





# DEVELOPMENT APPLICATION

Community Development Department  
250 North 5th Street Grand Junction, CO 81501  
(303) 244-1430

Receipt \_\_\_\_\_

Date \_\_\_\_\_

Rec'd By \_\_\_\_\_

File No. 5174

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We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input type="checkbox"/> Rezone				From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
<input checked="" type="checkbox"/> Revocable Permit			SE corner of 35 Rd & F Rd	C-2	Commercial

*Adjacent* PROPERTY OWNER       DEVELOPER       REPRESENTATIVE

Name	Name	Name
Address	Address	Address
City/State/Zip	City/State/Zip	City/State/Zip
Business Phone No.	Business Phone No.	Business Phone No.

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 and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we 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 rescheduling expenses before it can again be placed on the agenda.

*Frank White, C & F Food Stores Inc, Pres.*  
Signature of Person Completing Application      Date 3-15-94

*William Dawson*  
Signature of Property Owner(s) - Attach Additional Sheets if Necessary

# SUBMITTAL CHECKLIST

## REVOCABLE PERMIT

Location: SE corner of 25 Rd & Patterson

Project Name: C4F Food Stores, Inc.

ITEMS		DISTRIBUTION																TOTAL REQ'D.		
DESCRIPTION	SSID REFERENCE	City Community Development	City Dev. Eng.	City Utility Eng.	City Property Agent	City Fire Department	City Police Department	City Attorney	City Sanitation	City Downtown Dev. Auth.	City Council	County Planning	Irrigation District	Drainage District	Water District	Sewer District	U.S. West		Public Service	GVRP
● Application Fee - <i>Recording fee</i>	VII-1	1																		
● Submittal Checklist*	VII-3	1																		
● Review Agency Cover Sheet*	VII-3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● Application Form*	VII-1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● 11"x17" Reduction of Assessor's Map	VII-1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● Names and Addresses	VII-3	1																		
● Legal Description	VII-2	1		1																
● General Project Report - <i>written manual</i>	X-7	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● Vicinity Sketch	IX-30	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● <i>Copy of deed</i>		1		1																

NOTES: 1) An asterisk in the item description column indicates that a form is supplied by the City.  
 2) Required submittal items and distribution are indicated by filled in circles, some of which may be filled in during the pre-application conference. Additional items or copies may be subsequently requested in the review process.  
 3) Each submitted item must be labeled, named, or otherwise identified as described above in the description column.

# C & F FOOD STORES, INC.

1649 Main  
Grand Junction, Colorado 81501  
303/245-0392

## GENERAL PROJECT REPORT

C & F Food Stores, Inc., is hereby requesting a revocable permit to allow C & F to landscape the city right-of-way in front of the C & F store adjacent to Patterson Road. The area is currently dry dirt. The area to be landscaped is also above irrigation ditch pipe owned by the Grand Valley Irrigation Company.

C & F proposes to add top soil, grass, and a water sprinkler system in the areas designated on the attached plot plan.

In addition, on behalf of Grand Valley Irrigation Company and for their exclusive benefit, C & F is requesting permission to construct a utility curb cut, to city specifications, at the location indicated on the attached plot plan. A short section of chain link fence is to be added to inhibit the public use of the Grand Valley right-of-way adjacent to the irrigation ditch east of the C & F store.

Your favorable consideration of these requests would be appreciated.

  
Frank Childs  
President

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## THE GRAND VALLEY IRRIGATION COMPANY

688 - 26 Road  
GRAND JUNCTION, COLORADO  
81506

January 19, 1994

Mr. Frank Child  
C & F Food Stores  
1649 Main Street  
Grand Junction, Colorado 81501

Dear Frank:

Enclosed is the headgate agreement we spoke of on January 18, for the proposed headgate and landscaping of your C & F Food Store at 596 25 Road.

Again, you need to own or rent 5 shares of water stock, sign the headgate agreement, pay the materials cost of installation (approximately \$150). We will bill you cost after installation. You will also need to meet all city and county permit requirements such as curb cut, etc.

Looking forward to working with you and your landscaper as to the best location of headgate installation.

Any further questions or comments please let me know.

Sincerely yours,



Phil Bertrand  
Superintendent

PB:jb

Enclosures

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AGREEMENT

This agreement made and entered into this 3 day of MARCH, 1994, by and between the Grand Valley Irrigation Company and C & F FOOD STORES, INC.

address 1649 MAIN STREET  
GRAND JUNCTION, CO 81501

witnesseth:

REFERENCE: Headgate # IR #7.

