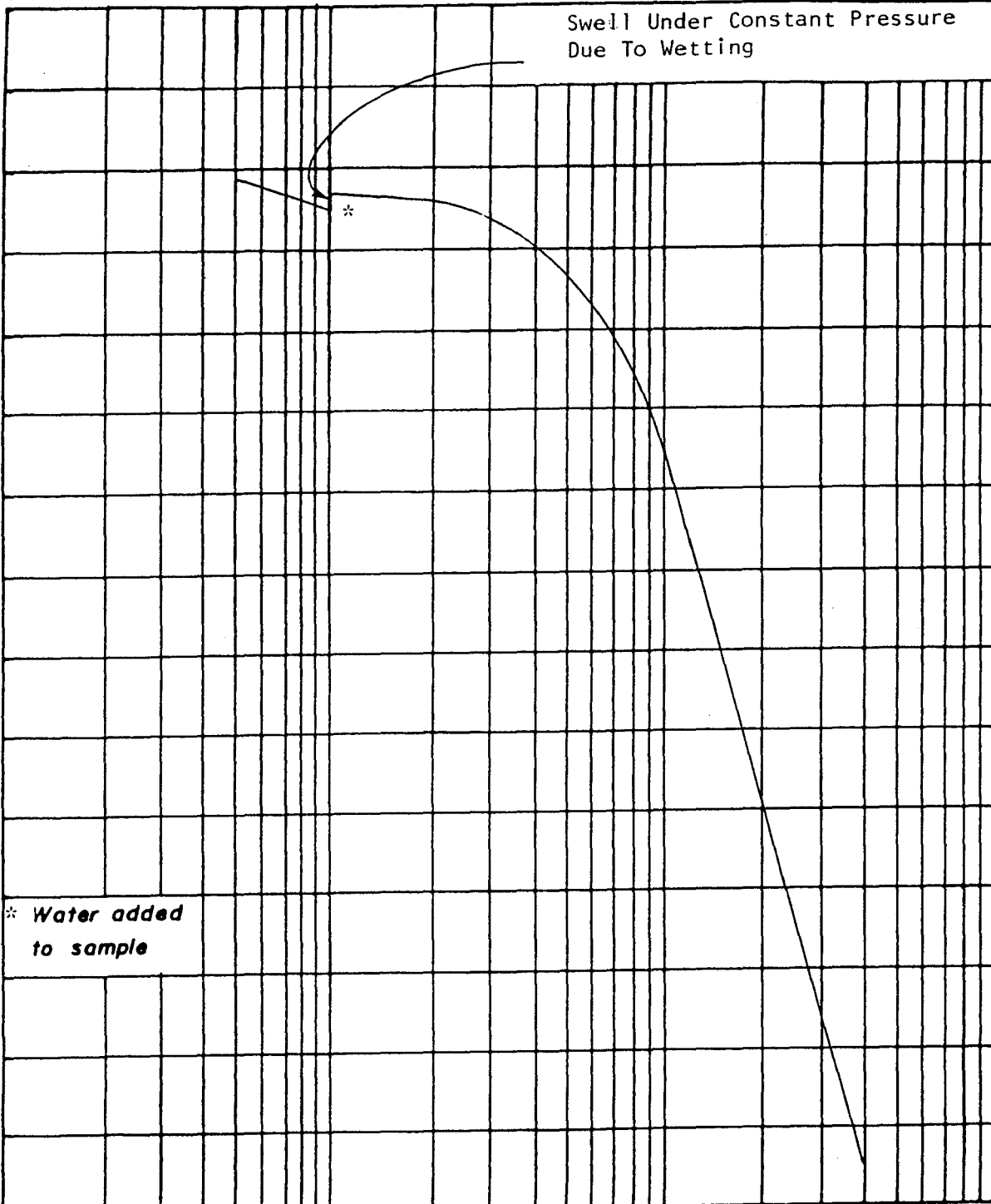
1000

10,000

Swell Under Constant Pressure
Due To Wetting

Swell

Consolidation (%)



* Water added to sample

SUMMARY OF TEST RESULTS					
Boring No. 5	Moisture Content (%)	Dry Density (P.C.F.)	Height (in.)	Diameter (in.)	Swell Pressure (P. S. F.)
Depth 4-5 feet	7.4	99.0	1.0	1.94	300 ±
Initial					
Final					
Soil Description	Sand, clayey, gravelly, light brown				

SWELL - CONSOLIDATION TEST

Project No.: M91040GE

Lambert and Associates

Date: 5/13/91

Figure: B2

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

TEST RESULTS

PROJECT Horizon Glen PROJECT NO. M91040GE DATE 5/7/91
LOCATION Grand Junction, CO SOURCE Boring 3 @ 2 to 4 feet
SAMPLE NO. 4003 SPECIFICATION* _____

SIEVE ANALYSIS

<u>U. S. STD. SIEVE SIZE</u>	<u>CUMULATIVE PERCENT PASSING</u>
3/4"	100
1/2"	100
3/8"	100
No. 4	100
No. 8	99.8
No. 10	99
No. 16	99
No. 30	98
No. 40	97
No. 50	89
No. 100	68
No. 200	50

Sampled on 5/8/91

Clay, sandy

Moisture Content: 22.1%

ATTERBERG LIMITS RESULTS

Figure B3

*It is our understanding that the noted specification is the project specification.

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

TEST RESULTS

PROJECT Horizon Glen PROJECT NO. M91040GE DATE 5/7/91
LOCATION Grand Junction, Colorado SOURCE Boring 4 @ 4 feet
SAMPLE NO. 4003 SPECIFICATION* _____

SIEVE ANALYSIS

<u>U. S. STD. SIEVE SIZE</u>	<u>CUMULATIVE PERCENT PASSING</u>
1/2"	100
3/8"	95
No. 4	86
No. 8	77
No. 10	76
No. 16	72
No. 30	69
No. 40	68
No. 50	66
No. 100	59
No. 200	49

Clay, sandy

Moisture Content: 7.4%

ATTERBERG LIMITS RESULTS

Figure B4

*It is our understanding that the noted specification is the project specification.

Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

TEST RESULTS

PROJECT Horizon Glen PROJECT NO. M91040GE DATE 5/7/91
LOCATION Grand Junction, CO SOURCE Boring 5 @ 6 feet
SAMPLE NO. 4003 SPECIFICATION* _____

SIEVE ANALYSIS

<u>U. S. STD. SIEVE SIZE</u>	<u>CUMULATIVE PERCENT PASSING</u>
3/4"	100
1/2"	100
3/8"	98
No. 4	90
No. 8	78
No. 10	75
No. 16	69
No. 30	63
No. 40	62
No. 50	60
No. 100	51
No. 200	42

Sampled on 5/8/91

Clay, sandy

Moisture Content: 6.7%

ATTERBERG LIMITS RESULTS

Figure B5

*It is our understanding that the noted specification is the project specification.

PROTECTIVE COVENANTS FOR HORIZON GLEN SUBDIVISION

Do NOT Remove
From Office

#32 91

KNOW ALL MEN BY THESE PRESENTS that SL VENTURES, INC., a Colorado corporation (hereinafter referred to as SL), being the owner of the land comprising "Horizon Glen Subdivision Filing No. 1", located in Mesa County, Colorado, and being desirous of protecting property values, and protecting the health, convenience, welfare and use of the owners of lots within said subdivision, does hereby declare and adopt the following use and building restrictions each and all of which shall be applicable to and run with the land in "The Horizon Glen Subdivision Filing No. 1".

ARTICLE I

DEFINITIONS

1. a. ACCO - Architectural Control Committee.
See Article 2 of Protective Covenants for regulations and uses.
- b. SL - SL Ventures, Inc.
- c. HG - Horizon Glen Homeowner's Association, Inc.
2. OPEN SPACE - means and includes property owned by the HG for the common use and enjoyment of the homeowners.
3. Any area includes and means the land and air above such land as described and shown in the plat recorded related to this property.
4. FEE SIMPLE TITLE - Fee Simple Title, as used herein, shall mean fee simple title to a site if such an

estate or interest exists with respect to a site of,
if not, that estate or interest with respect to a
site which is more nearly equivalent to fee simple
title.

ARTICLE II

ARCHITECTURAL CONTROL COMMITTEE

1. SL shall appoint an Architectural Control Committee (ACCO) of not less than three nor more than five persons to serve at the pleasure of SL as an ACCO. The ACCO shall meet as required to consider and approve or disapprove applications for any proposed change in the existing state of Property. Said ACCO shall have and exercise all of the powers, duties and responsibilities set out in this instrument.
2. No exterior improvements of any kind, including driveways leading to the various structures within The Horizon Glen Subdivision Filing No. 1 shall ever be constructed, remodeled, or altered in any fashion on any lands within Horizon Glen Subdivision Filing No. 1, nor may any vegetation be altered or destroyed, nor any landscaping performed unless two complete sets of plans and specifications for such construction or

alteration or landscaping are submitted to and approved by the ACCO prior to the commencement of such work. All applications shall be submitted to the ACCO in writing and all decisions of the ACCO shall be answered in writing. In the event the ACCO fails to take any action within thirty (30) days after complete architectural plans and specifications for such work have been submitted to it, then all of such submitted plans and specifications shall be deemed to be approved. The ACCO may adopt rules and regulations for processing of such applications.

3. Plans and specifications submitted hereunder shall show the nature, kind, shape, height, materials, floor plans, location, exterior color scheme, alterations, grading, drainage, erosion control, and all other matters necessary for the ACCO to properly consider and make a determination thereon. The ACCO shall disapprove any plans and specifications submitted to it which are not sufficient for it to exercise the judgment required of it by these covenants.
4. Where circumstances such as topography,

location of trees, brush, rock outcroppings, area aesthetic considerations, or other matters require or allow, the ACCO may, by a two-thirds vote, allow reasonable variances, but within county requirements, as to any of the covenants, including required minimum size of structuring, setback or side yard requirements, contained in this instrument on such terms and conditions as it shall require. Approval by adjoining property owners shall be favorably considered in any such decisions.

5. The ACCO shall exercise its best judgment to see that all improvements, structures, landscaping, and all alterations on the lands within the Horizon Glen Subdivision Filing No. 1 conform and harmonize with the natural surrounding and with existing structures as to external design, materials, color, siding, height, topography, grade, drainage, erosion control and finished ground elevation.
6. After approval of any proposed change, the same shall be completed with due diligence in conformity with conditions of approval. Failure to accomplish the change within one year after date of approval or to complete the change in accordance with terms of approval

shall operate automatically to revoke the approval and the ACCO may require the property to be restored as nearly as possible to its previous state. The time for completion of any such work may be extended by the ACCO.

7. The ACCO, SL or any owner shall not be liable in damages to any person or association submitting any plans and specifications or to any Owner by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove any such plans and specifications. Any Owner submitting or causing to be submitted any plans and specifications to the ACCO agrees and covenants that he will not bring any action or suit to recover damages against the ACCO, SL or any Owner collectively, its members individually or its advisors, employees or agents.

8. The ACCO shall keep and safeguard for at least five (5) years complete permanent written records of all applications for approval submitted to it, including one set of all plans and specifications so submitted and of all actions of approval or disapproval and all other actions taken by it under the provisions

of this instrument.

9. The provision of these Protective Covenants herein contained shall run with the land and shall be binding until December 31, 2010, and shall be automatically extended for successive periods of ten (10) years, unless by vote reflected by signed document duly recorded by a majority of the then Owners, it is agreed to change or repeal said covenants in whole or in part. Any provisions violating the rule against perpetuities or the rules prohibiting unreasonable restraints on alienation shall continue and remain in full force and effect for a period of twenty-one (21) years following the death of the survivor of Timothy E. Foster and William E. Foster, II, or until this Protective Covenant is terminated as hereinabove provided, whichever first occurs.
10. Any provision contained in this Protective Covenant may be amended or repealed, with the written consent of 51% of the Owners of sites within Horizon Glen Subdivision Filing No. 1 by recording a written instrument or instruments specifying the amendment or the repeal, executed by HG and by not less than fifty percent (51%) of the Owners of sites

within Horizon Glen Subdivision Filing No. 1 shown by the records in the office of the Mesa County Clerk and Recorder.

11. Each provision of these Protective Covenants, and all provisions necessarily implied therefrom shall be deemed incorporated in each Deed or other instrument of conveyance; be deemed accepted, ratified and declared as a personal covenant of each Owner and binding thereon; be deemed and declared for the benefit of SL and each Owner and shall be deemed a real covenant and an equitable servitude running as a burden with and upon the title to each parcel of land.
12. Each provision of these Protective Covenants shall be enforceable by SL or any Owner by proceeding for prohibitive or mandatory injunction or suit to recover damages or, in the discretion of the SL, for so long as any Owner fails to comply with any provisions, by exclusion of such Owner and such Owner's guests from use of any facility and from enjoyment of any function. If court proceedings are instituted in connection with the rights of enforcement and remedies provided in this Covenant, the prevailing

- party shall be entitled to recover costs and expenses, including reasonable attorney fees.
13. No violation or breach of this Covenant, or enforcement action shall impair the lien of any mortgage, deed of trust or other lien in good faith and for value created prior to recording of lis pendens or other document by a plaintiff showing violation or breach.
14. Neither SL, its Board of Directors, or the ACCO, nor any member, agent or employee shall be liable to any party for any action or for any failure to act with respect to any matter if the action taken or failure to act was in good faith and without malice.
15. Except as otherwise provided herein, this Covenant shall be binding upon and inure to the benefit of SL and each Owner and the heirs, personal representatives, successors and assigns of each.
- SL shall have the right to delegate, assign or transfer duties and functions herein imposed on SL to the ACCO, or to a political subdivision created for the purpose, inter alia, of performing such functions or any of them.
16. Until such time as SL owns less than ten

percent (10%) of the property within Horizon Glen Subdivision Filing No. 1, the right to appoint and remove all members and alternate members of the ACCO shall be and is hereby vested solely in SL unless prior to said time SL records a declaration waiving its right hereunder. By specific agreement, the Board and SL may delegate specified functions of the ACCO to a subcommittee, appointed by the SL, to function in the same matter as the ACCO. When SL waives or no longer has the right to appoint and remove the members of the ACCO, said right shall be vested solely in the HG; provided, however, that no member or alternate member once appointed may be removed from the ACCO except by the vote or written consent of four-fifths of the members of the HG. Exercise of the right of appointment and removal, as set forth herein, shall be evidenced by a BOARD resolution available to all members identifying each ACCO member replaced or removed from the ACCO.

Any member or alternate member of the ACCO may at any time resign from the ACCO upon written notice delivered to SL or the HG, whichever then has the right to appoint

members.

Vacancies on the ACCO, however caused, shall be filled by SL or the HG, whichever then has the power to appoint members.

17. Invalidity or unenforceability of any provision of this Covenant in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of these protective covenants.
18. The captions and headings in this instrument are for convenience only and shall not be considered in construing any provisions of these Protective Covenants.
19. Failure to enforce any provisions of these Protective Covenants shall not operate as a waiver of any such provision or of any other provision of these Protective Covenants.
20. SL also reserves the right to re-locate and modify road and easement alignments and designs and has full power over design and amendment of all preliminary and final plats as per agreements with the county.
21. It is the intention of the creation of the ACCO to make its decisions final. It is the further intention of these covenants not to

create inflexible rules for rules sake but to create a good living environment for the residents of Horizon Glen Subdivision No. 1 and all decisions made by the ACCO should be made with that thought in mind.

ARTICLE III

PERMITTED AND PROHIBITED USES

1. The property located within the Horizon Glen Subdivision Filing No. 1 may be used only for single-family residence with the usual outbuildings. One lot, as shown on the plat of Horizon Glen Subdivision Filing No. 1, shall be the minimum building area upon which single-family residences and the usual outbuildings may be constructed. One or more lots may be utilized as a single building plot.
2. Garages, which shall be for the use only of the occupants of the residence to which they are pertinent, may be attached or detached from the residence.
3. The premises shall not be used or occupied for other than a single-family and family servants and shall not be used for other than residential use. The ground floor area of the main dwelling shall not be less than 2,5⁰⁰~~00~~ sq.

ft. for a one-story dwelling and 2,000 sq. ft. for two-stories, exclusive of garage, covered walks and open porches. The height of any building shall not be more than two full stories above street level. The main roof of these dwellings shall have a pitch of not less than 6 to 12 feet.

4. Each building structure shall be completed no later than one year after commencement of construction. All driveways will be paved and maintained in good condition.
5. No owner of any part of the property will do or permit to be done any act upon his property which may be or is or may become a nuisance.
6. No sign of any nature shall be displayed or placed upon any part of the property except "For Rent" or "For Sale" signs, referring only to the premises on which displayed and not to exceed two square feet in size and one sign to a property.
7. No animals, birds or fowl shall be kept or maintained on any part of the property except dogs, cats and pet birds which may be kept thereon in reasonable numbers as pets for the pleasure and use of the occupants but not for any commercial use or purposes. Birds shall

be confined in cages.

8. All garbage receptacles will be kept in an enclosed area not viewable from the street. No garbage incinerators shall be permitted. No clotheslines or drying yards shall be allowed on the premises.
9. No trailers or habitable motor vehicles of any nature shall be kept on or stored on any part of the property except within an enclosed garage. No trucks of any nature shall be parked overnight on any lot except in an enclosed garage. A pleasure boat on its trailer may be parked or stored on that portion of the lot away from the street line beyond the front building line as long as it is not visible from the street servicing the said lot. No individual water supply system shall be permitted except solely for irrigation purposes.
10. No single-family unit shall be divided into two or more units nor conveyed or encumbered in a dimension less than the full or original dimension.
11. No elevated tanks of any kind shall be permitted or any tank for storage of natural gas, gasoline, oil or other fuel or water

shall be buried, or if located above ground, the location and screening shall be as determined by the ACCO, except for those tanks as being necessary by the HG.

12. All exterior lights and light standards, other than ordinary low intensity lights, shall be subject to approval by the ACCO for harmonious development and prevention of lighting nuisance.

13. No activities shall be conducted on the property and no improvements constructed on the property which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any property, and no open fires shall be lighted or permitted on any property except in a contained barbecue unit while attended and in use for cooking purposes or within a safe and well-designated interior fireplace.

14. No gas line, light and power lines, telephone lines or television cables shall be permitted unless said lines are buried underground from their primary source at the lot lines of the unit. The owner shall pay all costs. ACCO may, however, allow overhead light, power,

telephone and television lines from primary source if the cost of placing the same underground would be excessive as determined by ACCO in its sole discretion and by a two-thirds vote.

15. No hunting, shooting, trapping or otherwise killing or harming of wildlife shall be permitted in the Horizon Glen Subdivision Filing No. 1, it being the intent hereof to conserve and protect all wildlife to the fullest extent possible.

16. Except as in an approved grading, drainage and erosion control, no structure shall be placed or located in such a manner that will obstruct, divert or otherwise alter the natural water drainage courses and patterns and no landscaping or change to the existing terrain shall be made which shall obstruct, divert or otherwise alter such drainage.

17. No hedges or fences shall be constructed, grown or maintained on the single-family or multi-family lot in the Horizon Glen Subdivision Filing No. 1 higher than 4½ feet (6'?) except patio fences in connection with dwellings. All fences shall be constructed of wooden or rock materials and if painted shall

be of wood tones. No fences shall be placed on that portion of a lot fronting on a public street between a line drawn parallel to such street through the closest edge of the house or garage on such lot and the public street. No fences can be erected on any out or fill slopes on road sections.

18. No cesspools or septic tanks shall be permitted on any property and each residence shall contain at least one fully equipped bathroom.

19. (a) For the purposes of this paragraph, "buildings" shall mean the main residence, the garage and related outbuildings.

(b) No buildings shall be erected closer than 25 feet to any 50 foot road right-of-way; 10 feet within any 30 foot road right-of-way; 20 feet from the rear of each lot; 10 feet from the side of each lot and 10 feet from any open space area included within the Horizon Glen Subdivision Filing No. 1.

SL for itself, its heirs, executors and assigns, covenants and agrees to pay annually its pro-rata share of the cost of

maintaining the irrigation system, including, but not limited to, any and all pumps, lines, ponds, dams, lift stations or other items related to the storage and transport of irrigation water to each lot and the costs of providing other reasonable and necessary public services. SL assessments in this regard shall be paid promptly when same becomes due and in the event of SL or its assigns failure to pay same promptly when due shall constitute a lien upon the above-described premises and the same may be enforced in equity as in the case of any lien foreclosure. Such annual assessments shall accrue to the benefit of and may be enforced jointly and severally by the other property owners in the Horizon Glen Subdivision Filing No. 1 or an association of property owners in Horizon Glen Subdivision Filing No. 1, if one shall be formed, by SL or by the ACCO. At such time as any public parties shall undertake the main...

20. (a) Home occupations consisting of any use for gain or support customarily found within a dwelling and carried on by the occupants thereof as long as such use meets all of the following conditions:

- 1) Must be clearly secondary to the primary use of the building as a dwelling.
- 2) No article may be sold or offered for sale for delivery on the premises.
- 3) It is operated in its entirety within the dwelling unit.
- 4) No persons other than those who reside within

the dwelling unit may be employed in such occupation.

- 5) There is no advertising except as provided within each specific zone.
- 6) No additions to or alterations of the exterior of the dwelling unit including outside entrances for the purpose of the home occupation shall be permitted.
- 7) The office or business does not utilize more than 25% of the gross floor area of the dwelling unit, and in any case not more than 400 square feet; provided, however, that this does not apply to nursery schools.
- 8) The houses of such uses and the external effects must not interfere with the peace, quiet and dignity of the neighborhood and adjoining properties.
- 9) Occupations specifically prohibited include the treatment or hospitalization of animals.

(b) The following uses:

- 1) utility substations;
- 2) pre-school and day care centers;
- 3) family foster homes (no more than four children allowed);
- 4) greenhouses and nurseries;
- 5) private swimming pools;

- 6) medical offices or hospitals;
- 7) libraries;
- 8) churches; and
- 9) church schools.

21. No residential lot captioned A, B or C shall be re-subdivided so as to create an additional lot.
22. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no permanent structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow, obstruct, or retard the flow of water in and through, drainage channels in easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or one or more utility companies is responsible.
23. No owner shall permit any thing or condition to exist on his lot which shall induce, breed or harbor infectious plant diseases or noxious insects.

24. No vehicle belonging to or under the control of a unit owner or a member of the family or a guest, tenant, lessee, or employee of a unit owner shall be parked in such manner as to impede or prevent ready access to any entrance to or exit from a building. Vehicles shall be parked within designated parking areas. Any traffic flow markings and signs regulating traffic on the premises shall be strictly observed.

25. No sound shall be emitted on any property which is unreasonably loud or annoying and no odor shall be emitted on any property which is noxious or offensive to others.

26. Paint shall range from light sand color to dark brown, light green to dark green, or natural wood. Any variations must be approved by ACCO.

IN WITNESS WHEREOF, SL Ventures, Inc., a Colorado corporation has hereby executed this Declaration this ____ day of _____, 1991.

SL VENTURES, INC.

By _____
Secretary

By _____
President

STATE OF COLORADO)
) SS

COUNTY OF MESA)

The foregoing was acknowledged before me this ___ day of _____, 1991, by _____ as President of SL Ventures, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires:

_____.

Notary Public

ITEM: #32-91 (Page 1 of 2)

PETITIONER: SL Ventures, Inc.

PROPOSAL: Horizon Glen Subdivision Final Plan & Plat Phase I, Outline Development Plan Phase 2, Zone Change from RSF-4 to PR, and Zone of Annexation to PR

PRESENTED BY: Bennett Boeschstein

COMMENTS: SEE REVIEW AGENCY SUMMARY SHEET COMMENTS

Motions for Final Plat Filing 1

APPROVAL: "Mr. Chairman, on item #32-91, a request for a Final Plat for the Horizon Glen Subdivision Filing 1, I move that we approve this subject to the Review Agency Summary Sheet Comments and for the following reasons:"
(STATE REASONS)

DENIAL: "Mr. Chairman, on item #32-91, a request for a Final Plat for the Horizon Glen Subdivision Filing 1, I move that we deny this for the following reasons:"
(STATE REASONS).

Motions for Final Plat Filing 1 and 2

APPROVAL: "Mr. Chairman, on item #32-91, a request for a Final Plat for the Horizon Glen Subdivision Filing 1 and 2, I move that we approve this subject to the Review Agency Summary Sheet Comments and contingent upon the annexation of Filing 2 to the City of Grand Junction."

DENIAL: "Mr. Chairman, on item #32-91, a request for a Final Plat for the Horizon Glen Subdivision Filing 1 and 2, I move that we deny this for the following reasons:"
(STATE REASONS).

Motions for Final Plan

APPROVAL: "Mr. Chairman, on item #32-91, a request for a Final Plan for the Horizon Glen Subdivision Filing 1 and 2, I move that we approve this subject to the Review Agency Summary Sheet Comments and contingent upon the annexation of Filing 2 to the City of Grand Junction."

DENIAL: "Mr. Chairman, on item #32-91, a request for a Final Plan for the Horizon Glen Subdivision Filing 1 and 2, I move that we deny this for the following reasons:" (STATE REASONS).

Motions for the Outline Development Plan for Phase 2

APPROVAL: "Mr. Chairman, on item #32-91, a request for an Outline Development Plan for the Horizon Glen Subdivision Phase 2, I move that we approve this subject to the Review Agency Summary Sheet Comments."

DENIAL: "Mr. Chairman, on item #32-91, a request for an Outline Development Plan for the Horizon Glen Subdivision Phase 2, I move that we deny this for the following reasons:" (STATE REASONS).

Motions for the Zone Change from RSF-4 to PR

APPROVAL: "Mr. Chairman, on item #32-91, a request to change the zone from RSF-4 to PR, I move that we forward this on to City Council with the recommendation of approval contingent upon the annexation of Filing 2 to the City of Grand Junction."

DENIAL: "Mr. Chairman, on item #32-91, a request to change the zone from RSF-4 to PR, I move that we recommend denial for the following reasons:" (STATE REASONS).

Motions for the Zone of Annexation to PR

APPROVAL: "Mr. Chairman, on item #32-91, a request for a Zone of Annexation to PR, I move that we forward this on to City Council with the recommendation of approval contingent upon the annexation of Filing 2 to the City of Grand Junction."

DENIAL: "Mr. Chairman, on item #32-91, a request for a Zone of Annexation to PR, I move that we recommend denial for the following reasons:" (STATE REASONS).

U.S. WEST 05/03/91
Leon Peach 244-4964

New or additional telephone facilities necessitated by this project may result in a "contract" and up-front monies required from developer prior to ordering or placing of said facilities. For more information, please call Leon Peach 244-4964.

CITY UTILITY ENGINEER 05/10/91
Bill Cheney 244-1590

Sewer

1. Invert into existing manhole, MH A-1, needs to be revised upward 0.6 feet to prevent deposition taking place between MH A-1 and MH A-2.
2. Show proposed grade between MH A-8, MH A-9 and MH A-10.
3. It appears the sewer services to Lots 14, 15, and 16 will be in direct conflict with the proposed water line grade. This problem needs to be addressed.
4. Adequate cover has not been provided at MH B-3.
5. Cost estimates for sewer line installation on the Improvements Agreement are too low. They should be increased 30% to cover the cost of appurtenances.
6. The plans have not been stamped or sealed by the Professional Engineer who prepared them.

Water

1. Minimum cover on water lines shall be 54"; not 42" as shown on the fire hydrant detail.
2. Construction shall be done in accordance with City Standards and Specifications unless Ute Water standards are more stringent.
3. Cost estimates for water line installation on the Improvements Agreement are too low. They should be increased by 50% to cover the costs of appurtenances.

Irrigation

1. Easements should be provided across the back of each lot for future irrigation piping.

PAGE 3 OF 8

CITY UTILITIES ENGINEER continued:

Drainage

1. Storm water on-site detention will be required as stated on the preliminary review comments.

CITY PARKS & RECREATION 05/03/91

Don Hobbs 244-1545

Open Space fee due as noted on page two item #6, \$3,825.00.

CITY POLICE DEPARTMENT 05/10/91

Marty Currie 244-3577

No problems noted.

UTE WATER 05/10/91

Gary R. Mathews 242-7491

The 8" water main should be extended in Horizon Drive on the same side as existing main to Horizon Circle.

No other utility can be installed in same ditch with the 8" water main.

Horizon Circle will require a 8" water main.

Water mains will be installed two foot from the curb and gutter.

POLICIES AND FEES IN EFFECT AT THE TIME OF APPLICATION WILL APPLY.

PROJECT NARRATIVE - PAGE 2, ITEM 8 IS INCORRECT.

POST OFFICE 05/15/91

Synthia L. Polzine 244-3400

Mail delivery will be to NBU (centralized) unless 50% developed. On route C-30.

Please notify when numbering is complete.

GRAND VALLEY WATER USERS 05/20/91
G.W. Klapwyk, Mgr 242-5065

Grand Valley Water Users Association has no further comment to make at this time concerning Horizon Glen Subdivision.

Comments previously submitted by Review Agency Cover Sheet dated 2/19/91 (copy following) remain unchanged.

GRAND VALLEY WATER USERS ASSOC 02/19/91

The Grand Valley Water User's Association will address only the matter of irrigation as it pertains to this proposed development and that only to a limited extent, as the land involved is without water-right from this Association and the Association has no operating facilities within the affected area. The water to supply the subdivision's irrigation needs as herein planned, is undoubtedly return flow and seepage from lands to the north that do have water-rights with this Association. This Association does not wish to pass judgement on the adequacy of the source or facilities, either present or future and nothing herein stated is intended to prejudice the irrigation plan either pro or con.

CITY ENGINEER 05/14/91
Don Newton 244-1559

1. Intersection of Filing Two access road with Horizon Drive shall provide minimum sight distance of 400 feet in each direction from intersection.
2. Storm runoff from the site shall be limited to historic (undeveloped) rates up to and including a 10 year storm. All runoff in excess of historic rates shall be detained on site. The modified rational method should be used to determine detention storage volume required.
3. Where slopes of three to one or steeper intersect the street, an approved type of slope stabilization will be required to prevent erosion onto the street. The stabilization could be vegetation, fabrics, slope paving, etc.
4. The following additional traffic control signing will be required:
 - A. Stop signs on both sides of the one way loop street at intersection with two way Horizon Circle.
 - B. 25 m.p.h. speed limit sign (R2-1) at south end of Horizon Circle.
 - C. Two way traffic sign (W6-3) located south one-way loop on west side of street.

CITY ENGINEER continued:

- D. Combination One-Way/Do Not Enter (R6-1 and R5-1) at south end of one-way street.
- E. Curve warning/15 m.p.h. speed advisory signs (W1-1R and W13-1) at beginning of curve at north end of loop.

All signs to be located by the City Traffic Engineer.

- 5. A minimum of two street lights will be required; one at the intersection of Horizon Circle and Horizon Drive and one at the south end of the one-way loop.
- 6. Show horizontal curve data on roadway plan.
- 7. On sheet R1, Roadway Plan, modify note 6. to read: An approved White pigmented curing and sealing compound

On typical roadway sections change Grade E Hot Bituminous Pavement (HBP) to Grading C, CDOH latest revision (hydrated lime not required).

- 8. Include traffic signs in improvements agreement.
- 9. Corrugated metal pipe, CMP, for culverts shall be in accordance with section 101.8 of City Standard Specifications for Water Lines, Sanitary Sewers, Storm Drainage and Irrigation Systems.

MESA COUNTY ENGINEERING 05/09/91
Jaci Gould, P.E.

- 1. F 1/2 Road adjacent to this subdivision to the west either needs to be constructed through to Horizon Drive or a cul-de-sac needs to be constructed to provide an adequate turnaround. A minimum of 41.5 feet radius needs to be provided and the surface needs to be constructed to match the existing mat. Before any work is performed in an existing County right-of-way a surface alteration permit is required and may be obtained from the County Division of Engineering and Design.
- 2. If the cul-de-sac alternative is selected in the above comment, it is strongly recommended that the existing dirt access through the proposed Horizon Glen Subdivision off of Horizon Drive be closed off. Once the cul-de-sac is constructed on F 1/2 Road there will be any access allowed off of the east end of the cul-de-sac to Horizon Drive.
- 3. There may be some wetland issues that need to be addressed by the developer in the proposed Horizon Glen Subdivision which is in the City limits. All wetland issues should be coordinated through the local office of the Army Corp of Engineers.

Community Development Review Comments 5/20/91
Horizon Glen Subdivision

1. The geotechnical report done by Lambert and Associates indicates that site specific testing may be necessary for each structure. Structural recommendations should be followed for future building. Review of the project could be delayed if the State Geological Survey has not had sufficient time for review of the geologic and soils report prior to the Planning Commission hearing.
2. The proposed Phase I development minimizes wetlands disturbance. Any disturbance is regulated by the Corps of Engineers. Maintenance of the wetlands should be clearly the responsibility of the Homeowner's Association in the covenants.
3. The proposed road section is as approved by the City Council in their review of the Preliminary Plan. The road sections do not meet existing or proposed street standards.
4. The existing driveway onto Horizon Drive from the property south of lot 1 should be closed after access is established from F 1/2 Road.
5. Landscaping for the berm along Horizon Drive must be specified and a typical cross-section shown. Landscaping, screening or buffering should be provided between the wetlands and lot 1 along Horizon Drive. All berming and landscaping must be included in the Improvements Agreement.
6. Parking will not be allowed on the one-way loop. City approved signage must be provided by the developer and included on the Improvements Agreement.
7. The developer will be required to pay for 1/2 local road improvements to Horizon Drive the length of the property frontage.
8. Parks and Open Space fees of \$225.00 per lot will be due prior to recording the plat.
9. An Improvements Guarantee must be provided for review.
10. Use of untreated irrigation water is encouraged. What is the status of the application for water rights? Any proposed irrigation system must be included in the Improvements Agreement.
11. The building envelopes for lots 6 & 7 should be set back farther from the road to avoid the steep slopes. Lots 11 & 12 should continue the 20' rear yard setback.
12. In lieu of an access being provided through lot 17 to the Phase II development, Council approved a second access onto Horizon Drive, if the petitioner provided sufficient evidence to show it was feasible. An approved road alignment must be platted with the filing 1 development.

TIM W.

13. The legal description provided with the petition for annexation does not agree with the proposed Replat of lot 2, Foster Subdivision. The correct legal and signed petition must be submitted to the Community Development Dept. by noon on Wed., May 22nd for the petition to be accepted at the June 5th City Council Meeting.

OK

14. As recommended at the pre-application conference, because of the complexity of timing for the annexation, rezone and final plan and plat approval as well as the replat in the County, Staff recommends that Phase I be broken into 2 filings. Filing 1 would be the bulk of Horizon Glen Subdivision, including all improvements. Filing 2 would be lots 7,8,9 & 10 which are currently outside the City limits (all or part). This would allow Filing 1 to be recorded even if Filing 2 was stalled through annexation or the County replat process.

OK

15. The street name should be a "Court" instead of a "Circle". It cannot, however, be Horizon Court because that name is already in use. Another name will have to be proposed.

16. The plat should indicate that the triangular "out-lot" is to be attached to the adjoining property for access purposes.

17. The areas of each lot must be indicated in the plat (6-8-2.A.1.1)

18. All ROW and easements must be dedicated to the City of Grand Junction (6-8-2.A.1.o and p) (Examples will be provided).

19. Titles under the City signature blocks need to be centered.

20. An elevation benchmark is required on the plat (6-8-2.A.3.c).

21. The proposed Outline Development Plan for 20 multifamily units appears to significantly encroach onto the identified wetlands. How will the encroachment be mitigated? Rezoning of the Phase II development should not be considered until Preliminary Plan review. The topography and drainage features of Phase II will necessitate more detailed design work to determine the density the property can support.

OK AS SUBMITTED BUT NEEDS FURTHER EVALUATION AT PRELIM PLAN 5/21

22. Assuming the applicant meets all submission requirements, the City process schedule is as follows: (filing 1 as referenced below excludes lots 7,8,9 & 10; filing 2 is lots 7,8,9 & 10)

June 4th--PC hearing on rezone, zone of annexation, final plan and plat, and outline development plan.

June 5th--CC hearing on accepting annexation petition, rezone for filing 1, final plan and plat, and ODP (provided there are no deficiencies or problems).

June 12th--UCC Meeting to sign off on plat.

July 3rd--2nd reading of rezone for filing 1 (effective 30 days later).

July 17th--CIC hearing and 1st reading of the annexation and zoning for filing 2.

Aug. 7th--CIC 2nd reading of annexation and filing 2 zoning ordinances (zoning effective 30 days later, annexation final after 60 days).

If approved, Filing 1 plat (not including lots 7,8,9 and 10) could be recorded after the July 3rd hearing.

Filing 2 plat, if approved, could be recorded after ~~July 17th~~ ^{Aug. 7th} if the replat of lot 2, Foster Subdivision has been approved and recorded.

Annexation Effective Sep. 8th (if approved)

- CANCELLATION OF HEIGHT RESTRICTION
- IMPROVEMENTS GUARANTEE SUBMITTAL TO CITY ATTORNEY
- PHASE II ODP OK BUT SUBJECT TO FURTHER REVIEW AT PRELIM.
- DEED & SURVEY OF HORIZON GREEN DRIVE
- RECORDED COUNTY PLAT THEN CITY
- IRRIGATION PLAN MUST BE SPECIFIED

7/3- 1st.

19th - pub.
effective Aug. 12

MISSING COMMENTS FROM: Transportation Engineer
County Planning
School District
Public Service
City Property Agent
City Attorney
State Geological Survey
Corps of Engineers

Community Development Review Comments 5/20/91
Horizon Glen Subdivision

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x

ROY R. ROMER
GOVERNOR



JOHN W. ROLD
DIRECTOR

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

May 30, 1991

Grand Junction Community Development Department
250 N. 5th Street
Grand Junction, Colo. 81501

RE: Horizon Glen Subdivision

Dear Department Members:

We have reviewed the geotechnical and environmental reports and plats for the proposed subdivision. Geologic conditions that may affect development include: swelling and collapsing soils, shallow water table, sulfate clays, erosion and the potential for radon gas hazards.

