

Table of Contents

File 1994-0077

Name: Discovery 76 Annexation and Zoning – East of 28 Road at Hawthorne Avenue

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.</p> <p>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>
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X	X	Table of Contents
		*Review Sheet Summary
X	X	*Application form
X		Review Sheets
		Receipts for fees paid for anything
X	X	*Submittal checklist
		*General project report
		Reduced copy of final plans or drawings
X		Reduction of assessor's map.
		Evidence of title, deeds, easements
		*Mailing list to adjacent property owners
		Public notice cards
		Record of certified mail
		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
		*Review Comments
		*Petitioner's response to comments
X	X	*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
		*Summary sheet of final conditions

DOCUMENT DESCRIPTION:

X	X	Annexation Fact Sheet	X	X	Annexation Schedule Sheet
X	X	Impact Report – 5/2/94	X		E-mails
X	X	Affidavit – 5/4/94	X	X	Newspaper Article – Development Co. Drops Suit Against City – Daily Sentinel – 6/18/94
X	X	City Council Minutes – 5/4/94 - **	X	X	Petition for Annexation
X	X	Correspondence	X	X	Resolution No. 37-94 - **
X		Notes to file	X	X	Annexation Area Maps
X		District Court Case (no number) Vernon R. Ruwwe, trustee of the Mary Ann Ruwwe Revocable Trust, B & G Inv., E.B. Hamilton, Jr., Johnnie A. Siegfried, Dan Garrison, Matchett Meadows, Inc., and Peter Testa vs City of Grand Junction	X	X	Plat – GIS Historical Maps - **
X		Notice of Interest and Request for Election with Warranty Deed Bk 1845 / Pg 931	X	X	Outline Development Plan
X	X	Power of Attorney - ** Bk 2067 / Pg 947			

ANNEXATION AREA FACT SHEET

Name of Area: Discovery 76 Annexation Date: 4-30-94

Common Location: EAST OF 28 ROAD AT HAWTHORNE AVENUE

Existing Land Use: Agricultural / VACANT est. # Acres: 100

Projected Land Use: Residential # of Parcels: 5

Dwelling Units: 0 # of parcels owner occupied NA

Est. Population: 0

Service Providers and Special Districts

Water: UTE Sewer: City of Grand Junction Fire: Grand Junction Rural
Central Grand Valley

Drainage: Grand Valley Water Users School: School Dist. 51

Irrigation: Grand Valley Water Users Other: Public Service
Grand Valley Rural Power

Legal Requirements: (check as each requirement is confirmed)

- One sixth contiguity to existing city limits
- Land held in identical ownership not divided w/o written consent
- Land in identical ownership greater than \$200,000 assessed valuation not included without written consent.
- Area is or will be urbanized
- Does not extend boundary more than 3 miles/year (except enterprise zone or City owned property)
- Entire width of platted streets included.
- More than 50% of owners and more than 50% land petitioned

Type of Petition: Property Owner _____

P.O.A.

Enclave: _____


Existing County Zoning PR-12.5
PR-16
PB
R2

Proposed City Zoning RSF-5 &
Planned Development

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: **ANNEXATION IMPACT REPORT TEAM MEMBERS**
Dan Wilson, City Attorney
Mark Relph, Public Works Manager
Tim Woodmansee, Property Agent
Greg Trainor, Utility Manager
Terry Brown, Technical Service Supervisor
Darren Starr, Sanitation Division Supervisor
Don Hobbs, Parks Manager
Ken Johnson, Fire Marshall
Marty Currie, Police Captain
Lanny Paulson, Budget Coordinator
Randy Booth, Comptroller
Stephanie Nye, City Clerk
Debbie Kovalik, Director of VCB
Jan Koehn, Code Enforcement Supervisor

FROM: Dave Thornton, Community Development Department 

RE: **IMPACT REPORT FOR DISCOVERY 76 ANNEXATION**

DATE: May 2, 1994

On Wednesday, May 4th, a petition for annexation will be referred to City Council for their approval to begin the annexation process. As a result I need to put together an impact report for the annexation. Listed below and also attached to this memo is information that will hopefully help you complete your respective impact reports. If you need any additional information, please call. You may use the reporting method for impact reports used in the past on this one. Finance is putting together a spread sheet for us to use in the future. **I need your impact reports by Wednesday, May 18th, 1994. Please either submit by E-mail via attachment using Word Perfect or by hard copy if a spread sheet is used. Thank you.**

