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File 19910073

Name: Burger King - 739 Horizon Drive

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DOCUMENT DESCRIPTION:

X	X	Action Sheet - Approved - 12/4/91	X	X	Letter from Dave Thornton to David Chase re: Don Newton's review comments - 1/7/92
			X		Colorado Dept of Transp. - State Highway Access Permit - 4/16/92, 4/21/92
X		Commitment to Insure - Abstract & Title Co. of Mesa Co., Inc.- 5/22/91	X		Avigation Easement - copy
X	X	Board of Adjustment Minutes - 8/7/86 - **	X		Sign Permit - scanned
X		Warranty Deed - 9/4/91 - not conveyed to City	X	X	Certificate of Occupancy
X	X	Letter from B & B Appraisal Inc. to Bill Culver re: appraisal - 10/31/91			
X		Development Project Checklist by Bennett Boeschenstein- 11/8/91			
X		Legal Ad - 11/26/91, 12/1/91			
X		City Council Workshop Sheet - 12/2/91			
X	X	Planning Commission Agenda - 12/3/91 - **			
X	X	City Council Agenda - 12/4/91 - **			
X	X	Staff Report			

A



Receipt # _____
Date Rec. _____
Received By _____

DEVELOPMENT APPLICATION

We, the undersigned, Being the owners of property situated in Mesa County, State of Colorado, as described on the attached legal description form do hereby petition this:

Type of Petition	Sq.Ft	Phase	Common Location	Zone	Type of Usage
<input type="radio"/> Subdivision Plat/Plan		<input type="radio"/> Minor <input type="radio"/> Major			
<input type="radio"/> Rezone				Frm <input type="checkbox"/> To <input type="checkbox"/>	
<input type="radio"/> Planned Development		<input type="radio"/> ODP <input type="radio"/> Prelim <input type="radio"/> Final			
<input checked="" type="radio"/> Conditional Use			739 HORIZON DRIVE	H.O.	RESTAURANT AND Drive Thru
<input type="radio"/> Hwy-Oriented Development				H.O.	
<input type="radio"/> Text Amendment					
<input type="radio"/> Special Use					
<input type="radio"/> Vacation					<input type="radio"/> Right-of-way <input type="radio"/> Easement

NEED STATE Access permit

<input checked="" type="radio"/> PROPERTY OWNER	<input checked="" type="radio"/> DEVELOPER	<input checked="" type="radio"/> REPRESENTATIVE
<u>Norbert J. Lukas</u> Name	<u>Bill Culver</u> Name	
<u>6970 Indian Peaks Tr.</u> Address	<u>P.O. Box 3024</u> Address	
<u>Boulder, CO 80301</u> City/State	<u>Grand Jct, CO 81501</u> City/State	
<u>(303) 449-1600</u> Business Phone #	<u>(303) 242-1282</u> Business Phone #	

Note: Legal property owner is owner of record on date of submittal.



WE HEREBY ACKNOWLEDGE THAT WE HAVE FAMILIARIZED OURSELVES WITH THE RULES AND REGULATIONS WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, THAT THE FOREGOING INFORMATION IS TRUE & COMPLETE TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME THE RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION AND THE REVIEW SHEET COMMENTS. WE RECOGNIZE THAT WE OURSELVES, OR OUR REPRESENTATIVE(S) MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RE-SCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA



Bill Culver Signature of person completing application 10/31/91 Date

X _____ Signature of property owner(s) - attach additional sheets if necessary

ADJACENT PROPERTY OWNERS

BURGER KING RESTAURANT
739 HORIZON DRIVE

Bookcliff Country Club
2730 G Road
Grand Junction, CO 81506

Zarlingo, Robert
748 Horizon Drive
Grand Jct; CO 81506

Prudential Insurance
1050 17th St. ST2500
Denver, CO 80265

Z Z Inc.
750 Horizon Drive
Grand Jct; CO 81506

Louise Forster
737 Horizon Dr.
Grand Junction, CO 81506

Wesco Restaurants Inc
C/O Curt Steidly
PO BOX 1726
Grand Jct; CO 81502

Reed Miller Inc
739 Horizon Dr.
Grand Jct; CO 81506

Bruce Currier
PO BOX 1725
Grand Jct; CO 81502

Feeley Family Prtrship
2022 Baseline
Grand Jct; CO 81503

Skyline Office Park
PO BOX 2665
Grand Jct; CO 81502

Riggle Oil Co
2501 Inland Ave
Grand Jct; CO 81505

Norb Lukas
4865 Sterling Drive
Boulder, CO 80301

Dan Kubby
1515 Arapahoe St. #1600
Denver, CO 80202

Bill Culver
PO BOX 3024
Grand Jct; CO 81502

Western States Motel Inc.
P.O. Box 1725
Grand Jct; CO 81502

Acorn Petroleum Inc.
Box 603
Colorado Springs, CO
80901

L K Smith
PO Box 1725
Grand Jct; CO 81502

Not to be removed
from Office

#73 91

BURGER KING RESTAURANT
739 Horizon Drive
Grand Junction, CO

Project Narrative

This applicant is requesting a Conditional Use Permit for a Drive-Thru to be used in the development of a new Burger King Restaurant at 739 Horizon Drive. The site was formerly the Hertz Service Center and is on a lot approximately 31,395 square feet in size with 150 feet of frontage along Horizon Drive. The zoning for the parcel is Highway Oriented (H.O.) as are the surrounding parcels. The site is bounded by the Grand Junction Hilton to the north, a office building to the south and a small vacant parcel to the west. Still further to the west lies a portion of Bookcliff Country Club.

The proposed restaurant would be 3,900 square feet in size and approximately 16.5 feet in height. The frame building would have an exterior consisting of "off-white" colored stucco walls, "alabaster" soffits and a mansard roof constructed with wood shakes. The restaurant would employ approximately 45 persons and have a seating capacity of 88 - 92 persons.

The parking lot would provide 46 parking spaces meeting the required 30 spaces (one space per three designed seats). Of these, two spaces would be handicap parking. Two existing driveway cuts on Horizon Drive will be implemented into the site plan, thus making it unnecessary for any reconstruction of public improvements on Horizon Drive. Because there will be no public improvements associated with this project an Improvements Agreement and Improvements Guarantee has not been included in this submittal. The parking lot has been laid out to provide for dimensions required by the City standards and with the additional parking provided traffic congestion in the parking lot should be minimal. There are no anticipated traffic problems impacting Horizon Drive as it is presently four lane with center turning lane. Sidewalks and "no parking" areas have been provided in the parking area for pedestrian traffic. An existing five foot sidewalk exists along Horizon Drive which will accommodate pedestrian traffic from adjacent areas.

The applicant realizes the importance of quality lighting in the parking lot. It is proposed that the lighting will be provided by four lights located through out the parking lot as shown on the site and although the exact fixture has not been selected the type of light will be metal halide with the required wattage to provide for the necessary lighting. The proposed lighting will be supplemented by two existing lights. A street light for Horizon Drive presently is located at the entrance into the site. An exterior light also exists at the property line at the south corner of the lot.

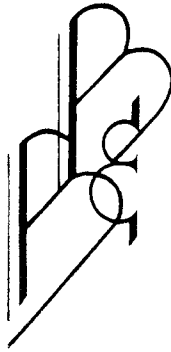
Do Not Remove
From Office
#73 91

Landscaping being proposed is shown on site plan. Approximately 8% of the lot is being set aside for landscaping. Currently the right-of-way that fronts the lot is entirely covered with asphalt and concrete. It is proposed that approximately 60% of this area be landscaped. This then provides for 16% landscaping of the lot along with Horizon Drive frontage. An underground irrigation system will be designed to provide for the landscaped areas and be maintained by the restaurant management.