Bedrock onsite consists of Mancos Shale. The overlying alluvium is derived from the Mancos and the Mesa Verde Formation. The settlement potential of this material should be determined in site-specific foundation excavation inspections and soils tests. Bedrock should not be encountered in the excavations for the planned structures, as the shallowest bedrock is 12 feet below the ground level. Imported fill material and waste along Horizon Drive should be removed and not used as structural foundation material.

The shallow water table is raised artificially by the presence of nearby canals. Two site visits by our staff during the high water runoff in May revealed substantial amounts of surface water in the drainages. Building sites should be located a sufficient distance away from these drainages. This may be difficult for structures on lots in the southwest corner where the drainages merge and the water table is very shallow (0-4 feet). Basements are not recommended in the low-lying areas. Flood potential is minimal because the natural drainage of this area is not large. For further assistance regarding State policy on flood potential and wetlands areas, contact the Colorado Water Conservation Board in Denver.

Some groundwater seeps or springs were also observed on the hillsides that may require mitigation. It is not known whether these are natural springs or canal seeps. French drains should be implemented into the drainage and grading plan to lower the water table for structures in these areas. These drains may relocate water toward the wetlands area. The water table for this subdivision is varied and not well established. The water table should be determined for each structure so proper foundation design can be implemented.

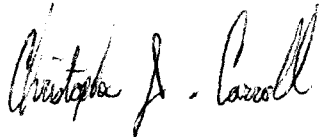
The surface soils locally have a high potential for swelling when in contact with groundwater. The potential for swelling soil damage to foundations and flatwork exists in shallow water table areas. Site-specific foundation excavation inspections and soils tests should be conducted for each structure. These clays may also contain leaching sulfates. Corrosive-resistant cement should be used for cement in contact with the ground.

Erosion from the small hill onsite may affect lots nearby. The grading plan should incorporate plans to avoid construction on the steepest grades, or leveling to diminish the grade. Landscaping and drainage should take lots below the hill into consideration. This hill is not too large to mitigate for construction.

A radiation survey was not delivered with our packet. This survey should be conducted for the presence of uranium mill tailings. Several piles of fill material have been dumped along Horizon Drive over the years, and should be inspected. We also recommend radon tests for each foundation excavation. If any radiation is observed, proper radon-reduction construction in the foundation should be conducted.

If the recommendations above and those of the consultant engineers are followed, then we have no objection to the approval of this subdivision.

Sincerely,



Christopher J. Carroll
Engineering Geologist

ARMSTRONG CONSULTANTS, INC.

861 Rood Avenue — Grand Junction, Colorado — (303) 242-0101 — FAX (303) 241-1769

May 31, 1991

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

RE: Horizon Glen Subdivision - Sight Distances

Dear Don:

As discussed in our telephone conversation, I have field verified the sight distances along Horizon Drive from the intersection of Horizon Glen Drive which is the access road into Horizon Glen Phase II. Please find enclosed a copy of the field notes for these measurements.

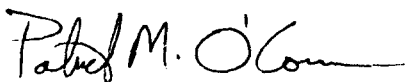
Sights distances were measured from a point approximately 15 feet from the edge of the travelled lane and 3 to 4 feet in height to approximate a drivers eye position at a stopped condition. The distance to the south was 407 feet to give a full view of northbound traffic. If necessary, this could be increased easily by the trimming or removal of a large tamarack bush on the east side of the road approximately 300 feet from the intersection.

Distances to the north were measured to two locations. First, oncoming windshields become completely invisible at 504 feet offering eye-to-eye visibility at driver height. Second, at 294 feet, all portions of oncoming vehicles (including tires) are seen. The difference is due to the existence of a slight vertical rise on Horizon Drive approximately 300 feet north of the intersection.

Given the existing speed limit of 40 m.p.h., these distances seem adequate.

Sincerely,

ARMSTRONG CONSULTANTS, INC.



Patrick M. O'Connor, P.E.

PMO/ss
May/31/Newton

CONSULTING ENGINEERS

ARMSTRONG CONSULTANTS, INC.

PROJECT NUMBER:	915378
SHEET NO.:	1 OF 1
DATE:	5/30/91
PREPARED BY:	PMO/JOS

PROJECT: HORIZON GLEN SUBDIVISION
 TITLE: SIGHT DISTANCE - FIELD MEASUREMENTS

LAKESIDE APTS.

LOCATION OF TOTAL VISION OF NORTHBOUND TRAFFIC

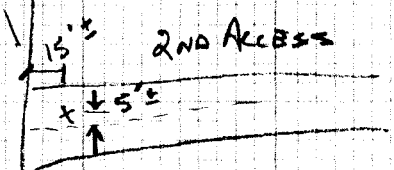
NOTE: VISION TO SOUTH COULD BE GREATLY IMPROVED BY REMOVAL OF BUSH IF REQUIRED.

TAMARACK BUSH

407' ALONG CURVE (EAST E.O.P.)

HORIZON GLEN

HORIZON GLEN 2ND ACCESS



SIGHT LOCATION:
 APPROX. 15' WEST OF SOUTHBOUND TRAVELED LANE.
 5' SOUTH OF ACCESS ROAD AND 3' TO 4' HEIGHT.

LOCATION OF TOTAL VISION (TOP TO WHEELS) OF SOUTHBOUND TRAFFIC

HORIZON DRIVE

294'

(DUE TO SLIGHT VERT. CURVE)

TO CAR

504'

LOCATION OF WINDSHIELD VISION OF SOUTHBOUND TRAFFIC

HORIZON TOWERS

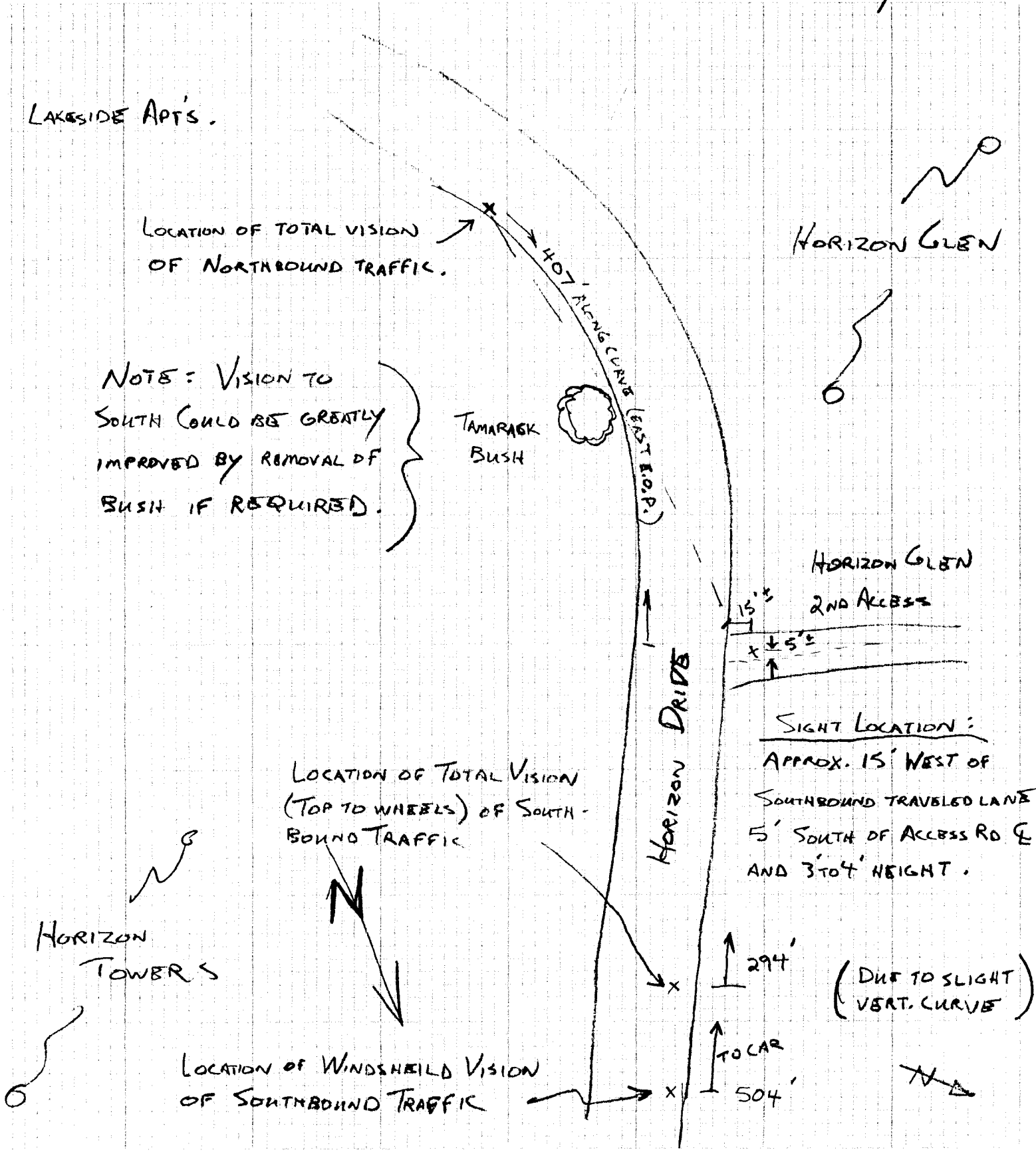
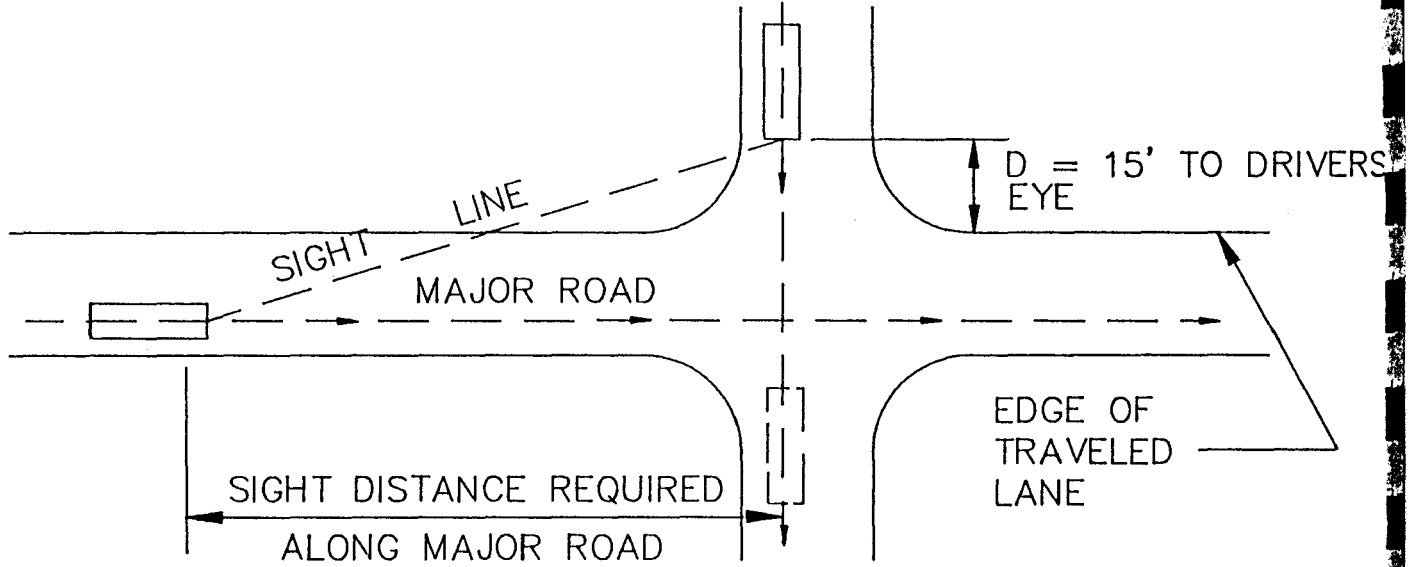


FIGURE 4 - 6

SIGHT DISTANCE AT INTERSECTIONS
 SIGHT DISTANCE REQUIREMENT FOR INTERSECTION INVOLVING
 A STOPPED CONDITION



DESIGN OF SPEED ON THRU
 ROADWAY (MPH)

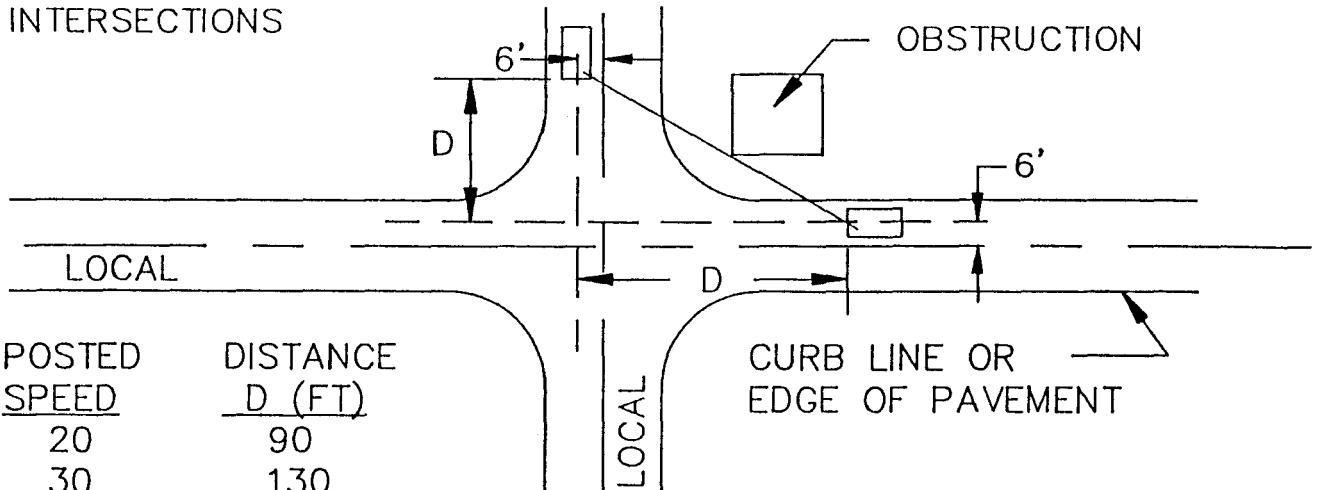
MINIMUM SIGHT DISTANCE
 FOR STOPPED VEHICLE (FT)

15	100
20	150
25	175
30	200
35	250
* 40	300 *
50	450
60	650

NOTES:

1. Vehicles are assumed to be centered in their respective lanes.
2. Distance corrections for grades greater than 3% are required as determined in Section 4.7.4 (i).

SIGHT DISTANCE REQUIREMENT FOR UNCONTROLLED LOCAL STREET
 INTERSECTIONS



POSTED SPEED	DISTANCE D (FT)
20	90
30	130

Applicable only to low volume, low speed intersections.

RESPONSE TO REVIEW COMMENTS
May 31, 1991

*on street
 position
 - off street*

File No: 32-91
Project: Horizon Glen Subdivision
Activity: Rezone & Final Plat for Phase I ODP For Phase II

AGENCY RESPONSE

Fire Dept.

1. Fire hydrants have been relocated as requested. Horizon Circle is now known as Horizon Glen Court.
2. Drawings identified as S1 of 3, and S3 of 3, and R-1 of 4 have been transmitted under separate cover.

U.S. West Does not require response.

City Utility Eng.

1. Invert elevation of MH A-1 has been raised.
2. Proposed grades are shown between MH A-8, and MH A-9 and MH A-10.
3. Conflicts with sewer services for Lots 14, 15 & 16 and water main elevations are addressed by lowering of the water main.
4. MH B-3 has been lowered to provide adequate cover.
5. Costs have been revised on the Improvements Agreement.
6. A set of stamped and sealed plans by a Professional Engineer will be transmitted to the department after your final review and acceptance of the revised construction plans.

*SUBJECT TO RA
 - CON. - HEIGHT
 - NET. MAINT.
 - PRES. EASEMENT
 - INTENT OF CODE
 - Dead end
 5'5"*

*Road
 Cont. S. J. C. C. C.
 - Retaining Wall
 - Revised O.D.P.
 - Irrigation
 Water
 - Power as
 separate
 lot -
 irrigation
 easement*

*CDP
 - rev. as com
 - require further
 - wetland
 - provision for
 public road
 suitable
 to start*

AGENCY

RESPONSE

Water

1. Ute Water will not accept water mains with 54" of cover, except in isolated cases.
2. Since Horizon Glen is currently located within the Ute District. Since water service, operation and maintenance, will be provided by Ute Water to the residents of Horizon Glen, construction will be in accordance with Ute Water's specifications.
3. Costs estimates have been revised on the Improvements Agreement.

Irrigation

1. The proposal calls for the installation of irrigation piping to be done jointly in the sewer main and service line trenches.

Drainage

1. See letter dated May 31, 1991 from Ron Rish to Bill Cheney.

City Parks & Recreation

Comment does not require a response.

City Police

Comment does not require a response.

Ute Water

The 8" water main will be extended on the same side of Horizon Drive as the existing main to Horizon Glen Court (formerly known as Horizon Circle).

The proposed gas main extension to Horizon Glen Subdivision will be constructed in a separate trench.

An 8" water main will be extended to the last fire hydrant located along Horizon Glen Court.

Water mains will be installed 2 feet from the curb or sidewalk.

Post Office

Comment does not require a response.

Grand Valley Water Users

Comment does not require a response.

Annexation
 O.K. Petition
 - Imp. Guarant.
 O.K. Corps Wetland
 - Horizon 2nd
 Ent.
 - 54" OK
 - IRRIGATION
 - 14 SIGRAT

AGENCY

RESPONSE

City Engineering

1. See letter dated 5/31/91 from Pat O'Connor to Don Newton.
2. See letter dated 5/31/91 from Ron Rish to Bill Cheney.
3. All cut slopes adjacent to the street will be hydroseeded as shown of the revised street plans which have been transmitted under separate cover.
4. The requested traffic control signs have been added to the construction plans as requested.
5. The requested street lights have been added to the Utility Composit.
6. Horizontal street curve data has been added to the construction plans.
7. Note 6, and the typical roadway sections have been modified as requested.
8. The Improvement Agreement has been modified and transmitted under separate cover.
9. An additional construction note has been added to reflect the construction specifications for corrugated metal pipe.

Mesa County Eng.

1. During the public hearings conducted by the City, surrounding land owners requested that a turn around not be constructed for F 1/2 Road. An existing driveway located within public right-of-way can permit turning movements with a radius of 36.5 feet.
2. The petitioner/owner of Horizon Glen does not have a right to close the existing gravel drive located along the south side of Lot one. This drive is located in deeded ingress, egress easement, a copy of which is transmitted under separate cover.
3. A wetlands permit has been obtained from the Army Corps of Engineers a copy of which has been transmitted under separate cover.

AGENCY**RESPONSE**

City Property All comments have been incorporated with the final plats and transmitted under separate cover.

County Planning

1. Comment does not require a response.
2. The petitioner is willing to dedicate the right-of-way for the proposed street across Phase II at such time as the final plat for that Phase has been accepted by the City. It is the petitioner's understanding that actual dedication of the street at this time was not a condition of approval by the City Council.
3. The intersection of Horizon Circle (now known as Horizon Glen Court) and Horizon Drive do not have any obstructions within the sight triangles. This intersection has been reviewed by the City's Engineering Department.
4. The sanitary sewer construction plans provide for a sewer main extension between Lots 8 and 9 to their north property line.
5. Access to Lot 1 is shown on the Final Development Plan. The triangle at the southwest corner of Lot 1 is for future access between F 1/2 Road and the parcel of land located south of Lot

Public Service

1. Requested easements have been added to the final plat.

Community Development

1. Comment does not require a response.
2. Articles 15 & 16 of the covenants indicate maintenance responsibilities and activities which can occur within the wetlands area.
3. Comment does not require a response.
4. The existing driveway along the south side of Lot 1 is located within a deeded ingress and egress easement, a copy of which is attached. The petitioner/owner of Horizon Glen Subdivision does not have control over the driveway and therefore, can not legally close an access drive which they do not own.

AGENCY

RESPONSE

5. The final development plan has been modified to show a typical cross section for the landscaped berm. Since the Improvements Agreement standard form does not have a line item for private landscaped areas which are not to be maintained by the City, the buffer has not been included on the agreement.
6. See comment No. 4 by the City Engineering Dept.
7. Comment does not require a response.
8. Comment does not require a response.
9. An Improvements Guarantee has been provided to the City Attorney for review.
10. A water right application has been made for waste water in the existing drainage channel located along the west side of Horizon Glen Subdivision. Irrigation water piping will be installed during the site development construction phase in the event that the rights are obtained in the future. Since the standard Subdivision Improvements Agreement form does not include a line item for private irrigation system improvements, it has not been included on the agreement.
11. Modifications have been made to the building envelopes as requested.
12. The petitioner is willing to dedicate the right-of-way for the proposed street across Phase II at such time as the final plat for that Phase has been accepted by the City. It is the petitioner's understanding that actual dedication of the street at this time was not a condition of approval by the City Council.
13. A corrected legal description for the proposed annexed area has been transmitted to the Community Development Department under separate cover on May 22, 1991.
14. Two filing plats have been prepared as requested.

220

AGENCY**RESPONSE**

15. The street name has been changed from Horizon Circle to Horizon Glen Court.
16. A note has been added to the plat for Outlot "A" to indicate its purpose.
17. Lot areas have been added to the plat.
18. The final plats dedication have been modified to dedicate rights-of-way and easements to the City of Grand Junction.
19. Titles under signature lines on the final plats have been centered.
20. A benchmark has been added to the final plats.
21. At such time as a preliminary plan for Phase II development is submitted for review, a detailed wetlands study will be conducted and comments from the Army Corps of Engineers will be provided to your department for review. If the dwelling units encroach on any identified wetland area, mitigation measurements will be proposed at that time.
22. Comments do not require a response.

ARMSTRONG CONSULTANTS, INC.

861 Rood Avenue — Grand Junction, Colorado — (303) 242-0101 — FAX (303) 241-1769

May 31, 1991

Mr. Bill Cheney
Utilities Engineer
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

RE: Horizon Glen Subdivision
Armstrong Project 915378

Dear Bill:

This letter is in response to your review comments concerning drainage facilities for the above.

The Drainage Report of January, 1991, delineates six (6) subbasins totaling 103.49 acres which contribute runoff through the site. The proposed development improvements (single-family residences and streets) which will increase runoff drain into the smallest subbasins of 4.05 acres and 4.40 acres. Therefore, most of the runoff flow through the site is from upstream and offsite contributing areas. Because of this and the location of the proposed development at the low end of the basin and adjacent to Horizon Channel, we did not consider on-site detention in the design or Drainage Report. As shown in the Drainage Report, our design priority was to pass the 100 year flows without properties or streets being flooded.

The review comments indicate a need for on-site detention. Therefore, we see the following feasible opportunities for detention, if it is to be provided.

1. The proposed 18 inch culvert at 14 + 95.40 Horizon Glen Court could be reduced in size to create more ponding in the wetlands adjacent to the street. As shown in the Drainage Report calculations, $HW_{10} = 1.35$ ft. and $HW_{100} = 2.10$ ft. vs. 4.46 ft. of available headwater depth.
2. The existing 24 inch culvert under Horizon Drive will provide some detention. Our Drainage Report analysis shows the proposed 36 inch CMP culvert with beveled entrance which is 230 ft. upstream of the existing 24 inch culvert will have $HW_{10} = 3.30$ ft. and $HW_{100} = 5.70$ ft. Therefore, the estimated flows to the existing 24 inch culvert will probably pond a considerable amount of water due to being undersized.


CONSULTING ENGINEERS

Prior to revising the plan details and calculating resulting detention volumes hydrographs, we would appreciate meeting with you and Don to determine where the required detention may best be provided and how to equitably determine what volumes of increased runoff will be the basis of any detention sizing, since such a large portion of the flows are generated from upstream of the site.

Thanks for your continued cooperation. I personally apologize for taking so long to consider your concerns, but I have been out of state for the past six weeks.

Sincerely,

ARMSTRONG CONSULTANTS, INC.


Ronald P. Rish, P.E.

cc: Don Newton
Bill Foster

RPR/ss
May/31/Cheney

ARMSTRONG CONSULTANTS, INC.

861 Rood Avenue — Grand Junction, Colorado — (303) 242-0101 — FAX (303) 241-1769

May 31, 1991

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

RE: Horizon Glen Subdivision - Sight Distances

Dear Don:

As discussed in our telephone conversation, I have field verified the sight distances along Horizon Drive from the intersection of Horizon Glen Drive which is the access road into Horizon Glen Phase II. Please find enclosed a copy of the field notes for these measurements.

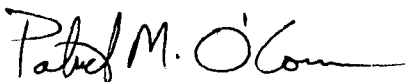
Sights distances were measured from a point approximately 15 feet from the edge of the travelled lane and 3 to 4 feet in height to approximate a drivers eye position at a stopped condition. The distance to the south was 407 feet to give a full view of northbound traffic. If necessary, this could be increased easily by the trimming or removal of a large tamarack bush on the east side of the road approximately 300 feet from the intersection.

Distances to the north were measured to two locations. First, oncoming windshields become completely invisible at 504 feet offering eye-to-eye visibility at driver height. Second, at 294 feet, all portions of oncoming vehicles (including tires) are seen. The difference is due to the existence of a slight vertical rise on Horizon Drive approximately 300 feet north of the intersection.

Given the existing speed limit of 40 m.p.h., these distances seem adequate.

Sincerely,

ARMSTRONG CONSULTANTS, INC.



Patrick M. O'Connor, P.E.

PMO/ss
May/31/Newton

CONSULTING ENGINEERS

ARMSTRONG CONSULTANTS, INC.

PROJECT NUMBER: 915378

SHEET NO. 1 OF 1

DATE: 5/30/91

PREPARED BY: PMO/JOS

PROJECT: HORIZON GLEN SUBDIVISION

TITLE: SIGHT DISTANCE - FIELD MEASUREMENTS

LAKESIDE APTS.

LOCATION OF TOTAL VISION OF NORTHBOUND TRAFFIC.

NOTE: VISION TO SOUTH COULD BE GREATLY IMPROVED BY REMOVAL OF BUSH IF REQUIRED.

TAMARASK BUSH

407' ALONG CURVE (EAST B.O.P.)

HORIZON GLEN

HORIZON GLEN 2ND ACCESS

LOCATION OF TOTAL VISION (TOP TO WHEELS) OF SOUTHBOUND TRAFFIC

SIGHT LOCATION: APPROX. 15' WEST OF SOUTHBOUND TRAVELED LANE. 5' SOUTH OF ACCESS ROAD AND 3' TO 4' HEIGHT.

HORIZON DRIVE

HORIZON TOWER S

LOCATION OF WINDSHIELD VISION OF SOUTHBOUND TRAFFIC

294'

(DUE TO SLIGHT VERT. CURVE)

TO CAR 504'

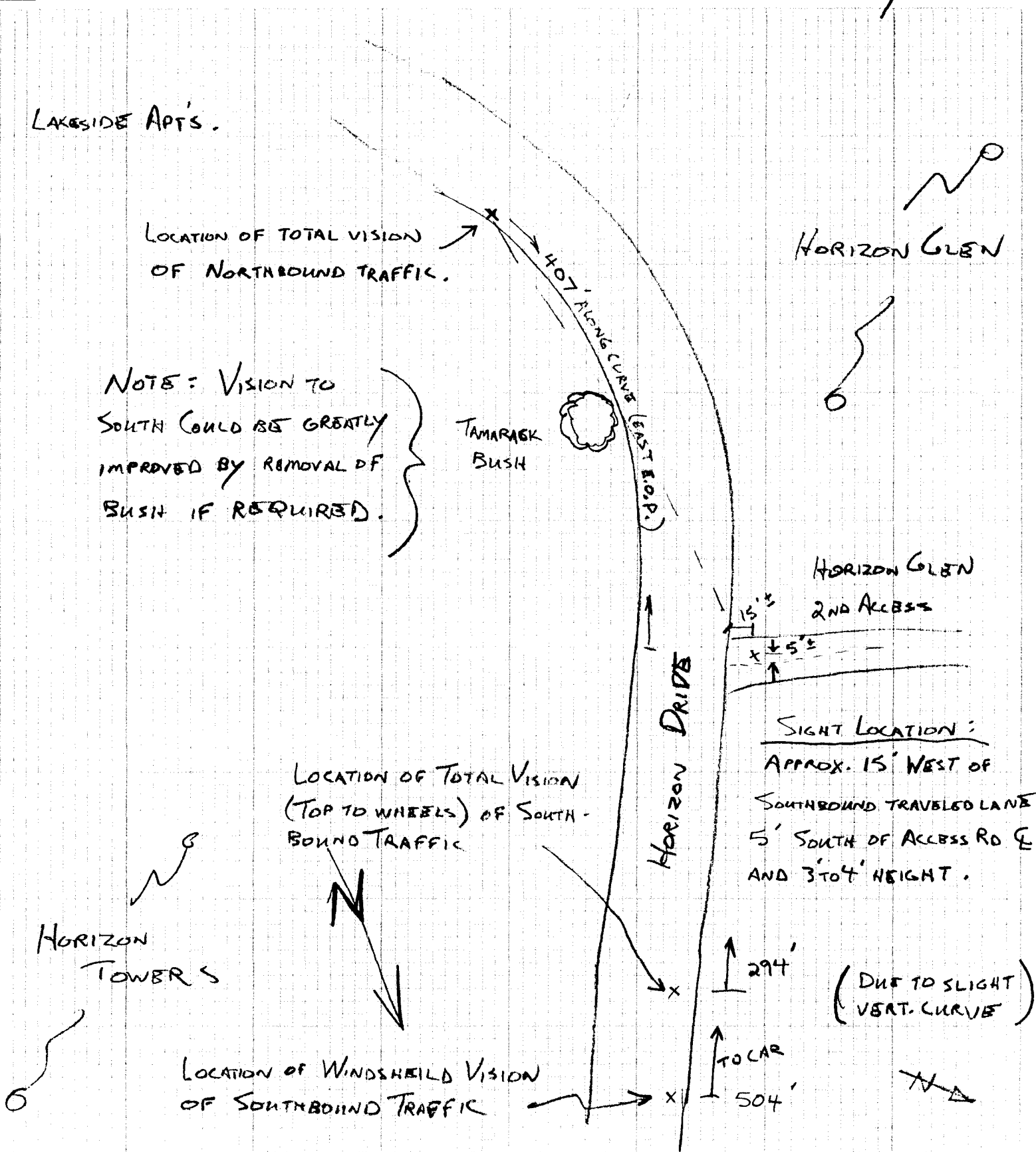
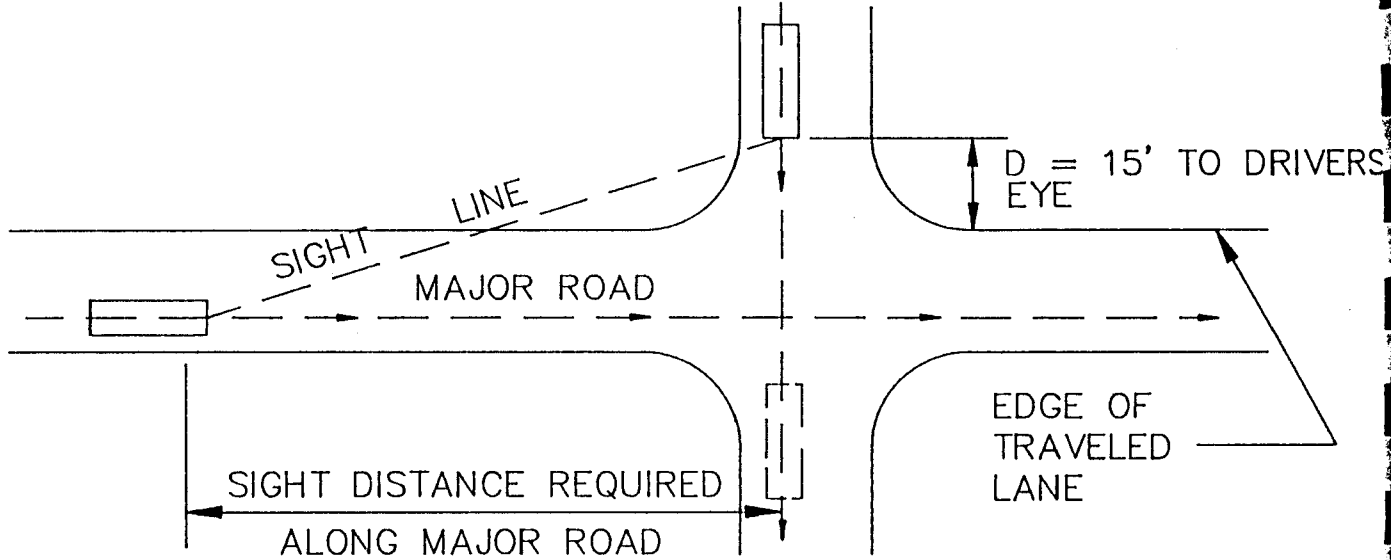


FIGURE 4 - 6

SIGHT DISTANCE AT INTERSECTIONS
 SIGHT DISTANCE REQUIREMENT FOR INTERSECTION INVOLVING
 A STOPPED CONDITION



DESIGN OF SPEED ON THRU
 ROADWAY (MPH)

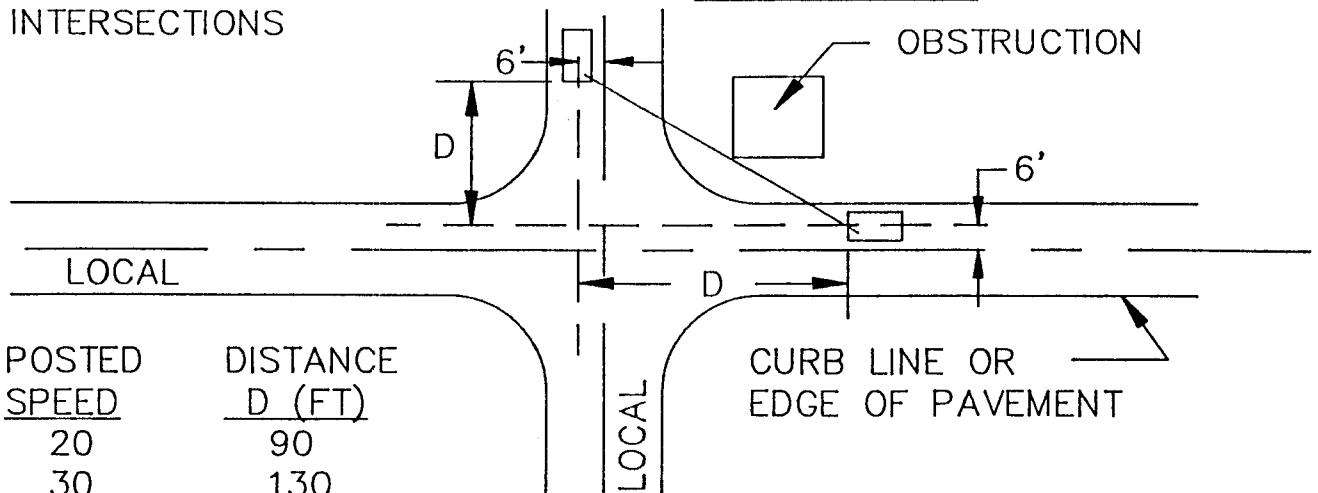
MINIMUM SIGHT DISTANCE
 FOR STOPPED VEHICLE (FT)

15	100
20	150
25	175
30	200
35	250
* 40	300 *
50	450
60	650

NOTES:

1. Vehicles are assumed to be centered in their respective lanes.
2. Distance corrections for grades greater than 3% are required as determined in Section 4.7.4 (i).

SIGHT DISTANCE REQUIREMENT FOR UNCONTROLLED LOCAL STREET
 INTERSECTIONS



POSTED SPEED	DISTANCE D (FT)
20	90
30	130

Applicable only to low volume, low speed intersections.

ARMSTRONG CONSULTANTS, INC.

861 Rood Avenue — Grand Junction, Colorado — (303) 242-0101 — FAX (303) 241-1769

May 31, 1991

Mr. Bill Cheney
Utilities Engineer
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

RE: Horizon Glen Subdivision
Armstrong Project 915378

Dear Bill:

This letter is in response to your review comments concerning drainage facilities for the above.

The Drainage Report of January, 1991, delineates six (6) subbasins totaling 103.49 acres which contribute runoff through the site. The proposed development improvements (single-family residences and streets) which will increase runoff drain into the smallest subbasins of 4.05 acres and 4.40 acres. Therefore, most of the runoff flow through the site is from upstream and offsite contributing areas. Because of this and the location of the proposed development at the low end of the basin and adjacent to Horizon Channel, we did not consider on-site detention in the design or Drainage Report. As shown in the Drainage Report, our design priority was to pass the 100 year flows without properties or streets being flooded.

The review comments indicate a need for on-site detention. Therefore, we see the following feasible opportunities for detention, if it is to be provided.

1. The proposed 18 inch culvert at 14 + 95.40 Horizon Glen Court could be reduced in size to create more ponding in the wetlands adjacent to the street. As shown in the Drainage Report calculations, $HW_{10} = 1.35$ ft. and $HW_{100} = 2.10$ ft. vs. 4.46 ft. of available headwater depth.
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CONSULTING ENGINEERS

Prior to revising the plan details and calculating resulting detention volumes hydrographs, we would appreciate meeting with you and Don to determine where the required detention may best be provided and how to equitably determine what volumes of increased runoff will be the basis of any detention sizing, since such a large portion of the flows are generated from upstream of the site.

Thanks for your continued cooperation. I personally apologize for taking so long to consider your concerns, but I have been out of state for the past six weeks.

Sincerely,

ARMSTRONG CONSULTANTS, INC.


Ronald P. Rish, P.E.

cc: Don Newton
Bill Foster

RPR/ss
May/31/Cheney

~~BANWELL~~
~~NTCA 6/7/91~~
~~Council~~
~~NTCA 6/7/91~~

To: Mark Achen, City Manager
From: Mike Thompson, Fire Chief *MT*
Date: June 6, 1991
Subject: Horizon Glen

Questions regarding the fire department's position and actions, relative to the Horizon Glen subdivision, surfaced during the Council workshop of June 3. While we were prepared to address those concerns during the Council meeting, they never came up.