I/we the undersigned acknowledge and agree to the following:

1. A PUMP ONLY headgate installation will be established for parcels #'s 096-25 ROAD and adjoining properties. The properties will share a single point of delivery. Hereinafter referred to as headgate # IR #7. No other future point of delivery will be established even if the lots or properties are split, or the future property owners become involved in a conflict of interest.

2. The headgate will always carry a 5 AB share classification and each and every year hereafter 5 AB shares must be paid for and ordered out of the headgate. If for three continuous years, the owners fail to pay for and order out the specified number of shares, the Company, at the expense of the effected land owners, can remove the headgate installation without notice. If in the future the water demand is changed, then the share classification of the headgate may also be changed and the appropriated fees collected.

3. The Grand Valley Irrigation Company reserves all rights, authority, sayso, and jurisdiction over the installation, administration, and management of water delivery, including, but not limited to, changing current set policies of the Board of Directors with respect to better future water management needs and practices.

4. The users of the water out of this headgate agree to handle their headwater and their waste water correctly, so no injury or damage is done to their property or adjoining properties.

5. INDEMNITY All parties agree to indemnify and hold the Grand Valley Irrigation Company harmless from any claim, loss or liability threatened or asserted against the Company arising from or in connection with, or caused by this gate Installation, including claims for bodily injury, death, property

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damage or mechanic's liens. Such indemnity to include costs and attorneys' fees reasonable incurred for the purpose of investigating, negotiating, settling, compromising or litigating any such claim.

6. GENERAL PROVISIONS

A. All prior discussions, negotiations or agreements between the parties hereto shall be deemed to have merged herein, and each party represents to the other that there are no other oral or written agreements effecting the subject matter hereof;

B. The terms and conditions of this agreement shall inure to the benefit of and be binding upon the parties and their heirs, successors, legal representatives, agents, employees, guests and invitees.

7. Other comments: The regular and routine maintenance of the foot valve will be the total responsibility of the user. The Grand Valley Irrigation Company will in no way be held responsible for theft or damage to the pump or equipment attached to it, such as hoses or wiring.

SPECIAL ACKNOWLEDGEMENT NOTE: If in the future the large metal pipe covering the Independent Ranchman ditch needs repaired or replacement, then those improvements and/or landscaping associated with such repair or replacement will not in any way be the responsibility or obligation of the Grand Valley Irrigation Company; paragraph 5 above will also apply to those repairs or replacement of such pipe.

GRAND VALLEY IRRIGATION COMPANY

By Phil Bertrand  
Phil Bertrand, Superintendent

ATTEST Judy Bridges  
SECRETARY/TREASURER  
THE GRAND VALLEY IRRIGATION COMPANY

Frank Childs  
Frank Childs, President  
C & F FOOD STORES, INC.

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The Grand Valley Irrigation Co.

Nº 16465

Tap Box No. IR #7

Grand Junction, CO March 3, 1994

RECEIVED OF A + F FOODS STORES

the sum of Sixty Three and 75/100 DOLLARS

on account of q #1 assessment on (5)

shares of stock of the Company, being certificate Nos. rented Railroad wale

General Fund \$ \_\_\_\_\_

Miscellaneous \$ 63 75 R + B 5 shares

P. B.  
Secretary

Miscellaneous \$ \_\_\_\_\_

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# REVIEW COMMENTS

Page 1 of 2

FILE #51-94

TITLE HEADING: Revocable Permit - Landscaping  
for C & F Food Store

LOCATION: 596 25 Road

PETITIONER: C & F Food Store, Inc.

PETITIONER'S ADDRESS/TELEPHONE: 1649 Main Street  
Grand Junction, CO 81501  
245-0392

PETITIONER'S REPRESENTATIVE: Frank Childs

STAFF REPRESENTATIVE: Kathy Portner

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**NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS  
REQUIRED ON OR BEFORE 5:00 P.M., APRIL 4, 1994.**

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**COMMUNITY DEVELOPMENT DEPARTMENT** 3/22/94  
**Kathy Portner** 244-1446

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1. Proposed new curb cut is not acceptable.
2. We appreciate that the owner is willing to beautify the corner voluntarily with some greenery. Although it's not required, Staff suggests the proposed grass area be augmented with shrubbery and trees.