Development schedule is set for completion of all building and site plans following City approval of Conditional Use Permit. Construction will begin as weather will allow with completion set for spring of 1992.

This applicant is proposing to use the existing sign poles at the rear of the lot for restaurant signage. This will project toward 1-70 and with the Burger King national name recognition will surely bring more visitors to the Grand Junction area.

2721 North 12th Street, Suite #29
Grand Junction, Colorado 81506



APPRAISAL Inc.
303-243-0250

October 31, 1991

Mr. Bill Culver
c/o Burger King Restaurant
1730 North Avenue
Grand Junction, Colorado 81501

RE: Limited Appraisal Assignment-

Vacant Site Located at
739 Horizon Drive
Grand Junction, Colorado

Dear Mr. Culver;

In accordance with your request, I have completed a limited assignment appraisal of the above referenced property located in Grand Junction, Colorado. Since this letter is only a brief conclusion of the factors contained in my file which were most influential in my findings, it is not represented as a formal narrative appraisal report.

This is a limited appraisal assignment because all of the data used to support the value conclusion is not in this letter. It is in the file and is available at your request. The limited scope and reporting format were specifically at your request.

The purpose of this limited appraisal assignment was to estimate the Market Value of the Subject's "raw land" considering the fee simple estate interest, as of October 29, 1991. As I understand it, the specific Function of the assignment is to provide a valuation basis to the City of Grand Junction for determination of "Open Space Fees" associated with proposed development of the property. For this, you have specifically requested the property be considered as raw land only. Market Value is defined as:

"The most probable price in terms of money which a property should bring in a competitive and open market, under all conditions, requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus."

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer, under conditions whereby:

#73 01
C. J. Culver
1730 North Avenue
Grand Junction

- 1) Buyer and seller are typically motivated,
- 2) both parties are well informed or well advised and each acting in what they consider their own best interest,
- 3) a reasonable time is allowed for exposure to the open market,
- 4) payment is made in cash or its equivalent,
- 5) the financing, if any, is on terms generally available in the community, at the specified date and typical for the property type in its locale,
- 6) the price represents a normal consideration for the property, sold unaffected by special financing amounts and/or terms, services, fees, costs, or credits incurred in the transaction.

Please review the attached Legal Description and Site Survey as provided. These were reportedly prepared for the recent purchase of the property at your request. Briefly, the property contains approximately 0.7205 acres or about 31,385 square feet of land. Until recently, the property was improved with a traditional style service station but this has been removed from the site. The removal of Uranium Mill Tailings, under the UMTRA project is presently underway. Underground fuel storage tanks have been excavated but remain on the site. For the purpose and function of this letter, and at your specific request, the property is analyzed as if totally vacant. That is, it is considered totally raw land available for development. I assume no contamination of the site.

My analysis of the property is based on my opinion that the Highest and Best Use of the property is a commercial use which is enhanced by good traffic exposure and vehicular access. The proposed use as a fast food restaurant falls into this category.

According to Mesa County ownership records, the property is presently owned by Norbert J. Lukas. The last sale of the property was on September 17, 1991, as recorded in Book 1855 at Page 58. The reported consideration was \$300,000. While Mr. Lukas is the reported owner, I understand that you are partners in the proposed development of a new Burger King. The property is zoned HO, or Highway Oriented. The property has been assigned Tax Schedule No 2701-364-00-054. Real property taxes for 1990, payable in 1991, are \$1,023.00 and are paid. The Treasurer's office reports that there are no special assessments levied. Obviously, taxes may be expected to increase should development of the property occur.

In the analysis of most properties, three widely recognized approaches to value are commonly used. These are the Cost, the Income, and the Sales Comparison Approaches. However, as the

Subject is analyzed as raw land, the Cost and Sales Comparison Approaches render identical figures. We have not obtained sufficient data to develop a meaningful Income Approach on raw land. Therefore, the Sales Comparison Approach is the only approach used, in this case. Several sales have been reviewed.

The sale of the Subject has been given substantial weight in the analysis. However, for the specific use proposed, location requirements are very stringent. For a fast food restaurant, the Subject has an excellent location. However, in the context of Market Value, the broader market must be recognized.

The sale of the Subject breaks down to about \$9.56 per square foot of net land area. At the time of sale, the property was improved with an automotive service station, fuel storage and dispensing equipment, etc. While the purchase may have been for the vacant land, something well beyond this was sold by the seller. On a price per square foot of land basis, the sales price was well above any other sales we have in the area or of comparable land. Data supports that a portion of the purchase price compensated for improvements.

The sales reviewed are in my file. You specifically stated that an abstract of those sales is not needed for this letter. An abstract of sales is in my file and available to you upon request. Sales along the Horizon Drive corridor indicate prices paid from as low as \$0.72 per square foot up to \$5.92 per square foot. These range in size from 0.31 acres up to 3.29 acres. Dates of sales date back as far as July 1987 in these sales. Prior sales are not considered meaningful.

Prior to the sale of the Subject, the highest price paid along Horizon Drive that I have found was about \$6.00 per square foot of land. That sale occurred in 1987. The purchase was an assemblage and the property was smaller than the Subject which would typically warrant decreasing adjustments. The seller was a lender and the property had a slightly inferior location. These factors would typically warrant increasing adjustments. Excepting the date of sale, these factors would tend to offset supporting a value of the Subject of around \$6.00 per square foot. In my research, I have not obtained any matched pair data upon which to support any change in value since the date of sale.

Several other sales along the Horizon Drive corridor have also been reviewed. The most recent and most comparable of these is the sale of land for the location of the new State Farm Insurance office. This property is on Crossroads Blvd. about a block off Horizon. The price breaks down to about \$1.41 per square foot of land. This is an inferior location and the site is

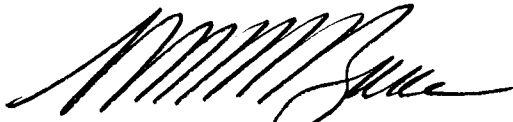
larger, at about 1.22 acres. Increasing adjustments for these factors result in an indication of value well below the \$6.00 figure from the above sale.

Based on the data available, discussed above, and retained in my file, it is my opinion that, assuming an uncontaminated site, a reasonable and fair land value of the Subject property, as raw land, would be \$6.00 per square foot. Applying this to the land area of the subject indicates a Market Value of;

**ONE HUNDRED EIGHTY EIGHT THOUSAND THREE HUNDRED DOLLARS
(\$188,300.00)**

In my analysis, there has been no investigation of any liens which may or may not exist. My work has to do with the estimate of value only. The scope of the work does not include the possible impact of price controls, energy requirements, or environmental regulations. Nor does it include the possible impact of licensing requirements or other restrictions concerning the property except where such matters have been brought to the attention of the appraiser and are clearly disclosed and considered in the analysis.

Respectfully Submitted,
B & B Appraisal, Inc.



Stephen T. Bruce

CERTIFICATE OF LIMITED APPRAISAL ASSIGNMENT:

I certify that to the best of my knowledge and belief:

- a: The statements of fact contained in this limited report are true and correct.
- b: The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analysis, and conclusions.
- c: I have no present or prospective interest in the property that is the subject of this assignment, and I have no personal interest or bias with respect to the parties involved.