To summarize our actions, we completed our portion of the initial project review on February 12. Our comments included the requirement for 20 feet of unobstructed roadway width. This essentially meant that the developer would be required to widen the street and provide appropriate signs restricting parking on both sides of the street (within the loop portion).

Community development had concern with the optimism that no parking would occur in this portion of the development, even with the no parking signs. Meeting with the developer and other City staff members led to the decision to allow the project to proceed as proposed.

The Uniform Fire Code requires that "The unobstructed width of a fire apparatus access road shall be not less than 20 feet." In applying the code to this unusual development, we determined that proposed sidewalks on the outside and "curbs" on the inside of the loop, constructed at the street grade, would suffice.

The requirement of 20 feet serves a dual purpose--to allow for adequate space to conduct fire ground operations, and to allow fire department vehicles to pass each other. Operations can be carried out with far less than 20 feet, and this particular road design would not require that vehicles pass one another. Other incoming fire trucks needing to set-up on one side or the other of one that is already in place could be directed through the loop to accomplish the same objective. All of this would be necessary only in the event that numerous private vehicles were parked on the street at the time of our response.

I feel confident that our decision to allow the developer to continue with the proposed project not only meets the intent of the code, but also continues to assure adequate service delivery to the area.

DUFFORD, WALDECK, MILBURN & KROHN

ATTORNEYS AT LAW

900 VALLEY FEDERAL PLAZA

P. O. BOX 2188

GRAND JUNCTION, COLORADO 81502-2188

TELEPHONE (303) 242-4614

TELECOPIER (303) 243-7738

BETTY C. BECHTEL
WILLIAM H. T. FREY
ELIZABETH K. JORDAN
WILLIAM M. KANE
RICHARD H. KROHN
LAIRD T. MILBURN
LINDA E. WHITE

D. J. DUFFORD
OF COUNSEL
WILLIAM G. WALDECK
OF COUNSEL

STEPHAN B. SCHWEISSING

June 21, 1991

HAND DELIVERY

Bennett Boeschstein, Director
Grand Junction Community Development Department
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

Re: Horizon Glen - Phase II Road

Dear Bennett:

You will recall our firm represents Walter and Gertrude Dalby concerning the above subdivision application. By now you will have received Tim Foster's letter to me of June 17, 1991, concerning what we have referred to as the "Phase II Road."

The position of the petitioners/developer as stated by Mr. Logue at the June 5 City Council meeting, and reiterated in Mr. Foster's letter, is that they are unwilling to locate and dedicate this road until recording of the final plat and plan for Phase II. Dalbys' problem remains that there is a substantial possibility that Phase II will never be developed and that the dedication of the Phase II roadway will then never occur.


In addition to having previously forbidden Mr. Dalby to enter upon the Phase II property, at the Mesa County Commissioners' meeting on June 18, 1991, Tim Foster denied permission for Dalbys' engineer, land planner, or wetlands expert to enter onto Phase II. Their purpose in doing so would be to determine the most practical and economical future road configuration for the purposes of locating a road right-of-way, acknowledging that dedication only would occur at this time and no construction by either party is contemplated imminently.

We continue to believe that these actions by Dalbys were in conformance with the motion of Councilman Bessinger encouraging Dalbys and the petitioners to cooperate in determining an agreeable location for the present dedication of the Phase II roadway. Since petitioner is unwilling to cooperate in any manner, Dalbys are unable to proceed further to fulfill Councilman Bessinger's request. However, Dalbys and I, and their experts,

Bennett Boeschstein, Director
June 24, 1991
Page Two

remain willing to meet with you and representatives of the petitioner prior to the July 3 Council meeting to address the technical issues relative to the location of the Phase II roadway to be dedicated as part of the final approval of Horizon Glen Phase I Subdivision Addition. We believe an on-site meeting would be most productive.

Sincerely,



Richard H. Krohn

RHK/jmc
pc: Walt Dalby
Dan Wilson
Tim Foster
17D/25/7060-002

Timothy E. Foster
Douglas E. Larson
Stephen L. Laiche
Harry Griff, P.C.

Foster, Larson, Laiche & Griff
Attorneys at Law

John Williams,
of Counsel

James W. Giese

Central Bank Building, Third Floor, 422 White Avenue, Grand Junction, Colorado 81501
(303) 245-8021 FAX: (303) 245-0590

June 17, 1991

Richard H. Krohn
DUFFORD, WALDECK, MILBURN & KROHN
P. O. Box 2188
Grand Junction, CO 81502

Re: SL Ventures, Inc./Walt Dalby

Dear Rich:

This letter is to follow up on our previous conversations concerning the Horizon Glen Subdivision and, most recently, the June 5 City Council hearing.

Unfortunately, I was not able to attend the June 5, 1991 City Council meeting on Horizon Glen. My understanding is that the issue of access to Mr. Dalby's property across Phase II of the Horizon Glen Subdivision was a major issue. In particular, I am told that the council asked that SL Ventures, Inc. and Mr. Dalby see if they can't resolve this matter. First let me say that it is our firm position that Phase II of SL Ventures insofar as it is only at the ODP stage does not lend itself to the actual location and dedication of a road right-of-way. Given the unique natures of that particular parcel of property, the time to locate and dedicate a roadway will be in the subdivision process at the time we plat Phase II.

However, we are willing to reiterate the previous proposal we made on May 23, 1991. The salient portions of that proposal were that at the time of development of Phase II a dedication of the appropriate road would be made through to Mr. Dalby's property. To the extent that additional distances of said road needed to be constructed to facilitate Mr. Dalby's property, the cost of such development would be borne by Mr. Dalby. Furthermore, Mr. Dalby will participate equally in the planning and design of the roadway. Insofar as such dedication will then resolve Mr. Dalby's access problem, he or his successors will support the vacation of Cascade Drive. Finally, a similar agreement to provide access for the Phase II of Horizon Glen will be provided through the Dalby properties to Twelfth Street. Again, it is difficult, if not impossible, to locate any road at this point in time given the uncertainty of the ultimate development.

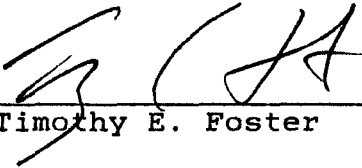
Thank you very much for your cooperation with regard to this matter in advance. I look forward to hearing from you in the near future concerning the possible resolution of this matter. If you

Richard Krohn, Esq.
Page Two
June 17, 1991

have any questions or comments concerning the above please feel free to contact me at your convenience.

Sincerely,

FOSTER, LARSON, LAICHE & GRIFF

By 

Timothy E. Foster

TEF/cdc
xc: Bennett Boeschenstein - City Planning ✓

Timothy E. Foster
Douglas E. Larson
Stephen L. Laiche
Harry Griff, P.C.

Foster, Larson, Laiche & Griff
Attorneys at Law

John Williams,
of Counsel

James W. Giese

Central Bank Building, Third Floor, 422 White Avenue, Grand Junction, Colorado 81501
(303) 245-8021 FAX: (303) 245-0590

June 28, 1991

Richard H. Krohn
DUFFORD, WALDECK, MILBURN AND KROHN
P. O. Box 2188
Grand Junction, CO 81502

Re: Horizon Glen Phase II Road

Dear Rich:

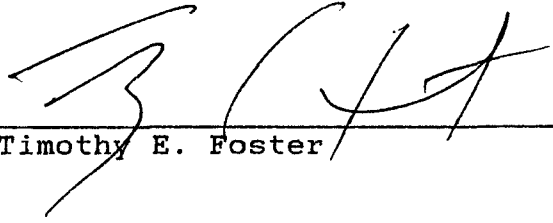
I am in receipt of your letter dated June 21, 1991 to Bennett Boeschstein. I am sorry that you have not seen fit to reply to my correspondence to you dated June 17, 1991 but am construing your correspondence to Bennett as a rejection of our offer.

I would be happy to discuss with you any counterproposal or other suggested alternatives which you might have.

I look forward to hearing from you in the near future. Thank you very much for your cooperation with regard to this matter to date.

Sincerely,

FOSTER, LARSON, LAICHE & GRIFF

By 
Timothy E. Foster

TEF/cdc
xc: Bill Foster
Bennett Boeschstein



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430 FAX (303) 244-1599

September 4, 1991

Bill Foster
S.L. Ventures, Inc.
422 White Ave.
Grand Junction, CO 81501

Dear Bill:

I have enclosed a copy of the Public Works Director's comments on the proposed road through Phase II development of Horizon Glen Subdivision. All of his concerns must be satisfactorily addressed prior to recording the Phase I plat. The following will also be required prior to recording the plat:

1. Final approved plat and site plan (including floodplain and wetlands delineation). *(both to be recorded.)*
2. Approved Improvements Agreement/Guarantee *(record)*
3. Approved Construction plans for infrastructure.
4. Open Space Fee of \$225 per lot paid to the Parks Department.
5. UCC approval (document in our file). *(record)*
6. Approved Covenants. *(record) - w/ Nevada Subdivision Plat #*
7. Foster Replat to be recorded with Horizon Glen Subdivision. *(see Nevada County Plat) (record)*
8. Approved irrigation plan. *- if proposed*
9. Final Corps of Engineers approval. *(if changes from original)*

If you have further questions you can call me at 244-1448.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bennett Boeschstein".

Bennett Boeschstein
Director

xc: Dan Wilson, City Attorney
Don Newton, City Engineer
File #32-91

Timothy E. Foster
Douglas E. Larson
Stephen L. Laiche
Harry Griff, P.C.

Foster, Larson, Laiche & Griff
Attorneys at Law

John Williams,
of Counsel

James W. Giese

Central Bank Building, Third Floor, 422 White Avenue, Grand Junction, Colorado 81501
(303) 245-8021 FAX: (303) 245-0590

September 9, 1991

Bennett Boeschstein
GRAND JUNCTION COMMUNITY DEVELOPMENT
DEPARTMENT - PLANNING & ZONING
250 N. Fifth Street
Grand Junction, CO 81501-2668

Dear Bennett:

I received a copy of your letter to Bill Foster's attention for SL Ventures, Inc. and am responding thereto. Please be advised that the following responses are numbered in accordance with your letter of September 4, 1991.

1. The final approved site plan is on file with your office.
2. The approved Improvements Agreement/Guarantee is in its final stages between Dan Wilson and me.
3. Approved construction plans for infrastructure is a brand new requirement but we are happy to get those to you via our construction manager.
4. We will be happy to submit the requisite open-space fee at the time of recording of the plat.
5. As you indicate, the UCC approval has already been received.
6. The covenants have been approved and are in their final form. Both you and Dan Wilson have copies.
7. Udell Williams is finalizing with the county surveyor the Foster replat.
8. As we indicated at the final hearing, we do not have an irrigation plan and the subdivision will go forward without the same being included therein.
9. There is no requirement for a final Corps of Engineers approval as in fact we have a permit to do the work which we are currently doing, a copy of which permit is in your file.

*road
- 1/2
- education*

*NOT GET
highest
pt of the
roof line*

In summary, items 1, 4, 5, 6, 8 and 9 are either resolved and you have copies or are not issues. Item 2, 3 and 7 are in their final stages and we will have them in your hand within the week. Item 4, of course, we will pay at the time that we seek to record the plat.

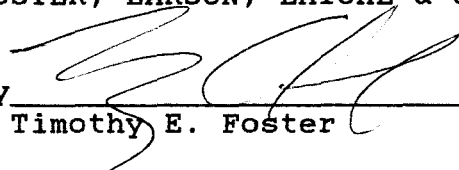
Bennett Boeschstein
Page Two
September 9, 1991

I look forward to hearing from you in the near future regarding this matter. In the future I would appreciate it if you would mail all correspondence both to Bill at his address and to me at my address as has been your previous practice and we have agreed to.

Sincerely,

FOSTER, LARSON, LAICHE & GRIFF

By



Timothy E. Foster

TEF/cdc

xc: Bill Foster



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

September 16, 1991

Patrick O'Connor
Armstrong Consultants
861 Rood Ave.
Grand Junction, CO 81501

Dear Pat,

RE: Horizon Glen Road and Irrigation Plans

I have reviewed the revised plans that were submitted on September 9, 1991 and have the following comments:

1. Corrugated steel drainage pipes which have been installed across the roads do not meet City specifications for drainage pipes and will need to be replaced or lined using an acceptable method. The plans should clearly specify what type or types of pipe are to be used in accordance with City specifications.
2. Show on roadway plan where expansion joints are to be located in 2' and 4' wide sidewalks to allow for thermal expansion of concrete. Note 4. on sheet R1 does not provide for expansion joints in this type of sidewalk.
3. In irrigation pond control structure top of slide gate frame should be attached to top of weir for support.
4. Show the type and class pipe to be used for irrigation pipe.
5. Cut-off collars should be used to seal pipes in walls of irrigation structure on 36" RCP and 6" PVC pipes.
6. There doesn't appear to be room for an access ladder between manhole opening and concrete weir. How will a person get into this structure?
7. On road section "Typical 1", show 3" Grade C Asphalt to be placed in 2 lifts.
8. Road plans show specifications for hydro-seeding but areas to be seeded are not designated.

Page 2
September 16, 1991
Horizon Glen

9. I need to see a grading plan with contours showing the final grading of the lots.
10. Show station and elevations on concrete sidewalks at intersection of one way loop with Horizon Glen Court. Typical sections are not adequate to control pavement cross slopes and street grading at this intersection. All transitions in grades approaching the intersection should also be shown on the plans.
11. Preliminary grading of the roadways has revealed a considerable amount of wet and unstable subgrade conditions. A detail for stabilization of the road subgrade will be required on the plans. Inspection of the stabilized road subgrade by the City will be required prior to placement of the road base and pavement.
12. No details have been shown or approved for stabilization of the 2:1 cut slopes along the west side of the traffic loop. If slopes are hydro-seeded, how will they be irrigated and maintained? These slopes must be stabilized or flattened to prevent erosion and sloughing into the street. Please submit cross-sections showing cuts and fills for roadways.
13. Alignment of access road to future lot 17 will require 44' minimum right-of-way width plus easements for cut and fill slopes. The proposed alignment will need to be staked in the field for our review.

Please call me at 244-1559 if you have any question regarding these comments.

Sincerely,

J. Don Newton,
City Engineer

ckb

xc: Kathy Portner
Bill Cheney
Dan Wilson
Jim Shanks
File:HoriGln

DEVELOPMENT IMPROVEMENTS AGREEMENT

1. **Parties:** The parties to this Development Improvements Agreement ("the Agreement") are SL VENTURES, INC., ("the Developer") and THE CITY OF GRAND JUNCTION, Colorado ("the City").

THEREFORE, for valuable consideration, the receipt and adequacy of which is acknowledged, the Parties agree as follows:

2. **Effective Date:** The Effective Date of the Agreement will be the date that this Agreement is recorded which is not sooner than recordation of the first final plat for Horizon Glen Subdivision.

RECITALS

The Developer seeks permission to develop property within the City to be known as Horizon Glen ("the Subdivision"), which property is more particularly described on Exhibit "A" attached and incorporated by this reference ("the Property"). The City seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements in the Subdivision and limiting the harmful effects of substandard subdivisions. The purpose of this Agreement is to protect the City from the cost of completing subdivision improvements itself and is not executed for the benefit of materialmen, laborers, or others providing work, services or material to the Subdivision or for the benefit of lot or home buyers in the Subdivision. The mutual promises, covenants, and obligations contained in this Agreement are authorized by state law, the Colorado Constitution and the City's land development ordinances. The Developer's obligation to complete the improvements will be independent of any obligations of the City contained herein.

DEVELOPER'S OBLIGATION

3. **Improvements:** The Developer will design, construct and install, at its own expense, those on-site and off-site subdivision improvements listed on Exhibit "B" attached and incorporated by this reference. The Developer agrees to pay the City for inspection services performed by the City, in addition to amounts shown on Exhibit B. The city estimates that ~~NOT MORE THAN~~ ^{500.00} will be required for City inspection of the required improvements. *Handwritten: 11/22/20, 7/27, 8/17/20*

4. **Security:** To secure the performance of its obligations under this Agreement (except its obligations for warranty under paragraph 6), the Developer will enter into an agreement which complies with either option identified in paragraph 24.

5. **Standards:** The Developer will construct the Improvements according to the standards and specifications as adopted by the City as of the date of final plat recordation.

6. **Warranty:** The Developer warrants that the Improvements, each and every one of them, will be free from defects for a period of twelve (12) months from the date that the City Engineer accepts or approves the improvements completed by the Developer.

7. **Commencement and Completion Periods:** The improvements, each and every one of them, will be completed within twenty-four months from the Effective Date of this Agreement (the "Completion Period").

8. **Compliance with Law:** The developer will comply with all relevant federal, state and local laws, ordinances, and regulations in effect at the time of final subdivision plat approval when fulfilling its obligations under this Agreement.

9. **Notice of Defect:** The Developer's Engineer will provide timely notice to the Developer, contractor, issuer of security and the City Engineer whenever inspection reveals, or the Developer's Engineer otherwise has knowledge, that an improvement does not conform to City standards and any specifications approved in the development application.

10. **Acceptance of Improvements:** The City's final acceptance and/or approval of improvements will not be given or obtained until Developer presents a document or documents, for the benefit of the City, showing that the Developer owns the improvements in fee simple and that there are no liens or other restrictions on the improvements. For purpose of this Agreement, mechanic's lien waivers from all contractors and subcontractors working on or supplying materials for the benefit of improvements to the subdivision will suffice.

Approval and/or acceptance of any improvements does not constitute a waiver by the City of any rights it may have pursuant to paragraph 6 hereinabove on account of any defect in or failure of the improvement that is detected or which occurs after the approval and/or acceptance.

11. **Use of Proceeds:** The City will use funds deposited with it or drawn under the bank disbursement agreement entered into between the parties only for the purpose of completing the Improvements or correcting defects in or failure of the Improvements.

12. **Events of Default:** The following conditions, occurrences or actions will constitute a default by the Developer during the Completion Period:

- a. Developer's failure to complete each portion of the Improvements in conformance with the agreed upon time schedule; the City may not declare a default until a fourteen calendar day notice has been given to the Developer and the Developer has failed or refused to

take substantial steps to correct whatever deficiency the City has notified the Developer about;

- b. Developer's failure to demonstrate reasonable intent to correct defective construction of any improvement within the applicable correction period; the City may not declare a default until a fourteen calendar day notice has been given to the Developer;
- c. Developer's insolvency, the appointment of a receiver for the Developer or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer; in such event City may immediately declare a default without prior notification to Developer.

13. **Measure of Damages:** The measure of damages for breach of this Agreement by Developer will be the reasonable cost of satisfactorily completing the Improvements. However, neither that amount nor the amount of a letter of credit, the subdivision improvements disbursement agreement or cash escrow establish the maximum amount of the Developer's liability. For improvements upon which construction has not begun, the estimated costs of the Improvements as shown on Exhibit "B" will be prima facie evidence of the cost of completion.

14. **No Waiver:** No waiver of any provision of this Agreement by the City will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both City and Developer; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The City's failure to exercise any right under this Agreement will not constitute the approval of any wrongful act by the Developer or the acceptance of any improvement.

15. **Amendment or Modification:** The parties to this Agreement may amend or modify this Agreement only by written instrument executed on behalf of the City by the City Manager or his designee and on behalf of the Developer by its authorized officer. Such amendment or modification will be properly notarized before it may be effective.

16. **Attorney's Fees:** Should either party be required to resort to litigation to enforce the terms of this Agreement, the prevailing party, plaintiff or defendant, will be entitled to costs, including reasonable attorney's fees and expert witness fees, from the opposing party. If the court awards relief to both parties, the attorney's fees may be equitably divided between the parties by the decision maker.

17. **Vested Rights:** The City does not warrant by this Agreement that the Developer is entitled to any other approval(s)

required by the City, if any, before the Developer is entitled to commence development of the Subdivision or to transfer ownership of property in the Subdivision.

18. **Third Party Rights:** No person or entity who or which is not a party to this Agreement will have any right of action under this Agreement.

19. **Time:** For the purpose of computing the Abandonment and Completion Periods, and time periods for City action, such times in which war, civil disasters, or acts of God occur or exist will not be included if such times prevent the Developer or City from performing its obligations under the Agreement.

20. **Severability:** If any part, term, or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.

21. **Notice:** Any notice required or permitted by this Agreement will be deemed effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service postage prepaid, certified, and return receipt requested, and addressed as follows:

If to Developer: SL Ventures, Inc.
 Timothy E. Foster
 422 White Avenue, Suite 323
 Grand Junction, CO 81501

 SL Ventures, Inc.
 William E. Foster II
 101 South Third, Suite 375
 Grand Junction, CO 81501

If to City: City of Grand Junction
 Community Development Director
 250 N. 5th Street
 Grand Junction, CO 81501

22. **Recordation:** Developer will pay for any costs to record a memorandum of this Agreement in the Clerk and Recorder's Office of Mesa County, Colorado.

23. **Personal Jurisdiction and Venue:** Personal jurisdiction and venue for any civil action commenced by either party to this Agreement whether arising out of or relating to the Agreement, letter of credit, subdivision improvements disbursements agreement, or cash escrow agreement will be deemed to be proper only if such action is commenced in District Court for Mesa County. The Developer expressly waives his right to bring such action in or to remove such action to any other court whether state or federal.

24. The improvements guarantee required by the City Code to ensure that the improvements described in the improvements agreement are constructed to city standards may be in the form of an agreement: (I) between a bank doing business in Mesa County and the City or as described in (II) below or between the City and the Developer as set forth in (III) below.

I. The agreement between a bank and the City (I) shall provide, among other things, for the bank to guarantee and warrant to the City that it shall:

a. have available money equal to the estimated costs of the required improvements, in an amount equal to the amount agreed upon in the Improvements Agreement;

b. only pay such amounts to contractors who have constructed required Improvements.

c. only pay such amount after the bank has received the written approval of the City Engineer, or his designee; the City Engineer shall inspect within three (3) working days of request;

II. The alternative to (I), above is identified as (II) and shall contain the following provisions:

The Finance Department of the City will act as disbursing agent and will account for disbursements to Developer contractors as required improvements are completed and accepted.

The City will accept a cash deposit from the Developer equal to the City approved estimate of the required improvements, for the purposes of securing and guaranteeing the construction of the required sewer, water, streets, and on-site improvements in the development plan. Such deposit(s), currently estimated at approximately \$138,370 plus inspection costs shall be given to the City's Finance Department, commingled with other funds of the City and specifically invested in the short term market. Interest income shall be allocated to the Developer's escrow account monthly, in the same manner as other short-term investments of the City.

TEF
DREA
LW

Such interest income shall be used to reimburse the General Fund of the City for accounting and transaction costs incurred in making payments to the appropriate contractors. For purposes of this Agreement, the City's costs shall be \$100.00 for each check disbursement or other transaction which is made. After all required improvements have been made and accepted by the City, any surplus funds remaining in the account shall be returned to the developer within thirty (30) calendar days of said acceptance date. No guarantee as to the level of interest income or rate of return on the funds so deposited is either implied or made in this Agreement, the City agrees only to keep the funds invested as with other City funds. Any transaction costs which are not covered by the amount of the deposit plus accrued interest shall be paid to

in excess of 1% of total funds deposited on the calculated transaction costs whichever is greater
TEF
JH

the City by the Developer in like manner within thirty (30) days of completion of the improvements.

e. in any event, Developer promises to construct the required improvements to the satisfaction of the City Engineer, in accordance with the approved plans and specifications.

III. The alternative to (I) and (II), above is identified as (III) and shall contain the following provisions:

The Agreement between the City and the Developer shall provide for the Developer to guarantee and warrant to the City that it shall:

a. have money available in a separate account to complete the required improvements in the amount set forth pursuant to this Agreement. EACH CHECK REQUIRES THE SIGNATURE OF DEVELOPER AND CITY

b. only pay such amounts to contractors who have constructed required improvements.

c. only pay such amounts to Contractors after receipt of written acceptance or approval of said work by the City Engineer or his designee; the City Engineer or his designee shall inspect within three (3) working days of receipt.

25. Benefits: The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the City. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, successors, and assigns of the Developer, and shall be a covenant(s) running with the property.

26. Immunity: Nothing contained in this Agreement constitutes a waiver of the City's sovereign immunity under any applicable state law.

Attest:

Neva B. Lockhart
Neva B. Lockhart
City Clerk
Keresa J. Martinez

City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

By: *Mark K. Achen*
Mark K. Achen
City Manager

Attest:

[Signature]
Secretary

Horizon Glen Subdivision

By: *William E. Foster II*
William E. Foster II
President

TEF
THE
SITA
LEAVE

FIRST REVISION
CITY OF GRAND JUNCTION IMPROVEMENT AGREEMENT

RE: HORIZON GLEN SUBDIVISION, Filing No. One NW 12th St. & Horizon Drive
 Name of Subdivision or Other Improvement Location

Intending to be legally bound, the undersigned subdivider hereby agrees to provide throughout this subdivision and as shown on the subdivision plat of HORIZON GLEN SUBDIVISION, Filing No. One date June 1991, the following improvements to City of Grand Junction standards and to furnish an Improvements Guarantee in the form acceptable to the City for these improvements.

Improvements	Quantity and Unit Costs	Estimated Cost	Estimated Completion Date
Street Grading	2600 CY @ 2 ⁰⁰	5,200 ⁰⁰	Oct. 1991
Street Base	1450 ton @ 8 ⁰⁰	11,600 ⁰⁰	Oct. 1991
Street Paving	490 ton @ 27 ⁰⁰	13,230 ⁰⁰	Oct. 1991
Curbs and Gutters	1350 LF @ 3 ⁰⁰	4,050 ⁰⁰	Oct. 1991
Sidewalks	1350 LF @ 6 ⁰⁰	8,100 ⁰⁰	Oct. 1991
Storm Sewer Facilities	4 CMP @ 500 ⁰⁰	1,500 ⁰⁰	Oct. 1991
Sanitary Sewers			
Mains	1322 @ 20 ⁰⁰	26,440 ⁰⁰	Oct. 1991
Laterals/House Connections	17 ea. @ 150 ⁰⁰	19,830 ⁰⁰	Oct. 1991
On-site Sewage Treatment	NA		
Water Mains	1500 LF @ 18 ⁰⁰	27,000 ⁰⁰	Oct. 1991
Fire Hydrants	2 ea. @ 1500 ⁰⁰	3,000 ⁰⁰	Oct. 1991
On-site Water Supply	NA		
Survey Monuments	NA		
Street Lights	2 ea @ 1000 ⁰⁰	2,000 ⁰⁰	Oct. 1991
Street Name Signs	21 ea @ 100 ⁰⁰	2,100 ⁰⁰	Oct. 1991
Construction Administration	—	3,500 ⁰⁰	Oct. 1991
Utility Relocation Costs	None		
Design Costs		5,500 ⁰⁰	Oct. 1991
SUB TOTAL			

Supervision of all installations (should not normally exceed 4% of subtotal) \$ 5320

TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION: \$ 138,370⁰⁰

The above improvements will be constructed in accordance with the specifications and requirements of the City or appropriate utility agency and in accordance with detailed construction plans, based on the City Council approved plan, and submitted to the City Engineer for review and approval prior to start of construction. The improvements will be constructed in reasonable conformance with the time schedule shown above. An Improvements Guarantee will be furnished to the City prior to recording the subdivision plat.

[Signature] Pres
 Signature of Subdivider
 Pres. S.L. Velmer
 (If corporation, to be signed by President and attested to by Secretary, together with the corporate seal.)
[Signature] Sec

DATE: 10/16 1991

I have reviewed the estimated costs and time schedule shown above and, based on the plan layouts submitted to date and the current costs of construction, I take no exception to the above.

[Signature] 10-16-91
 City Engineer

October 9, 1991



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

Patrick M. O'Connor
Armstrong Consultants
861 Rood Avenue
Grand Junction, CO 81501

Re: Horizon Glen Revised Plans

Dear Pat:

I have received revised plans for Horizon Glen Subdivision Filing One and have the following additional comments:

1. Typical section for one-way road shows 3 to 1 cut and fill slopes. The cross sections still show 2 to 1 cut and fill slopes in some sections.

I would recommend that all cut slopes intersecting the roadway be flattened to 3 to 1 or that slope reinforcement be used. I am not convinced that hydro-seeding will stabilize or prevent erosion of the slope into the roadway.

2. The requested lot grading plan is needed to insure that there will not be a problem caused by over lot drainage.

This plan will be required prior to any building permits being issued.

With the exception of the items listed below, you may consider the roadway plans (dated October 4, 1991) approved by this office and you are authorized to begin construction of the roadways.

Sincerely,

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

J. Don Newton
City Engineer

xc: Bill Foster
Jim Shanks
Bill Cheney
Kathy Portner ✓

jdn:file:connor.hor

DUFFORD, WALDECK, MILBURN & KROHN

ATTORNEYS AT LAW

900 VALLEY FEDERAL PLAZA

P. O. BOX 2188

GRAND JUNCTION, COLORADO 81502-2188

TELEPHONE (303) 242-4614

TELECOPIER (303) 243-7738

BETTY C. BECHTEL
WILLIAM H. T. FREY
ELIZABETH K. JORDAN
WILLIAM M. KANE
RICHARD H. KROHN
LAIRD T. MILBURN
LINDA E. WHITE

D. J. DUFFORD
OF COUNSEL
WILLIAM G. WALDECK
OF COUNSEL

October 29, 1991

STEPHAN B. SCHWEISSING

HAND DELIVERY

Bennett Boeschstein, Director
Grand Junction Development Department
250 North Fifth Street
Grand Junction, CO 81501

Re: Dalby-Horizon Glen Subdivision Final Plat

Dear Bennett:

I have reviewed the blueline copy of the partially signed final plat of Horizon Glen Subdivision, which Kathy Portner delivered to my office Friday afternoon. Out of an abundance of caution, I believe it would be desirable to obtain and record a simple letter from the owner to the City along the following lines:

The undersigned acknowledges and agrees that in the final plat of Horizon Glen Subdivision to the City of Grand Junction (Mesa County, Colorado), which plat was recorded November __, 1991, in Plat Book ____ at Page ____ in the records of the Clerk and Recorder of Mesa County, Colorado, it is the undersigned's understanding and intent that the area labeled as "Dedicated Public ROW" constitutes a "street" or "road" for the purposes of the dedicatory language contained in that final plat described above.

SL VENTURES, INC.,
a Colorado corporation

[SEAL]

By: _____
William E. Foster, III
President

ATTEST:

Timothy E. Foster
Secretary

This will avoid the need to make any changes to the plat itself.

Bennett Boeschstein, Director
October 29, 1991
Page Two

That letter could be recorded in the county records at minimal additional cost to avoid any uncertainty as to the intent that the right-of-way is in fact included within the dedicatory language contained in the final plat and that it is a street for future development purposes. Of course, I am certain this is Fosters' intent, as I am certain you are, so they should have no objection. This additional precautionary procedure should also be beneficial to clarify the City's interest in the future.

Also, I am concerned not to see indication of permanent monumenting of the boundaries of the ROW on the plat. My understanding from our last meeting was that the applicable statutes require that this be done as part of the final plats. In view of your sign-off of the plat, I would like to know what is happening on this issue.

Once again, thank you for your assistance and consideration.

Sincerely,



Richard H. Krohn

RHK/jmc
pc: Walt Dalby
Dan Wilson

Walter L. Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

November 18, 1991

HAND DELIVERY

Linda Dannenberger
Mesa County Planning Department
750 Main Street
Grand Junction, CO 81501
(303) 244-1771 & 244-1636

RE: Replat Lot Two Foster Subdivision.

Dear Linda:

I was shocked to learn that the REPLAT LOT TWO FOSTER SUBDIVISION was recorded on November 6th without ever passing thru your hands. It is my understanding that this was a violation of Mesa County review and recording procedures; and, it prevented verifying legal descriptions and verifying a clear re-dedication of a portion of the Cascade Drive Right-Of-Way before the REPLAT was recorded.

The Board of County Commissioners, in its decision of June 18th, clearly intended that the Eastern 10 feet of Lot Two of Foster Subdivision adjacent to the Cascade Drive Right-Of-Way be vacated to Mesa County for use as dedicated public ROW. That requirement is to restore the unimproved portion of Cascade Drive to a uniform 50 foot width along its entire length.

I am greatly concerned, after reviewing the REPLAT that was recorded, because:

- A. The required vacation is depicted on the drawing in a very poor manner. Nothing is said in the Dedication section, and enough ambiguity exists on the drawing, that any party could question the width of the Cascade ROW and/or challenge the validity of the vacation.
- B. It is my information that Margaret E. Foster did not own all of LOT A as described and depicted on the REPLAT at the time of recording. It is my understanding that therefore the legal description in the Dedication section is invalid; therefore LOT A as depicted is invalid; and, therefore the vacation to ROW is invalid.

Consequently, a clear and definite restoration of the Cascade Drive ROW to a uniform 50 foot width has not occurred.

If the County elects not to have a corrected Plat recorded and accepts deed(s), after the fact, to solve the ownership problem of LOT A, that procedure will not solve the defects of the REPLAT relative to the ROW vacation because:

1. There is no Bearing and Distance on the North end of the area to be vacated. The N 89°58'24" E Bearing and 135.68 foot Distance at the Northern boundary of LOT A extends 10 feet beyond the lot's Northeast corner.
2. There is no width specified anywhere along Cascade Drive.
3. Of the seven "5/8 IN. REBAR AND MONUMENT CAP SET BY LS 16835 IN CONCRETE" shown on the drawing and specified in the Legend, only the monument shown at the Northeast corner of the "E X C E P T I O N" parcel depicted on the REPLAT could be found as of November 17th. Therefore, the new Eastern boundary of LOT A, and the vacated area, cannot be determined "on the ground" as the drawing indicates should be possible.
4. The REPLAT's only reference to any vacation whatsoever is the label, in the future tense, located within LOT A saying: "VACATED 10' ROW TO BE DEDICATED HEREON".
5. Legal Counsel has advised me that the vacation on the recorded REPLAT is ambiguous and may not stand in the face of challenge.
6. The Mesa County Assessor's Office cannot assure me that the vacation on the recorded REPLAT is unambiguous; and has, in fact, suggested that a title company be consulted for an "opinion" as to the status of the vacation depicted.

I suspect that, given the long and complicated history of the Cascade Drive ROW issue, opinions or judgments rendered by third parties regarding the vacation depicted on the REPLAT are inadequate to settle the issue.

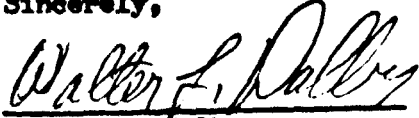
It is also my feeling that re-dedication of the Cascade Drive ROW to a uniform 50 foot width, in the manner it was done on the recorded REPLAT, was not what the Board of Commissioners had in mind when the requirement was made.

In view of the foregoing, I earnestly suggest that Mesa County require that the vacation of the Eastern 10 feet of LOT A be accomplished by an accurate Warranty Deed to Mesa County from the undisputed legal owner or owners of LOT A.

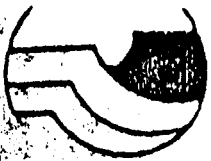
The requirement for such a Warranty Deed will eliminate any ambiguity regarding the Cascade Drive ROW and hopefully spare County Officials and adjacent property owners from revisiting this issue again in the future.

If I can provide any additional information or assistance in this matter, do not hesitate to call on me.

Sincerely,


Walter L. Dalby

C.C.: Mesa County Commissioners
Mesa County Attorney



Mesa County Department of Public Works
Division of Planning

(303) 244-1636

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

M E M O

TO: Lyle Dechant, County Attorney
FROM: Linda Dannenberger, Planner *LD*
DATE: November 20, 1991
SUBJECT: Recordation of Replat of Lot 2, Foster Subdivision

You recall my anger two weeks ago when I learned that Bill Foster had filed a subdivision plat without the accompanying development permit and other plat documents. I never signed the development permit which would indicate that I had reviewed the plat and ok'd the accompanying documentation. Bill Foster has confirmed that the Replat of Lot 2, Foster Subdivision, was recorded with incomplete representation of ownership. He supposedly has recorded a deed this week from S.L. Ventures to Margaret Foster to combine ownership of Lot A. (Her lot was split illegally in December, 1990.)

Fred Weber is following up with the Foster's surveyor to file an Affidavit of Correction to correct numerous inconsistencies on the plat. He will confirm the filing of the deed correcting ownership through a title company.

How should we proceed? Can we ignore the fact that the plat did not show correct ownership and mop up this mess after the fact or do we need to invalidate the plat and file a new one?

A related matter--when the Fosters deeded a portion of Margaret Foster's lot to the children in December, 1990, they used the legal description of Walt Dalby's property. This is a neighboring property that they once had ownership interest in. They later filed a correction deed to correct the description. Mr. Dalby feels that the County should remove record of the deeds from his property records to clear those from the chain of title. Any thoughts on that? (Records and deeds attached.)

*Backwards? they did
Perhaps not show up as
corrected on his
records.*

*Note: This was Superseded By Commissioners
Hearing on 12/17/91*

4-14-93

Horizon Glen
Subdivision

Dalby
yon Avenue
unction, CO 81501
+34-2608 & 242-2992

November 25, 1991

HAND DELIVERY

Dan Wilson, City Attorney
City of Grand Junction
City Hall
250 North Fifth Street
Grand Junction, CO 81501
(303) 244-1505

RE: Horizon Glen Subdivision--Recorded Plat.

Dear Dan:

I warned you it would happen.

You assured me that it would not be allowed to happen.

It happened!

Detailed letter to follow.

Sincerely,

Walt Dalby
Walter Dalby

C.C.: Richard Krohn

17-3
Walter Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

November 30, 1991

HAND DELIVERY

Dan Wilson, City Attorney
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501
(303) 244-1505

RE: Horizon Glen Subdivision--Recorded Plat.

Dear Dan:

In a meeting in your office on July 29, 1991, I provided you with extensive information warranting a particularly thorough examination for accuracy and compliance of the Plat of the Horizon Glen Subdivision when it was submitted for signatures of approval and recording.

During that meeting, we discussed four major concerns that I had regarding the upcoming Plat submission. Those concerns I expressed, and your responses to them, were as follows:

1. I expected that the Plat would not contain accurate survey data; and, informed you that I was commissioning and would provide a current boundary survey of the Dalby property to assist the City in the review of that Plat for survey accuracy.