**CITY DEVELOPMENT ENGINEER** 3/23/94  
**Jody Kliska** 244-1591

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An additional curb cut on Patterson Road is not allowed.

**CITY UTILITY ENGINEER** 3/21/94  
**Bill Cheney** 244-1590

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No comment.

**CITY PROPERTY AGENT** 3/22/94  
**Tim Woodmansee** 244-1565

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The petitioner needs to submit a precise metes and bounds description of the right-of-way to be used. This office will then prepare the necessary documents.

**GRAND VALLEY IRRIGATION**  
**Phil Bertrand**

**3/31/94**  
**242-2762**

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I see no problem with the landscaping of C & F Food Store at 596 25 Road as long as our canal and canal right-of-way are honored and respected.

**GRAND JUNCTION DRAINAGE DISTRICT**  
**John L. Ballagh**

**3/31/94**  
**242-4343**

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There are no Grand Junction Drainage District facilities on the tract of land at 596 25 Road.

STAFF REVIEW

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FILE: #51-94

DATE: June 8, 1994

STAFF: Kathy Portner

REQUEST: Revocable Permit for landscaping

LOCATION: 596 25 Road--C & F Food Store

APPLICANT: Frank Childs

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EXISTING LAND USE: Commercial - Convenience Store

PROPOSED LAND USE: Same

SURROUNDING LAND USE:

NORTH: Commercial

SOUTH: Commercial

EAST: Commercial

WEST: Commercial

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EXECUTIVE SUMMARY: Resolution authorizing the issuance of a Revocable Permit to allow landscaping in the Patterson Road Right-of-Way adjacent to the C & F Food Store located at 596 25 Road.

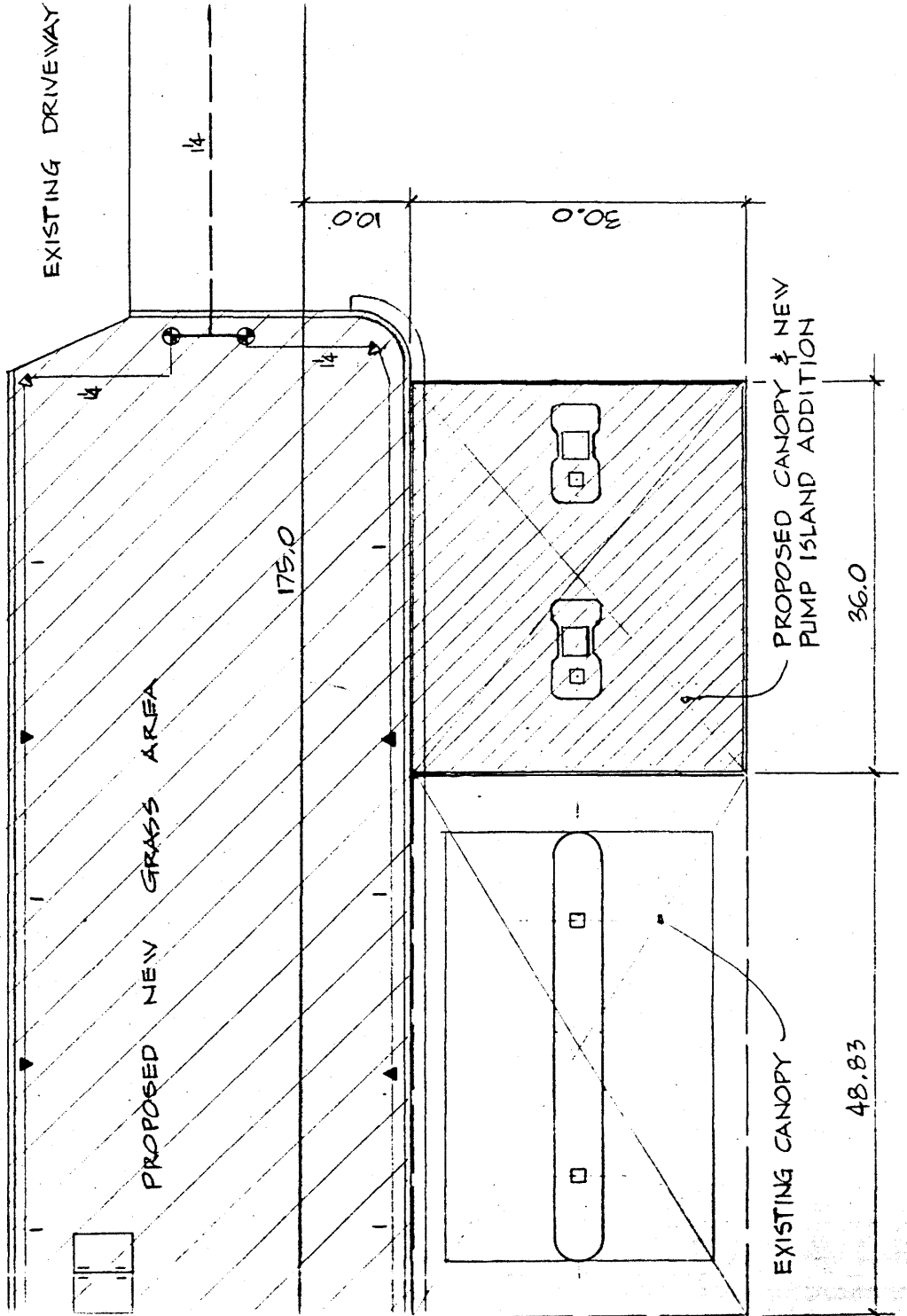
STAFF ANALYSIS: The property owner is proposing to upgrade the appearance of the property at the south-east corner of 25 Road and Patterson Road by providing landscaping along the frontage on Patterson Road. City staff has reviewed and approved the landscaping plan contingent on the Revocable Permit being issued. An additional curb cut for maintenance access for the canal as originally proposed will not be allowed. Instead, the business owner will relocate the free standing sign to provide access for the ditch company maintenance vehicles through his property.