- d: My compensation is not contingent on an action or event resulting from the analysis, opinions, or conclusions in, or the use of this report.
- e: My analysis, opinions and conclusions were developed, and this report has been prepared in conformity with, the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute
- f: The use of this limited appraisal letter is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. This is not an appraisal, but a limited appraisal assignment.
- g: Stephen T. Bruce made a personal inspection of the property that is the subject of this limited appraisal assignment on October 29, 1991.
- h: No one provided significant professional assistance to the person signing this limited appraisal assignment.
- i. The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

GENERAL ASSUMPTIONS:

This is a limited appraisal assignment. It is not an appraisal report. It has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated. The appraiser is not qualified to render an "opinion of title".
2. The property is analyzed free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property. A boundary survey was provided. If easements or encroachments exist, an appraisal revision may be required.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them. Uranium Mill Tailings remedial action was underway at the time of inspection. This is assumed completed for the purpose of this report. Further, the site is assumed to

be free of all hazardous and/or harmful materials including petroleum products that may be present. An environmental assessment study of the property is recommended.

7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.

8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined, and considered in the analysis.

9. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this limited assignment is based.

10. It is assumed that the utilization of the land improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

LIMITING CONDITIONS:

This limited assignment appraisal report has been made with the following general limiting conditions.

1. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

2. Possession of this letter, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser and in any event only with proper written qualification and only in its entirety.

3. The appraiser herein by reason of this limited assignment is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.

4. Neither all nor part of the contents of this limited report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.

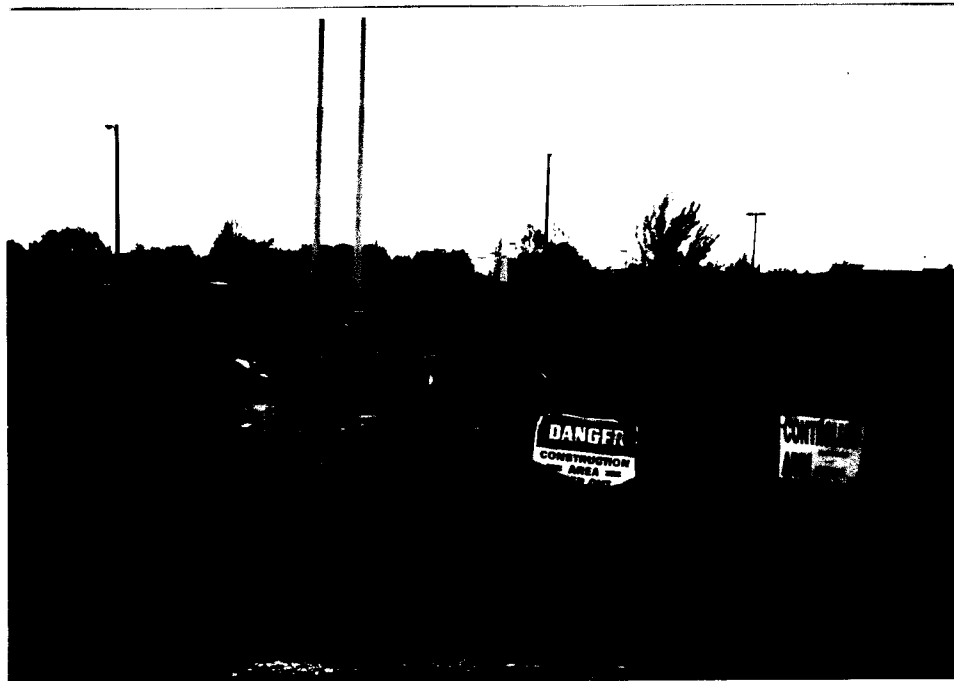
5. In this limited appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. We urge the client to retain an expert in this field if desired.

6. A statistically high number of properties are affected by radon in Colorado; a radon detection test is the responsibility of the client.

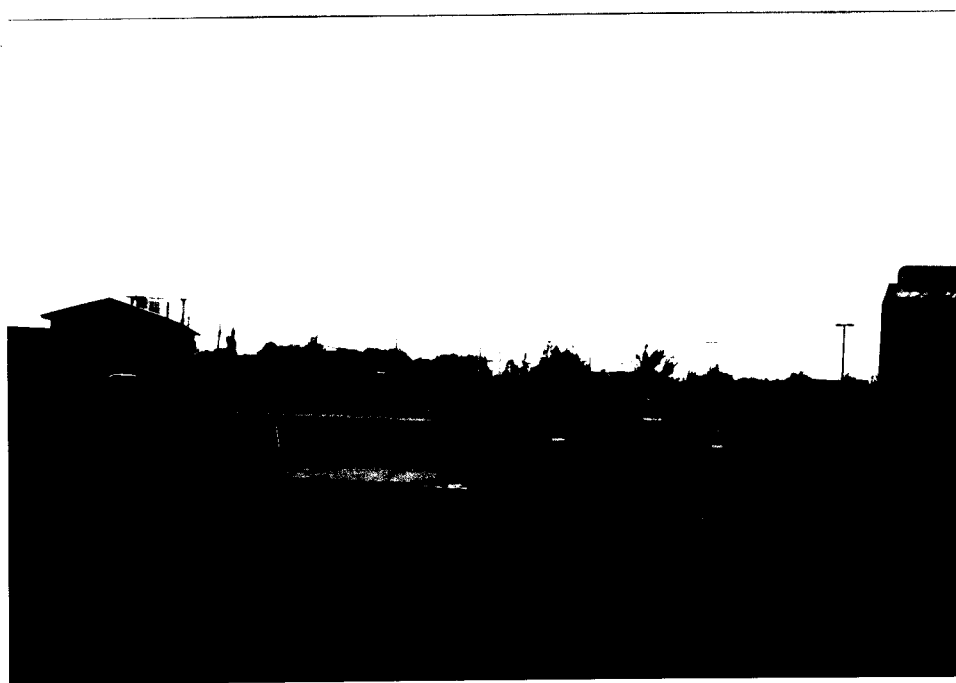
7. Uranium Mill Tailings reports for properties developed prior to 1975 (Mesa County's date for approved uranium tailing-free sites for construction) have not been obtained. Retain an expert in this field for any information.

8) If leased, it is specifically assumed that the property would be returned to the landowner in at least equal condition to that which exists today. That is, with comparable functional utility and development potential from a physical standpoint.