You stated that the Plat survey had better be accurate; that we could both rely on Jim Shanks, Director of Public Works & Utilities, to see to it that the Plat survey was accurate; and, that if the Plat survey was inaccurate, the errors would be corrected before the Plat was allowed to be recorded.

2. I expected that the Plat was unlikely to contain a public ROW of suitable width and alignment to provide acceptable future traffic circulation to the Dalby property and on to North 12th Street; and, informed you of the extraordinary difficulties I had experienced in trying to cooperate in determining a suitable alignment of that ROW.

We mutually discussed the process for determining the ROW alignment, the role that Jim Shanks was to play, the width the ROW was to be, and the participation that I and my staff were to have in evaluating any proposed ROW.

You assured me that I and my Landscape Architect and my Engineer would be given opportunities to effectively participate in the evaluation and approval of the ROW; committed to a ROW width requirement of at least 44 feet; and, told me that I could rely on Jim Shanks to see to it that the ROW was acceptable to me.

- 3. I expected that, when the Plat was submitted, continuous and urgent demands would be made to immediately sign approval and record the Plat, thereby frustrating a thorough examination of the Plat before such approval and recording was granted.

You firmly stated that, if such demands were made when the Plat was undergoing examination, then the Petitioner would just have to wait on the City's review process; assured me that I and my staff would be fully involved in the review process; and, that the City would be very thorough in its evaluation of this particular submission.

- 4. I speculated that previous events suggested that some form of irregularity might occur in the process of approving and/or recording the Plat.

You assured me that something like that would not be allowed to happen.

I have drawn the above material from my August 6, 1991, letter to you which recapitulated that meeting, and from the extensive notes I made concerning our conversation on July 29th.

I now direct your attention to the attached copy of my letter to Jim Shanks dated July 25, 1991. That letter of recapitulation indicates that Mr. Shanks had already committed to me (with the two exceptions of the ROW width and who was specifically responsible for determining the accuracy of Plat survey data) the same assurances concerning Items #1 thru #4 above that you gave me. My notes of that meeting on July 19th show that Mr. Shanks firmly supported those assurances.

I now direct your attention to the attached copy of my letter to Bennett Boeschstein dated July 25, 1991. That letter of recapitulation indicates, and my notes confirm, that Mr. Boeschstein had already committed to me that Jim Shanks would effectively coordinate determination of the ROW alignment with me, and that I and my staff would contribute significantly to determining the most logical alignment of that ROW--specifically including physical examination of ROW layout(s) at the site.

- - - - -

I have reviewed the Horizon Glen Subdivision Plat recorded in the records of the Mesa County Clerk & Recorder on November 6, 1991.

I shall now discuss that recorded Plat in four SECTIONS corresponding to Items #1 thru #4 listed above.

- - - - -

SECTION I - Accuracy of Survey Data.

On July 19, 1991, in a meeting with Jim Shanks, I discussed getting a current survey of the Dalby property for use in checking the Plat's survey accuracy. I asked what would happen if I had a survey that showed one thing and the submitted Plat showed another? Mr. Shanks informed me then, and reiterated to me later, that boundary differences fell under the authority of the County Surveyor, and that the County Surveyor was responsible for resolving such disagreements. Mr. Shanks directed that I take the matter up with Fred Weber.

I now direct your attention to my letter to Fred Weber dated November 25, 1991. That letter itemizes the survey errors on the recorded Plat and documents my efforts to have boundary differences between properties resolved before the Plat was allowed to be recorded. A copy of that letter was attached to my note to you of the same date.

In a meeting among you, my Attorney Richard Krohn, Bennett Boeschstein, Jim Shanks, and myself on October 14, 1991, I displayed a current boundary survey of the Dalby property that accurately depicted the boundaries between the Dalby property and Horizon Glen Subdivision property. As I recall, no interest was shown by the assembled City Officials in having a copy of that survey for use in checking the accuracy of the Subdivision Plat when it was submitted.

Given the information contained in my letter of November 25th to Fred Weber, it is extremely doubtful that surveyor Dennis Johnson ever reviewed Sheet 2 of the recorded Plat; he certainly could not have read Sheet 1 which he signed certifying the Plat's accuracy.

It appears that Sheet 2 of the recorded Plat was merely a casually updated drawing of one prepared by Armstrong Consultants, Inc., and used during the final public hearings process last June and July. This may account for the failure of Mr. Johnson to review it before signing his certification to the separate Sheet 1. Mr. Johnson certainly knew that Horizon Glen Subdivision's Plat needed to conform to the bearings and distances he agreed to in the presence of Fred Weber in September of this year.

Summary of SECTION I:

A boundary survey was available to City Staff for use in determining the Plat's accuracy before recording, but the Plat was accepted and recorded without verification by City Staff.

You and Jim Shanks both committed to me that the Plat survey would be accurate, but it was not.

You committed to me that if the Plat survey was inaccurate, it would not be allowed to be recorded, but it was.

- - - - -

SECTION II - Participation in ROW Evaluation.

On approximately August 28, 1991, Bennett Boeschstein and Jim Shanks met with Bill Foster at the ROW site. Mr. Foster provided a drawing of a proposed location of a ROW in the future development area of the Subdivision. Mr. Boeschstein, in a later conversation with me on September 4, 1991, characterized the ROW portrayed on that drawing as little more than a "sketch" drawn in without distances labeled and without any stakes on the ground. Mr. Boeschstein stated that Mr. Shanks was not at all pleased with the drawing and the fact that the ROW alignment had not been field-staked.

I now direct your attention to Bennett Boeschstein's letter to Bill Foster dated September 4, 1991 (you were copied). Please notice Jim Shanks' review comments of August 30th attached to that letter--particularly item "3)" of those comments which states:

"The street alignment needs to be field staked. The purpose of our review of the street alignment is to insure that the alignment and future extension is feasible given that there are wetlands in the immediate vicinity. The best way to do that is to field stake the alignment for review. I cannot approve this alignment without knowing its relationship to the existing topography which includes the wetlands on this site and on the property to the north."

Obviously, I and my staff--especially my Engineer--had the same need for field-staking in order for us to effectively participate in evaluating a proposed ROW placement.

In a meeting with Jim Shanks on September 9, 1991, I pointed out to him that the ROW on the drawing that he had evaluated was only 40-feet wide rather than the minimum 44-feet you had committed to on July 29th. Mr. Shanks and I then engaged in the same type of discussion of "ADT's" and road codes that you and I did on July 29th were the matter had already been settled.

On September 16, 1991, I happened upon Bennett Boeschstein and City Engineer Don Newton while I was driving past the site. Mr. Boeschstein and Mr. Newton were attempting to evaluate another drawing provided by Bill Foster. The drawing appeared to be the August 28th version updated with some distances and curve data. There were still no stakes showing the alignment of the ROW on the ground and the ROW width was still 40-feet. Mr. Newton commented that what had been submitted was not suitable for evaluation.

On September 27, 1991, Jim Shanks called me to say that Bill Foster had had the center of the two ends of the proposed ROW staked. In response to my question, Mr. Shanks stated that there were no intermediate points staked, nor any widths.

Mr. Shanks requested that I go look at the end-points with him. When I asked why we were going out to the site when the ROW alignment had not been field-staked as to curves and course, Mr. Shanks said that the suggested end-point at the Dalby property could be evaluated by itself. There was nothing here for my Engineer to evaluate, but I suggested that my Land Architect Ted Ciavonne accompany us, and Mr. Shanks supported that idea.

It had been a full month since Mr. Shanks and others had begun evaluating various versions of ROW proposals. It had been over four months since either my Engineer or my Landscape Architect had been to the site. You will recall that the end-point of the ROW at the Dalby property had been placed at a totally unreasonable and damaging location on the ODP sketch presented at the June 4, 1991, final City Planning Commission hearing.

Since this was my first opportunity to participate to any degree in the evaluation and review of any part of a ROW proposal, I did so with the understanding that Mr. Ciavonne and I would be assisting Mr. Shanks in getting a preliminary opinion regarding the general suitability of that end-point (i.e. its potential impact upon continuation of future traffic circulation on to North 12th Street and upon building sites on the Dalby property).

On October 1, 1991, Jim Shanks, Ted Ciavonne, and I met at Mr. Shanks' office and then went together to the site to view the two end-point stakes. We discussed why I considered it very important that the ROW be at least 44-feet

wide, the difficulty of the terrain, and speculated where the proposed ROW on the drawing might actually be on that terrain.

When it came to evaluating the end-point stake at the Dalby property, Mr. Shanks requested that we ignore wetlands considerations for the purposes of this visit. Mr. Ciavonne considered the proposed Northern end-point to be better than we had seen proposed before, pronounced it generally suitable for accessing building sites on the Dalby property, and made suggestions to Mr. Shanks regarding a ROW's best form of approach to that Northern end-point.

We finished with a discussion regarding permanent monumenting of any ROW that was eventually accepted. We discussed the number and placement of such monuments necessary to identify the alignment of a ROW on the ground so that a street could be constructed without dispute as to its precise location. Mr. Shanks committed to requiring the eight permanent monuments necessary to define the full width of a ROW of this nature and indicated their placement on the plat drawing he had brought to the site with him.

After that October 1st visit to the site, Jim Shanks generated an internal memo to Bennett Boeschstein dated October 3, 1991. I quote the content of that memo in its entirety:

"I have reviewed the layout of the proposed street between proposed lots 17 and 18 at Horizon Glen subdivision. The alignment as proposed is satisfactory. I did talk to Bill Foster about widening the right-of-way from 40' to 44' to match our proposed street standards for a residential street. Bill said that he didn't have a problem with that and would make the change. I reviewed the location with Walt Dalby and Ted Ciavonne. Their only comment, other than the width being 44' was some additional width at the north end of the right-of-way. I don't think that it is a major point and I am willing to approve the right-of-way if it is amended to 44 ft."

Apparently, Mr. Shanks had concluded that the October 1st visit to the site constituted fulfillment of all commitments made to me by him, Mr. Boeschstein, and yourself regarding my and my staff's participation in the evaluation and acceptability of the proposed ROW. Given Mr. Shanks' August 30th requirements for field-stakeing of the proposed ROW alignment in order to be able to evaluate it (see quoted material at the top of Page 4 of this letter), and my Engineer's need as well, I expected that I and my staff would be able to evaluate the proposed October 1st alignment in relation to the difficult topography when the field-stakeing had been done.

In the meeting in your office on October 14, 1991, among you, Richard Krohn, Bennett Boeschstein, Jim Shanks, and myself, the conclusions reached were:

A ROW to the Dalby property that was acceptable was to be 44-foot wide.

A City Survey Crew was to field-stake the center line of the proposed ROW to the Dalby property in order for me and my staff to evaluate, on the ground, the proposed alignment before signed approval was considered. It was recognized that Petitioner had not performed such required field-stakeing and continued to deny me and my staff the ability to fully evaluate the proposed alignment.

Once a ROW was accepted, eight permanent surveyor's monuments were to be set to define the 44-foot ROW on the ground before the Plat was to be considered for signed approval.

Since no utility easements were being required for the ROW, Mr. Shanks was to provide Mr. Krohn with a letter stating City agreement that, when the street is constructed, all utilities can be placed within the ROW, and that a sidewalk will only be required on one side of the street (The final version of that letter was received on November 20th.).

Mr. Boeschstein was to provide me with a copy of the Plat as soon as it was submitted for review and signatures of approval.

In the late afternoon of Friday, October 25, 1991, a copy of the Plat of the Horizon Glen Subdivision, dated October 21, 1991, was delivered to Richard Krohn. I was informed by him on Monday, October 28, 1991, and had my first look at the documents on that day.

I was surprised and concerned about the submitted Plat because:

I and my staff had not yet been permitted to go on Horizon Glen property in order to examine and evaluate the actual alignment of the ROW to the Dalby property that had been field-staked by the City Survey Crew.

The Plat itself showed no permanent monuments defining the boundaries of said ROW as required.

The Plat did not contain language that clearly dedicated said ROW to the public.

The Plat had already been signed as approved by Bennett Boeschstein.

Because of the continuing refusal by Petitioner to voluntarily permit me and my staff on the ROW to the Dalby property, Richard Krohn contacted both Bennett Boeschstein and Jim Shanks on November 1, 1991, requesting that such permission be required before signed approval was considered by Mr. Shanks or by City Engineering.

Despite that fact, the Plat of the Horizon Glen Subdivision was recorded in the records of the Mesa County Clerk & Recorder on the afternoon of November 6, 1991, without such permission ever be required or achieved, and without an opportunity for me and my staff to evaluate the ROW alignment that had been accepted and approved by City Engineer Don Newton.

When I learned, late on the afternoon of November 7, 1991, that the Plat had actually been permitted to be recorded, I walked that ROW to the Dalby property (now named Horizon Glen Drive on the recorded Plat) at my first opportunity. On the morning of November 9, 1991, I discovered the following:

The center line stakes set by the City Survey Crew appeared to define a bizaare Southern curve. I felt that the curve could not possibly be correctly defined.

Only six of the required eight permanent monuments defining the boundaries of the ROW were set; the two required at the terminus at Horizon Drive Southern

were missing.

The six permanent monuments that had been set, all defined a ROW 40-foot wide; not the 44-foot width that is required and is portrayed on the recorded Plat.

I immediately tried to raise these questions with Jim Shanks on the next day of business, but learned that he was on a hunting trip and would not be available to me until November 20th. Mr. Shanks and I did meet on November 20, 1991, to discuss the above issues as well as other concerns that I had as the result of reviewing the Plat that had been allowed to be recorded. It was my clear impression that Mr. Shanks had not ever seen the center line stakes set by the City Survey Crew or the inconsistent labels that were written on them. Mr. Shanks and I agreed to arrange to go to the site to examine my findings.

On November 26, 1991, Jim Shanks and I went to the site and met up with City Surveyor Gordon Graham and his Assistant Ed Wacker. We verified that the mid-curve stake on the South curve was indeed mis-placed; that the two required permanent monuments at the Horizon Drive terminus were not set; and, that the remaining six required permanent monuments were placed only 20-feet from the center line of the ROW. Mr. Shanks committed to me on November 26th that: Petitioner will be required to re-set the six mis-placed permanent monuments at the proper locations; Petitioner will be required to properly set the two missing permanent monuments at Horizon Drive; and, the mis-placed center line stake will be re-set by the City Survey Crew by the end of this month.

Given the above, and given the fact that the recorded Plat is so inaccurate that it claims two different distances for the same property boundary line, I want to know if the Curve and Tangent data and distances specified on the recorded Plat actually define a ROW that does, in fact, reach from Horizon Drive all the way to the Dalby property. I shudder to think of the consequences if that ROW falls short at either end, and it turns out that additional land is needed from Horizon Glen Subdivision property in order to construct the street!

During the November 26th examination of the aforementioned conditions at the site, several observations were made about how tight the curves were, and Mr. Shanks asked where the large culvert which carries the water of the channel under Horizon Drive came out on the Horizon Glen Subdivision property in relation to the edge of the ROW. It surprised me greatly that Mr. Shanks, who was charged with the responsibility of judging the adequacy and appropriateness of the future City street, appeared to be wholly unfamiliar with the final configuration and physical location of the Horizon Glen Drive ROW.

Summary of SECTION II:

Despite commitments from Mr. Boeschstein, Mr. Shanks, and you, that I and my staff would participate effectively in the evaluation of a proposed ROW alignment, our sole participation was one look at two end-point stakes.

The minimum acceptable 44-foot ROW width that you had committed to on July 29th was not required of Petitioner until October 3rd.

Petitioner failed to comply with the City's requirement to stake the center line of the ROW for evaluation of the proposed alignment in relation

to the difficult topography and wetlands.

Petitioner failed to document the required ROW monumentation on the Plat and failed to comply with accurate ROW monumentation required on the ground.

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SECTION III - Hasty Review, Approval, and Recording.

During the course of the seven business days between October 28th when I learned that a Plat had been submitted and November 6th when the Plat was recorded, I heard frequent references about pleas by Petitioner and Petitioner's representatives to have the Horizon Glen Subdivision Plat quickly approved and recorded.

It is curious why such a sense of urgency should suddenly develop. There had been some three months of relatively leisurely activity concerning the Subdivision after the final development plan had been approved by City Council. And, nearly four months had elapsed since that July 3rd Council hearing before the Plat was submitted for review, approval, and recording.

I am aware that heavy construction equipment had been active at the Subdivision site since on or before August 21st. A "For Sale" sign was placed at the site on or before August 25th. Another "For Sale" sign, one depicting the final Plat's lot configuration, was up by September 25th--complete with sales brochures. All this activity had occurred without the need for a recorded Plat, but suddenly the Plat must be approved and recorded immediately!

In any event, the haste with which the Plat was recorded was such that the Community Development Department could not even wait for the person responsible for a replat in the Mesa County Planning Department to return a telephone call.

Summary of SECTION III:

The Plat that was approved and recorded was not reviewed with the attention and thoroughness that I was assured to expect; otherwise, the errors on the Plat itself and the monumentation errors at the site would not have been permitted to be approved.

I and my staff were fully involved in the review and approval process, but not in the manner that I had anticipated:

We expended one month of effort in providing current and accurate survey data of the area for use in evaluating Plat survey accuracy, but many errors appeared on the recorded Plat.

We expended two months of effort in achieving the ROW being depicted as ~~44~~-feet wide on the Plat, but the ROW is monumented 40-feet wide on the ground.

We expended three months of effort in achieving the necessary center line stakeing to properly evaluate the ROW, but then were not allowed to do so.

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SECTION IV - Irregularities in Approval and Recording.

As of the date of recording of November 6, 1991, the following defects exist on the recorded Horizon Glen Subdivision Plat:

Sheet 1 of the Plat does not situate the Subdivision correctly in the section of the township.

Sheet 1's detailed legal description does not agree with the Subdivision layout on Sheet 2.

Sheet 2's survey data is inaccurate and disagrees within itself.

The permanent monuments defining the Horizon Glen Drive ROW are missing from Sheet 2's Subdivision layout.

As of November 9, 1991, the following defects existed at the Horizon Glen Subdivision site:

The permanent monuments defining the Horizon Glen Drive ROW on the ground were mis-placed and incomplete.

The center line staking of Horizon Glen Drive ROW was incorrect.

It was easy enough for me to determine the above defects shortly after the Plat was recorded.

The question is why those defects were not addressed before signatures of approval were granted?

Summary of SECTION IV:

The recorded Plat was not within a reasonable standard of accuracy and compliance to merit approval and recording.

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CONCLUSIONS:

The concerns stated in Items #1 thru #4 at the beginning of this letter have all been borne out on the recorded Plat of Horizon Glen Subdivision.

The knowledge that City Staff had acquired during the course of the public hearings process, together with the detailed information that I provided to you and Bennett Boeschstein and Jim Shanks, clearly justified a particularly thorough examination of this Subdivision Plat for completeness, accuracy, and compliance before any signatures of approval were considered.

The many defects evident on the recorded Plat and the monumentation errors at the site demonstrate that the submitted Plat did not merit approval--let alone recording in the records of Mesa County.

RECOMMENDATIONS:

In view of the documented defects contained in the recorded Plat of the Horizon Glen Subdivision, and in view of the irregularities that occurred in the approval and recording process, the Plat should not be allowed to stand. It harms the integrity of the boundaries between the properties and it impares the precise undisputed location of the Horizon Glen Drive right-of-way.

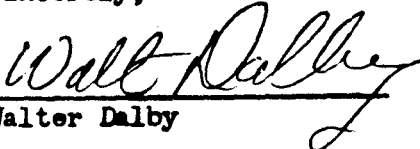
Since Affidavits of Correction to cure the recorded Plat's defects would be so many, such a remedy could well be more confuseing than clarifying. This suggests that the recording of a separate corrected Subdivision Plat would be the best course of action.

Therefore, I recommend the following:

- A. That the City of Grand Junction require that a Correction Plat for the Horizon Glen Subdivision be prepared and submitted for approval.
- B. That said Correction Plat be reviewed to verify that the survey defects detailed in my letter to County Surveyor Fred Weber dated November 25, 1991, are corrected.
- C. That said Correction Plat display the permanent monumentation of the Horizon Glen Drive right-of-way, and that correspondingly accurate permanent monumentation be verified to exist on the property itself.
- D. That the Curve and Tangent data and distances of Horizon Glen Drive right-of-way on said Correction Plat be verified to determine that the right-of-way does, in fact, reach from Horizon Drive all the way to the Dalby property.

Please inform me and my Attorney, Richard Krohn, of the actions to be taken in this matter.

Sincerely,


Walter Dalby

Att.: Letter to Jim Shanks of 7/25/91
Letter to Bennett Boeschstein of 7/25/91

C.C.: Richard Krohn

Walter L. Dalby
555 Piñon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

July 25, 1991

James L. Shanks, Director
Department of Public Works & Utilities
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501
(303) 244-1557

RE: Horizon Glen - Phase II Right-Of-Way.

Dear Jim:

This letter is to recapitulate our meeting in your office on July 19, 1991.

Your guidance from City Council and the Community Development Department is that:

1. SL Ventures is to provide, for full review, a surveyed alignment of the Phase II R.O.W. to be dedicated to the public.
2. The Dalbys and thier representatives shall fully participate in the evaluation of the R.O.W. alignment with particular emphasis upon the specific location of the R.O.W. at the property's boundary.
3. The City Attorney shall be included in the review process and approve the Phase II Plat before it is Recorded.
4. The R.O.W. shall not be approved nor a Plat be allowed to be Recorded if the alignment is not reasonable and logical for the topography of the Dalby property.
5. The Plat for Phase I of the Horizon Glen subdivision shall not be Recorded before the Phase II Plat.

During our discussion, it is my understanding we agreed that:

6. You will notify me when the surveyed R.O.W. is submitted, and that I and my representatives will then meet with you at the site to physically examine the alignment portrayed on the submitted drawing.
7. The Phase II Plat will be thoroughly examined for accuracy of the survey provided by SL Ventures; and, if said survey does not conform to Dalby survey data, the County Surveyor will resolve the differences.
8. Should the Phase II Plat containing the R.O.W. be submitted at the last minute with a request for immediate Recording, then all Recordings of Horizon Glen subdivision Plats will be delayed until items 1 thru 7 above have been accomplished.

I was recently contacted by Mr. Bill Foster, President of SL Ventures, Inc. He informed me that SL Ventures is ready to set a Phase II R.O.W. alignment.

Mr. Foster stated that I would be allowed on their property to see where the R.O.W. was being aligned, but only if Mrs. Dalby and I give up to SL Ventures rights and interests in our property which have already been settled in Public Hearings.

In view of this requirement by SL Ventures, it appears that the R.O.W. alignment that will be submitted, will be solely the choice of SL Ventures.

It also appears that it will be necessary for Mrs. Dalby and me to rely heavily upon the eight points described above.

I shall wait for you to contact me when a R.O.W. alignment has been submitted.

Sincerely,



Walter L. Dalby

cc: Bennett Boeschenstein

Walter L. Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

July 25, 1991

Bennett Boeschenstein, Director
Community Development Department
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501
(303) 244-1430

RE: Horizon Glen - Phase II Right-Of-Way.

Dear Bennett:

On July 23rd, I was contacted by Bill Foster. He informed me that SL Ventures is ready to set a Phase II R.O.W. alignment.

Bill stated that I would be allowed on their property to see where the R.O.W. was being aligned, but only if Mrs. Dalby and I give up to SL Ventures rights and interests in our property which have already been settled in Public Hearings.

It did not seem reasonable that we be required to make such an agreement in order to see where the R.O.W. is being proposed by SL Ventures; therefore, I declined to do so. Demands of this nature have been continually made of us as a requirement for SL Ventures to reveal to us the alignment of the R.O.W. they propose. I do not think that such behavior is what City Council had in mind in the motions of the June 5th and July 3rd Hearings.

Mrs. Dalby and I shall rely upon the assurances you expressed to me in our meeting in your office on July 8, 1991.

Before that conversation becomes stale in my memory, let me recapitulate that meeting.

After informing me that City Council, in the July 3rd Hearing, had granted approval of the Final Plan & Plat for the Horizon Glen subdivision; both the Phase I Development and the Phase II ODP, you mentioned the relevant Council stipulations:

- A. That a R.O.W. shall be dedicated to the public in the Phase II Plat to provide for future traffic circulation.
- B. That the Phase I Plan & Plat shall not be Recorded until the Phase II R.O.W. has been approved and the Phase II Plat has been Recorded.
- C. That SL Ventures pay for the engineering, the survey, and the preparation of the Plat of Phase II containing the public R.O.W.

During our discussion, it is my understanding that you assured me that:

1. I and my representatives are to contribute to determining the most logical location of the Phase II R.O.W.; and, that no R.O.W. will be approved without our input.
2. Mr. Jim Shanks, Director of Public Works & Utilities, will coordinate with us and SL Ventures in order to align the Phase II R.O.W.; including physical examination of the R.O.W. layout at the site.
3. Should SL Ventures fail to provide an acceptable surveyed drawing of the Phase II R.O.W., then Mr. Shanks will stake it himself and have SL Ventures pay to shoot the survey of that alignment.
4. City Attorney Dan Wilson will be involved in the approval process when the Phase II Plat is submitted.

I commented to you in the meeting that neither I nor any of my representatives have ever seen a surveyed alignment of a Phase II R.O.W. Although we have been told by SL Ventures that one has existed since April. Consequently, despite the fact that my staff and I have been ready for three months to add our input on the location of the R.O.W., I have always been asked to accept an alignment that SL Ventures has kept entirely to itself. As I recall, you stated that you have never seen the surveyed R.O.W. drawing held by Armstrong Consultants, Inc.

As you suggested in the meeting, I have met with Jim Shanks. A recapitulation of that meeting is attached for your information.

Sincerely,



Walter L. Dalby

cc: Richard H. Krohn

Walter Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

November 25, 1991

HAND DELIVERY

Fred Weber, County Surveyor
Mesa County Surveying Department
531 White Avenue
Grand Junction, CO 81501
(303) 244-1822

RE: Horizon Glen Subdivision--Recorded Plat.

Dear Fred:

I have reviewed the recently recorded Horizon Glen Subdivision Plat and was amazed to find that:

Monuments, bearings, and distances that had been previously agreed to and accepted by surveyor Dennis W. Johnson are changed on the recorded Plat that was prepared by Armstrong Consultants, Inc.

The recorded Plat contains an important and damaging internal inconsistency where the sum of intermediate distances shown do not add up to the total distance shown.

I shall discuss the above items in detail later in this letter.

I also noticed several other obvious errors on the recorded Plat. Sheet 1 places the entire Subdivision in the SE 1/4 NE 1/4 of Section 2, but part of it is actually situated in the NE 1/4 NE 1/4 as the result of annexing County property for Lots 7 thru 9 into the Subdivision. Sheet 1's Legal Description contains one clearly incorrect bearing, one bearing that disagrees with the corresponding bearing shown on Sheet 2, and three bearings that are of exactly opposite compass headings of those shown on Sheet 2. The Surveyor's Certificate certifies that the Subdivision is a part of the County of Colorado.

I would like to refresh your memory as to what I attempted to accomplish regarding the Horizon Glen Subdivision's Final Plat.

I first came to you on July 31st with a 1972 survey of our property and with several drawings concerning Horizon Glen that had been submitted to the Community Development Department. Those drawings had been used in the City Council hearing on July 3rd where final approval was granted for the Subdivision.

Those Horizon Glen drawings had all been prepared by Armstrong Consultants, Inc., and I was concerned because those drawings not only contained inconsistencies among and within themselves, but also disagreed with a boundary survey of the properties I had seen that had been performed by one Dennis W. Johnson of Century Surveying. Mr. Johnson's survey, dated March 24, 1991, also markedly disagreed with my 1972 survey.

As the result of discussing the drawings prepared by Armstrong Consultants, the shortcomings of my 1972 survey, and upon determining that you were the proper Official to resolve any differences between surveys, I subsequently commissioned a current survey of our property by Merritt P. Dismant of Inter-mountain Technical Services, Inc. (ITS).

As you will recall, my objective was to provide an accurate current survey of our property for use in establishing undisputed property boundaries between our land and that of the upcoming Final Plat of the Horizon Glen Subdivision; and, to accurately locate a road ROW in that Subdivision (That ROW was later given the name of Horizon Glen Drive.). It was my understanding from you that it was much preferred that surveys be matched together and accepted by all parties before the act of recording the Subdivision Plat.

Accordingly, I instructed Merritt Dismant to prepare the most accurate survey possible. He therefore tied-down the entire quarter-quarter-section in which the subject properties are located. Mr. Dismant commented to me at the time of his preliminary survey, on August 29th, that it was surprising that no Johnson monuments had been found from Mr. Johnson's March 24th survey.

During September, I understand that Mr. Dismant and other ITS personnel had several conversations and meetings with you and with Mr. Johnson; and, that Mr. Johnson was present in your office with you and ITS personnel when the following items were mutually agreed to and accepted by Dennis Johnson and Merritt Dismant:

- A. The monument that had previously been set by surveyor Udell Williams at the SW Corner of the Dalby property.
- B. The three bearings and distances specified on Johnson's March 24th boundary survey which defined the Western boundary of the Dalby property.
- C. The monument set September 3rd by Merritt Dismant at the SE Corner of the Dalby property.

The acceptance by all parties of the above items produced proper closure on the Dismant survey and necessarily determined that the total distance of the Southern boundary of the Dalby property (i.e. from the Williams monument to the Dismant monument) must be the 870.44 feet portrayed on the Dismant survey. This therefore established that the total distance of the Northern boundary of Horizon Glen's LOT 17 + the 44-foot road ROW + LOT 18 must also equal exactly 870.44 feet, because it is the exact same boundary line.

The BASIS OF BEARINGS for both the Dismant survey and the March 24th Johnson survey is the North Line of the SE 1/4 NE 1/4 of Section 2, Township 1 South, Range 1 West, Ute Meridian. The same bearing of N 89° 54' 26" E was specified as the basis for both surveys. The only difference was that the Dismant survey showed a total distance of 1315.31 feet for that North Line while the Johnson survey showed 1315.30 feet (an insignificant difference of .01 foot). Given this, then the following distances along said North Line were established as:

From the BLM survey monument at the N 1/16 Corner of Section 2 to the NW Corner of the Dalby property must equal 470.03 feet (This distance was established by the Dismant survey; Johnson had not tied-down that distance in his survey and no intermediate distances are shown for that North

Line on the recorded Plat.).

Given the above, from the NW Corner of the Dalby property to the Mesa County survey monument at the N 1/16 Corner on the East Line of Section 2 must therefore equal 845.28 feet for the Dismant survey (i.e. $1315.31' - 470.03' = 845.28'$) and equal 845.27 feet for the Horizon Glen Subdivision Plat (i.e. $1315.30' - 470.03' = 845.27'$). Why the .01 foot difference was carried onto the Subdivision's Final Plat is beyond me.

It should also be noted that the March 24th Johnson survey contained the error of showing a bearing one-second greater on that North Line than was specified under his BASIS OF BEARINGS label. This error was also transferred to the Final Plat along with the .01 foot difference.

In October, you were provided with the Dismant survey (which you had very thoroughly reviewed for accuracy) for your use in reviewing the submission of the Horizon Glen Subdivision Final Plat. Since Mr. Dismant and Mr. Johnson, with your assistance, had already resolved all items which effected undisputed boundaries between the Dalby property and that of Horizon Glen Subdivision, I therefore anticipated that the Final Plat that was recorded would exactly match the boundaries and distances of the Dismant survey.

It is unfortunate that Dennis Johnson was unavailable and reportedly out of town when you were reviewing the Horizon Glen Subdivision Final Plat prepared and submitted for recording by Armstrong Consultants. Otherwise, the changes that Armstrong was making and the defects that showed up on the recorded Plat might have been avoided.

In any event, the items on the recorded Plat which most concern me are:

1. The bearing and distance agreed to and accepted for the boundary line from the Easternmost junction of Horizon Glen's LOT 11 and LOT 12 thence to the SW Corner of the Dalby property, was the bearing S 00°03'22" E for a distance of 60.57 feet. This bearing and distance was accepted exactly from Mr. Johnson's March 24th survey (The bearing appears on the Dismant survey as N 00°03'22" W for the same 60.57 foot distance.).

On the Armstrong recorded Plat, that bearing has changed to S 00°09'39" W with a distance of 60.60 feet. That bearing is totally incompatible with the previously agreed S 00°03'22" E bearing.

2. The monument that was agreed to and accepted at the SW Corner of the Dalby property was the one that had previously been set by Udell Williams.

That monument is no longer visible on the ground and has, in fact, been replaced by a Johnson monument set in concrete. This new monument is not reflected on the Armstrong recorded Plat.

3. The monument that was agreed to and accepted at the SE Corner of the Dalby property was the one set by Merritt Dismant on September 3rd.

A Johnson monument set in concrete has, in fact, been placed on the ground East of the Dismant monument. This new monument is reflected on the Armstrong recorded Plat.

4. The Armstrong recorded Plat indicates that the entire North Line of the SE 1/4 NE 1/4 of Section 2 (i.e. the BASIS OF BEARING line) is within 1 second and .01 foot of the bearing and distance of the Dismant survey.

Because the recorded Plat contains no intermediate distances on that North Line, there is no convenient way to accurately determine the distance on the Plat from the West terminus of that North Line to the NW Corner of the Dalby property; nor from the NW Corner of the Dalby property to the East terminus of that North Line.

If the previously agreed to and accepted distances along that North Line have been changed on the recorded Plat (as was the Southern boundary of the Dalby property line--see item #5 immediately following), it cannot be determined from just looking at the recorded Plat.

My previous "BASIS OF BEARINGS" discussion beginning in the next to last paragraph of Page 2 of this letter established what the distances in question above have to be in order for the recorded Plat to be correct.

5. The monuments that had been agreed to and accepted in items #2 and #3 above define the entire Southern boundary of the Dalby property; and consequently, the entire Northern boundary of Horizon Glen's LOT 17 + the road ROW + LOT 18.

The Armstrong recorded Plat not only disagrees with the previously accepted total distance, but also disagrees with itself:

- a. The recorded Plat shows the entire Southern boundary of the Dalby property to be 870.51 feet.
- b. The recorded Plat shows the Northern boundary of Horizon Glen's LOT 17 to be 380.00 feet, the road ROW to be 44.00 feet, and LOT 18 to be 446.28 feet. These distances, which comprise exactly the same boundary line described in a. immediately above, total 870.28 feet.
- c. Please recall that the distance which Mr. Johnson had agreed to and accepted in September was 870.44 feet (see the third paragraph from the bottom on Page 2 of this letter).

My Legal Counsel is particularly concerned about the above discrepancies in distances because it makes the precise legal location of the Horizon Glen Drive ROW not only ambiguous, but indeterminate.

In addition, errors of that nature beg the question of whether the Curve and Tangent data and distances specified on the recorded Plat describe a road ROW that actually reaches from Horizon Drive all the way to the Dalby property.

In conclusion, I feel that items #1 thru #5 above destroy the integrity of the boundary lines between the Dalby property and that of Horizon Glen Subdivision. I also fear that the legal location of the Horizon Glen Drive ROW has been impaired.

Given the apparent quality of Armstrong's work, I request that the ROW Curve and Tangent data as described on the recorded Plat be verified to determine

that Horizon Glen Drive does, in fact, reach from Horizon Drive all the way to the Dalby Property.

I am confident that you will take all necessary steps to:


Finally re-establish the conditions agreed to between Dennis Johnson and Merritt Dismant in September.

See to it that the boundaries between Dalby property and Horizon Glen Subdivision property on the recorded Plat match the boundaries specified on the Dismant survey.

Verify that the Horizon Glen Drive ROW data on the recorded Plat is completely accurate.

Please inform me of the actions to be taken in this matter.

Sincerely,


Walter Dalby

C.C.: Dan Wilson
Bennett Boeschenstein
Merritt Dismant
Richard Krohn

Central Banks

Corporate Resolution Authorizing Establishment of Depository Accounts and Signing of Checks

BANK USE ONLY
Date 11-6-91 Type DDA
Account No. 9146592
Officer No. 866
Initials LA

S.L. Ventures, Inc.
(EXACT CORPORATE NAME)
422 White Ave., Suite 323, Grand Junction, CO 81501
(ADDRESS)
84-0785327
(TAX IDENTIFICATION NUMBER)

RESOLVED, that Central Bank Grand Junction, N.A. Grand Junction
(BANK NAME) (CITY)

COLORADO (hereinafter called "Bank"), be and it is hereby designated as depository for the funds of the above named corporation, including by way of explanation and not limitation, demand, savings and time deposits, and that the Bank be and it is hereby authorized to accept for credit to this corporation and/or collection any and all bills and notes payable to the corporation or in which it may have an interest when endorsed in the name of this corporation in writing, by rubber stamp or otherwise, with or without a designation of the party making such endorsement, and that all transactions in connection therewith shall be governed by the conditions, rules, regulations, customs and practices now or hereafter adopted or practiced by the Bank, including but not limited to those pertaining to collections, interest and service charges, etc. and that, as duly and regularly elected and/or appointed:

PRINT OR TYPE below ONLY the names and titles of persons authorized to sign.
(If you intend to use facsimile signatures or rubber stamps, place them below.)

William E. Forster, II

President

or Timothy E. Foster

Secretary

and Mark Achen

(Here indicate which of the above must sign. Thus: any one; any two; etc.)

TWO

be and they are hereby authorized to withdraw said funds from said depository on the check or order of the corporation, signed as aforesaid, or by appropriate authorization, and that the said officers authorized to withdraw funds be and they are hereby authorized to endorse and receive payment of bills and notes payable to the corporation, and the said bank is hereby authorized to pay any such instruments so signed or endorsed and presented to it for payment, including those drawn to the individual order of any officer or other person authorized to sign the same; and that said bank is relieved from any duty to inquire as to dispositions of proceeds of instruments so drawn, signed, or endorsed; and be it.

FURTHER RESOLVED: That when a rubber stamp or facsimile signature is used, the Bank need not ascertain the authority of the party affixing the signature and the corporation shall hold Bank harmless from any claim arising therefrom; and be it.