City Charter gives Council authority to allow private use of public right-of-way, provided such use is substantiated by resolution. The Revocable Permit essentially gives the adjacent landowners a license to use the right-of-way. The City may revoke the permit and require the landowner to restore the right-of-way to its original condition by giving 30 days written notice.

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STAFF RECOMMENDATION: Review and adopt proposed resolution

PATTERSON ROAD - "F" ROAD



TYPE LEGAL DESCRIPTION(S) BELOW, USING ADDITIONAL SHEETS AS NECESSARY. USE SINGLE SPACING WITH A ONE INCH MARGIN ON EACH SIDE.

\*\*\*\*\*

Beginning at the Northwest Corner of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, thence South 185 feet; thence East 225 feet; thence North 184.59 feet; thence North 89° 53' 40" West 225 feet to the point of beginning; EXCEPT for a road right of way on the North and West thereof as appears in document recorded in Book 1043, at Page 573.

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RUSSELL L. BRAXTAN and THERESA D. BRAXTAN, as joint tenants,

whose address is 3334 Msuic Lane, Grand Junction,  
County of Mesa, State of

Colorado, for the consideration of Ten Dollars and other good and valuable consideration ~~dollars~~, in hand paid, hereby sell(s) and convey(s) to

WILLIAM S. DAWSON

whose legal address is P.O. Box 3737, Grand Junction, County of Mesa, and State of Colorado the following real property in the County of Mesa, and State of Colorado, to wit:

Beginning at the Northwest Corner of Section 10, Township 1 South, Range 1 West, of the Ute Meridian, thence South 185 feet; thence East 225 feet; thence North 184.59 feet; thence North 89° 53' 40" West 225 feet to the point of beginning; EXCEPT for a road right of way on the North and West thereof as appears in document recorded in Book 1043, at Page 573.

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also known as street and number 596 25 Road, Grand Junction, Colorado,

with all its appurtenances, and warrant(s) the title to the same, subject to all easements, rights of way, restrictions and reservations of record, and subject to 1980 real property taxes, due in 1981, and all subsequent real property taxes and assessments.

Signed this 19th day of December, 19 80.

*Russell L. Braxtan*  
Russell L. Braxtan  
*Theresa D. Braxtan*  
Theresa D. Braxtan

STATE OF COLORADO,  
County of Mesa } ss.

The foregoing instrument was acknowledged before me this 19th day of December, 19 80, by Russell L. Braxtan and Theresa D. Braxtan, as joint tenants.

My commission expires 7-14-84  
Witness my hand and official seal.



*Betty R. Wallace*  
Notary Public

6/115,000