PHOTOGRAPHS OF SUBJECT PROPERTY
10-29-91

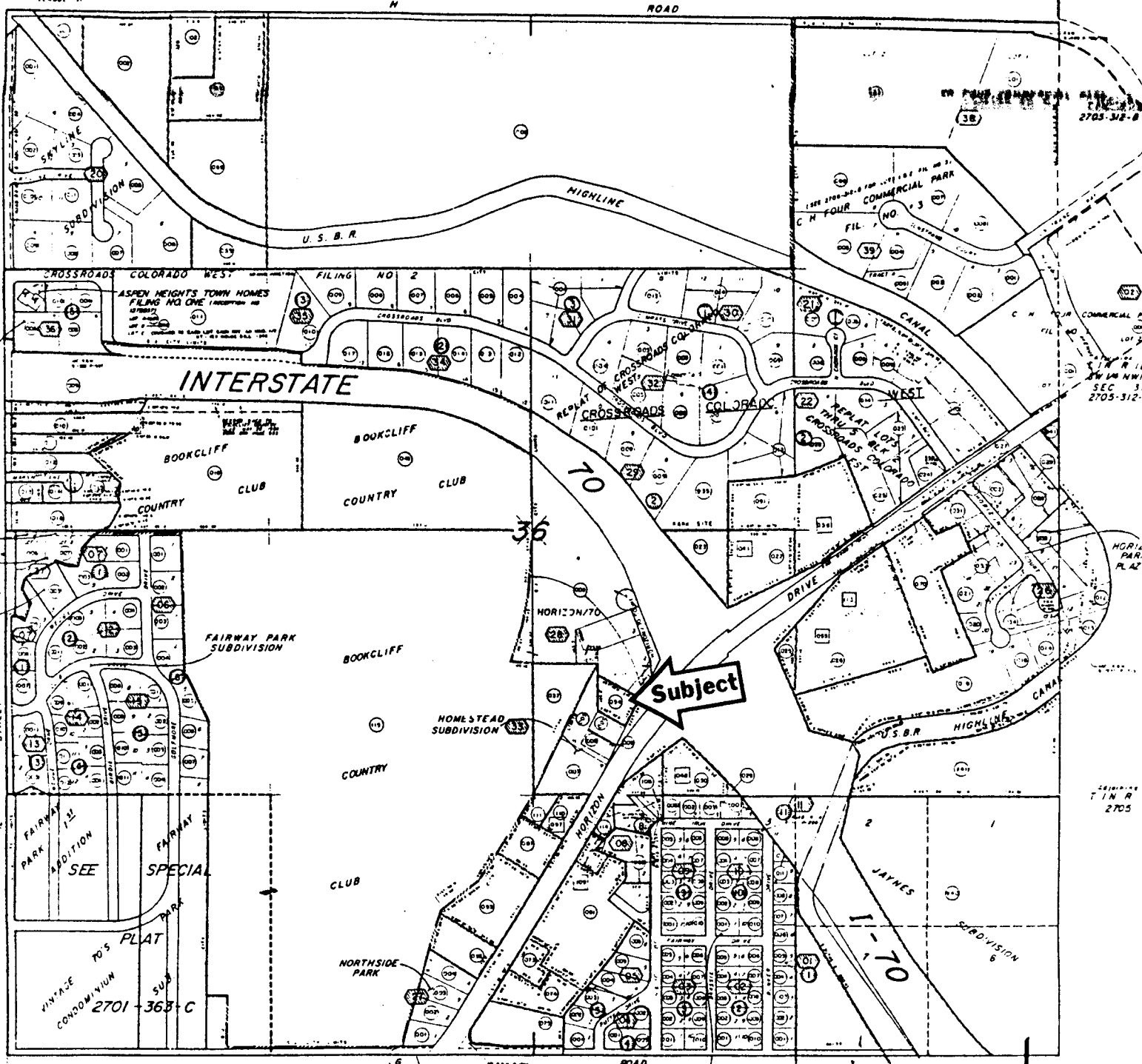


View of property from Horizon Drive frontage. Note excavation for tailings ("Controlled Area") and fuel tanks remaining at rear.



View from across Horizon Drive near East Bound I-70 On-Ramp

Approved
T. I. N. R. I. W.
SEC. 25
2701-25



Subject

Approved
T. I. N. R. I. W.
SEC. 1
2945-01

T. I. N. R. I. W. SEC. 1
2701-36

LEGAL DESCRIPTION

Covering the Land in the State of Colorado, County of Mesa
Described as:

Commencing at a point from whence the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 1 North, Range 1 West of the Ute Meridian bears South 27°20' West 282.0 feet and South 31°22'30" West 107.3 feet and South 89°48'30" West 293.1 feet, and running thence from said Point of Beginning North 27°20' East along the Highway right of way a distance of 150.0 feet, thence North 62°40' West 244.1 feet being at right Angles to the Highway right of way, to a point on the East line of the W $\frac{1}{4}$ of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 36, thence South 00°02'30" West 168.8 feet along said East line to a point, thence South 62°40' East 166.7 feet to the Point of Beginning.

(apparently from title policy at time of purchase)

A parcel of land situated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 1 North, Range 1 West, Ute Meridian being described as follows:

Beginning at the NW corner of Lot 1, Homestead Subdivision, Mesa County, Colorado, and considering the North line of Lot 1, Homestead Subdivision to bear N62°40'00"W and all bearings contained herein to be relative thereto; thence S62°40'00"E 169.78 feet along the North line of Lot 1 Homestead Sub. to the NE corner of Lot 1 Homestead Sub.; thence N27°20'00"E 150.23 feet; to the SE corner of Lot 1 Horizon / 70 Sub.; thence N62°40'00"W 248.20 feet along the South line of Horizon / 70 Sub. to the SW corner of Lot 2 Horizon / 70 Sub.; thence S00°13'42"E 169.41 feet along the East line of Lot 3, Homestead Sub. to the point of beginning, containing 0.7205 Acres as described.

This Legal Description is reportedly from a recent survey of the property. The two Legals differ, slightly. The current survey and land area calculation is accepted as being accurate.

Bill Cochran
739 Arizona

east line $N1/2$ SW $1/4$ NW $1/4$ NW $1/4$ SE $1/4$ Sec. 36

SOUTH 168.8

N 62°40' W 244.1

N27°20'E 150

COLORADO DEPARTMENT OF HEALTH
HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
222 S. 6TH STREET, ROOM 232, GRAND JUNCTION CO 81501 248-7164

10/30/91

REQUESTOR: MARY JANE
B & B APPRAISAL

PLEASE PROVIDE THIS REPORT TO THE OWNER.
OWNER, PLEASE RETAIN THIS REPORT WITH YOUR PROPERTY RECORDS.

R A D I A T I O N R E P O R T
THIS IS NOT A REPORT ON 'RADON'--

ADDRESS: 00739 HORIZON DR LOCATION NO.: 00015
SURVEY DATE: 09/01/74

TAILINGS USE: UNDER THE STRUCTURE AND/OR WITHIN 10 FT OF THE STRUCTURE

COMMENTS: IDL T U ALL SLAB

HIGH OUTSIDE GAMMA READING: 60
LOW OUTSIDE GAMMA READING: 10
HIGH INSIDE GAMMA READING: 80
LOCATION OF HIGHEST INSIDE READING: WORK SHOP

GJRAP PROGRAM: FOUND NOT ELIGIBLE FOR REMEDIAL ACTION

PRIVATE TAILINGS REMOVAL DATE: 05/21/74
STATUS: PRBS/RTP
COMMENTS:

UMTRAP PROGRAM: INCLUDED IN THE PROGRAM ON 11/19/82

FOR INFORMATION ON THIS LOCATION'S PROGRESS WITHIN
THE FEDERAL URANIUM MILL TAILINGS REMEDIAL ACTION
PROGRAM (UMTRAP), CONTACT PATTY ROBERTS AT GEOTECH, INC., 248-6081.

QUALIFICATIONS OF

STEPHEN T. BRUCE

PROFESSION: Independent Real Estate Appraiser & Consultant
Associated with B & B Appraisal, Inc.

CANDIDACY: Candidate for MAI designation in the Appraisal
Institute. (As of January 1, 1991, the AIREA and
SREA merged to form the Appraisal Institute.)