FURTHER RESOLVED: That said authority conferred shall remain in full force until written notice of the revocation thereof by the Board of Directors of this Corporation shall have been received by said depository, and that the Secretary be and is hereby authorized to deliver to the Bank a certified copy of this resolution and to certify to the Bank the true and correct signatures of the above named officers.

Secretary's Certificate

I, Timothy E. Foster, do hereby certify that I am the duly appointed, qualified and acting Secretary of S.L.Ventures, Inc.
(CORPORATION)

a corporation organized and existing under and by virtue of the laws of the State of Colorado and I further certify that the foregoing is a full, true and correct copy of a resolution adopted at a meeting of the Board of Directors of the corporation duly and regularly held on the ___ day of ___, 19___ at which a quorum of the said corporation was present and acting, and I further certify that said Resolution is in full force and effect and has not been vacated or set aside and that the signatures of the respective officers of said corporation appearing on the signature cards attached hereto are the true signatures of the respective officers whose signatures they purport to be.

CORPORATE SEAL

PRESIDENT'S SIGNATURE

CORPORATE SECRETARY'S SIGNATURE



**Central Bank
Grand Junction**
National Association
Member F.D.I.C.

Official Receipt

Deluxe 881093E

DEPOSITS MAY NOT BE AVAILABLE
FOR IMMEDIATE WITHDRAWAL.

Checks and other items received for deposit are subject to the terms and conditions of this bank's rules and regulations governing bank accounts, "To Our Depositors", as they may be amended from time to time. All items accepted for deposit are subject to later count and verification.

* 04 30 322 01 032 07NOV91 09.21

047

CREDIT ***138.370.00

DDA 0914659-2

DDA CHK DEF

071-0175 NS

Walter Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

November 25, 1991

HAND DELIVERY

Dan Wilson, City Attorney
City of Grand Junction
City Hall
250 North Fifth Street
Grand Junction, CO 81501
(303) 244-1505

RE: Horizon Glen Subdivision--Recorded Plat.

Dear Dan:

I warned you it would happen.

You assured me that it would not be allowed to happen.

It happened!

Detailed letter to follow.

*copy all to:
Jim S
John S
Bennett B*

Sincerely,

Walt Dalby
Walter Dalby

C.C.: Richard Krohn

Walter Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

November 25, 1991

HAND DELIVERY

Fred Weber, County Surveyor
Mesa County Surveying Department
531 White Avenue
Grand Junction, CO 81501
(303) 244-1822

RE: Horizon Glen Subdivision--Recorded Plat.

Dear Fred:

I have reviewed the recently recorded Horizon Glen Subdivision Plat and was amazed to find that:

Monuments, bearings, and distances that had been previously agreed to and accepted by surveyor Dennis W. Johnson are changed on the recorded Plat that was prepared by Armstrong Consultants, Inc.

The recorded Plat contains an important and damaging internal inconsistency where the sum of intermediate distances shown do not add up to the total distance shown.

I shall discuss the above items in detail later in this letter.

I also noticed several other obvious errors on the recorded Plat. Sheet 1 places the entire Subdivision in the SE 1/4 NE 1/4 of Section 2, but part of it is actually situated in the NE 1/4 NE 1/4 as the result of annexing County property for Lots 7 thru 9 into the Subdivision. Sheet 1's Legal Description contains one clearly incorrect bearing, one bearing that disagrees with the corresponding bearing shown on Sheet 2, and three bearings that are of exactly opposite compass headings of those shown on Sheet 2. The Surveyor's Certificate certifies that the Subdivision is a part of the County of Colorado.

I would like to refresh your memory as to what I attempted to accomplish regarding the Horizon Glen Subdivision's Final Plat.

I first came to you on July 31st with a 1972 survey of our property and with several drawings concerning Horizon Glen that had been submitted to the Community Development Department. Those drawings had been used in the City Council hearing on July 3rd where final approval was granted for the Subdivision.

Those Horizon Glen drawings had all been prepared by Armstrong Consultants, Inc., and I was concerned because those drawings not only contained inconsistencies among and within themselves, but also disagreed with a boundary survey of the properties I had seen that had been performed by one Dennis W. Johnson of Century Surveying. Mr. Johnson's survey, dated March 24, 1991, also markedly disagreed with my 1972 survey.

As the result of discussing the drawings prepared by Armstrong Consultants, the shortcomings of my 1972 survey, and upon determining that you were the proper Official to resolve any differences between surveys, I subsequently commissioned a current survey of our property by Merritt P. Dismant of Inter-mountain Technical Services, Inc. (ITS).

As you will recall, my objective was to provide an accurate current survey of our property for use in establishing undisputed property boundaries between our land and that of the upcoming Final Plat of the Horizon Glen Subdivision; and, to accurately locate a road ROW in that Subdivision (That ROW was later given the name of Horizon Glen Drive.). It was my understanding from you that it was much preferred that surveys be matched together and accepted by all parties before the act of recording the Subdivision Plat.

Accordingly, I instructed Merritt Dismant to prepare the most accurate survey possible. He therefore tied-down the entire quarter-quarter-section in which the subject properties are located. Mr. Dismant commented to me at the time of his preliminary survey, on August 29th, that it was surprising that no Johnson monuments had been found from Mr. Johnson's March 24th survey.

During September, I understand that Mr. Dismant and other ITS personnel had several conversations and meetings with you and with Mr. Johnson; and, that Mr. Johnson was present in your office with you and ITS personnel when the following items were mutually agreed to and accepted by Dennis Johnson and Merritt Dismant:

- A. The monument that had previously been set by surveyor Udell Williams at the SW Corner of the Dalby property.
- B. The three bearings and distances specified on Johnson's March 24th boundary survey which defined the Western boundary of the Dalby property.
- C. The monument set September 3rd by Merritt Dismant at the SE Corner of the Dalby property.

The acceptance by all parties of the above items produced proper closure on the Dismant survey and necessarily determined that the total distance of the Southern boundary of the Dalby property (i.e. from the Williams monument to the Dismant monument) must be the 870.44 feet portrayed on the Dismant survey. This therefore established that the total distance of the Northern boundary of Horizon Glen's LOT 17 + the 44-foot road ROW + LOT 18 must also equal exactly 870.44 feet, because it is the exact same boundary line.

The BASIS OF BEARINGS for both the Dismant survey and the March 24th Johnson survey is the North Line of the SE 1/4 NE 1/4 of Section 2, Township 1 South, Range 1 West, Ute Meridian. The same bearing of N 89°54'26" E was specified as the basis for both surveys. The only difference was that the Dismant survey showed a total distance of 1315.31 feet for that North Line while the Johnson survey showed 1315.30 feet (an insignificant difference of .01 foot). Given this, then the following distances along said North Line were established as:

From the BLM survey monument at the N 1/16 Corner of Section 2 to the NW Corner of the Dalby property must equal 470.03 feet (This distance was established by the Dismant survey; Johnson had not tied-down that distance in his survey and no intermediate distances are shown for that North

Line on the recorded Plat.).

Given the above, from the NW Corner of the Dalby property to the Mesa County survey monument at the N 1/16 Corner on the East Line of Section 2 must therefore equal 845.28 feet for the Dismant survey (i.e. $1315.31' - 470.03' = 845.28'$) and equal 845.27 feet for the Horizon Glen Subdivision Plat (i.e. $1315.30' - 470.03' = 845.27'$). Why the .01 foot difference was carried onto the Subdivision's Final Plat is beyond me.

It should also be noted that the March 24th Johnson survey contained the error of showing a bearing one-second greater on that North Line than was specified under his BASIS OF BEARINGS label. This error was also transferred to the Final Plat along with the .01 foot difference.

In October, you were provided with the Dismant survey (which you had very thoroughly reviewed for accuracy) for your use in reviewing the submission of the Horizon Glen Subdivision Final Plat. Since Mr. Dismant and Mr. Johnson, with your assistance, had already resolved all items which effected undisputed boundaries between the Dalby property and that of Horizon Glen Subdivision, I therefore anticipated that the Final Plat that was recorded would exactly match the boundaries and distances of the Dismant survey.

It is unfortunate that Dennis Johnson was unavailable and reportedly out of town when you were reviewing the Horizon Glen Subdivision Final Plat prepared and submitted for recording by Armstrong Consultants. Otherwise, the changes that Armstrong was making and the defects that showed up on the recorded Plat might have been avoided.

In any event, the items on the recorded Plat which most concern me are:

1. The bearing and distance agreed to and accepted for the boundary line from the Easternmost junction of Horizon Glen's LOT 11 and LOT 12 thence to the SW Corner of the Dalby property, was the bearing $S 00^{\circ}03'22'' E$ for a distance of 60.57 feet. This bearing and distance was accepted exactly from Mr. Johnson's March 24th survey (The bearing appears on the Dismant survey as $N 00^{\circ}03'22'' W$ for the same 60.57 foot distance.).

On the Armstrong recorded Plat, that bearing has changed to $S 00^{\circ}09'39'' W$ with a distance of 60.60 feet. That bearing is totally incompatible with the previously agreed $S 00^{\circ}03'22'' E$ bearing.

2. The monument that was agreed to and accepted at the SW Corner of the Dalby property was the one that had previously been set by Udell Williams.

That monument is no longer visible on the ground and has, in fact, been replaced by a Johnson monument set in concrete. This new monument is not reflected on the Armstrong recorded Plat.

3. The monument that was agreed to and accepted at the SE Corner of the Dalby property was the one set by Merritt Dismant on September 3rd.

A Johnson monument set in concrete has, in fact, been placed on the ground East of the Dismant monument. This new monument is reflected on the Armstrong recorded Plat.

4. The Armstrong recorded Plat indicates that the entire North Line of the SE 1/4 NE 1/4 of Section 2 (i.e. the BASIS OF BEARING line) is within 1 second and .01 foot of the bearing and distance of the Dismant survey.

Because the recorded Plat contains no intermediate distances on that North Line, there is no convenient way to accurately determine the distance on the Plat from the West terminus of that North Line to the NW Corner of the Dalby property; nor from the NW Corner of the Dalby property to the East terminus of that North Line.

If the previously agreed to and accepted distances along that North Line have been changed on the recorded Plat (as was the Southern boundary of the Dalby property line--see item #5 immediately following), it cannot be determined from just looking at the recorded Plat.

My previous "BASIS OF BEARINGS" discussion beginning in the next to last paragraph of Page 2 of this letter established what the distances in question above have to be in order for the recorded Plat to be correct.

5. The monuments that had been agreed to and accepted in items #2 and #3 above define the entire Southern boundary of the Dalby property; and consequently, the entire Northern boundary of Horizon Glen's LOT 17 + the road ROW + LOT 18.

The Armstrong recorded Plat not only disagrees with the previously accepted total distance, but also disagrees with itself:

- a. The recorded Plat shows the entire Southern boundary of the Dalby property to be 870.51 feet.
- b. The recorded Plat shows the Northern boundary of Horizon Glen's LOT 17 to be 380.00 feet, the road ROW to be 44.00 feet, and LOT 18 to be 446.28 feet. These distances, which comprise exactly the same boundary line described in a. immediately above, total 870.28 feet.
- c. Please recall that the distance which Mr. Johnson had agreed to and accepted in September was 870.44 feet (see the third paragraph from the bottom on Page 2 of this letter).

My Legal Counsel is particularly concerned about the above discrepancies in distances because it makes the precise legal location of the Horizon Glen Drive ROW not only ambiguous, but indeterminate.

In addition, errors of that nature beg the question of whether the Curve and Tangent data and distances specified on the recorded Plat describe a road ROW that actually reaches from Horizon Drive all the way to the Dalby property.

In conclusion, I feel that items #1 thru #5 above destroy the integrity of the boundary lines between the Dalby property and that of Horizon Glen Subdivision. I also fear that the legal location of the Horizon Glen Drive ROW has been impaired.

Given the apparent quality of Armstrong's work, I request that the ROW Curve and Tangent data as described on the recorded Plat be verified to determine

that Horizon Glen Drive does, in fact, reach from Horizon Drive all the way to the Dalby Property.

I am confident that you will take all necessary steps to:

Firmly re-establish the conditions agreed to between Dennis Johnson and Merritt Dismant in September.

See to it that the boundaries between Dalby property and Horizon Glen Subdivision property on the recorded Plat match the boundaries specified on the Dismant survey.

Verify that the Horizon Glen Drive ROW data on the recorded Plat is completely accurate.

Please inform me of the actions to be taken in this matter.

Sincerely,


Walter Dalby

C.C.: Dan Wilson
Bennett Boeschenstein
Merritt Dismant
Richard Krohn

Walter Dalby
555 Piñon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

December 4, 1991

HAND DELIVERY

Mark Eckert, County Administrator
Mesa County
750 Main Street
Grand Junction, CO 81501

(303) 244-1602

RE: Replat Lot Two Foster Subdivision--Recorded Plat.

Dear Mr. Eckert:

On November 6, 1991, a Replat of Lot Two of the Foster Subdivision was recorded in the records of the Mesa County Clerk & Recorder in Plat Book 14 at Page 22 (full-sized mylar in Drawer Z-20):

- I. The manner in which that Replat came to be recorded was highly irregular and in violation of the established procedures of Mesa County governing the review, approval, and recording of subdivisions.
- II. The Replat that was recorded:
 - A. Was incorrect as to ownership of the property.
 - B. Was incorrect as to legal description.
 - C. Was incorrect as to survey data.
 - D. Was ambiguous in its vacation of property to the public for right-of-way purposes.
 - E. Was incorrectly monumented on the ground.
 - F. Contained several typographical errors.

The above two items are discussed in the following two SECTIONS, after which I offer my conclusions and recommendations.

- - - - -

SECTION I - Irregularities in Review, Approval, and Recording.

Sequence of Events.

Subject Replat was apparently taken by Petitioner to the Mesa County offices on or about Thursday, October 24, 1991, where signatures of approval were secured for the County Planning Commission Certificate and for the Utilities

Coordination Committee Certificate.

Subject Replat was apparently then taken by Petitioner or its representative to Mesa County Surveyor Fred Weber on Friday, October 25, 1991, for survey review:

The Replat at that time was nothing more than a casually altered drawing prepared by Armstrong Consultants, Inc., and displayed in the final Board of County Commissioners hearing on June 18, 1991, where the Replat proposal was approved.

The Replat given to the County Surveyor on October 25th was totally inaccurate in legal ownership, legal description, survey of boundaries, depiction of streets and right-of-way, and, in the language and depiction of a re-dedication of property to the public for use as a right-of-way.

During review by the County Surveyor, the Petitioner or its representatives apparently retrieved the Replat for modification and/or correction on one or more occasions.

On November 5, 1991, Petitioner or its representative took the Replat and secured the last remaining approval signature required for the Board of County Commissioners Certificate.

On November 5 or 6, 1991, Petitioner or its representative placed the now completely signed Replat directly into the hands of the Grand Junction Community Development Department for purposes of recording in the records of Mesa County.

At 3:05 P.M. on the afternoon of November 6, 1991, subject Replat was accepted and recorded by the Mesa County Clerk & Recorder.

Irregularities of Replat Recording.

Planner Linda Dannenberger was the Mesa County Planning Department's representative on this Replat proposal from the outset. Although Ms. Dannenberger had been fully involved in the processing of the Replat proposal clear thru the plan's final approval by the Board of County Commissioners on June 18, 1991, she was completely left out of the process once the Replat had been submitted for signed approval and recording:

NOTE: Linda has corrected me here. She didn't get any look from Logue or the Fosters. It is my understanding that on or about October 25, 1991, Ms. Dannenberger was briefly shown the Replat by Tim Logue of Armstrong Consultants, Inc., who then took it with him when he departed.

It is my understanding that Ms. Dannenberger never again saw the Replat until after it was recorded on November 6th; therefore, she had no opportunity to review the Replat for suitability, accuracy, and compliance.

It was surprising to learn that the City of Grand Junction Community Development Department had apparently taken it upon itself to receive possession of a Mesa County Replat from outside of established channels, and proceeded to record it without consultation with the Mesa County Planning Department Staff-member responsible for that Replat's recording.

Throughout the approval and recording process, Petitioner and its representa-

tives apparently maintained custody of the Replat and moved it from place to place themselves. Because of that, longstanding questions regarding legal description and legal ownership that Ms. Dannenberger wanted to address were avoided; as was the knowledgeable review that she could bring to bear on the Replat's suitability for recording.

Prior Instances of Irregularities in the Subdivision Process.

This latest incident is not the first time Foster family members have been involved in irregularities in the subdivision process in Mesa County.

In 1980, the original Plat of the Foster Subdivision underwent substantial changes between the time it was reviewed and the time it was recorded (I refer your attention to Mesa County Planning Department file C 7-80 which contains a letter with revealing exhibits attached that was addressed to then Chairman of the County Commissioners Rick Enstrom from Thomas C. Calvert, Jr., Chairman of the Utilities Coordinating Committee.).

In that 1980 incident, not only was utility service to a customer jeopardized, but the unimproved portion of Cascade Drive, a dedicated public right-of-way that the Dalby family depended upon for access to the Western area of our property, was impaired by vacateing part of its width where the right-of-way adjoined the Foster property.

In July of 1989, an Exemption Application was introduced by Margaret and Tim Foster ostensibly to perform an adjustment of a property line. As you know, such a request is exempt from the full subdivision and public hearings process and is normally performed administratively within the Utilities Coordinating Committee (see County Planning Department file C 7-80 which contains Exemption Application EX-38-90 dated July 17, 1989).

As that Exemption Application progressed however, the Petitioner added more and more new elements until it grew from merely a change in one boundary line into a replat of the entire Subdivision; incorporating additional land, establishing a new right-of-way to the Petitioner's Southern property in the City, and vacateing the Cascade Drive right-of-way in its entirety (I gathered this information in March of this year from County Engineer Steve Sharpe, County Engineering Coordinator Douge Wygent, and from Linda Dannenberger.).

The Cascade Drive right-of-way that Fosters were attempting to now vacate entirely, without benefit of due process and public hearings, is the same right-of-way they had succeeded in impairing in 1980 in the substantial changes that occurred in the reviewed Flat versus the recorded Flat. I point out here that, had the Exemption Application been successful, the vacation of the entire unimproved portion of Cascade Drive would have been achieved without notice, and the Dalby interests would have completely lost any reasonable access to the Western acreage of their property.

At any rate, that Exemption Application percolated in Mesa County for a full year until June 1, 1990, when a letter was issued informing Petitioner that the request would be required to go thru formal subdivision procedures and the public hearings process (see Planning Department file C 7-80 which contains a letter dated June 1, 1990, to Tim Foster from Mesa County Planner Keith Fife).

When to above requirement was made, the Exemption Application was withdrawn.

On December 31, 1990, a Quit Claim Deed was recorded by Margaret Foster distributing to her seven children Parcels 1, 2, & 3 comprising the entire 10+ acres of the Dalby property plus a 4th Parcel which was part of Lot Two of the Foster Subdivision (see Book 1818, Pages 465 & 466 of the records of the Mesa County Clerk & Recorder). That deed was duly processed by the Mesa County Assessor's Office and recorded in the Ownership files.

The result of the above invalid deed put a cloud on the title to the Dalby property by a person who had no ownership whatsoever to convey in that property. In addition, it created an erroneous and deceptive chain-of-title in the files of the Mesa County Assessor's Office.

On February 26, 1991, a Correction Quit Claim Deed was recorded by Margaret Foster distributing to her seven children a part of Lot Two of the Foster Subdivision plus two contiguous parcels of her property which were within the City of Grand Junction (see Book 1825, Pages 574 & 575 of the Mesa County Clerk's records). This deed conveyed property that Margaret Foster did indeed own, but:

It also accomplished a split of Lot Two of the Foster Subdivision by means other than the required Mesa County Planning subdivision process.

And, although the correction deed lifted the cloud from the Title to the Dalby property, when that deed was duly processed by the Assessor's Office, because no Dalby property was contained in the legal descriptions of that correction deed, no change was made in the files of the Assessor's Office.

The difficulty with the Ownership files in the Assessor's Office is that the invalid December 31st deed's Book and Page references cannot be expunged. And, the latest Book and Page references in those Ownership files, when looked up in the Clerk & Recorder's Office and read, say that Margaret Foster conveyed the Dalby property to her seven children.

The only way that these references to an invalid deed can be corrected is by another recorded document containing descriptions of the Dalby Parcels being duly processed by the Assessor's Office; until then, the Ownership files remain incorrect.

On March 29, 1991, seven deeds were recorded (see Book 1829, Pages 980 thru 991 of the County Clerk's records) wherein each of the Foster children individually Quit Claim deeded their interests in the Foster properties to DYNOVE, Ltd., a Colorado corporation of which Bill Foster was President and Tim Foster was Secretary. The irregular split of Lot Two of the Foster Subdivision accomplished on February 26th now resided in a corporate entity.

On April 24, 1991, a Pre-Application conference was conducted by Linda Dannanberger with SL Ventures, Inc., another Colorado corporation of which Bill Foster is President and Tim Foster is Secretary. That conference began the process of the submission of the subject Replat of Lot Two of the Foster Subdivision in order for SL Ventures to incorporate part of that lot into a subdivision in the City of Grand Junction (see Planning Department file C 42-91 for "Pre-app" notes dated April 24, 1991).

On May 10, 1991, Bill Foster was informed that the Mesa County Planning Department had become aware that compliance with both State and County regula-

tions had been disregarded in the splitting of Lot Two of the Foster Subdivision by means of the February 26th Correction Quit Claim Deed from Margaret Foster to her seven children (see Planning file C 42-91 which contains a letter dated May 10, 1991, to Bill Foster from Linda Dannenberger). Mr. Foster was also informed that proper evidence of title was required before the upcoming Mesa County Planning Commission hearing on May 16, 1991.

On May 14, 1991, apparently the Mesa County Planning Department was provided with a copy of an unrecorded Quit Claim Deed executed on that date by Bill Foster as President and Tim Foster as Secretary of the Colorado corporation DYNOVE, Ltd. (see Planning file C 42-91). This deed conveyed the property held by DYNOVE, Ltd., to SL Ventures, Inc., the Colorado corporation that was Petitioner for the subject Replat of Lot Two of the Foster Subdivision.

Apparently that effort was to make SL Ventures, Inc., the owner of the property in the Replat as a cure to the problem of ownership addressed in Linda Dannenberger's letter to Bill Foster of May 10th.

On May 16, 1991, Abstract & Title Company of Mesa County, Inc., telecopied confirmation as to the ownership of the property involved in the Replat to Linda Dannenberger (see Planning file C 42-91). That telecopy showed that Margaret Foster and SL Ventures, Inc., were now the owners of the property involved in the Replat--this removed the issue of DYNOVE, Ltd., as an owner.

However, the description of the property owned by Margaret Foster and the description of the property now owned by SL Ventures, Inc., still described the configuration of the two holdings to be the same as that created by the February 26th Correction Quit Claim Deed that accomplished the irregular split of Lot Two.

That ownership configuration had not, to my knowledge, changed as of November 6th when the Replat was recorded. It is important to note that that ownership configuration is, in fact, different than that depicted on the November 6th recorded Replat. If that ownership configuration had not changed as of November 6th, then Margaret Foster does not, in fact, own all of Lot "A" on the recorded Replat; SL Ventures, Inc., owns a significant portion in the Western part of Lot "A".

Therefore, both the statement of ownership and the legal description of Lot "A" on the recorded Replat are substantially incorrect.

On June 18th, in the County Commissioners final public hearing on the Replat proposal, the Replat drawing on display for that hearing had been prepared for Petitioner by Armstrong Consultants, Inc. It was pointed out at that hearing that the street of Homestead Road, and the unimproved portion of Cascade Drive, were both mis-represented. All roadways on the drawing were shown as all being the same width along their entire length. The drawing should have portrayed the 1980 vacations that had reduced the width of both Homestead Road and the portion of Cascade Drive that lies adjacent to the Foster property.

Finally, the Mesa County Board of Commissioners approved the Replat in the June 18th hearing subject to, among other things, that the 10-foot of the Cascade Drive right-of-way that had been vacated in 1980 be re-dedicated as public right-of-way in the Replat in order to restore Cascade Drive to 50-foot

wide along its entire length.

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SECTION II - Defects in Recorded Replat.

I have examined the Replat Lot Two Foster Subdivision recorded November 6, 1991, in the records of the Mesa County Clerk & Recorder and find the following defects:

A. Ownership:

As discussed in the preceding SECTION, to the best of my knowledge, Margaret E. Foster did not own all of Lot A when she signed the document or when it was recorded.

B. Legal Description:

If A. above is true, then the legal description of the property on the Replat is perforce incorrect.

C. Survey Data:

1. There is no Bearing and Distance on the North end of the area to be vacated. The N 89° 58' 24" E Bearing and 135.68 foot Distance at the Northern boundary of LOT A extends 10 feet beyond the lot's Northeast corner.
2. The Bearing at the South boundary of the "E X C E P T I O N" lot should be the same as the BASIS OF BEARINGS--they are the same line.
3. No widths are shown for any roadways; Cascade Drive is 50-foot wide North of Homestead Road, 40-foot wide at the area of re-dedication, and 50-foot wide South of LOT A; Homestead Road is 40-foot wide.

D. Re-dedication:

1. The Replat's only reference to any vacation whatsoever is the label--stated in the future tense--located within LOT A saying: "VACATED 10' ROW TO BE DEDICATED HEREON". No language of intent to vacate exists in the Dedication.
2. The 1980 Plat was very specific in a separate Certificate of Vacation that was signed by the Chairwoman of the County Commissioners when property was being vacated from the public to the Foster lot.
3. Legal Counsel has advised me that the vacation on the recorded Replat is ambiguous.
4. The Mesa County Assessor's Office cannot assure me that the vacation on the recorded Replat is unambiguous; and has, in fact, suggested that a title company be consulted for an "opinion" as to the status of the vacation depicted.

E. Monumentation:

Of the seven "5/8 IN. REBAR AND MDNUMENT CAP SET BY LS 16835 IN CONCRETE" shown on the drawing and specified in the Legend, only the monument shown at the Northeast corner of the "E X C E P T I O N" parcel dedicted on the Replat could be found as of November 17, 1991. Therefore, the new North-ern and Eastern boundaries of LOT A, and the vacated area, cannot be determined "on the ground" as the drawing indicates should be possible.

F. Typographical Errors.

1. Three minor typographical errors exist between the Dedication heading and the first signature line.
2. The Title Block in the lower right corner of the Replat should locate the Township in R1W, UM.

- - - - -

CONCLUSIONS:

The Foster interests and their representatives have exhibited a documented pattern of abuse of the Mesa County Planning subdivision process. In the current instance, the trust of the County that established procedures and re-quirements would be observed was violated.

In addition, the requirement of the Board of Mesa County Commissioners that 10-feet of Cascade Drive be restored to the public right-of-way was done in such a manner on the Replat that it was damageing at the outset, and is, at best, vague and ambiguous in the recorded version of the Replat.

In view of the question of ownership, the documented defects on the Replat itself, and the irregularities that occurred in the approval and recording process, the Replat should not be allowed to stand as recorded.

More should be required of Petitioner than Affidavits of Correction to cure survey defects and after-the-fact deeds to make ownership conform to the already recorded Replat.

RECOMMENDATIONS:


- a. That Mesa County require that a Correction Replat (containing no signatures of approval) be prepared and submitted for review, approval, and recording.
- b. That Mesa County require that the missing permanent, concreted, surveyor's monuments that are depicted on the currently recorded Replat be accurately placed on the ground before the Correction Replat is approved.
- c. That Mesa County prepare and require execution of a Warranty Deed vacate-ing the required property for re-dedication to the public right-of-way before the Correction Replat is approved.
- d. That Mesa County require the execution of an Affidavit of Correction pre-pared by my Attorney to cure the invalid deed from the files of the Mesa County Assessor's Office before the Correction Replat is approved; and

require that Petitioner pay reasonable costs of preparation and recording of said affidavit.

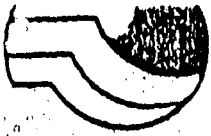
The above recommendations will achieve a satisfactory Replat, create an absolute intent to re-dedicate the property to the public right-of-way, and provide a needed degree of education in the requirements of the Mesa County Planning subdivision process.

Please inform me and my Attorney, Richard Krohn, of the actions to be taken in this matter.

Sincerely,


Walter Dalby

C.C.: Lyle Dechant, County Attorney
Richard Krohn, Dufford, Waldeck, Milburn, & Krohn



Mesa County Department of Public Works
Division of Planning

(303) 244-1636

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

M E M O

TO: Bob Carman, Public Works Director
VIA: Mike Joyce, Director of Planning
FROM: Linda Dannenberger, Planner
DATE: December 5, 1991
SUBJECT: Replat of Lot 2, Foster Subdivision Plat Recordation

As you are aware, the above-referenced plat was recorded evidently circumventing the normal Planning Division supervision of the final plat process. The City of Grand Junction was involved only due to a circumstantial agreement to jointly record the Horizon Glen Subdivision and Replat of Foster Sub plats to ensure agreement of all information to go on record.

In the past, to accomplish the 30-day plat finalization process, promised the petitioner, the Planning Division has not obtained the plat signatures in any particular order. Once the plat was approved by the County Surveyor, however, the petitioner could not obtain possession of the plat. Planning personnel hand carry it for other signatures from that point on and the planner in charge of the project checks the plat and all plat documents for correctness and completeness. A planning technician then records all necessary information. This process works 99% of the time and we would not recommend restricting flexibility to penalize the majority. We have, however, re-emphasized our agreement with Fred Weber to release approved plats only to Planning Division employees.

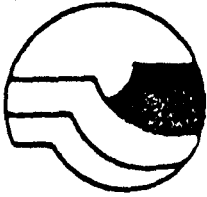
Since I did not get a chance to review the subdivision plat to find the numerous errors, Mike and I wholeheartedly endorse the following 4-point recommendation listed by Walt Dalby in his letter to Mark Eckert dated December 4, 1991.

- a. A correction replat should definitely be filed considering the description and monumentation errors discovered, ambiguous language regarding right-of-way dedication and most importantly incorrect representation of ownership. The County should immediately file an Affidavit invalidating the recorded plat to clearly establish our nonparticipation in this filing.
- b. All monuments on the plat should be set and inspected by the County before acceptance of the new plat.
- c. A warranty deed is not normally required when right-of-way is correctly dedicated on the plat. In this case, since so much effort was invested to cloud that dedication, we believe the extra step is warranted.

MEMO - Replat of Lot 2, Foster Sub
December 5, 1991
Page 2

d. We would be happy to help the affected adjacent property owner (Mr. Dalby) obtain correction documents to show correct chain of title in the County Assessor's records. Lyle may have a problem with this.

If you would like to discuss this further, please call me at extension 1775.



Mesa County Department of Public Works
Division of Planning

(303) 244-1636

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

PROJECT FOLLOW-UP REVIEW
REPLAT OF LOT 2, FOSTER SUBDIVISION, C42-91
December 13, 1991

The Replat of Lot 2, Foster Subdivision was approved on June 18, 1991. The petitioner spent several months subsequent finalizing plat work for Horizon Glen Subdivision, a development adjacent to this property. Then, on November 6, 1991 this replat was recorded by Bill Foster concurrently with the Horizon Glen Subdivision plat without review by the County Planning Division and without the required accompanying plat documents.

The following was discovered as a result of this replat bypassing Planning's supervision of the recordation process:

1. Incorrect representation of ownership on the plat;
2. Numerous survey errors;
3. Lack of monumentation along Cascade Drive; and
4. Ambiguous description of the Cascade Drive dedication.

An adjacent property owner has also been negatively affected during this subdivision process in two ways. First, the proper and correct dedication of Cascade Drive is necessary to ensure access to the west portion of Mr. Dalby's property. Second, Mr. Dalby's property records are now incorrect. A deed recorded December 31, 1990, transferring a portion of Lot 2 from Margaret Foster to the Foster children, included Mr. Dalby's property to the east. A deed was filed to repair the description, but since Mr. Dalby's property was not involved in the correction, his property records still reflect that transfer of ownership.

The Planning Division recommends the following steps be taken to rectify the situation:

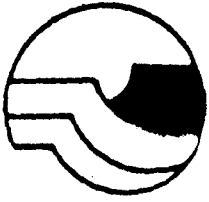
- a. A correction replat should be filed to remedy the description and monumentation errors discovered, ambiguous language regarding right-of-way dedication and most importantly incorrect representation of ownership.
- b. All monuments on the plat should be set in the ground and inspected by the County before acceptance of the new plat. The County Surveyor has been working for several weeks with the petitioner's surveyor to obtain these corrections.
- c. A warranty deed is not normally required when right-of-way is correctly dedicated on the plat, however, we believe the extra step is warranted.

PROJECT FOLLOW-UP

C42-91

Page 2

- d. The Fosters should be responsible to draw up a document to Mr. Dalby's attorney's satisfaction to correct the error in the Dalby property chain of title. The document is to be recorded with the correction plat.
- e. All previously required plat documents must be filed with the correction plat.



Mesa County Department of Public Works
Division of Planning

(303) 244-1636

750 Main Street P.O. Box 20,000 • Grand Ju

6-4-92
Comm. 2.

5/20/91
to
received
12/20/91
10:45 A.

December 17, 1991

Mr. Bill Foster
S. L. Ventures, Inc.
422 White Avenue
Grand Junction, CO 81501

Re: Replat of Foster Subdivision, Lot 2

Dear Mr. Foster:

As you are aware, the Planning Division has been concerned that the above-mentioned subdivision replat was filed on November 6, 1991 without their supervision. That concern has escalated to the Board of County Commissioners. The Board directed a reading into the record on December 17, 1991 of the circumstances of that replat recordation and its consequences.

At that meeting, the Board supported Planning Division recommendations to rectify the errors discovered on the replat and damage incurred by the deed recorded December 31, 1990 illegally subdividing Margaret Foster's lot. They required the following:

1. A correction replat must be filed to remedy the description and monumentation errors discovered, ambiguous language regarding right-of-way dedication and, most importantly, incorrect representation of ownership.
2. All monuments on the plat should be set in the ground and inspected by the County before acceptance of the new plat.
3. A warranty deed to Mesa County must be submitted for the dedication of 10 feet of Cascade Drive.
4. A document satisfactory to Mr. Dalby must be signed and submitted to correct the error in the Dalby property records on file in the County Assessor's office. This document is to be submitted prior to the recordation of the corrected replat.
5. All previously required plat documents must be filed with this replat.
6. The Planning Division staff will work with the County Attorney to insure receipt of the above items.

Mr. Bill Foster
December 20, 1991
Page 2

The County's responsibility is to assure that appropriate and accurate information pertaining to any land development is recorded. It is not our intent to mediate personal differences between parties.

The above requirements must be received by the County Planning Division office within 30 days of receipt of this letter.

Sincerely,

M. Lyle Dechant
County Attorney

Linda Dannenberger
Planner

xc: C22-91

Walter Dalby
555 Pinyon Avenue
Grand Junction, CO 81501

February 4, 1992

HAND DELIVERY

Mark Eckert, County Administrator
and
Lyle Dechant, County Attorney
Mesa County
750 Main Street
Grand Junction, CO 81501

RE: PROJECT FOLLOW-UP REVIEW--Replat Lot Two Foster Subdivision.

Dear Mr. Eckert and Mr. Dechant:

On December 17, 1991, the Mesa County Commissioners considered a PROJECT FOLLOW-UP REVIEW of the Replat Lot Two Foster Subdivision that had been recorded on November 6, 1991. That PROJECT REVIEW, dated December 13, 1991, was to address numerous defects in that recorded Replat as well as to address irregularities in the manner in which that Replat came to be recorded. The PROJECT REVIEW was read into the record and the County Commissioners were requested to enforce the actions County Planning Staff recommended to correct the situation. This matter was not open to public comment or participation.

The unanimous decision of the County Commissioners was that all the recommendations contained in that Planning Staff PROJECT REVIEW be enforced and implemented. The actions to be implemented require:

That an Amended Replat be submitted to correct errors in ownership, vacation, and survey data contained on the recorded Replat; and, that the depicted monumentation be performed on the ground.

That a Warranty Deed be executed to vacate 10-feet of property to Cascade Drive for public right-of-way purposes.

That Petitioner draw up a document satisfactory to the Dalby attorney in order to remedy the effects of Petitioner preparing and recording a deed conveying ownership in the Dalby property to seven other people.

That required Mesa County plat documents that were not recorded on November 6th be filed concurrently with the required Amended Replat.

Given the lengthy history of Petitioner's attempts to impare the Cascade Drive access to the Dalby property, I am especially concerned that the County Commissioners' decision be implemented requiring that the vacation to public right-of-way be accomplished by means of a Warranty Deed. I see this as the only sure method to explicately restore Cascade Drive to its former 50-foot width along its entire length--and, to restore it in a manner that is absolutely clear and unquestionable as to intent and effect (To refresh your memory on this item, I direct your attention to my letter to Mark Eckert dated December 4, 1991.).

Regarding the required document to remedy the effects of Petitioner's conveying Dalby property to other parties, it is entirely appropriate that the County Commissioners require that Petitioner be responsible for preparing that document since the problems were caused solely by Petitioner's own actions (To refresh your memory on this item, I also direct your attention to my letter to Mark Eckert dated December 4, 1991.).

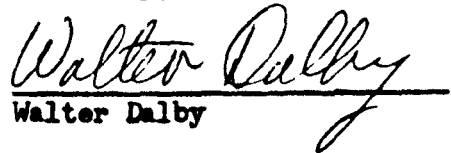
I would expect that the required Warranty Deed and that the required correction document for the ownership chain of the Dalby property will be filed concurrently with the Amended Replat and Mesa County plat documents. I would also expect that no Amended Replat submission will be entertained by the Planning Department unless those requirements are fulfilled.

Please advise me if this is not your intent.

I see that it has been nearly two months since the County Commissioners' decision on the PROJECT REVIEW and three months since the defective Replat was originally recorded.

Gentlemen, this letter is to request an update on the present status of this matter, and to inquire when you anticipate that the County Commissioners' requirements will have been accomplished.

Sincerely,


Walter Dalby

Timothy E. Foster
Douglas E. Larson
Stephen L. Laiche
Harry Griff, P.C.