DISCOVERY 76 ANNEXATION

PARCELS

Number of POA's = 3 - Discovery 76 parcels
Number of Non-POA's = 2 - B & G Investments
5 parcels

ACRES

Number of POA's = 58 acres
Number of Non-POA's = 39 acres
approx. 97 acres

SUMMARY

This annexation will include a total of 5 undeveloped parcels on approximately 97 acres. It will enclave 1 unincorporated area which in turn will be eligible for annexation in 3 years. In addition to the Discovery 76 properties consisting of approx 58 acres, it will give the City land use jurisdiction of approximately 39 acres formerly owned by the Matchett family (now owned by B & G Investments). Right-of-way that will be included in this annexation includes the east half of the 28 road ROW adjacent to the Discovery 76 property and the north half of Patterson Road adjacent to the B & G Investment properties (see map).

Existing County Zoning:

Commercial acreage (all undeveloped)		
PB (Planned Business)	=	2.75 acres
Residential Acreage (all undeveloped)		
PR - 12.5 units per acre	=	58 acres
PR - 16 units per acre	=	16.25 acres
R - 2 (3.5 units per acre)	=	20 acres
	TOTAL	<u>97 acres</u>

Proposed City Zoning:

Residential Acreage (all undeveloped)		
Residential Single Family (RSF-5)	=	58 acres *
Planned Residential/possibly some business	=	39 acres
	TOTAL	<u>97 acres</u>

* The City received a development proposal (Grand View Subdivision) on May 2nd which includes the 58 acre Discovery 76 properties. The proposal calls for 3.1 units per acre or approximately 175 single family dwelling units for the proposed annexation area.

AFFIDAVIT

Affidavit in support of the City Council's finding, pursuant to C.R.S. 31-12-104, that certain property is eligible to be annexed.

Affiant states under oath the following:

1. I, David Thornton, am employed by the City of Grand Junction as a Planner in the Community Development Department. I have no personal interest in the subject annexation. I have reviewed the petition for Discovery 76 annexation.

2. It is my professional belief, based on my review of the petition and relevant documents in my office which I regularly rely upon in the performance of my duties, that:

a) A proper petition has been properly signed by the owners of more than 50 % (fifty percent) of the property described and by more than 50 % (fifty percent) of the owners in the area described. The property described is the same as the area described;

b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing city limits;

c) A community of interest exists between the area to be annexed and the city. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use city streets, parks and other urban facilities;

d) The area is urban or will be urbanized in the near future;

e) the area to be annexed is, practically, already integrated with the City; however even if it is found not be presently integrated, the area is capable of being integrated with the City since the City has the facilities and resources necessary to provide urban services.

f) No land held in identical ownership is being divided by the proposed annexation without the written consent of the landowners thereof unless the division is by a dedicated street, road, or other public way;

g) No land held in identical ownership comprising twenty acres or more with a valuation of two hundred thousand dollars (\$200,000) for *ad valorem* tax purposes or more is included without the owners consent.

David Thornton

Affiant

5-4-94

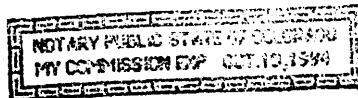
DATE

David Thornton appeared before me this 4th day of May, 1994 and, having been placed under oath, stated that the foregoing is true and accurate to the best of his knowledge.

Stephanie Nye

Stephanie Nye
Notary Public/City Clerk

c:\annex\dsc



DISCOVERY 76 ANNEXATION:

A tract of land being a part of the Southeast $\frac{1}{4}$ of Section 1, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and a part of the West $\frac{1}{2}$ of Section 6, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the West $\frac{1}{4}$ Corner of said Section 6;
thence S $89^{\circ}59'45''$ E along the North Line of Lot 6 in said Section 6 (also known as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$) a distance of 635.66 feet to the Southwest Corner of the E $\frac{1}{2}$ of Lot 5 in Section 6 (also known as the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ NW $\frac{1}{4}$);
thence N $00^{\circ}15'22''$ W a distance of 1321.49 feet to the Northwest Corner of the E $\frac{1}{2}$ of said Lot 5;
thence S $89^{\circ}56'19''$ E a distance of 662.30 feet to the Northeast Corner of said Lot 5;
thence S $00^{\circ}00'11''$ E a distance of 1320.81 feet to the Northeast Corner of Lot 6 in Section 6;
thence S $00^{\circ}19'15''$ E a distance of 1321.86 feet to the Southeast Corner of said Lot 6;
thence N $89^{\circ}51'03''$ E a distance of 670.95 feet to the Northeast Corner of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6;
thence S $00^{\circ}49'01''$ E a distance of 1291.82 feet to a point which is N $00^{\circ}49'01''$ W a distance of 30.00 feet from the Southeast Corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence S $89^{\circ}50'00''$ W, parallel with the South Line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 675.75 feet to a point which is N $00^{\circ}36'32''$ W a distance of 30.00 feet from the Southeast Corner of Lot 7 (also known as the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$) in said Section 6;
thence S $00^{\circ}36'32''$ E a distance of 30.00 feet to the Southeast Corner of said Lot 7;
thence S $89^{\circ}56'57''$ W a distance of 677.57 feet to the Southwest Corner of the E $\frac{1}{2}$ of said Lot 7;
thence N $00^{\circ}00'01''$ W a distance of 1322.14 feet to the Northwest Corner of the E $\frac{1}{2}$ of said Lot 7;
thence S $89^{\circ}58'44''$ W a distance of 635.66 feet to the Southwest Corner of Lot 6 in Section 6;
thence N $89^{\circ}46'00''$ W a distance of 30.00 feet to the West Right-of-Way for 28 Road in Section 1;
thence N $00^{\circ}00'13''$ E along the West Right-of-Way for 28 Road a distance of 1322.41 feet;
thence S $89^{\circ}59'47''$ E a distance of 30.00 feet to the Point of Beginning.



May 5, 1994

B & G Investments, et al
c/o John Siegfried
P.O. Box 9088
Grand Junction, CO 81501-9020

City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX: (303) 244-1599

Dear John:

At its May 4, 1994 meeting, a petition for annexation of land owned by the Discovery 76 Corporation, northwest of land that you own in the Matchett area, was referred to the City Council. This petition for annexation includes tax parcels 2943-063-00-037 and 2943-063-00-076. It is therefore anticipated, subject to City Council approval, that your land will be annexed concurrent with the Discovery 76 parcels.

The expected schedule for this annexation is as follows:

June 15, 1994 City Council hearing to determine if the property is eligible for annexation, to accept the petition, to exercise land use control and jurisdiction over said properties, and first reading of the annexation ordinance

July 6, 1994 City Council second reading of the annexation ordinance.

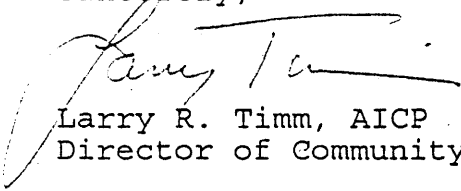
August 7, 1994 Annexation becomes effective.

It is possible that zoning of the land may occur contemporaneously with the annexation proceedings; however, staff is not yet ready to make a recommendation on the zoning of the subject area.

Since it is anticipated that the City of Grand Junction will exercise land use control and jurisdiction of the area on June 15, 1994, I suggest that you meet with City staff as soon as possible if you intend to develop your land in the near future. The City's exercise of land use control and jurisdiction means that all development review and approval functions (including zoning) pertaining to the land to be annexed from that date onward rest with the City of Grand Junction.

You may call me at 244-1448 to set up a meeting. Thank you.

Sincerely,


Larry R. Timm, AICP
Director of Community Development

cc: Tom Logue

RECEIVED ()
PLANNING

MAY 10 1994



City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX: (303) 244-1599

May 10, 1994

Board of County Commissioners
County Administration Building
750 Main Street
Grand Junction, Colorado 81501

Commissioners:

Subject: Discovery 76 Annexation - Resolution No. 37-94

In compliance with Title 31, Article 12, C.R.S., Part 1, entitled "Municipal Annexation Act of 1965", Section 31-12-108(2), I have enclosed a copy of Resolution No. 37-94 adopted by the City Council of the City of Grand Junction, Colorado, at its regular meeting May 4, 1994, giving notice of hearing on the proposed Discovery 76 Annexation.