EDUCATION: Bachelor of Science Degree, San Diego State
University, San Diego, California

CURRENT MEMBERSHIP:

Certified licensed appraiser - CO #AC01313500
Licensed Real Estate Salesman - Colorado
Project Coordinator - Several Right of Way
acquisition projects for the City of Grand
Junction as Negotiator/Consultant
International Right of Way Association (1986
Secretary)

COURSES & SEMINARS:

AIREA courses:

Real Estate Appraisal Principles - 1981
Basic Valuation Procedures - 1981
Capitalization Theory & Technique Part I - 1982
Capitalization Theory & Technique Part II-1982
Capitalization Theory & Technique Part III-1982
Case Studies in Real Estate Valuation - 1983
Valuation Analysis and Report Writing - 1983
Real Estate Investment Analysis - 1984
Standards of Professional Practice - 1986
Review of Commercial and Residential Appraisal
- 1991

LOCATIONS OF WORK COMPLETED:

Colorado Cities		Colorado Counties	
Aspen	Meeker	Delta	Montezuma
Delta	Montrose	Delores	Montrose
Durango	Rifle	Eagle	Ouray
Fruita	Silverton	Garfield	Pitkin
Craig	Steamboat Spgs	Gunnison	Routt
Gunnison	Telluride	LaPlata	Rio Blanco
Grand Junction	Vail/Beaver Creek	Mesa	San Juan
Glenwood Springs		Moffat	San Miguel
	Utah Counties	Grand	Uintah
			Emery

Qualified Expert Witness:

Mesa County District Court
Delta County District Court
American Arbitration Board-Denver

Original
1-11-91
1-11-91
1-11-91

#77 91

APPRAISAL EXPERIENCE:

Currently an independent fee appraiser associated with B & B Appraisal, Inc., in Grand Junction, Colorado. Was an independent contractor between 1988 and 1989. Was associated with Frank Nisley Jr. and Associates, Inc as an independent fee appraiser from 1976 to 1977 and 1980 to 1988. As principal of Bruce Development Corp., developed over 300 single family homes; from land acquisition to finished home sales, A&D financing, processing, etc. in So. California.

Includes single family dwellings, townhomes, condos, residential income properties, vacant land, subdivisions, commercial, industrial, farm and ranch, recreational/resort areas, condemnation and development.

SOME APPRAISAL

CLIENTS ARE:

Bank of Aspen	Mesa National Bank
Central Bank of Glenwood Springs	Production Cred. Assc RTC
Central Bank of Grand Junction	Unifirst Mortgage
Colorado National Bank	United Banks
Columbia Savings & Loan	Various Credit Unions
Farm Credit Services	Various Lenders
Federal Land Bank	throughout Western Colorado
FDIC	
Fruita State Bank	
Great American Bank, FSB	

Attorneys and Public Utilities

Cities: Grand Junction, Fruita, Glenwood Springs, Rifle, Meeker, Craig, Aspen, Delta, Montrose, Silverton, Gunnison, Telluride, and others.

Counties: Mesa, Gunnison, Moffat, Pitkin, San Juan, Routt, Garfield, Eagle, San Miguel, and others.

STAFF REPORT FOR BURGER KING - HORIZON DRIVE
Conditional Use

REVISED PLAN
12-12-91

Landscaping

5,712

2,831 sq ft is required. 5,835 sq ft is being proposed.

of trees = 6 proposed
= 6 req'd (code requires 1 tree per 500 sq ft of landscaping).

1100

of shrubs = approx 995 sq ft of area by our calculations.
= 1,132 sq ft req'd (code requires 40 % of the landscaped area to be shrubs).

Total landscaping is sufficient, number of trees is sufficient, but number of shrubs is **not sufficient**. 137 sq ft of additional landscaping with shrubs is needed. 32 sq ft

As part of the ongoing City program encouraging Street Trees along City Streets, we would encourage at least a total of 4 trees in the landscaped area along Horizon Drive.

A revokable permit will be required for the landscaping, etc. within the R.O.W.

Signage

90

Total allowed on bldg = 80 sq ft
Total allowed on site = 225 sq ft

UPDATE
7-16-92
Resubmit of Sign Permits

They are proposing one freestanding sign with 164 sq ft, two wall signs, one at 38 sq ft and the other at 22 1/2 sq ft. The 16 25 sq ft sign is located on a side that has no street frontage. The code allows up to 25 % of the sign allowance on a building to be transferred to a side with no street frontage. By transferring 25 % of 80 sq ft of sign allowance for the building to this side will allow up to a 23 sq ft sign. Therefore the 25 sq ft sign almost meets the code. The 22 1/2 sq ft sign falls well within the remaining 67 sq ft left for the front of the building.

Traffic Directional signs proposed at 4.5 sq ft exceed the maximum of 3 sq ft allowed by code. All directional signs located at the drive-way entrances can not exceed 30 inches above grade. What is the proposed heights of all directional signs proposed???

What is the height of the freestanding sign???

The maximum allowed height = 40 feet.

VARIANCE
WAS OBTAINED
in April 1992

We neglected to find out during the initial review what size they were proposing 3x3 or 4x4 or 5x5 or 6x6

Revised Plan
12-12-91

Parking and Access

Total parking spaces req'd = 30
Total parking spaces proposed = 46

38

31

43

- 6 for angled parking

The Horizon Drive Corridor Guidelines recommend limited driveway access. Due to the proximity of this site to the interchange and the Hilton access road and the need to make left turns out of the site to get back onto Horizon drive and the interstate, it is recommended that access be one way in (North Driveway) and oneway out (South Driveway). Presently the petitioner is proposing two way traffic for the North driveway and oneway out traffic for the South driveway. To ensure the one-way flow of traffic through the development, parking spaces must be designed to accommodate angled parking.

Dave Thornton
Planner
(king.rpt)

REVIEW SHEET SUMMARY

(Page 1 of 5)

FILE NO. #73-91 **TITLE HEADING:** Conditional Use

ACTIVITY: Conditional Use Permit for a Restaurant and Drive-Thru in a Highway Oriented Zone

PETITIONER: Burger King Corp, Bill Culver

REPRESENTATIVE: Banner Assoc., Inc.

→ Dave Chase

LOCATION: 739 Horizon Drive

PHASE: Final

ACRES:

PETITIONER'S ADDRESS: 1720 North Avenue
Grand Junction, Colorado 81501
(303) 242-1282

STAFF REPRESENTATIVE: David Thornton

**NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW
COMMENTS IS REQUIRED ON OR BEFORE 5:00 P.M., NOVEMBER 29, 1991.**

TRANSPORTATION ENGINEER 11/06/91
Dave Tontoli 244-1567

Need trip generation and impact study.

CITY ENGINEER 11/14/91
Don Newton 244-1559

What are the peak hour traffic volumes to be generated by this development and what time(s) of day are they expected to occur? Because the northerly most driveway is only 80 feet from Horizon 70 Court, this driveway should be one-way in only. Parking spaces should be angled to direct exiting vehicles around building to southerly curb cut.

On site detention of storm runoff in excess of historic flow rates will be required.

CITY FIRE DEPARTMENT 11/07/91
George Bennett 244-1400

Access appears to be adequate according to site plan provided.

Fire protection: A fire flow survey is required to determine the required flows: please submit a complete set of building plans for our review.

A minimum of one fire hydrant on an 8" supply line is required within 150 feet of any exterior portion of the proposed building.

Please contact our office if you have any questions.

CITY UTILITIES ENGINEER 11/12/91
Bill Cheney 244-1590

No comment.

POLICE DEPARTMENT 11/13/91
Marty Currie 244-3577

No problems noted.

COUNTY HEALTH 11/05/91
Philip J. Romeo

As of this date, plans have not been received by this Department. In accordance with the RULES AND REGULATIONS GOVERNING THE SANITATION OF FOOD SERVICE ESTABLISHMENTS IN THE STATE OF COLORADO, detailed plans are required to be submitted to this Department for review and approval before construction begins on any new or extensively remodeled food service establishment. The food service establishment must also be inspected to determine complete compliance with the RULES AND REGULATIONS, prior to its beginning operation.