Foster, Larson, Laiche & Griff
Attorneys at Law

James W. Giese
Caré McInnis

Central Bank Building, Suite 323, 422 White Avenue, Grand Junction, Colorado 81501
(303) 245-8021 FAX: (303) 245-0590

March 16, 1992

TO: Bennett B (for your files)

Dan Wilson
CITY OF GRAND JUNCTION
250 North Fifth Street
Grand Junction, CO 81501

Re: Horizon Glen Subdivision

Dear Dan:

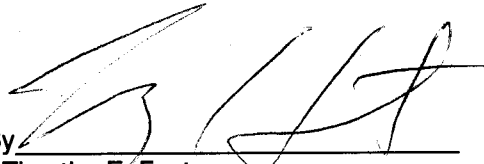
It has come to my attention that someone at the City is indicating that we are limited to one building permit prior to completion of our project. As you are aware, we entered into a fairly complex Development Improvements Agreement pursuant to which we deposited almost \$140,000.00 in a joint account. Said improvements agreement was in lieu of either a building permit hold or some other mechanism to insure completion of all the required subdivision infrastructure. I would appreciate it if you would review the improvements agreement and all the other documents and inform me if it is the City's position that we can have only one building permit before completion.

I would prefer to have this issue resolved prior to us signing contracts with individuals who wish to build houses immediately and be faced with a time problem as well as this issue.

Thank you for your cooperation in advance with regard to this matter. I look forward to hearing from you in the near future.

Sincerely,

FOSTER, LARSON, LAICHE & GRIFF

By 
Timothy E. Foster

TEF/cdc

BENNETT:

3/23/92

An Amended Horizon Glen
Subdivision Plat is in the
works.

Here is your copy of my
findings.

March 23, 1992

Sincerely,

Walt Dalby

Fred Weber, County Surveyor
Mesa County Surveying Department
531 White Avenue
Grand Junction, CO 81501
(303) 244-1822

RE: AMENDED Plat of Horizon Glen Subdivision.

Dear Mr. Weber:

I have examined the AMENDED Plat of Horizon Glen Subdivision which was recently submitted to you.

I find that several unexpected changes appear on the AMENDED Plat when compared to the Plat Recorded in the records of the Mesa County Clerk & Recorder on November 6, 1991. Some of those changes appear to be very significant.

I assume that you will examine and question those changes. I shall be interested in the explanation for those changes.

I also find several items to be corrected on the AMENDED Plat as well as corrections to be made to monumentation at the Site.

The Horizon Glen Subdivision Plat is composed of two separate Sheets:

Sheet 1 of 2 contains the Dedication Language and Approval Certifications.

Sheet 2 of 2 contains the Surveyed Plat Layout.

I have organized this letter to discuss each of my findings only once, and have specified which Sheet of the AMENDED Plat is effected by each item discussed.

The material to be covered and the two separate Sheets of the Plat make this a cumbersome letter to write. Because of that, I have organized my comments into three separate Sections and attached them to this letter. The attached Sections are:

SECTION I - Changes to be Examined on the AMENDED Plat.

SECTION II - Items to be Corrected on the AMENDED Plat.

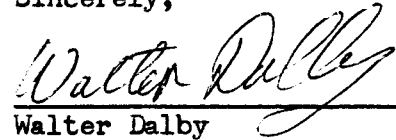
SECTION III - Monumentation to be Corrected at the Site of the Subdivision.

In summary, there are four main questions raised in the attached SECTION I.
There are eight Plat corrections documented in the attached SECTION II.
There are two items of Monumentation changes in the attached SECTION III.

It is my sense that the Items contained in the three attached SECTIONS should all be resolved before the Plat of Horizon Glen Subdivision, as Amended, is allowed to proceed further in the approval and recordation process.

I hope that this information I have prepared will be of assistance to you in reviewing the AMENDED Plat.

Sincerely,



Walter Dalby

Att.: 3

C.C.: Bennett Boeschenstein
Merritt Dismant
Richard Krohn
Jim Shanks
Dan Wilson

SECTION I - Changes to be Examined on the AMENDED Plat.1. Substantial Changes to Lot 1 and Out Lot A:

- A. On Sheet 2, the Distance from the Monument at Horizon Glen Court to the Southeast Corner of Lot 1 has increased by 23.90 feet on the AMENDED Plat when compared to the 11/6/91 Recorded Plat:

AMENDED Plat -	S 26° 30' 01" W	245.93'
Recorded Plat -	same	<u>222.03'</u>
		<u>23.90'</u>

This same change appears on Line 8 of Paragraph 3 on Sheet 1 of the AMENDED Plat.

- B. On Sheet 2, the Distance from the Southeast Corner of Lot 1 to the Southwest Corner of Out Lot A has decreased by 10.66 feet, and the Bearing of that Boundary has changed by 10'57" on the AMENDED Plat when compared to the 11/6/91 Recorded Plat:

AMENDED Plat -	S 89° 51' 23" W	216.92'
Recorded Plat -	N 89° 57' 40" W	<u>227.58'</u>
	(10'57" change)	<u>(10.66')</u>

This same change appears on Line 9 of Paragraph 3 on Sheet 1 of the AMENDED Plat.

- C. On Sheet 2, the Distance from the Southwest Corner of Out Lot A to the Bureau of Land Management Monument at the Northwest Corner of SE 1/4 NE 1/4 Section 2 has increased by 22.06 feet on the AMENDED Plat when compared to the 11/6/91 Recorded Plat:

AMENDED Plat -	N 00° 01' 17" E	990.54'
Recorded Plat -	same	<u>968.48'</u>
		<u>22.06'</u>

This same change appears on Line 9 of Paragraph 3 on Sheet 1 of the AMENDED Plat.

Note: Although the above Boundary Line increased by 22.06 feet, and the West Boundaries of Lots 1 thru 7 remained constant, the West Boundary of Out Lot A changed by 22.09 feet from 30.00 feet on the 11/6/91 Recorded Plat to the 52.09 feet on the AMENDED Plat.

- D. The changes documented in Items A thru C immediately above have increased the Total Area of Lot 1 plus Out Lot A by 4,537 square feet--a little more than 1/10 Acre:

On Sheet 2 of the AMENDED Plat, the "AREA IN TOTAL LOTS" entry under the "AREA SUMMARY" under the Plat's LEGEND has been increased by 1/10 Acre from the 11/6/91 Recorded Plat's 12.38 Acres to 12.48 Acres.

Also, the "E12" entry in the "TABLE FOR PRESERVATION EASEMENT" has increased by 21.59 feet from the 11/6/91 Recorded Plat's 105.05 feet to 126.64 feet on the AMENDED Plat.

On Sheet 1 of the AMENDED Plat, the statement of Total Acreage contained on Line 10 of Paragraph 3 has increased by 1/10 Acre from the 11/6/91 Recorded Plat's 14.23 Acres to 14.33 Acres.

The question raised by the above changes is whether the Plat Recorded on November 6, 1991, contained errors measured in literally scores of feet, or, whether it is the AMENDED Plat that is in error?

In any event, one of the Plats is definitely not in compliance with State and County requirements of Survey accuracy. I would like to know which Plat is accurate.

2. Changes in Roadway Curve Description:

On Sheet 1, on Lines 6 and 7 of Paragraph 3, a Curve from the West Right-Of-Way Line of 27 Road to intersect with the North Right-Of-Way Line of Horizon Drive is described.

The City of Grand Junction set this Curve in the City's Right-Of-Way purchase recorded March 21, 1986 at Book 1580, Page 384 in the records of the Mesa County Clerk & Recorder.

The 11/6/91 Recorded Plat changed some elements of the City of Grand Junction Curve description.

The AMENDED Plat further changes all but the Radius of the City's Curve description. Further, Sheet 1 of the AMENDED Plat has a disagreement with Sheet 2 of the AMENDED Plat.

The City of Grand Junction's Curve description is given below together with the changes in descriptions appearing on the 11/6/91 Recorded Plat and the two Sheets of the AMENDED Plat:

	City of Grand Junction	11/6/91 Re- corded Plat	AMENDED Plat (Sheet 2)	AMENDED Plat (Sheet 1)
Delta	22°45'44"	22°45'42"	22°46'58"	→ same
Radius	191.00'	→ same	→ same	→ same
Length	75.88'	→ same	75.95'	→ same
Ch. Brg.	S 40°35'36" W	S 40°31'56" W	S 40°31'10" W	→ same
Chord	75.38'	→ same	75.45'	75.49'

3. Addition of Utilities Coordination Committee Certificate:

On Sheet 1 of the AMENDED Plat, below the Surveyor's Certificate signature line is a Certificate for the "MESA COUNTY UTILITIES COORDINATION COMMITTEE" which did not appear on the 11/6/91 Recorded Plat. In fact, that UTILITIES Certificate had been deliberately removed from the 11/6/91 Recorded Plat.

I would like to know if that certification is a requirement; and if so, why did it not exist on the Horizon Glen Subdivision Plat that was Recorded on November 6, 1991?

4. Concern about Horizon Glen Drive Right-Of-Way:

Since I do not possess the necessary skills, I ask that data defining a Horizon Glen Drive Right-Of-Way contained on Sheet 2 of an AMENDED Plat be verified to describe a Right-Of-Way that does, in fact, reach all the way from Horizon Drive to the Southern Boundary of the Dalby property.

As I recall, the Right-Of-Way portrayed on Sheet 2 of the 11/6/91 Recorded Plat fell somewhat short of reaching all the way.

SECTION II - Items to be Corrected on the AMENDED Plat.1. Error in Reference Citation:

At the end of Line 1 of Paragraph 2 on Sheet 1 of the AMENDED Plat, a Book and Page reference reads "(BOOK 1837 PG 349)". The Page reference is incorrect.

Sheet 1 of the AMENDED Plat should be corrected to show the reference as:

"(BOOK 1837 PG 348)".

2. Error in Bearing Direction and Agreement:

On Line 5 of Paragraph 3 on Sheet 1 of the AMENDED Plat, the second Bearing and Distance on that line reads " S 00° 03' 22" W 60.57 FEET". That Bearing is incorrect as to the direction. That incorrect Bearing direction also disagrees with that shown on Sheet 2 of the AMENDED Plat.

Sheet 1 of the AMENDED Plat should be corrected to show the Bearing as:

" S 00° 03' 22" E " for the 60.57 foot Distance.

Note: This correction is particularly important in order that the agreed Boundaries be preserved between the Dalby property and the Horizon Glen Subdivision property.

3. Error in Distance and Agreement:

On Line 7 of Paragraph 3 on Sheet 1 of the AMENDED Plat, a Chord Bearing reads " S 40° 31' 10" W 75.42 FEET)". Sheet 2 of the AMENDED Plat shows that same Chord and Bearing, but the Distance shown is 75.45 feet.

The AMENDED Plat should be corrected to show:

The correct Distance for the Chord on both Sheet 1 and Sheet 2.

Note: For a detailed discussion of this and other Curve descriptions to be reconciled, see Item 2 on Page 2 of SECTION I - Changes to be Examined on the AMENDED Plat.

4. Elimination of Abbreviation:

On Line 1 of Paragraph 5 on Sheet 1 of the AMENDED Plat, "STREETS, ROADS AND R.O.W.'S" are dedicated.

You will notice that Sheet 1 of the AMENDED Plat fully spells out "RIGHT-OF-WAY" no less than 5 times in Paragraph 3's legal description.

As a matter of caution and to prevent any possible later argument of technical interpretation, I am advised that the abbreviation "R.O.W.'S" should be spelled out in full, just as it repeatedly is in the legal description Paragraph.

Sheet 1 of the AMENDED Plat should be changed to read that the owners have dedicated and set apart:

". . . ALL OF THE STREETS, ROADS AND RIGHT-OF-WAYS . . .".

Note: There is ample room on that line to make this correction, and it can be done when the other errors are being corrected.

5. Missing Declaration of Covenants Data:

On Lines 3 and 4 of Paragraph 7 on Sheet 1 of the AMENDED Plat, the spaces for the references to the Recording of the Declaration of Covenants have been left blank.

Sheet 1 of the AMENDED Plat should have the spaces filled in as follows:

Line 3: October 16 1

Line 4: November 6 1 1864 682 1585581

6. Missing Legal Definitions of Lot 17 and Lot 18:

On Sheet 2 of the AMENDED Plat, the Distance of the Eastern Boundary of Lot 17 and the Distance of the Western Boundary of Lot 18 are missing. I recall that you informed me that the Distances along the Boundaries of Horizon Glen Drive in Lot 17 and in Lot 18 would be required on the AMENDED Plat.

I have since been advised that to legally define a Lot, the Distances must be specified for all Lot lines.

Sheet 2 of the AMENDED Plat should be corrected to:

Specify the Linear Distances of Lot 17 and Lot 18 along Horizon Glen Drive.

7. Error in Incremental Distances Not Equal to Total Distance:

On Sheet 2 of the AMENDED Plat, the Total Distance from the Southwest Corner of Out Lot A (see Southwest Corner of Lot 1) to the Northwest Corner of SE 1/4 NE 1/4 Section 2 (i.e. the BLM Brass Cap) is specified as 990.54 feet.

The sum of the West Boundaries of Out Lot A plus Lots 1 thru 7 along the same line is 990.52 feet.

I suspect that this slight error in distance is due to the major changes made in Lot 1 and Out Lot A on the AMENDED Plat when compared to the 11/6/91 Recorded Plat.

Note: For a detailed discussion of this problem, see Item 1 on Pages 1 & 2 of SECTION I - Changes to be Examined on the AMENDED Plat.

Sheet 2 of the AMENDED Plat should be examined and corrected to:

Eliminate the discrepancy in Distances along the West Boundary of the Plat.

8. Error in Location of Right-Of-Way:

On Sheet 2 of the AMENDED Plat, the Horizon Glen Drive Right-Of-Way is not at the location stipulated by the City of Grand Junction.

A complicated sequence of events has resulted in this error on the AMENDED Plat.

Public Works & Utilities Director Jim Shanks was charged with the responsibility of locating the public Right-Of-Way for the City of Grand Junction.

Petitioner proposed a 40-foot-wide Right-Of-Way with the following Center-Line:

Northern Terminus: 400.00 feet East of the Southwest Corner of the Dalby property.

Southern Terminus: 166.95 feet Easterly along Horizon Drive from the Southeast Corner of Lot 16.

Jim Shanks evaluated and accepted the Center-Line of that proposal with the stipulation that the width of the Right-Of-Way be 44 feet.

I emphasize here that it was the Center-Line evaluated by Mr. Shanks that determined the location of the Right-Of-Way that the City accepted.

Mr. Shanks subsequently ordered a City Survey Crew to field-stake the entire Center-Line of the Right-Of-Way he had approved. That field-staked Center-Line properly commences 400.00 feet East of the Southwest Corner of the Dalby property and terminates at the proper 166.95 feet from the Southeast Corner of Lot 16.

The City also required that 8 permanent monuments be placed at the Site to define the Boundaries of the accepted Right-Of-Way.

When the final Plat was reviewed, all parties who participated in that review apparently assumed that Petitioner was capable of correctly performing the 4 foot adjustment of Right-Of-Way width on the Plat without disturbing the previously approved Center-Line; and, that Petitioner was capable of accomplishing accurate Monumentation on the ground. Unfortunately, this turned out not to be the case.

The Horizon Glen Subdivision Plat that was recorded in the records of the Mesa County Clerk & Recorder on November 6, 1991, depicts a 44-foot-wide Right-Of-Way with the following Center-Line:

Northern Terminus: 402.00 feet East of the Southwest Corner of the Dalby property.

Southern Terminus: 168.95 feet Easterly along Horizon Drive from the Southeast Corner of Lot 16.

At the time that the Horizon Glen Subdivision Plat was recorded, the Monumentation at the Site incorrectly defined a Right-Of-Way 40-foot-wide, and the Monumentation was missing at the Horizon Drive Southern Terminus.

When he learned that the Monumentation at the Site was incomplete and defined only a 40-foot-wide Right-Of-Way, Jim Shanks instructed Petitioner to correctly place the missing 2 Monuments and to move each of the 6 other Monuments 2 feet in order to correctly define the Right-Of-Way the City had accepted.

Instead of doing as Mr. Shanks had instructed, only one-half of the Monuments were moved a distance of 4 feet each.

As a consequence, both the 11/6/91 Recorded Plat and the Monumentation at the Site now defined a Right-Of-Way that is 2 feet East of the field-staked Center-Line accepted by the City.

Coincidentally, that Platted and Monumented Right-Of-Way is now an undesirable 2 feet closer to the Horizon Drive Channel and the Flood-Plain and the Wetlands.

When I learned that one-half the Monuments had been moved 4 feet, I asked Mr. Shanks what he thought was going on, because I did not understand it.

Mr. Shanks appeared to be as surprised as I was at this development, and he could not explain why such an apparently simple thing as moving each of the Monuments 2 feet could not be correctly accomplished.

All became clear to me while I was examining the AMENDED Plat!

Petitioner's Monuments had to be moved 4 feet on the East side of the Right-Of-Way, and those on the West side of the Right-Of-Way had to be left as they were! Otherwise, Petitioner's Monuments would not have agreed with the incorrectly placed Right-Of-Way contained on the Plat that had been Recorded on November 6, 1991.

The error in the location of the Right-Of-Way that exists on the 11/6/91 Recorded Plat has been carried over onto the AMENDED Plat.

Consequently, the location of the Horizon Glen Drive Right-Of-Way on Sheet 2 of the AMENDED Plat is incorrect. It does not conform to the Center-Line that was accepted by the City of Grand Junction.

Therefore, Sheet 2 of the AMENDED Plat should be corrected as follows:

- A. The Distance from the Southwest Corner of the Dalby property to the West Boundary of the Right-Of-Way should be 378.00 feet.

Therefore the distance to the North end of the Center-Line will be the correct 400.00 feet that was accepted by the City.

- B. The Distance from the Southeast Corner of Lot 16 to the West Boundary of the Right-Of-Way should be 144.95 feet.

Therefore the distance to the Southern end of the Center-Line will be the correct 166.95 feet that was accepted by the City.

- C. The Distance from the East Boundary at the North end of the Right-Of-Way to 27 Road should therefore be increased to 448.51 feet.

- D. The Distance from the East Boundary at the Southern end of the Right-Of-Way to the "10' Permanent Easement" along Horizon Drive should therefore be increased to 111.56 feet.

The above changes restore the Horizon Glen Drive Right-Of-Way to the location accepted by the City of Grand Junction.

As a consequence, the AMENDED Plat's depiction will then conform to the accepted Center-Line that the City field-staked for its Right-Of-Way!

SECTION III - Monumentation to be Corrected at the Site of the Subdivision.1. Incorrect Placement of LS 16835 concreted Monument:

Surveyor Dennis Johnson agreed in your presence in September 1991 that a Monument set at the Southeast Corner of the Dalby property by Surveyor Merritt Dismant was accepted and would be used in the preparation of the Horizon Glen Subdivision Plat.

A short time later, a Dennis Johnson Monument was set at the Southeast Corner of the Dalby property approximately 3 7/8 inches Northeast of the Dismant Monument.

The Boundaries defining the SE 1/4 NE 1/4 Section 2 Township 1 South Range 1 West U.M. on Sheet 2 of the AMENDED Plat are now very similar to the Survey of the Dalby property prepared by Merritt Dismant. The AMENDED Plat and the Dalby Survey vary from each other by no more than 7 seconds in Bearing and by no more that .05 feet in Distance as follows:

<u>1/4 1/4 Sect- ion Line</u>	<u>DALBY Survey</u>		<u>AMENDED Plat</u>	
North	N 89°54'26" E	1315.31'	N 89°54'27" E	1315.30'
East	N 00°01'18" E	1319.22'	S 00°01'22" W	1319.22'
South	N 89°50'38" E	1315.26'	N 89°50'31" E	1315.26'
West	S 00°01'10" W	1320.67'	N 00°01'17" E	1320.72'

The Total Distance of the Southern Boundary of the Dalby property is 870.44 feet on the Dalby Survey and 870.51 feet on the AMENDED Plat-- a difference of only .07 feet.

Given that the entire 1/4 1/4 Section Boundaries are within .05 feet of exact agreement between the AMENDED Plat and the Dalby Survey,

And given that the Southern Boundary of the Dalby property measures within .07 feet of exact agreement between the AMENDED Plat and the Dalby Survey,

Then how is it possible that there is any legitimate reason for a Johnson Monument at the Southeast Corner of the Dalby property to be almost 4 inches away from the Dismant Monument? Especially since Dennis Johnson had agreed to and accepted that Dismant Monument previously?

Considering the above, it would seem that the Dennis Johnson Monument should be required to be removed from the ground and the Merritt Dismant Monument ordered concreted into Permanent place.

Note: If the above recommendation is implemented, Sheet 2 of the AMENDED Horizon Glen Subdivision Plat should be corrected to show:

a "FOUND SURVEY MONUMENT" at the extreme Eastern Corner of the Subdivision (i.e. at 27 Road) and "LS 10097" Surveyor number.

2. Incorrect Placement of Horizon Glen Drive Right-Of-Way Monuments:

All 8 Monuments set to define the Boundaries of the Horizon Glen Drive Right-Of-Way are not in the correct locations.

All 8 of the Monuments should be re-located to correctly define the Right-Of-Way that was accepted by the City of Grand Junction.

All 8 of the Monuments should be 22 feet from the Center-Line field-staked by the City of Grand Junction.

Note: For a detailed explanation of the situation, see Item 8 on Pages 3 thru 5 of SECTION II - Items to be Corrected on the AMENDED Plat.

3-23-92

Walter Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

March 23, 1992

HAND DELIVERY

Fred Weber, County Surveyor
Mesa County Surveying Department
531 White Avenue
Grand Junction, CO 81501
(303) 244-1822

RE: AMENDED Replat Lot Two Foster Subdivision.

Dear Mr. Weber:

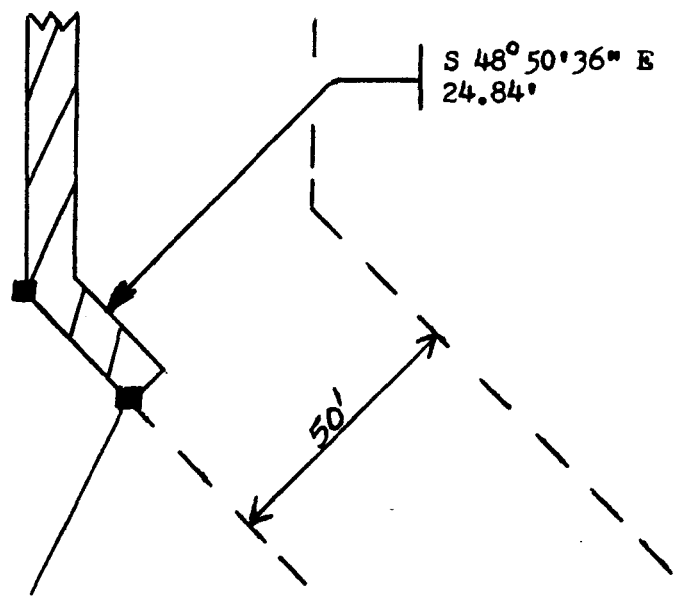
I have examined the AMENDED Replat of Lot Two of the Foster Subdivision which was recently submitted to you.

I find five errors to be corrected on the AMENDED Replat:

1. Missing Bearing and Distance:

The Bearing and Distance from the Southeast Corner of the vacated property to the point where the East Boundary of the vacated property bears N 00°14'24" E was not carried forward from the 11/6/91 Recorded Replat onto the AMENDED Replat.

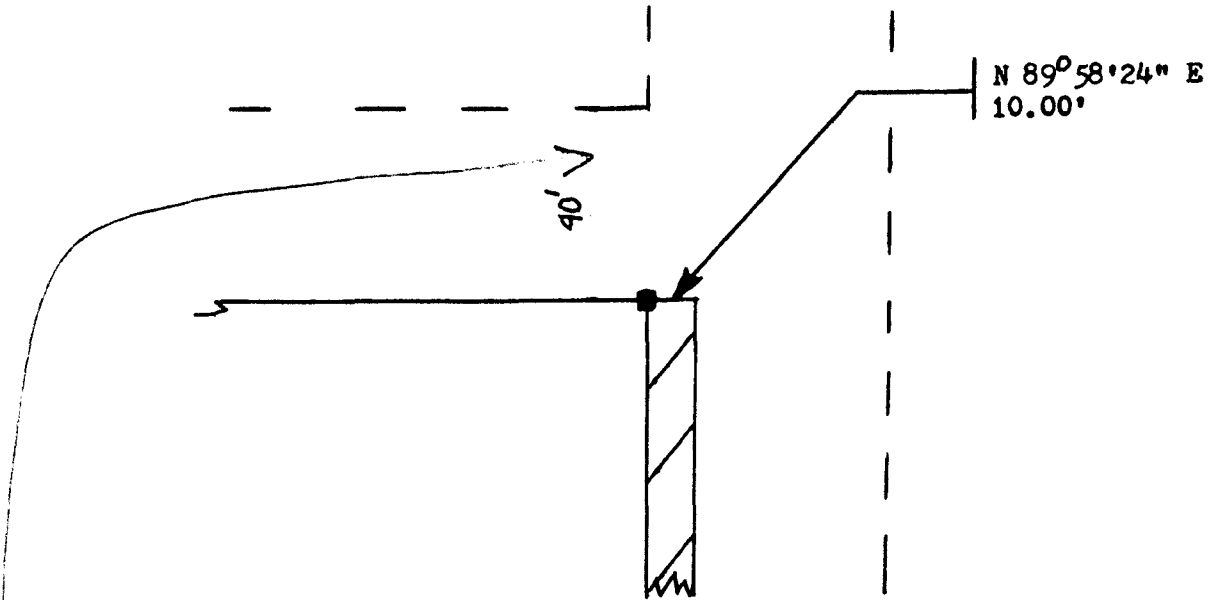
Assuming that the 11/6/91 Recorded Replat was correct, the Bearing and Distance necessary to properly define the vacated property should be added to the AMENDED Replat as follows:



2. Missing Bearing:

The Bearing for the 10 foot North Boundary of the vacated property is not specified. The reader must assume what that Bearing Should be.

If the missing Bearing is $N 89^{\circ} 58' 24'' E$, as I guess it to be, then that Bearing necessary to properly define the vacated property should be added to the AMENDED Replat as follows:



3. Incorrect Distance:

The Distance of 1317.15 feet specified from the Northwest Corner of the 1.32 acre "EXCEPTION" parcel to the Mesa County Survey Monument at the Northwest Corner of the drawing is incorrect.

The 1317.15 foot figure is probably the measure of the total Distance from the Bureau of Land Management Survey Monument at the Southwest Corner of the drawing to the Mesa County Survey Monument at the Northwest Corner of the drawing. If so, the 150.00 foot Distance of the West Boundary of the "EXCEPTION" parcel should be deducted from the 1317.15 feet to give a correct Distance of 1167.15 feet.

The AMENDED Replat should be corrected to show the Distance from the Northwest Corner of the "EXCEPTION" parcel to the Northwest Corner of the drawing as 1167.15'.

(Note: The incremental Distances on the Southern Boundary of the drawing appear to have been properly specified.)

4. Missing Distance Indicator:

Where the width of Homestead Road is correctly specified as 40 feet, the arrow indicating the Distance measured has been left off of the AMENDED Replat (e.g. see the 50 foot width designations shown on Cascade Drive).

The arrow indicating the Distance measured across Homestead Road should be added to the AMENDED Replat.

5. Error in Title Block:

In the Title Block of the 11/6/91 Recorded Replat, the subdivision was incorrectly located in Range 1 East of the Ute Meridian. That error has been carried forward onto the AMENDED Replat.

The Title Block in the lower right-hand corner of the AMENDED Replat should be corrected to locate the subdivision in Range 1 West of the Ute Meridian.

Mr. Weber, that concludes the errors that I can see that need to be corrected on the submitted AMENDED Replat before it is approved.

Regarding the seven "5/8 IN. REBAR AND MONUMENT CAP SET BY LS 16835 IN CONCRETE" shown on the AMENDED Replat, you have assured me that all those monuments exist and are correctly placed in the ground. I am satisfied to rely on your assurance.

Merely as a convenience for you, I list the following minor changes which appear on the AMENDED Replat when compared to the 11/6/91 Recorded Replat:

- a. Slight change in Bearing and Distance of the Northern Boundary of the NE 1/4 NE 1/4 Section 2 Range 1 West U.M. (i.e. along "G" Road):

AMENDED Replat - - - - -	N 89°58'14" E	1310.32'
11/6/91 Recorded Replat -	S 89°58'06" W	1310.30'

- b. Slight changes in Distances concerning the 1.32 acre "EXCEPTION" parcel:

	<u>AMENDED Replat</u>	<u>11/6/91 Recorded Replat</u>
From SE Corner of the "EXCEPTION" parcel to NE Corner of the "EXCEPTION" parcel	117.42'	117.56'
From NE Corner of "EXCEPTION" parcel to West Boundary of Cascade Drive	99.68'	99.64'
 	<hr style="width: 100%;"/>	<hr style="width: 100%;"/>
Total Distance from SE Corner of the "EXCEPTION" parcel to West Boundary of Cascade Drive	<u>217.10'</u>	<u>217.20'</u>
From the BLM Survey Monument at the SW Corner of the Plat to the SE Corner of the "EXCEPTION" parcel	396.05'	395.99'

I would assume that the new Distances on the AMENDED Replat are the more accurate.

The AMENDED Replat is an incredible improvement over the totally inaccurate and misrepresentative Replat that was originally submitted for approval on October 24, 1991.

The AMENDED Replat appears to me to have solved the defects in Ownership, Legal Description, and Monumentation existing for the Replat that was actually recorded in the records of the Mesa County Clerk & Recorder on November 6, 1991.

Once the corrections that I have documented in this letter have been accomplished, the AMENDED Replat will have also corrected the defects in Survey Data and Typographical Errors that exist on the Replat that was recorded on November 6, 1991.

In conclusion, if Items numbered 1 thru 5 in this letter are corrected, then I feel that the Replat Lot Two Foster Subdivision, as Amended, will be satisfactory when recorded together with the other documents Petitioner is required to perform by the Board of Mesa County Commissioners and by the Mesa County Planning Department.

Sincerely,



Walter Dalby

MESA COUNTY SURVEYING
FRED A. WEBER
P.O. BOX 20000.5026
GRAND JUNCTION, CO 81502
PH 244-1822

REVISED 4/16/92

APRIL 15, 1992

SUBDIVISION REVIEW.

SUBDIVISION NO SB-07-92

HORIZON GLEN SUBDIVISION AS AMENDED

OWNER: S.L. Ventures, Inc., A Colorado Corporation.
President: William E. Foster 11
Secretary: Timothy E. Foster

SURVEYOR: Dennis Johnson.
Professional Surveying Services
P.O. Box 4506
Grand Junction, Co 81502
Ph "O" 241-3841

REVIEW OF HORIZON GLEN SUBDIVISION AS AMENDED

DEDICATION

In your dedication on the (first line) you have BOOK 1837
PAGE 349, please show the total pages involved. Show as,
(BOOK 1837 PAGE 337 THRU 339.)

Check your bearings in your dedication as you plat
drawing does not agree.
You may have an incorrect bearing direction in you dedication
description.

BOUNDARY & RIGHT-OF WAY MONUMENTATION.

You had mentioned that some of the positions marking the
right-of-way off Horizon Drive into Horizon Glen Road and
horizon Glen Ct, may have been destroyed. If so these
should be replaced if this is the agreement between the
City of Grand Junction and the Fosters. The State Law
only requires that the exterior boundaries be established
at the time of plat recordings. Only when the lots or
Blocks are sold or any improvements are made is it
necessary to establish the interior corners of the
subdivision.

LEGEND

Any words or symbols which has been abbreviated or shown as a specific element of the plat, which are not identifiable, must be be described in your Legend or identified upon the plat drawing.

BOUNDARY AND LOT CLOSURE

When using the Centerline date of Horizon Glen Road your lot boundaries for lot 17 & 18 do not close. From computations, it has been found that you are using the incorrect bearings. Also the bearing and distance must be shown on you lot lines on both lot 17 & 18 being on the East & West of Horizon Glen Road.

You have some non-closure in your lots in the Horizon Glen Sub as Amended. Please check your lot closure.

AREA -

The boundary change for lot one has been significant, do to your most resent abstract of property ownership, of which you had found to be in error and made correction of. Check your areas also. Please check you Area summary legend for correct areas. Making sure your area summary agrees with you acreage in you dedication description.

Revised

LOT 18, CURVE

THE CURVE FROM 27 ROAD RUNNING TO HORIZON DRIVE.

The curve that you said you had computed from deeds at the NE corner of lot 18, is a broken back curve (no tangent curve) to the Horizon Drive R/W alignment, being 14 degrees (plus or minus) off tangent. Have you advised the City of Grand Junction of this problem to see if it is acceptable with there road standards?

F.W.

4/15/92

RATIFICATION OF PLAT

We, Virginia C. Rice, George W. Rice, John C. Heideman, Glenda J. Heideman, and Paul D. Reinsche, by this document, fully ratify and affirm the Plat and Dedication of Horizon Glen Subdivision as Amended, Mesa County, Colorado, the Plat and Dedication of said Horizon Glen Subdivision as Amended being filed for record in the office of the Mesa County Clerk and Recorder on the 25th day of May, 1993, in Book 14, Page 116-118.

This ratification and affirmation of the above described Plat shall have the same legal effect as if we had properly signed and our signatures had been properly acknowledged on the original recorded plat thereof.

Dated this 4th day of May, 1993.

Virginia C Rice
Virginia C. Rice

George W. Rice
George W. Rice

John C. Heideman
John C. Heideman

Glenda J. Heideman
Glenda J. Heideman

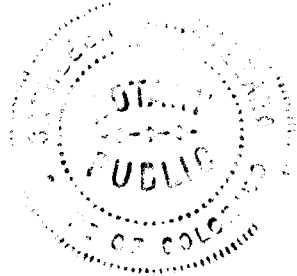
Paul D. Reinsche
Paul D. Reinsche

State of Colorado)
)ss
County of Mesa)

The foregoing instrument was acknowledged before me this 4th day of May, 1993, by Virginia C. Rice, George W. Rice, John C. Heideman, Glenda J. Heideman, and ~~Paul D. Reinsche~~.

Witness my hand and official seal.
My commission expires 1-25-94

Cathleen Carrizosa
Notary Public



RATIFICATION OF PLAT

BOOK 1979 PAGE 203

We, Virginia C. Rice, George W. Rice, John C. Heideman, Glenda J. Heideman, and Paul D. Reinsche, by this document, fully ratify and affirm the Plat and Dedication of Horizon Glen Subdivision as Amended, Mesa County, Colorado, the Plat and Dedication of said Horizon Glen Subdivision as Amended being filed for record in the office of the Mesa County Clerk and Recorder on the 25th day of May, 1993, in Book 14, Page 116-118.

This ratification and affirmation of the above described Plat shall have the same legal effect as if we had properly signed and our signatures had been properly acknowledged on the original recorded plat thereof.

Dated this 12th day of May, 1993.

Virginia C. Rice

George W. Rice

John C. Heideman

Glenda J. Heideman

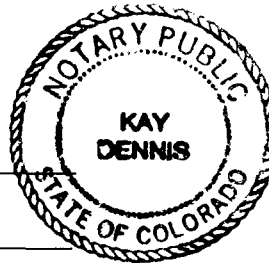
Paul D. Reinsche
Paul D. Reinsche

State of Colorado)
)ss
County of Mesa)

The foregoing instrument was acknowledged before me this 12th day of May, 1993, by ~~Virginia C. Rice, George W. Rice, John C. Heideman, Glenda J. Heideman~~, and Paul D. Reinsche.

Witness my hand and official seal.
My commission expires 10-2-95

Kay Dennis
Notary Public



Walt Dalby
555 Pinyon Avenue
Grand Junction, CO 81501

May 27, 1992

HAND DELIVERY

DORALYN GENOVA
JIM SPEHAR
JOHN LEANE
Board of Mesa County Commissioners
750 Main Street
Grand Junction, CO 81501

RE: PROJECT FOLLOW-UP REVIEW--Replat Lot Two Foster Subdivision.

Dear Commissioner:

I am writing to determine your specific intentions regarding full implementation of the five steps specified in the subject PROJECT FOLLOW-UP REVIEW ratified by your Board in a unanimous Resolution passed on December 17, 1991.

In only three weeks it will be one full year since your Board granted final approval of the Replat of Lot Two of the Foster Subdivision.

In only three weeks it will be six full months since your Board approved the Mesa County Planning Division's PROJECT FOLLOW-UP REVIEW in order to rectify the situations that Petitioner created by:

1. Attempting, under the guise of an exempt adjustment of property lines, to achieve the vacation of a public right-of-way as well as significant subdivision alterations without observing the due process requirements of right-of-way vacations and of subdivision replats (July 17, 1989 thru June 1, 1990).
2. Impairing the chain-of-ownership of another property owner by creating and recording an invalid Quit Claim Deed (December 31, 1990).
3. Performing an illegal subdivision of real property in total disregard of Mesa County subdivision regulations, and in specific disregard of the Planning Division's prior written communication of re-subdivision procedures and requirements. The illegal subdivision was accomplished by a series of nine Quit Claim Deeds, and later perpetuated by a tenth Quit Claim Deed (February 26, 1991 thru March 29, 1991; then May 14, 1991).
4. Submitting to the County Surveyor a Replat that was totally misleading and inaccurate as to ownership, legal description, survey of boundaries, depiction of roads, and dedication of property to public right-of-way (October 25, 1991).
5. Circumventing established Planning Division procedures and circumventing the responsible Planner's supervision of the final plat processing in preparation for recordation (October 24, 1991 thru November 6, 1991).
6. Causing to be recorded a Replat that is materially defective on its face and that clouds the required dedication of property to public right-of-way (November 6, 1991).

I do not understand why Petitioner has not yet been required by Mesa County to fully comply with all the steps specified in the ratified Planning Division's PROJECT FOLLOW-UP REVIEW.

It is my understanding that Petitioner has repeatedly refused to comply with the requirement of a Warranty Deed of dedication of property to public right-of-way, and has repeatedly refused to comply with the requirement of a satisfactory document to restore a clear chain-of-ownership to the Dalby property in the records of the Mesa County Assessor.

And, although a December 19, 1991 Amended version of the recorded Replat has already been reviewed by the County Surveyor, no corrected version of the recorded Replat has yet been provided to the Planning Division for processing by Planner Dannenberger who is responsible for this project.