Sincerely,

Stephanie Nye, CMC
City Clerk

SN:tm

Enclosures

c: Mr. Lyle DeChant, County Attorney
Ute Water Conservancy District
Central Grand Valley Sanitation
Grand Junction Rural Fire District
School District #51
Mr. Dan Wilson, City Attorney
Mr. Larry Timm, Community Development Department

DRAFT COMMENTS FOR YOUR REVIEW

May 12, 1994

Impact Report
Discovery 76 Annexation

From: Utilities

Re: Wastewater

Sewer will have to be extended from Hawthorne Avenue in Spring Valley east to and across 28 Road to serve the proposed Grand View Subdivision. This short extension will be at developer expense. Utility staff is reviewing the development plan for the Grand View development at this time.

There is presently capacity for 600 additional units in the sewer main in Hawthorne Avenue through Spring Valley. The Grand View development is estimated to be 175 units. B&G Investment property as planned residential could add an additional 16 units per acre or 256 units.

Additional development to the east of the Discovery 76 properties (The Grand View plan refers to "Matchett Village" at projected 750 units) will require upgrading of planned line sizes through the proposed Grand View development as well as upgrading the existing Spring valley sewer system in Hawthorne Avenue. The latter two upgrades will be at sewer system expense.

B&G Investment has petitioned for inclusion into the Central Grand Valley Sanitation District. This area is in subbasin 49 as outlined in the HDR Comprehensive Wastewater Basin Study and drainage would logically dictate flow through the Spring Valley system regardless of the political jurisdiction.

CALLER
CLOUT
TAYLOR
WILL
CALL
BACK.

DISCOVER

~~ONE~~
Sent to
MARK R.
5/12

STAFF REVIEW

FILE: #77-94

DATE: June 1, 1994

STAFF: Dave Thornton

REQUEST: Zone of Annexation - Discovery 76

LOCATION: North of Patterson Road, East of 28 Road

APPLICANT: City of Grand Junction

EXISTING LAND USE: Vacant/Residential

SURROUNDING LAND USE:

NORTH: Vacant
SOUTH: Vacant
EAST: Vacant/Agricultural
WEST: Residential

3.1 units/acre.

EXISTING ZONING: see attached map

PROPOSED ZONING: see attached map

SURROUNDING ZONING:

NORTH: R-2 (County)
SOUTH: R-2; PR-16 (County)
EAST: R-2 (County)
WEST: RSF-5

EXECUTIVE SUMMARY

Request for approval of RSF-5 zoning (residential single family not to exceed 5 units/acre) for an approximately 57.5 acre parcel of land currently being annexed by the City. The request for rezoning of PR-10 (with a neighborhood business component) on a 38.23 acre parcel of land being annexed by the City (the B&G Investments parcel; part of Matchett Village) which was advertised in conjunction with the RSF-5 request has been withdrawn and will not run concurrently with the annexation. We anticipate that a zoning proposal for the B&G Investments parcel will be in front of the Planning Commission at a later date.

P. C. Recommended approval of RSF-5 zoning for the 57.5 acre parcel known as Grand View Subdivision and a portion of the Discovery 76 Annexation, 6-0. Zoning for the remaining 38.23 acres of the annexation has been pulled ~~out~~ from consideration.

RELATIONSHIP TO COMPREHENSIVE PLAN:

No Comprehensive Plan exists for this area.

STAFF ANALYSIS:

The proposed zoning as indicated on the attached map is compatible with the surrounding area and is generally consistent with the existing County zoning. The RSF-5 zone is an existing City zone district. The RSF-5 zone is being recommended for the proposed Grand View subdivision. There is already a small area of the Grand View subdivision that is currently within the City limits and is zoned RSF-5. Spring Valley subdivision on the west side of 28 Road is also zoned RSF-5.

STAFF RECOMMENDATION:

Staff recommends approval of zoning RSF-5 as indicated on the attached map.

SUGGESTED PLANNING COMMISSION MOTION:

Mr. Chairman, on item #77-94, I move that we forward this on to City Council with the recommendation of approval.