This Department would have no objections to the concept or proposed location of the food service establishment.

No other comments or approval can be made or given until plans are received.

US WEST 11/05/91
Leon Peach 244-4964

No comments.

PUBLIC SERVICE 11/06/91
R.D. Miller 244-2656

ELECTRIC: No objections to petition. PSCo will at customer request provide estimate to install and maintain parking lot lights.

GAS: No objections to petition.

WALKER FIELD 11/05/91
Mike Sutherland

This proposal falls within the Airport Area of Influence Zone, which requires that a valid Avigation Easement must be recorded into the public record at the Mesa County Clerk and Records Office, prior to release of Certificate of Occupancy.

Please forward a copy of the recorded easement to the:
Walker Field Airport Authority
2828 Walker Field Drive, Suite 211
Grand Junction, CO 81506

CITY PARKS AND RECREATION 11/07/91
Don Hobbs 244-1545

Based upon an appraised value of \$188,300 an open space fee of \$9,415 will be required.

UTE WATER 11/11/91
Gary R. Mathews 242-7491

NO OBJECTIONS.

Ute Water has a 8" main line on the West side of Horizon Drive.

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

COMMUNITY DEVELOPMENT DEPARTMENT **11/18/91**
David Thornton **244-1447**

1. All parking lot lights must be arranged so as to confine direct light beams to the lighted property and away from the vision of passing motorists.
2. The Horizon Drive Corridor Guidelines recommend limited driveway access. Due to the proximity of this site to the I-70 interchange and the Hilton access road and the need to make left turns out of the site to get back onto Horizon Drive and I-70, it is recommended that access be one-way in (North Driveway) and one-way out (South Driveway). To ensure a one-way traffic flow thru the development, parking spaces must be designed to accommodate angled parking.
3. Traffic Directional signs proposed at 4.5 square feet exceed the maximum of 3 square feet allowed by Code. They must be reduced to 3 square feet.
4. What is the height of the freestanding sign? The maximum allowed height is 40 feet.
5. Total landscaping is sufficient, total number of trees is sufficient, but the number of shrubs is not sufficient. By our calculations, 137 square feet of additional shrub area is required. Even though the minimum number of trees is being met, as part of the ongoing City program encouraging street trees along City streets, we would encourage at least a total of four trees in the landscaped area along Horizon Drive.
6. A revocable permit is required for the landscaping, directional signage and bike rack located within the right-of-way.
7. What is being proposed for the northwest corner of the property. The City's weed ordinance will apply.
8. Fence and sign permits will be required. Permits for signs must be obtained by a licensed sign contractor.
9. All directional signs located at the drive-way entrances cannot exceed 30 inches high (above grade). Please submit proposed heights of all directional signs proposed.
10. A written response is required in our office by 5:00 p.m., November 29, 1991 for all review agency comments. It is the petitioner's responsibility to address all comments and work out details with individual Review Agencies.

11. This Conditional Use Permit is being scheduled to go to public hearing before Planning Commission at 7:30 p.m., Tuesday December 3, 1991. The petitioner and/or representative should be there to make a presentation and/or answer questions. Any question, please contact our office.

MISSING

**Grand Valley Water Users Irrigation
City Property Agent
City Attorney**

5-14-92

DON
NEWTON
has our copy
of Damage
PLANS

4. The height of the existing poles are approximately 51 feet. The Owner would also like to have an exception to the Sign Code to use these existing poles. The Owner would like to use them for the exposure on Interstate 70 and feels that it is warranted since there will be no additional signage on Horizon Drive and this sign would be set back in the rear of the lot and not be on the Horizon Drive frontage.
5. The area around the existing sign poles, which is approximately 270 square feet, is going to be converted into a shrub bed from sod. In addition to the 137 square feet that was deficient there is an additional 160 square feet of shrub area that will be lost due to final building dimensions. This proposed shrub bed will very nearly meet requirement.
6. A revocable permit will be obtained.
7. Nothing is being proposed for the northwest corner as it does not have good access to it.
8. Fence and sign permits will be obtained.
9. Directional signs shall be installed 30 inches above grade.

RESPONSE TO REVIEW COMMENTS

FILE NO. # 73-91 TITLE HEADING: Conditional Use

ACTIVITY: Conditional Use Permit for a Restaurant and Drive-Thru in a Highway Oriented Zone.

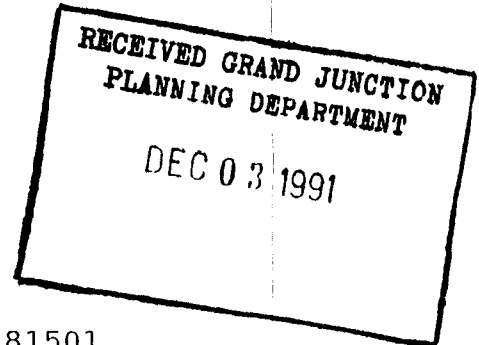
PETITIONER: Burger King Corp., Bill Culver

REPRESENTATIVE: Banner Associates, Inc.

LOCATION: 739 Horizon Drive

PHASE: Final

PETITIONER'S ADDRESS: 1720 North Avenue
Grand Junction, CO 81501
(303) 242-1282



TRANSPORTATION ENGINEER:

A meeting was held with the Transportation Engineer to discuss the Traffic Impact Study. Although the study has not been finalized, due to unavailable traffic counts, there seem to be no problems that would adversely impact Horizon Drive.

CITY ENGINEER:

Traffic being generated during peak hour will be addressed in the Traffic Impact Study and the results will be reviewed with the City Engineer. The directional flow within the project has been changed to one way direction along with angled parking.

It was discussed, with the City Engineer, that in lieu of site detention the flow existing the catch basin shall be restricted to the 100-year flow.

CITY FIRE DEPARTMENT:

No response necessary.

Final building plans are currently being completed by the Owner's architect. A complete set shall be submitted to the Fire Department for review as soon as possible.

A fire hydrant will be installed at the entrance into the project. This has been approved by Ute Water.

CITY UTILITIES ENGINEER:

No response necessary.

POLICE DEPARTMENT:

No response necessary.

MESA COUNTY HEALTH DEPARTMENT:

As stated previously, final building plans are currently being completed and will be submitted to the Health Department for review as soon as possible.

U.S. WEST:

No response necessary.

PUBLIC SERVICE CO. OF COLORADO:

No response necessary for either gas or electric.

WALKER FIELD AIRPORT AUTHORITY:

An Avigation Easement shall be completed and recorded at the Mesa County Clerk and Recorder's Office.

CITY PARKS AND RECREATION:

No response necessary.

UTE WATER CONSERVANCY DISTRICT:

No response necessary.

COMMUNITY DEVELOPMENT DEPARTMENT:

1. All parking lot lights will be arranged as requested.
2. The traffic flow has been changed to one-way flow within the project along with angled parking.
3. The Owner is restricted by what size the directional signs are that come from the manufacturer and Burger King Corporation. The Owner would like to have an exception to the Sign Code to allow for the use of the 4.5 square foot signs instead of the 3.0 square foot sign as stated in the Code.