However, Petitioner's failure to cooperate should not be allowed to unreasonably delay Mesa County from taking the necessary steps to enforce compliance with the County's requirements.

At issue is a history, documented in the public record, of prolonged and continuing non-compliance by Petitioner. Petitioner has not yet been held accountable for non-compliant behavior, and it would be unconscionable for Mesa County to allow Petitioner to succeed in any element of non-compliance.

Further, Petitioner's acts of non-compliance have also jeopardized rightful access to the Dalby property.

Considering a lengthy history, dating from 1980, of Petitioner's activities to impair the Cascade Drive access to the Dalby property, I am especially concerned that your decision to require a Warranty Deed be implemented:

The public record amply demonstrates the confusion and detrimental results that Petitioner can create by the use of Quit Claim Deeds.

Petitioner has invested much effort in avoiding a correct and explicit restoration of the Cascade Drive right-of-way despite that requirement in your Board's final approval of the Replat petition.

It is my understanding that requiring Warranty Deeds for road right-of-way dedications is not unusual and that the County Attorney is easily able to prepare a Warranty Deed of dedication for appropriate signature by Petitioner. By having Mesa County prepare the Warranty Deed, inadvertent errors that might occur if Petitioner prepared the deed will be avoided.

I submit to you that, in the face of Petitioner's repeated attempts to jeopardize access to the Dalby property, a Warranty Deed of dedication is the appropriate means to create an absolute and unquestionable intent on the part of Petitioner to dedicate the required property to public right-of-way as ordered by your Board on June 18, 1991.

For your convenience, I have attached several items of correspondence regarding the defective Replat and the manner in which it came to be recorded in the records of the Mesa County Clerk & Recorder on November 6, 1991.

As you read the attached correspondence in sequence, you will find that they provide you with a coherent review of the relevant facts of the matter.

In conclusion, I urge you to exercise your authority to require Petitioner to fully comply with all the requirements of the PROJECT FOLLOW-UP REVIEW; and, that the required dedication of property to public right-of-way be accomplished by a Warranty Deed prepared by Mesa County.

If said Warranty Deed is not accomplished, I can only conclude that a reckless disregard for the facts will have taken place and that the Cascade Drive access to the Dalby property will have been left in harm's way.

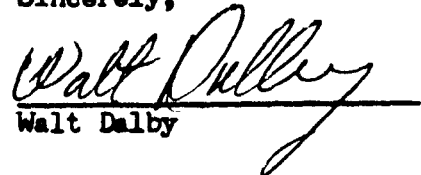
Finally, by requiring full compliance with the PROJECT FOLLOW-UP REVIEW, the mess that Petitioner has created will have been rectified, and you will have put an end to this disgusting waste of time, effort, and expense on the part of your Board, the County Staff, and myself.

I suggest that it would be most appropriate if this matter is fully resolved by June 18, 1992--one full year since the Replat petition was approved.

Should you need any further documentation or any other information in order to proceed, do not hesitate to call upon me.

I look forward to an early statement of your intentions in this matter.

Sincerely,


Walt Dalby

- Att.: 1. Letter to Tim Foster from Keith Fife.
2. Letter to Linda Dannenberger from Walt Dalby.
3. Memo to Lyle Dechant from Linda Dannenberger.
4. Letter to Mark Eckert from Walt Dalby.
5. Memo to Bob Carman from Linda Dannenberger via Mike Joyce.
6. PROJECT FOLLOW-UP REVIEW.
7. Letter to Mark Eckert and Lyle Dechant from Walt Dalby.
8. Letter to Fred Weber from Walt Dalby.

C.C.: Richard Krohn



June 2, 1992

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

William E. Foster, II
President, S L Ventures, Inc.
101 S. 3rd St., Suite 375
Grand Junction, Colorado 81501

Re: Final Inspection of Horizon Glen Subdivision

Dear Mr. Foster:

A final inspection of public improvements within the Horizon Glen Subdivision was held this morning at 10:00 a.m. The following items were noted as a result of this inspection:

1. At sewer manhole B-2 the top ring is loose and needs to be grouted into place.
2. Sewer manhole A-5 could not be found. The manhole will need to be exposed and the ring and cover raised to grade.
3. At several locations in the sidewalk, the expansion joint material needs to be trimmed off flush with the concrete surface.
4. No traffic control signing has been installed. The stop sign at the intersection with Horizon Drive should be placed closer to Horizon Dr. than shown on the plans to provide adequate sight distance in each direction.
5. We have not yet received asphalt pavement test results or record drawings of the public improvements on reproducible mylar.

Upon completion of the above items the streets, sanitary sewers and drainage improvements will be accepted for future maintenance be the City. All public improvements shall be warranted against defects in materials and workmanship for a period of one year beginning on the date of acceptance.

We appreciate the professional manner in which the construction of this project was managed and communications were maintained throughout the project.

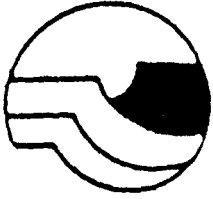
Sincerely,

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

J. Don Newton, P.E.
City Engineer

xc: Mark Relph, Public Works Manager
Bill Cheney, Utilities Engineer
Walt Hoyt, Senior Inspector
✓ Dave Thornton, Community Development

File #



7-15-92

Mesa County Department of Public Works
Division of Planning

(303) 244-1636

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

July 10, 1992

Timothy E. Foster
Foster, Larson, Laiche & Griff
Central Bank Building, Suite 323
422 White Avenue
Grand Junction, CO 81501

Re: Replat of Lot 2, Foster Subdivision
Notice of Pending Lapse of Final Plat

Dear Tim:

We have received a copy of your letter to the Assessor's office requesting a correction of property records. I have spoken with Mary Anne Fleetwood from that office, who feels the corrections are adequate and final. We will apprise Mr. Dalby of this fact also.

What remains to be completed is the recording of the corrected plat. The Mesa County Land Development Code requires recordation of the final plat and documents within one year of approval (June 25, 1991). Due to our numerous conversations and delays, the fact that this date has passed is not critical. But at this time, I must give you the required 30-day notice of lapse to initiate the finalization of this project.

Please advise me on the status of the plat--you must either meet this 30-day timeframe to record or request an extension of time from the County Commissioners.

Sincerely,

Linda Dannenberger
Planner
244-1771

xc: C42-91
Lyle Dechant, County Attorney

Walt Dalby
555 Pinyon Avenue
Grand Junction, CO 81501
(303) 434-2608 & 242-2992

August 10, 1992

HAND DELIVERY

Fred Weber, County Surveyor
Mesa County Surveying Department
Mesa County Courthouse
Grand Junction, CO 81501
(303) 244-1822

RE: AMENDED Plat of Horizon Glen Subdivision--July 27, 1992 Version.

Dear Fred:

I have examined the latest version of the AMENDED Plat of Horizon Glen Subdivision which you received on July 27, 1992.

I am pleased to note that the bearings and distances of the boundaries between the Dalby property and S.L. Ventures property now conform to those agreed to by the parties' surveyors; and, that the bearings and distances for those common boundaries contained in the legal property description on Sheet 1 now agree with those shown on the surveyed layout of the plat on Sheet 2.

Of the dozens of individual changes I see on this version of the AMENDED Plat when compared to the March 11, 1992 version, I still see two items of direct concern to me. I remain concerned about the following:

1. All of the data describing the Center-Line of the "HORIZON GLEN DR." right-of-way shown on Sheet 2 of the plat has been changed, and data for the adjacent boundaries of Lot 17 and Lot 18 has been added.

I request that you verify the followings:

That the newly added data for the boundaries of Lots 17 & 18 adjacent to the "HORIZON GLEN DR." right-of-way is completely accurate.

That all of the data defining the "HORIZON GLEN DR." right-of-way is now completely accurate--that is, to verify that the data on the plat can be completely relied upon in improving "HORIZON GLEN DR.".

I would appreciate being notified when your verification is completed.

2. Legal Counsel advises that the abbreviation "R.O.W.'S" contained in the language dedicating property to the City of Grand Junction should be fully spelled out in order to avoid any future argument of technical interpretation regarding the legal status of the "HORIZON GLEN DR." right-of-way.

I again request that this change be made in the dedication language on Sheet 1.

As a matter of convenience for you, Fred, I have noted some minor items you may want to look at:

- a. Ownership Reference: On Sheet 1, in Paragraph 2, at the end of Line 1, a reference reads "(BOOK 1837 PG 337-339)". You will find that Pages 337-339 of Book 1837 are pieces of a series of Collbran Conservancy District Applications for Reallocation of Class D Allotments.

Pages 348-349 recorded in Book 1837 are the 2-page Quit Claim Deed of property from DYNOVE, LTD. to S.L. VENTURES, INC. I believe these are the pages that the plat intends to reference.

- b. Foster Replat Reference: On Sheet 1, in Paragraph 2, in Line 3, the November 6, 1991 recording of the Replat of Lot Two Foster Subdivision is referenced as "RECORDED IN PLAT BOOK 14, PAGE 22".

Since an AMENDED Replat of Lot Two Foster Subdivision is required by Mesa County under pain of lapse of plat, should not the Plat Book and Page reference become that of the upcoming recordation of the AMENDED Foster Subdivision Replat?

- c. Covenants Reference: On Sheet 1, in Paragraph 7, in Lines 3 and 4, the spaces for the previously recorded Declaration of Covenants have been left blank.

I believe the Covenants are dated October 16, 1991 and were recorded on November 6, 1991 in Book 1864, Pages 682-703, Reception Number 1585581.

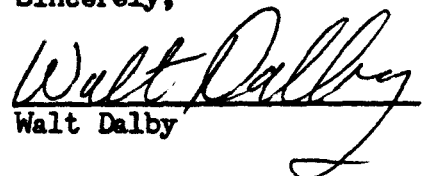
- d. Distance Agreement: On Sheet 1, in Paragraph 3, in Line 6 of the property's legal description, a curve is followed "TO THE RIGHT A DISTANCE OF 75.95 FEET".

This Distance has been changed to 75.97 feet on Sheet 2 of the plat.

I hope that this information I have presented will be of assistance to you in reviewing this latest version of the AMENDED Plat of Horizon Glen Subdivision.

Finally, as a matter of record, I again observe that the Center-Line of "HORIZON GLEN DR." on Sheet 2 is still platted 2-feet East of the Center-Line that was approved by the City of Grand Junction.

Sincerely,


Walt Dalby

C.C.: Merritt Dismant
Claudia Hazelhurst
Richard Krohn
Jim Shanks
Dan Wilson

Memo to File:

Per a 8-17-92 telephone conversation with Walt Dalby, he has requested the following concerning the amended Horizon Glen plat:

To avoid any confusion in the future, he would like the abbreviated ROW's amended to Rights of Way.

Wants to ensure that the City will stand behind the recorded plat when the road from Horizon to the Dalby property is constructed (e.g.

Would like to review the plat prior to it being recorded.

ch



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

September 9, 1992

William E. Foster, II
President, S L Ventures, Inc.
101 S. 3rd St., Suite 375
Grand Junction, Colorado 81501

Re: Horizon Glen Subdivision

Dear Mr. Foster:

All of the items listed in my letter dated June 2, 1992 following inspection of the streets and drainage facilities have been completed and record construction drawings have been received. Therefore, these improvements are hereby accepted into the city street system.

You are required to warrant the improvements against defects in design, materials and workmanship for a period of one year from the date of inspection which was June 2, 1992.

I have recently noticed surface erosion taking place on lot 6 which has deposited a considerable amount of soil and gravel onto the street. I would like to meet with you and/or your representative to discuss what can be done to mitigate this problem and prevent damage to the street.

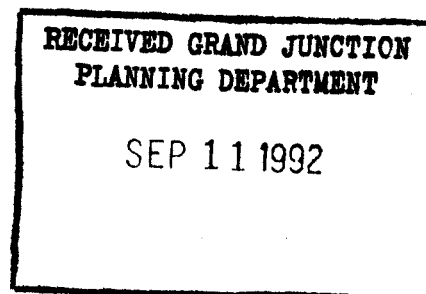
Thank you for your cooperating and assistance in completing the public improvements.

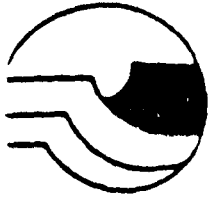
Sincerely,

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

J. Don Newton, P.E.
City Engineer

xc: Bill Cheney
Mark Relph
Dave Thornton
Walt Hoyt
Doug Cline
Chris Motz





File C42-91 12-14-92

Mesa County Department of Public Works
Division of Planning

(303) 244-1636

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

December 2, 1992

Timothy E. Foster
Foster, Larson, Laiche & Griff
Central Bank Building, Suite 323
422 White Avenue
Grand Junction, CO 81501

Re: Replat of Lot 2, Foster Subdivision

Dear Tim:

Since receiving the revised mylar copy of the replat in September, we have proceeded to obtain signatures to bring this project to a close. Unfortunately, the Planning Commission chairman has signed in the County Commissioners' block. Please have your surveyor exchange the wording on the two blocks so that Jim Spehar can sign the plat.

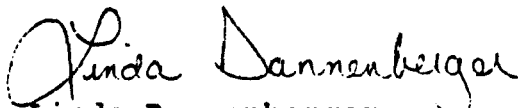
Also, Lyle Dechant has requested that the notation on Lot A be revised as follows:

"Ten foot portion of real property and utility easement to be dedicated and set apart hereon as a portion of that street and road designated as Cascade Drive."

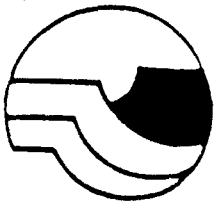
We are confident that this change will satisfy all parties as it relates to the dedication language on the plat.

You may pick up the plat from our office any time. Please return it to the County Surveyor's office after the corrections are made.

Sincerely,


Linda Dannenberger
Planner

xc: File C42-91
Jim Spehar, Chairman, Board of County Commissioners
Lyle Dechant, County Attorney



Mesa County Surveyor

Fred A. Weber

(303) 244-1821

531 White Avenue

P.O. Box 20000

Grand Junction, Colorado 81502-5026

Attention:
Community Development
Kathy Portner
City of Grand Junction, Co 81501

In reference to the ratification of Plats.
REPLAT of LOT 2 FOSTER SUBDIVISION as AMENDED.
HORIZON GLEN SUBDIVISION as AMENDED.

The existing ownership of that portion of lot A, OF THE REPLAT OF LOT 2 FOSTER SUBDIVISION AS AMENDED consists of a dual ownership, being S.L. VENTURES, INC., A COLORADO CORPORATION AND MARGARET E. FOSTER.

The ownership for Lot "A" was researched and conducted through Western Colorado Title Company, 521 Rood Ave, Grand Junction, Co. on May 14, 1993, where it was found that the owners of Lot "A" of the Replat of Lot 2 Foster Subdivision as Amended were S.L VENTURES, INC., A COLORADO CORPORATION AND MARGARET E FOSTER. These signatures are upon the Amended plat to be recorded by the County Planning Dept.

The Ratification of the plat signature being Virginia C. Rice, George W. Rice, John C. Heideman, Glenda J. Heideman and Paul D. Reinsche for the Replat of Lot 2, Foster Subdivision as Amended, have now legal ownership within Lot "A" of the above mentioned and proposed subdivision plat.

That portion consisting of 1.32 Acres and being on the south part of Lot 2 of the Foster Subdivision that was annexed to the City of Grand Junction, and was approved and final September 7, 1991. That portion was then added to the Horizon Glen Subdivision and sold as a part or all of Lots 7,8, & 9.,

The Ratification of signature for Horizon Glen Subdivision as Amended, is justified and should be recorded as such, as ownership was acquired after the invalid recording of the Horizon Glen Subdivision. Please recognizing that the Deed transfer of any of the Lots to the various ownership in the invalid plat of Horizon Glen Subdivision will need to be re-issued when the Horizon Glen Subdivision as Amended is recorded in the Mesa County Clerk and Records office. New deeds must be issued, giving the present recorded subdivision name and the lot for ownership under the Amended plat.

EXAMPLE: Lot 8 of Horizon Glen Subdivision as Amended.

A handwritten signature in cursive script that reads "Fred A. Weber".

Fred A. Weber
Mesa County Surveyor

cc Linda Dannenberger, Planning Dept.
Timothy Foster, Attorney
Lyle Dechant, County Attorney

MEMO:

May 20, 1993

TO: Kathy Portner, Community Development
City of Grand Junction.

FROM: Fred A. Weber, Mesa County Surveyor.

I have given the mylar to the Mesa County Planning Department of the Replat of lot 2, Foster Subdivision as Amended to be recorded.
Lyle Dechant, would like the Replat of Lot 2 to be recorded first before Horizon Glen Sub as Amended.

I talked with Mesa County Planning and they will let you know when they have completed their records.

Enclosed you will find your original Plat Ratification for signitures

F.W.
5/20/93

cc Linda Dannenberger, Mesa county Planning.

file 32-91

5-25-01 -- Told Martin O'Boyle at our county that it's okay to remove berm that is on lot 16 since there is no easement for it. RECEIVED JAN 23 2001 COMMUNITY DEVELOPMENT DEPT. Kathy P.

Martin L. O'Boyle
3720 Horizon Glen Ct
Grand Junction, Co., 81506
970 245 5309

Jan. 21, 2001

Kathy Portner
City of Grand Junction Community Development
Planning & Zoning
250 N 5th St
Grand Junction, Co., 81501

Kathy:

Please consider this request to remove an existing earth berm on Lot 16, Horizon Glen Subdivision, and re-contour grade back to original condition.

The existing earth berm prevents surface water from flowing to the swale along Horizon Drive and intrudes into a proposed building envelope on lot 16. The existing mature trees and native growth with additional plantings that can be installed within the 30' setback along Horizon Drive will be more than adequate to provide a buffer.

It is my understanding that the berm was created to buffer Horizon Glen Subdivision from the traffic along Horizon Drive. There does not exist a similar berm on the South side of Horizon Glen Ct, nor is there the amount of trees and other growth that do exist on lot 16 and within the Horizon Drive ROW. The earth berm intrudes substantially on lot 16, in some places 45' from the property line, as opposed to within the 30' setback.

I have enclosed an improvement survey of lot 16 which proposes to preserve the North West corner of lot 16 from building. This proposed area is full of Russian Olive and Tamerisk trees, cattails, and other flora which are essential in absorbing the high water table which fluxuates between lot 15 & 16. This water flows South East to the swale along Horizon Drive, then under Horizon Glen Court, then under Horizon Drive to the swale on the South East side of Horizon Drive. The water table has been fluxuating since I've owned lots 15 & 16 and has risen 12' since (I believe) the 17 acres NorthWest of 12th and Horizon has been dewatered. As you can see, if I restrict building outside of the proposed preservation area and remain within the 30' side yard setback, I will have an extremely small building envelope indeed. Nevertheless, I believe an adequate home can be designed which will fit within these two restrictions, in other words, the trees and flora that exist within the 30' setback AND the proposed preservation area can be saved.

Removal of the earth berm will also allow surface water, detrimental to foundations as I can attest with the issues in building on lot 15, to flow to the Horizon Drive drainage.

It is my intent to leave lot 16 undeveloped for as long as I can as it provides an excellent buffer between my house on lot 15 and Horizon Drive. It is in my best interest to create a development plan on lot 16 that addresses the high water table issues common to both lots, keeps as much natural vegetation as possible, and at the same time provide an adequate building envelope. I believe removal of the earth berm can help accomplish this goal. I have the concurrence of all my neighbors in Horizon Glen Subdivision, and feel this request will enhance both lots 15/16. create a better building lot, and eliminate an unsightly, improperly located mound of dirt.

Please advise me of your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martin O'Boyle', with a long, sweeping horizontal stroke extending to the right.

Martin O'Boyle

September 23, 1997

Martin O'Boyle
P.O. Box 2342
Grand Junction, CO 81502

Dear Martin,

I am in receipt of your letter on September 14, 1997 regarding the earthen berm on the south end of lot 16, Horizon Glen subdivision. I have discussed your request to remove this berm with the members of the architectural review committee. All members support your request to remove this and use the soil as backfill. If you have further questions or concerns, please contact me or members of the architectural review committee (David Hoffman, Ginger Rice, Verla Brennan).

Thank you for your request and good luck in the construction of your home.

Sincerely,



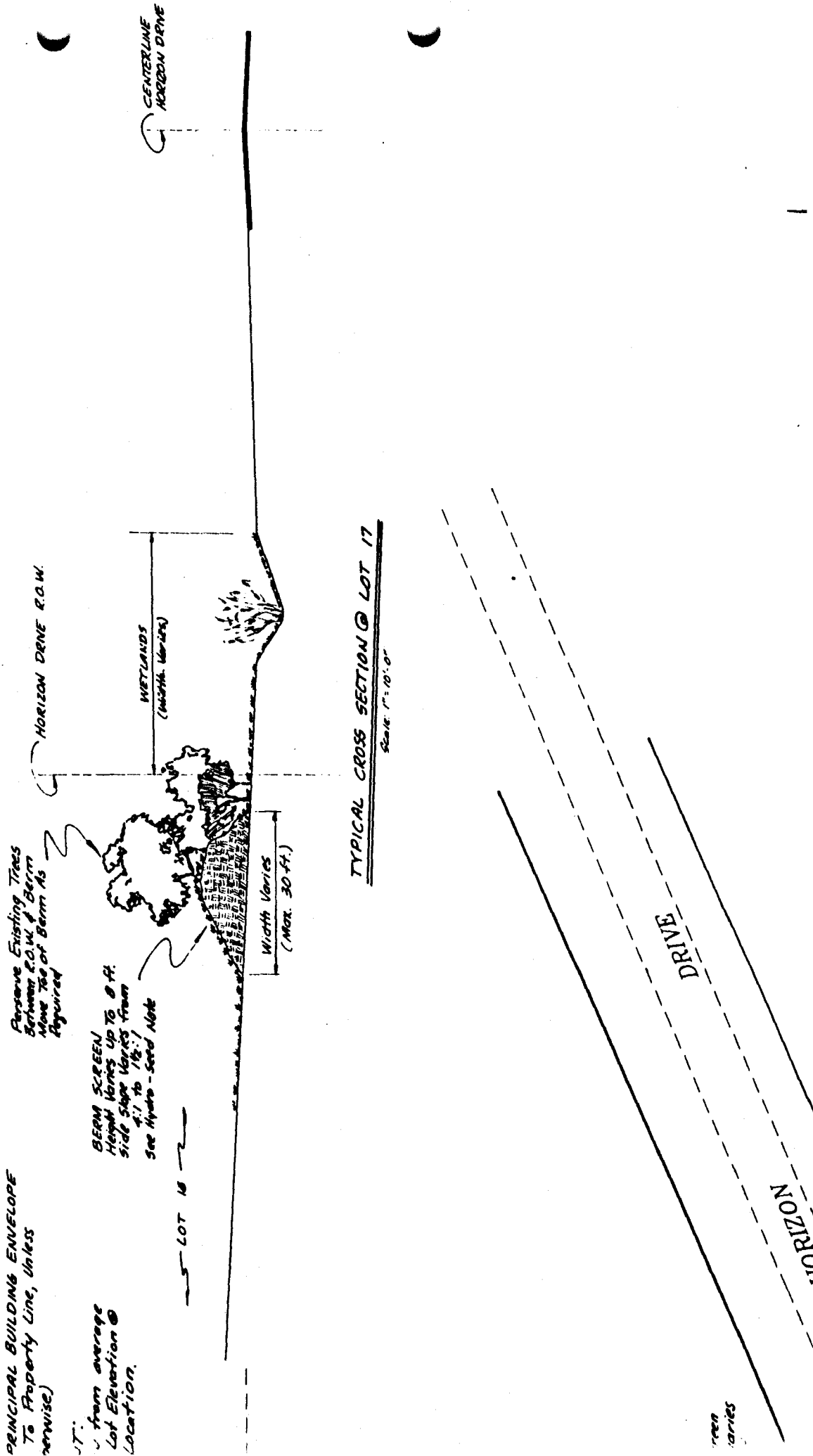
Glenn M. Madrid
President, Horizon Glen Homeowners Association

HYDRO-SEED NOISE

1. USE STANDARD SPRAY-APPLIED HYDRO MULCH EQUIPT.
2. PREPARE SEEDS w/ DISC HARROW
3. MULCH:
 - NITROGEN-STABILIZED WOOD WOOD FIBER
 - APPLY HYDRAULICALLY AT ONE TON PER ACRE
4. PROTECT SEED w/ ASPHALT EMULSION AT 100 lbs/ac.
5. APPLY SEED AFTER OCT. 1, AND BEFORE DEC. 15.
6. SEED MIX AS FOLLOWS:

SEEDS:	RATE: PURE LIVE SEED/LAC.
FALLOW WHEAT GRASS	4.0 lbs
GALLETO	4.0 lbs
INDIAN RICE GRASS	6.5 lbs
SAND CRUPSEED	0.5 lbs
	<u>15.0 lbs TOTAL</u>
7. MIX TO lbs OF ACTUAL NITROGEN PER TON OF MULCH FOR STABILIZATION
8. SPRINGS:

SEEDS:	SEEDS WILL
FOURRING SALTBRUSH	BE RANDOMLY
SHADSCALE	SCATTERED
WINTERFAT	



PRINCIPAL BUILDING ENVELOPE
To Property Line, unless
otherwise

UT:
from average
Lot Elevation @
Location.

Remove Existing Trees
Between R.O.W. & Berm
Above Top of Berm As
Figured

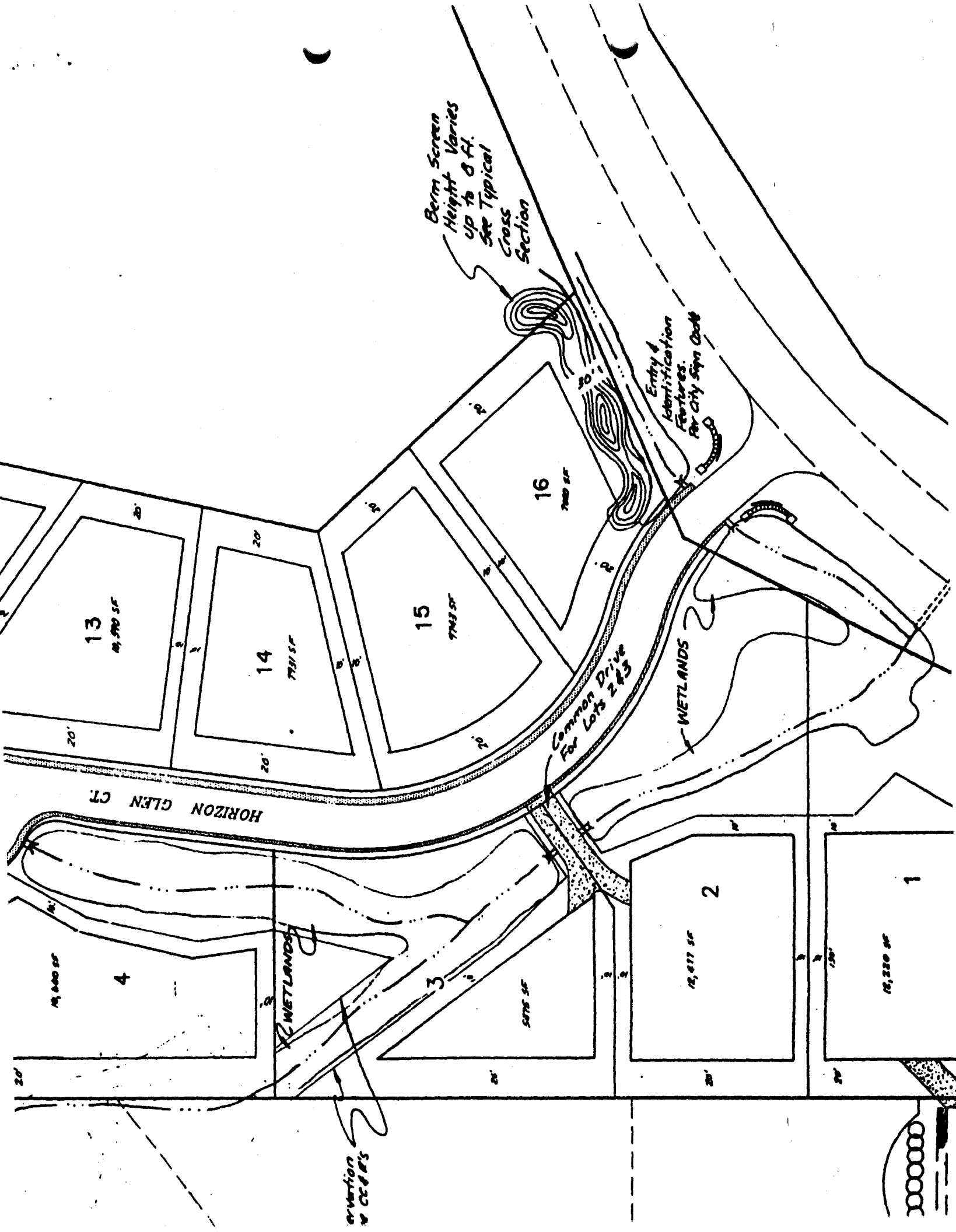
BERM SCREEN
Height varies up to 8 ft.
Side slope varies from
4:1 to 1 1/2:1
See Hydro-Seed Note

Width Varies
(Max. 30 ft.)

TYPICAL CROSS SECTION @ LOT 17

Scale: 1" = 10'-0"

width varies



Berm Screen
Height Varies
up to 8 ft.
See Typical
Cross
Section

Entry &
Identification
Features.
For City Sign Out

Common Drive
For Lots 2 & 3

WETLANDS

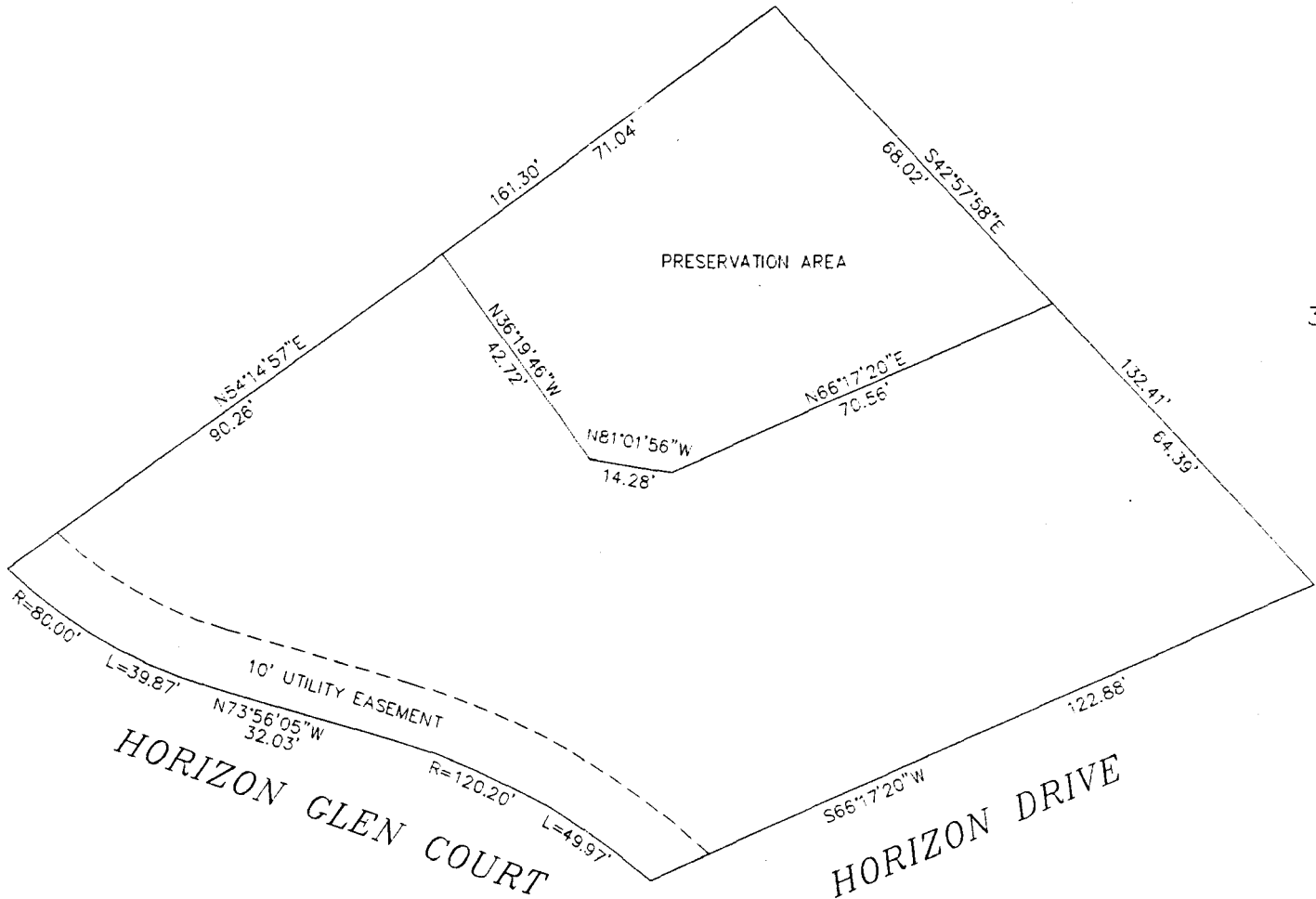
WETLANDS

HORIZON GLEN CT

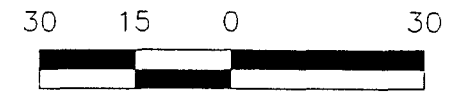
variation
w/ CC & R's



LOT 16, HORIZON GLEN SUBDIVISION



SCALE: 1" = 30'

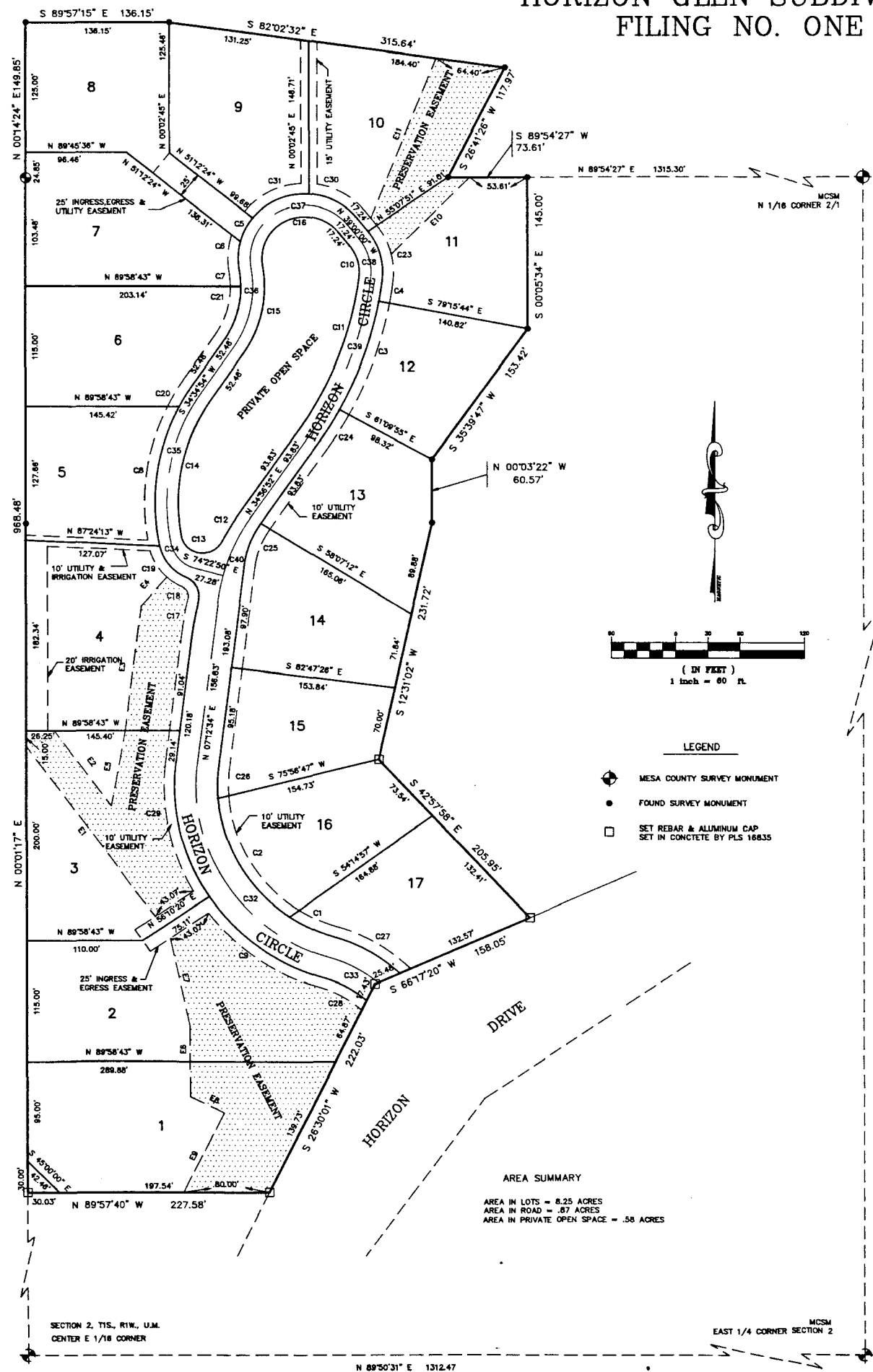


HORIZON GLEN COURT

HORIZON DRIVE

CENTURY SURVEYING P.O. BOX 356, GRAND JCT., CO 81502 970-241-2667	
LOT 16, HORIZON GLEN SUBDIVISION	
JOB NO.	SHEET 1 OF 1

HORIZON GLEN SUBDIVISION FILING NO. ONE



AREA SUMMARY
 AREA IN LOTS = 8.25 ACRES
 AREA IN ROAD = .87 ACRES
 AREA IN PRIVATE OPEN SPACE = .58 ACRES

- LEGEND**
- MESA COUNTY SURVEY MONUMENT
 - FOUND SURVEY MONUMENT
 - SET REBAR & ALUMINUM CAP SET IN CONCRETE BY PLS 16835

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, S.L. VENTURES, INC., A COLORADO CORPORATION IS THE OWNER OF THAT REAL PROPERTY LOCATED IN THE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, AND BEING SITUATED IN THE SE 1/4 NE 1/4 SECTION 2, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN AND LOT B, REPLAT LOT 2, FOSTER SUBDIVISION AS SHOWN ON THE ACCOMPANYING PLAT, SAID PROPERTY BEING ADDITIONALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF FOSTER SUBDIVISION, (WHICH IS ALSO THE NORTHWEST CORNER OF THE SE 1/4 NE 1/4 OF SECTION 2) AND ASSUMING THE NORTH LINE OF THE SE 1/4 NE 1/4 OF SECTION 2 TO BEAR N. 89°54'27" E., WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE N. 01°14'24" E., 148.85 FEET; THENCE S. 89°57'15" E., 136.15 FEET; THENCE S. 82°02'32" E., 315.64 FEET; THENCE S. 26°41'28" W., 118.07 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF FOSTER SUBDIVISION; THENCE N. 89°54'27" E., 74.35 FEET ALONG THE NORTH LINE OF THE SE 1/4 NE 1/4 SECTION 2; THENCE S. 09°05'34" E., 145.00 FEET THENCE S. 35°39'47" W., 153.42 FEET; THENCE S. 07°03'22" E., 60.57 FEET; THENCE S. 12°31'02" W., 232.72 FEET; THENCE S. 42°15'58" W., 205.95 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HORIZON DRIVE; THENCE S. 69°17'20" W., 158.05 FEET ALONG THE NORTH RIGHT-OF-WAY OF HORIZON DRIVE; THENCE S. 26°30'01" W., 222.03 FEET; THENCE LEAVING SAID RIGHT-OF-WAY N. 89°57'40" W., 227.58 FEET TO INTERSECT THE WEST LINE OF THE SE 1/4 NE 1/4 OF SECTION 2; THENCE N. 07°01'17" E., 98.48 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 9.70 ACRES MORE OR LESS.

THE SAID OWNERS HAVE CAUSED THE SAID REAL PROPERTY TO BE Laid OUT AND SURVEYED AS HORIZON GLEN SUBDIVISION FILING NO. ONE A SUBDIVISION OF A PART OF THE CITY OF GRAND JUNCTION, MESA COUNTY, STATE OF COLORADO.

THAT SAID OWNERS DO HEREBY DEDICATE AND SET APART ALL OF THE STREETS AND ROADS AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER, AND HEREBY DEDICATES TO THE PUBLIC UTILITIES THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS ON THE ACCOMPANYING PLAT AS PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, IRRIGATION AND DRAINAGE FACILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC LINES, GAS LINES, TELEPHONE LINES; TOGETHER WITH THE RIGHT TO TRIM INTERFERING TREES AND BRUSH; WITH PERPETUAL RIGHT OF INGRESS AND EGRESS FOR INSTALLATION AND MAINTENANCE OF SUCH LINES. SUCH EASEMENTS AND RIGHTS SHALL BE UTILIZED IN A REASONABLE AND PRUDENT MANNER.

THAT ALL EXPENSES FOR STREET PAVING OR IMPROVEMENTS SHALL BE FURNISHED BY THE SELLER OR PURCHASER, NOT THE CITY OF GRAND JUNCTION.

THE UNDERSIGNED, IN RECORDING THE ACCOMPANYING PLAT DESIGNATES TRACTS AS A PRIVATE COMMON OPEN SPACE FOR THE COMMON USE AND ENJOYMENT OF THE HOMEOWNERS IN HORIZON GLEN SUBDIVISION AND ANY AND ALL PROPERTIES HEREAFTER ANNEXED TO AND BROUGHT UNDER THE TERMS OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS DATED _____ 199__ AND RECORDED WITH THE CLERK AND RECORDER OF MESA COUNTY, COLORADO ON _____ PAGE _____ RECEPTION NO. _____ (HEREINAFTER REFERRED TO AS THE DECLARATION). THE DESIGNATED PRIVATE COMMON OPEN SPACES ARE NOT TO BE FOR USE BY THE GENERAL PUBLIC.

SAID DECLARATION IS HEREBY INCORPORATED INTO AND MADE A PART OF THIS PLAT.

IN WITNESS WHEREOF SAID OWNERS HAVE CAUSED THEIR NAMES TO BE HEREUNTO SUBSCRIBED THIS _____ DAY OF _____ A.D., 199__

S.L. VENTURES, INC., A COLORADO CORPORATION
 WILLIAM E. FOSTER II, PRESIDENT TIMOTHY E. FOSTER, SECRETARY
 STATE OF COLORADO)
 COUNTY OF MESA)
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D., 199__ BY WILLIAM FOSTER II, PRESIDENT AND TIMOTHY E. FOSTER, SECRETARY, S.L. VENTURES, INC.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

CLERK AND RECORDERS CERTIFICATE
 STATE OF COLORADO)
 COUNTY OF MESA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK _____ M. THIS _____ DAY OF _____ A.D., 199__ AND IS DULY RECORDED IN PLAT BOOK NO. _____ PAGE _____

CITY APPROVAL
 THIS PLAT OF HORIZON GLEN SUBDIVISION, FILING NO. ONE, A SUBDIVISION OF THE CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, IS APPROVED AND ACCEPTED ON THIS _____ DAY OF _____

CITY MANAGER PRESIDENT OF COUNCIL CHAIRMAN, PLANNING COMMISSION
 DIRECTOR OF DEVELOPMENT CITY ENGINEER

SURVEYOR'S CERTIFICATE

I, DENNIS W. JOHNSON, CERTIFY THAT THE ACCOMPANYING PLAT OF HORIZON GLEN SUBDIVISION FILING NO. ONE, A SUBDIVISION OF A PART OF THE CITY OF GRAND JUNCTION, COUNTY OF COLORADO HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS A FIELD SURVEY OF SAID REAL PROPERTY. THIS PLAT CONFORMS TO THE REQUIREMENTS FOR SUBDIVISION PLATS SPECIFIED IN THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE AND APPLICABLE LAWS OF THE STATE OF COLORADO.

DENNIS W. JOHNSON, CENTURY SURVEYING DATE _____
 REGISTERED PROFESSIONAL LAND SURVEYOR L.S. 16835

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DETA
C1	149.49	45.59	22.97	45.41	S 85°11'52" E	17.2827
C2	149.49	135.27	72.66	130.70	S 30°32'16" E	51.5045
C3	348.58	110.41	55.67	109.66	N 19°47'11" E	18.0548
C4	348.58	19.78	9.88	19.75	N 09°07'08" E	03.7416
C5	62.00	25.73	13.05	25.53	S 26°54'12" W	23.4848
C6	62.00	27.28	13.87	27.06	S 02°24'25" W	25.7245
C7	99.89	95.85	7.84	15.63	N 09°16'00" W	09.5154
C8	191.00	137.41	71.63	134.64	S 07°54'58" W	32.5152
C9	189.49	132.64	69.17	129.95	S 53°52'53" E	40.0826
C10	40.00	32.46	17.19	31.58	N 15°45'00" W	46.3000
C11	327.58	156.93	80.00	155.43	N 21°3'26" E	27.2852
C12	270.00	35.61	17.83	35.59	S 11°10'09" W	07.3326
C13	20.00	49.64	58.43	37.84	S 81°30'20" E	142.1227
C14	175.00	137.39	72.46	133.89	S 12°03'24" W	44.5900
C15	112.89	86.23	46.51	86.07	N 12°11'28" E	44.4851
C16	40.00	105.56	155.79	77.49	S 85°24'01" W	151.1157
C17	270.00	33.73	16.89	33.70	S 10°47'17" W	07.0925
C18	20.00	28.37	17.16	28.05	N 26°16'03" W	81.1805
C19	40.00	40.19	21.78	36.88	S 39°29'72" E	54.4947
C20	191.00	23.00	11.51	22.99	S 31°04'43" W	06.4920
C21	99.89	55.39	28.59	54.54	N 17°07'20" E	34.5457
C22	62.00	50.32	26.84	48.95	N 15°45'00" W	46.3000
C23	348.58	37.30	18.67	37.28	N 37°53'28" E	06.0447
C24	348.58	44.23	22.56	43.80	S 21°04'43" W	27.4417
C25	149.49	30.85	15.48	30.80	S 01°17'50" W	11.4828
C26	151.82	71.28	36.31	70.63	N 60°27'59" W	26.5613
C27	111.62	47.35	24.04	47.00	N 61°48'54" W	24.1671
C28	189.49	135.72	70.92	132.83	S 11°08'33" E	41.1814
C29	62.00	51.23	27.18	48.78	N 62°40'13" W	47.2927
C30	62.00	59.37	32.18	57.13	S 66°13'55" W	54.5158
C31	168.49	240.03	145.13	220.43	S 33°11'46" E	81.0840
C32	131.62	53.14	26.94	52.78	N 62°22'06" W	23.0158
C33	31.00	33.71	18.74	32.08	S 43°13'34" E	62.1832
C34	186.00	151.45	80.21	147.30	S 11°15'18" W	46.3912
C35	101.89	73.84	41.89	73.84	N 12°11'28" E	44.4851
C36	51.00	134.59	198.83	98.80	S 65°24'01" W	151.1157
C37	51.00	41.39	21.91	40.26	N 15°45'00" W	46.3000
C38	338.58	162.20	82.69	160.65	N 21°3'26" E	27.2852
C39	180.68	87.47	44.61	86.62	S 21°04'43" W	27.4417

TABLE FOR PRESERVATION EASEMENT
(See C.C. & R's)

LINE	DIRECTION	DISTANCE
E1	N 36°51'52" W	202.70
E2	N 36°51'52" W	90.00
E3	N 07°12'54" E	120.00
E4	S 41°17'50" W	36.82
E5	S 11°00'29" W	73.35
E6	N 00°00'00" E	67.00
E7	S 12°29'18" E	85.55
E8	N 63°29'59" W	35.00
E9	N 26°30'01" E	85.00
E10	N 44°40'08" E	103.78
E11	S 21°46'29" W	165.39

BASIS OF BEARINGS

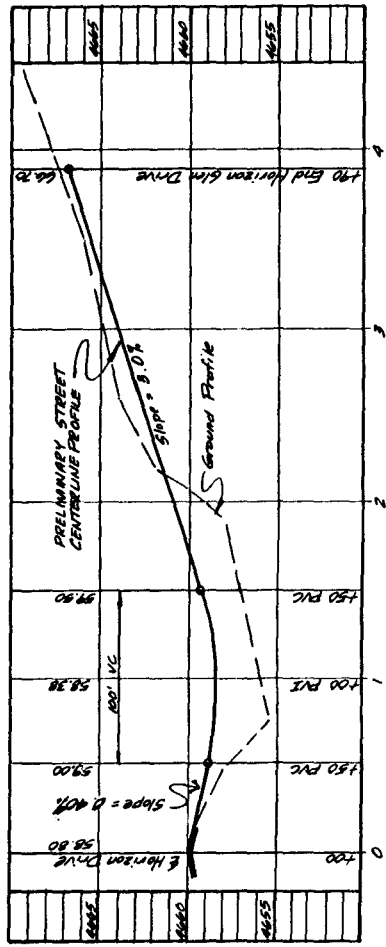
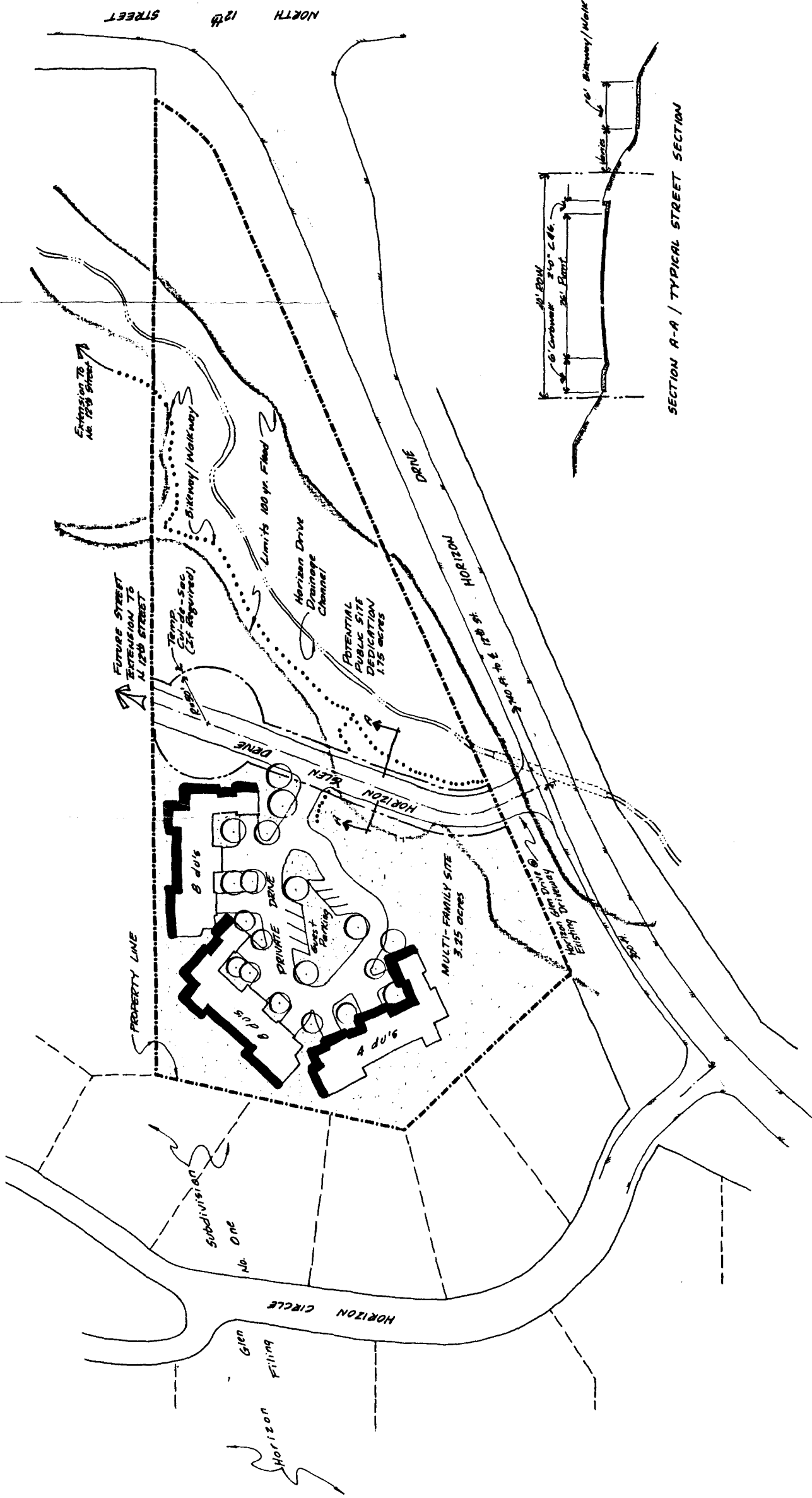
BASIS OF BEARINGS ASSUME THE BEARING ALONG THE NORTH LINE OF THE SE 1/4 NE 1/4 OF SECTION 2, BETWEEN THE NE 1/16 CORNER WHICH IS A 1888 BLM ALUMINUM PIPE, AND THE MCSM FOR THE NORTH 1/16 CORNER ON THE EAST BOUNDARY OF SECTION 2 TO BEAR N 89°54'28" E.

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT, IF NO EVENT HAPPENS BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

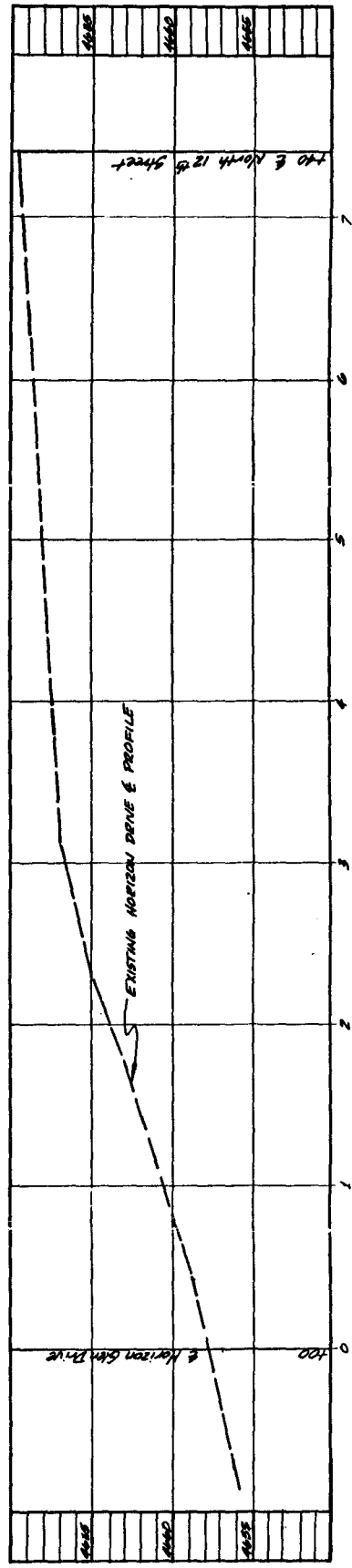
**HORIZON GLEN SUBDIVISION
FILING NO. ONE**

MESA COUNTY, COLORADO

ARRINGTON CONSULTANTS, INC.
851 ROODVAE,
GRAND JUNCTION, COLORADO
(303) 242-0101



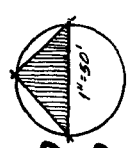
HORIZON GLEN PROFILE
 H.S. 50' HORIZ.
 V.S. 5' HORIZ.

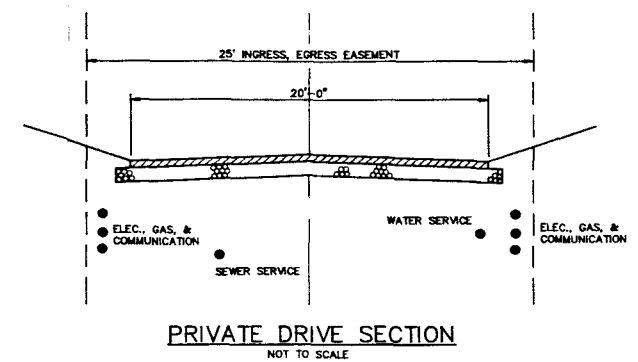
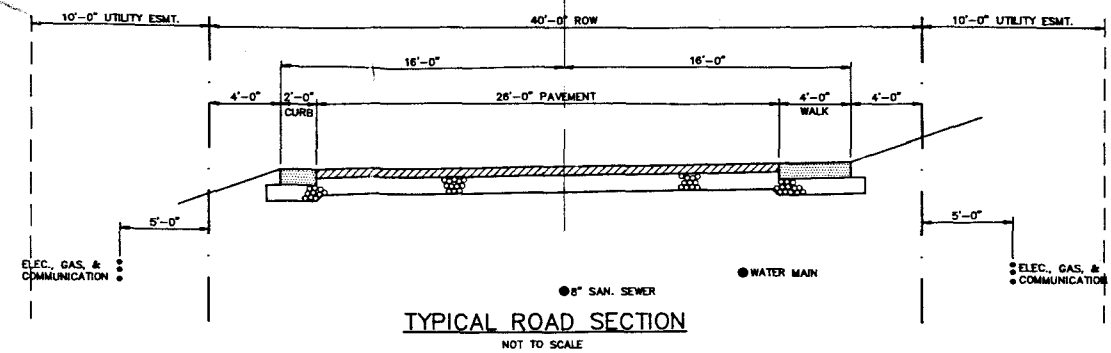
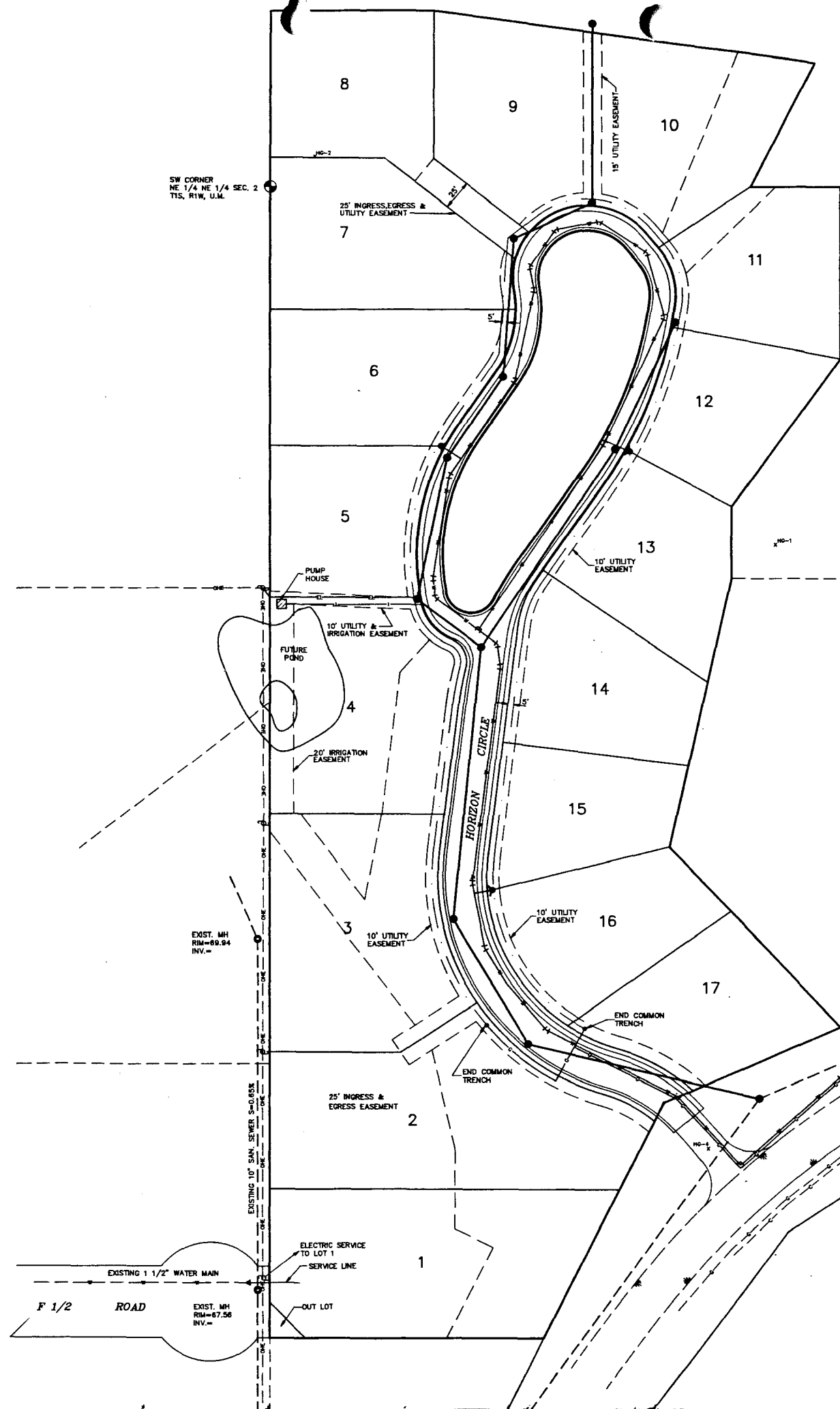


HORIZON DRIVE PROFILE
 H.S. 50' HORIZ.
 V.S. 5' HORIZ.

SECTION A-A / TYPICAL STREET SECTION

OUTLINE DEVELOPMENT PLAN FOR: HORIZON GLEN FILING No. Two
 Grand Junction, Colorado



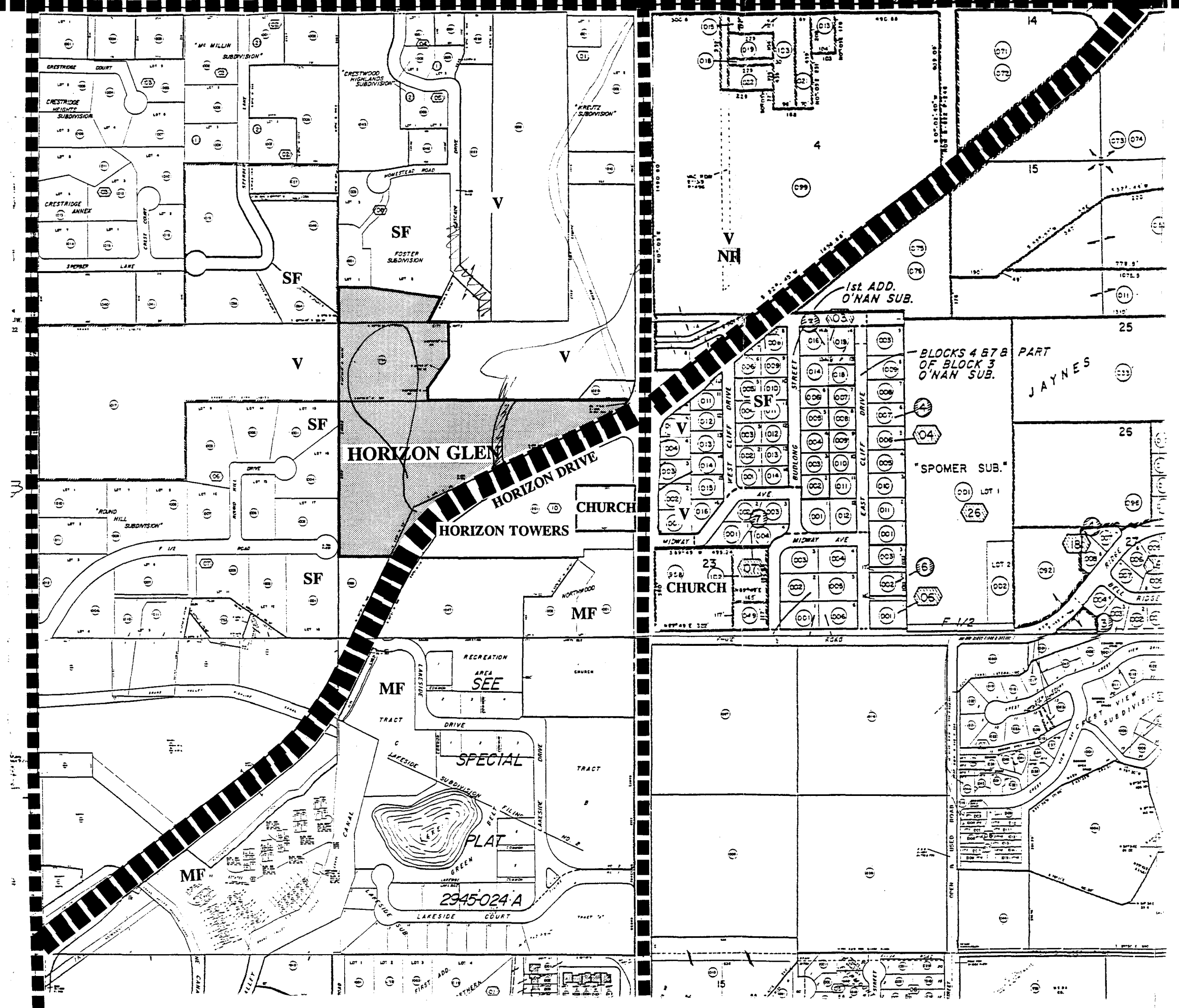


LEGEND

- COMMON TRENCH
- GAS
- ELECTRIC
- COMMUNICATION
- PROPOSED SAN. SEWER MAIN w/MANHOLE
- PROPOSED WATER MAIN & FIRE HYDRANT
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED GAS LINE
- EXIST. SAN. SEWER MAIN w/MANHOLE
- EXIST. WATER MAIN
- EXIST. GAS LINE
- EXIST. COMMUNICATION LINE
- EXIST. FIRE HYD.
- EXIST. OVERHEAD ELECTRIC

SCALE: 1"=50'

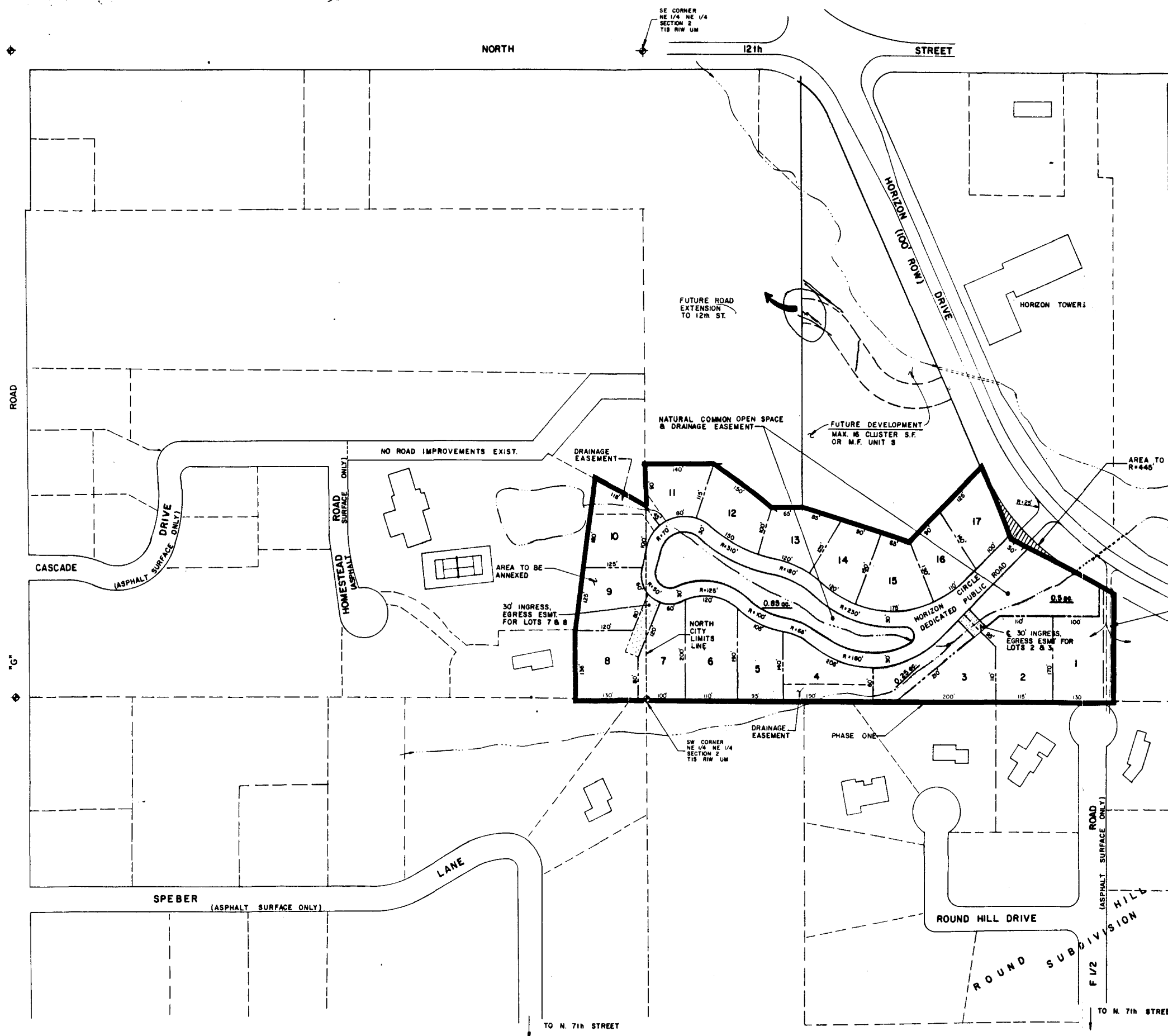
UTILITIES COMPOSITE		
HORIZON GLEN SUBDIVISION		
FILING NO. 1		
GRAND JUNCTION, COLORADO		
ARMSTRONG CONSULTANTS, INC.		
<small>GRAND JUNCTION, COLORADO (303)242-0101</small>		
<small>DRAWN BY:</small> D. ERTZ	<small>DATE:</small> MAY, 1991	<small>CHECKED BY:</small> T. LOGUE
		U1-1



- SF - SINGLE FAMILY HOUSING
- NR - NON-RESIDENTIAL
- MF - MULTI-FAMILY HOUSING
- V - VACANT LAND



FIGURE II
SURROUNDING LAND USE MAP

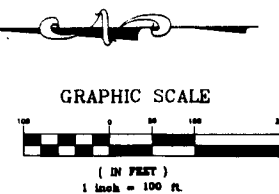


LAND USE SUMMARY	
AREA IN PHASE I	10.05
AREA IN FUTURE PHASE	4.37
TOTAL	14.42
D.U. IN PHASE I	17
D.U. IN PHASE II	16 (MAX)
TOTAL	33 (MAX)
PHASE I DENSITY	1.7dw/ac.
AREA IN PHASE I ROADS	1.2oc./12%
AREA IN PHASE I OPEN SPACE	1.6oc./16%

MINIMUM BUILDING SETBACK REQUIREMENTS	
HORIZON DRIVE & 50' ROW'S	25'
30' ROW'S	10' • DWELLING 20' • GARAGES
REAR	20'
SIDE	10'
OPEN SPACE	10'
• OR EASEMENT WIDTH	

EXISTING 20' INGRESS EGRESS EASEMENT FOR LOT 1 AND OTHERS
EXISTING GRAVEL DRIVE TO BE PAVED

- NOTES**
- SEE SHEET 2 FOR GRADING & DRAINAGE
 - SEE SHEET 4 FOR UTILITY PLAN



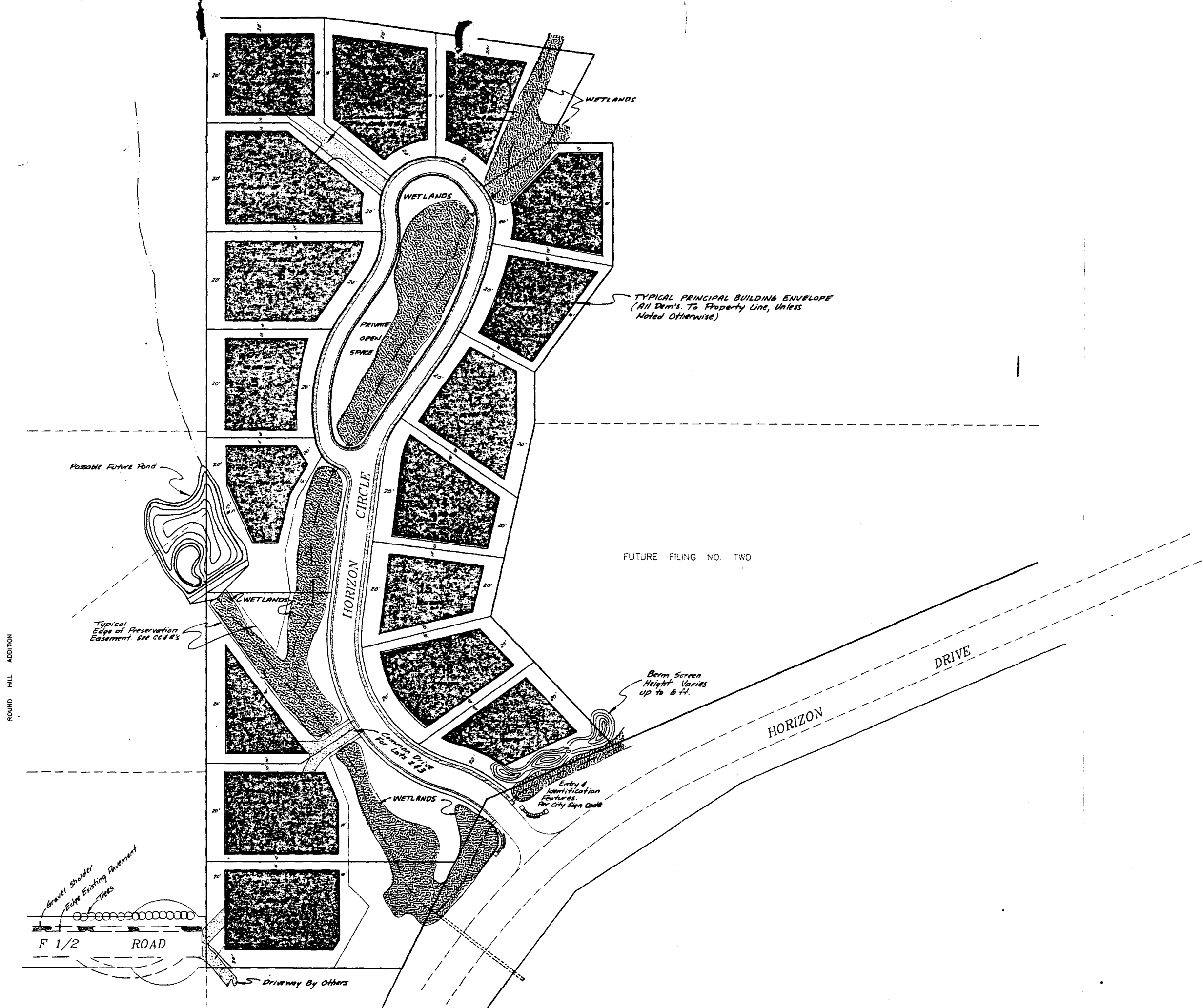
PRELIMINARY SITE PLAN
HORIZON GLEN
 MESA COUNTY, COLORADO

ARMSTRONG CONSULTANTS, INC.

Engineers
 Planners
 Surveyors
 Soil Technicians

341 3000 AVENUE
 FORT COLLINS, COLORADO 80504
 (303) 542-0901

DESIGNED BY T. LOGUE	DRAWN BY JAN, 1991	SHEET 1 of 4
CHECKED BY T. LOGUE	DATE 905346	



ROUND HILL ADDITION

SCALE: 1"=50'

FINAL DEVELOPMENT PLAN		
HORIZON GLEN SUBDIVISION		
FILING NO. 1		
GRAND JUNCTION, COLORADO		
ARMSTRONG CONSULTANTS, INC.		
GRAND JUNCTION, COLORADO		
(303)242-0101		
DATE:	DATE:	DATE:
T. LOGUE	MAY, 1991	
CHECKED BY:	APP NO.:	1 of 1
T. LOGUE	915368	