4. The height of the existing poles are approximately 51 feet. The Owner would also like to have an exception to the Sign Code to use these existing poles. The Owner would like to use them for the exposure on Interstate 70 and feels that it is warranted since there will be no additional signage on Horizon Drive and this sign would be set back in the rear of the lot and not be on the Horizon Drive frontage.
5. The area around the existing sign poles, which is approximately 270 square feet, is going to be converted into a shrub bed from sod. In addition to the 137 square feet that was deficient there is an additional 160 square feet of shrub area that will be lost due to final building dimensions. This proposed shrub bed will very nearly meet requirement.
6. A revocable permit will be obtained.
7. Nothing is being proposed for the northwest corner as it does not have good access to it.
8. Fence and sign permits will be obtained.
9. Directional signs shall be installed 30 inches above grade.



January 7, 1992

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

David E. Chase, PE
Project Manager
Banner Associates, Inc.
2777 Crossroads Blvd
Grand Junction, CO 81506

RE: Burger King Site Plan, 739 Horizon Drive

Dear Dave:

Enclosed is a copy of Don Newton's (City Engineer) review comments of the revised plan (dated 12-12-91) for Burger King at 739 Horizon Drive. In addition to his comments additional trees are requested along Horizon Drive in front of the Restaurant. Planting of trees along Horizon Drive in front of the restaurant will compensate for the small deficiency in the required square footage of shrubs in the proposed landscaping plan.

All directional signs are currently approved at 3 sq. ft. maximum in area and the height of the freestanding sign proposed in the rear of the site is approved at 40 feet high to the top of the sign. Any exception to this will require a variance from the Board of Adjustment (BOA) which requires a separate application submittal and review.

An open Space Fee of \$9,415 is required prior to issuance of a Planning Clearance for building permit. This fee is paid at the Parks and Recreation Department located at Lincoln Park. A copy of the receipt showing that the open space fee has been paid is required for our file.

A revokable permit is still needed. Please contact Tim Woodmansee, City Property Agent to begin this process. The revokable permit is required prior to installation of landscaping in the R.O.W.

Prior to issuance of a Certificate of Occupancy:

- 1) An avigation Easement must be signed and recorded.
- 2) All site improvements including landscaping and all conditions of Conditional Use permit approval are required.

If you have any questions please contact me at your earliest convenience.

Respectfully,

A handwritten signature in black ink that reads "Dave Thornton". The signature is stylized and cursive.

Dave Thornton
Planner

cc: Bill Culver

December 30, 1991

To: Dave Thornton *DM*
From: Don Newton

Subject: Review of revised plan (dated 12-12-91) for Burger King
at 739 Horizon Drive

I have the following comments:

1. Parking stall angle should be shown on the plan
2. The type and location of direction signs proposed should be shown on the plan. There are nine possible directional signs shown on detail for sign B. The triangular symbol in the legend for directional signs refers to the wrong detail.
3. The interface between new construction and existing Horizon Drive improvements should be shown on the plans.

xc: Dave Tontoli

Burger King File # 73-91

CERTIFICATE OF OCCUPANCY

BUILDING DEPARTMENT
CITY OF GRAND JUNCTION
(OR MESA COUNTY)

PERMIT # 41867

DATE 8-25-92

PERMISSION IS HEREBY GRANTED TO Lobar Inc. TO OCCUPY THE

BUILDING SITUATED AT 739 Horizon

LOT _____ BLOCK _____ FILING _____ SUBDIVISION _____

TAX SCHEDULE NUMBER 2701-364-00-054

FOR THE FOLLOWING PURPOSE: new Burger King Fast food restaurant

THIS CERTIFICATE ISSUED IN CONFORMITY TO SECTION 307, UNIFORM BUILDING CODE

INSPECTOR Bob

City Planning Paul [Signature] 8-26-92

BOOKCLIFF COUNTRY CLUB
(ZONED APT)

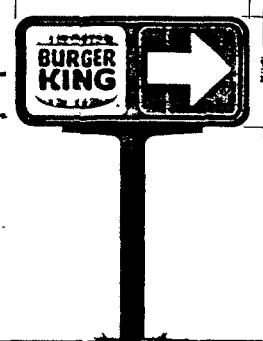
GRAND JUNCTION HILTON
(ZONED H.Q.)

LAND USE BREAKDOWN

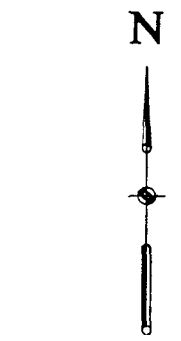
LOT AREA:		
UNDEVELOPED	2,220 s.f.	7 %
LANDSCAPE	2,420 s.f.	8 %
BUILDING	3,900 s.f.	12 %
HARDSCAPE	22,855 s.f.	73 %
FRONTAGE AREA:		
HARDSCAPE	2,265 s.f.	40 %
LANDSCAPE	3,415 s.f.	60 %
TOTAL:		
UNDEVELOPED	2,220 s.f.	6 %
LANDSCAPE	5,835 s.f.	16 %
BUILDING	3,900 s.f.	11 %
HARDSCAPE	25,120 s.f.	68 %



SIGN "A" (WALL)



SIGN "B" (DIRECTIONAL)



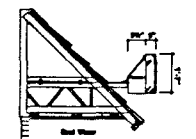
FEET 20 0 20 FEET
GRAPHIC SCALE
1 inch = 20 ft.

VACANT
(ZONED H.Q.)

VACANT
(ZONED H.Q.)

OFFICE BUILDING
(ZONED H.Q.)

BURGER KING



SIGN "C" (BUILD. LETTERS)



SIGN "D" (POLE)

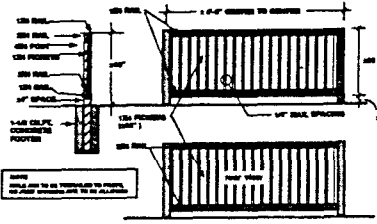
BREAKFAST

PLANT LIST

QTY	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE
Deciduous Trees				
KPM		Kingman Fruitless Mulberry	Morus alba "Kingman"	1-1/2"
PLF		Purpleleaf Sand Cherry	Prunus x cistena	1-1/2"
SHL		Shademaster Honeylocust	Quercus bicolorata var. "Shademaster"	1-1/2"
Evergreen Trees				
BSP		Colorado Blue Spruce	Picea canadensis	1-1/2"
CPF		Colorado Pinyon Pine	Pinus contorta ssp. colorata	1-1/2"
Deciduous Shrubs				
FPS		Froebel's Spiraea	Spiraea humilis Froebel	5 gal
GPP		Goldfinger Potentilla	Potentilla fruticosa "Goldfinger"	5 gal
GFS		Gold Flame Spiraea	Spiraea humilis Gold Flame	5 gal
KDW		Kelsey Dogwood	Cornus stolonifera	5 gal
RTD		Redtwig Dogwood	Cornus stolonifera "Saber"	5 gal
Evergreen Shrubs				
BMJ		Broadmoor Juniper	Juniperus	5 gal
SGJ		Sea Green Juniper	Juniperus chinensis	5 gal
SCS		Silver Queen Sycamore	Euonymus fortunei Silver Queen	5 gal
Perennials/Groundcovers				
SBS		Siberian Iris	Colostephus iridiflorus	1 gal
SLV		Silver Lace Vine	Polygonum suberectum	1 gal
VCR		Virginia Creeper	Parthenocarpus quinquefolia	1 gal

LEGEND

- DECIDUOUS TREE
- EVERGREEN TREE
- SHRUBS
- LAWN
- PERENNIALS / GROUNDCOVERS
- PERIMETER FENCE
- UTILITY BOX
- POWER POLE
- EXISTING STREET LIGHT
- EXISTING FIRE HYDRANT
- PROPOSED PARKING LIGHT
- TYPE "B" SIGN (DIRECTIONAL)



PERIMETER FENCE



American Consulting Engineers Council Member

BANNER

BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
2777 CROSSROADS BOULEVARD • GRAND JUNCTION, CO 81506 • (303) 243-2242
605 E. MAIN • SUITE 6 • ASPEN, CO 81611 • (303) 925-5657

REVISION	DATE	DESCRIPTION	BY	QTY

BURGER KING CORPORATION

BURGER KING RESTAURANT - 739 HORIZON DRIVE
CONDITIONAL USE PERMIT - SITE PLAN

CLAVONNE & ASSOCIATES, INC.
SITE PLANNING - LANDSCAPE ARCHITECTURE
336 MAIN ST. #206, GRAND JUNCTION, CO. 81501
303-241-0245

GRAND JUNCTION, COLO. SCALE: 1" = 20' JOB NO: 8254-01 DATE: 10-25-11

SHEET NO: of 2

DRAWN BY:	REVIEWED _____
DESIGNED BY:	DATE: _____ FOR _____
CHECKED BY:	REVIEWED _____
	DATE: _____ FOR BANNER ASSOCIATES, INC.

AVIGATION EASEMENT

THIS EASEMENT is made and entered into by and between the WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY, a body corporate and politic and constituting a political subdivision of the State of Colorado, hereinafter called GRANTEE, and _____ hereinafter, GRANTOR;

WHEREAS, Grantee is the owner and operator of Walker Field Airport situated in the County of Mesa, State of Colorado, and in close proximity to the land of Grantor, and Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about said airport; and

WHEREAS, Grantor is the owner in fee simple of that certain parcel of land situated in the County of Mesa, State of Colorado, to wit:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way appurtenant to Walker Field Airport, for the passage of all aircraft ("aircraft" being defined for the purposes of this instrument as any device known or hereafter invented, used or designed for navigation or flight in the air) by whomsoever owned and operated, in the navigable airspace above the surface of Grantor's Property to an infinite height above said Grantor's property, together with the right to cause in said airspace such noise and vibrations, smoke, fumes, glare, dust, fuel particles and all other effects that may be caused by the normal operation of aircraft landing at or taking off from or operating at or on said Walker Field Airport, and Grantor hereby waives, remises and releases any right or cause of action which Grantor now has or which Grantor may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, smoke, fumes, glare, dust, fuel particles and all other effects caused by the normal operation of such aircraft.

FURTHER, Grantor hereby covenants, for and during the life of this easement, that Grantor:

- (a) shall not hereafter construct, permit or suffer to maintain upon said land any obstruction that extends into navigable airspace required for use of said airport runway surfaces; (Navigable airspace is defined for the purpose of this instrument

as airspace at and above the minimum flight altitudes, including take off and landing, as prescribed in Federal Aviation Administration Federal Air Regulations Part 91, and as such regulations are amended.)

(b) shall not hereafter use or permit or suffer use of said land in such a manner as to create electrical or electronic interference with radio communication or radar operation between the installation upon Walker Field Airport and aircraft, or to make it difficult for flyers to distinguish between airport lights and others or to result in glare in the eyes of flyers using the said airport, or to impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking off or maneuvering of aircraft.

Grantor agrees the aforesaid covenants and agreements shall run with the land for the benefit of Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for public airport purposes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this 8 day of April, A.D. 1992.

Robert Lukas

(Title)

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 8 day of April, A.D. 1992, by Robert Lukas

My Commission expires: Nov 6, 1995.

Michelle Cowther

Notary Public

Table of Contents

File 19910073

Name: Burger King - 739 Horizon Drive

P r e s e n t	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will be found on the ISYS query system in their designated categories.</p> <p>Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page. Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for the contents of each file.</p>	
X	X	Table of Contents	
X	X	Review Sheet Summary	
X	X	Application form	
		Review Sheets	
X		Receipts for fees paid for anything	
		*Submittal checklist	
X	X	*General project report	
		Reduced copy of final plans or drawings	
X		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	
		*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	
<u>DOCUMENT DESCRIPTION:</u>			
X	X	Action Sheet - Approved - 12/4/91	X X Letter from Dave Thornton to David Chase re: Don Newton's review comments - 1/7/92
			X Colorado Dept of Transp. - State Highway Access Permit - 4/16/92, 4/21/92
X		Commitment to Insure - Abstract & Title Co. of Mesa Co., Inc.- 5/22/91	X Avigation Easement - copy
X	X	Board of Adjustment Minutes - 8/7/86 - **	X Sign Permit - scanned
X		Warranty Deed - 9/4/91 - not conveyed to City	X X Certificate of Occupancy
X	X	Letter from B & B Appraisal Inc. to Bill Culver re: appraisal - 10/31/91	X X Site Plan
X		Development Project Checklist by Bennett Boeschenstein- 11/8/91	X Mylar of landscaping plan - hard to scan or reduce
X		Legal Ad - 11/26/91, 12/1/91	X X Resolution No. 27-92 - **
X		City Council Workshop Sheet - 12/2/91	X Resolution not signed - for George Young revocable permit
X	X	Planning Commission Agenda - 12/3/91 - **	
X	X	City Council Agenda - 12/4/91 - **	

AVIGATION EASEMENT

1601268 11:12 AM 05/04/92
MONIKA TODD CLK&REC MESA COUNTY CO
DOC EXEMPT

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hereinafter, GRANTOR;

WHEREAS, Grantee is the owner and operator of Walker Field Airport situated in the County of Mesa, State of Colorado, and in close proximity to the land of Grantor, and Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about said airport; and

WHEREAS, Grantor is the owner in fee simple of that certain parcel of land situated in the County of Mesa, State of Colorado, to wit:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way appurtenant to Walker Field Airport, for the passage of all aircraft ("aircraft" being defined for the purposes of this instrument as any device known or hereafter invented, used or designed for navigation or flight in the air) by whomsoever owned and operated, in the navigable airspace above the surface of Grantor's Property to an infinite height above said Grantor's property, together with the right to cause in said airspace such noise and vibrations, smoke, fumes, glare, dust, fuel particles and all other effects that may be caused by the normal operation of aircraft landing at or taking off from or operating at or on said Walker Field Airport, and Grantor hereby waives, remises and releases any right or cause of action which Grantor now has or which Grantor may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, smoke, fumes, glare, dust, fuel particles and all other effects caused by the normal operation of such aircraft.

FURTHER, Grantor hereby covenants, for and during the life of this easement, that Grantor:

(a) shall not hereafter construct, permit or suffer to maintain upon said land any obstruction that extends into navigable airspace required for use of said airport runway surfaces; (Navigable airspace is defined for the purpose of this instrument

as airspace at and above the minimum flight altitudes, including take off and landing, as prescribed in Federal Aviation Administration Federal Air Regulations Part 91, and as such regulations are amended.)

(b) shall not hereafter use or permit or suffer use of said land in such a manner as to create electrical or electronic interference with radio communication or radar operation between the installation upon Walker Field Airport and aircraft, or to make it difficult for flyers to distinguish between airport lights and others or to result in glare in the eyes of flyers using the said airport, or to impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking off or maneuvering of aircraft.

Grantor agrees the aforesaid covenants and agreements shall run with the land for the benefit of Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for public airport purposes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this 8 day of April, A.D. 1992.

Robert Lukas

(Title)

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 8 day of April, A.D. 1992, by Robert Lukas

My Commission expires: Nov 6, 1995

Rochelle Cawthra
Notary Public