DISCOVERY 70 ANNEX ANNEXATION NAME	PRIMARY STAFF	BACK-UP STAFF	DEADLINE DATE	COMPLETION DATE
1. Property owner initiates annexation or Growth Committee directs staff to proceed to investigate	D. Thornton	K. Portner		4-30-94
2. Gather base data on proposed annexation (acres, annexation boundary map, existing land use, population, special districts, assessed values, existing County zoning, proposed City zoning, list of existing businesses, list of property owners, tenants, and number and location of existing POAs)	D. Thornton	K. Portner		
3. Review proposed annexation boundary with Growth Committee; determine proposed zoning	D. Thornton	K. Portner		
Schedule Annexation Team meeting	D. Thornton	K. Portner		
5. Set preliminary schedule for annexation	Annex Team			
6. Establish Development File for Annexation	D. Thornton	K. Portner		4-30-94
7. Send annexation boundary map base data (identify/describe proposed zoning) and request impact reports from departments and divisions (see distribution list)	D. Thornton	K. Portner		
8. Impact reports and financial (revenues/expenditures) spreadsheets prepared using Administrative Services Department format (send copies to Community Development Dept & Admin Services Dept.)				
a. Public Works Department	M. Relph	J. Shanks		
b. Public Works Department-Utilities (water line upgrade)	G. Trainor	B. Cheney		5-20-94
c. Public Works Department-Sanitation Division	D. Starr	R. Laurin		5-20-94
d. Police Department	M. Currie	B. Gaskill		5-9-94
e. Fire Department	K. Johnson	R. Beatty		5-23-94
f. Finance Department	R. Booth	R. Ricks		NA
g. Parks & Recreation Department	D. Hobbs			
h. Visitors and Convention Bureau	D. Kovalik	B. Bowman		
i. Community Development Department-Planning Division (statistical data) (review of plats and developable land and potential impact on planning workload)	D. Thornton	K. Portner		
j. Community Development Department-Code Enforcement Division	J. Koehn	I. Williams		5-18-94

ANNEXATION NAME	PRIMARY STAFF	BACK-UP STAFF	DEADLINE DATE	COMPLETION DATE
k. City Attorney	D. Wilson	J. Shaver		
9. Finalize/compile impact reports/spreadsheets	L. Paulson	R. Lappi		
10. Review impact reports with City Administration and Growth Committee	R. Lappi	L. Paulson		
(If boundary changes are proposed that could affect impact reports, re-initiate impact report process (begin with 7.)	D. Thornton	K. Portner		
12. Finalize boundaries on assessors map / prepare annexation fact sheet	D. Thornton	K. Portner		5-2-94
13. Distribute boundary map and annexation fact sheet to Annexation Team members	D. Thornton	K. Portner		
14. Pull original POAs from City Clerk's files	D. Thornton	K. Portner		
15. Obtain deeds and rights-of-way descriptions for all parcels along the interior perimeter of the proposed annexation and obtain subdivision plats for all subdivisions within the annexation area	D. Thornton	K. Portner		April 1994
16. Send copies of deeds, vicinity maps and descriptions to Tim Woodmansee (originals to remain in development file)	D. Thornton	K. Portner		April 1994
17. Prepare perimeter legal description (obtain time frame from Tim Woodmansee)	T. Woodmansee	J. Shanks		April 1994
18. Assure accuracy of perimeter legal description	J. Shanks	M. Relph		April 1994
19. Prepare mailing matrix of owners and residents in proposed annexation Sources: utility billing, title company, polk directory, site visit, check matrix against assessor map	D. Thornton	K. Portner		
(Prepare annexation plat; confirm required contiguity (obtain acceptable time frame from Public Works Dept)	M. McCutchen	C. Kadel		
21. Send plat and copy of mailing matrix to all department heads and applicable divisions, i.e. Sanitation, City Clerk, Utility Billing and Sales Tax Division and send mailing matrix to City Council members	D. Thornton	K. Portner		
22. Prepare/modify annexation newsletters as needed	D. Thornton	K. Portner		
23. Prepare petition or POA signature sheets with legal descriptions for City Clerk's signature or property owner's signature	D. Thornton	K. Portner		April 1994

ANNEXATION NAME	PRIMARY STAFF	BACK-UP STAFF	DEADLINE DATE	COMPLETION DATE
24. ^{POA} Petition, with proposed legal description and map of area proposed to be annexed attached, signed by property owners or City Clerk with legal descriptions and map of area proposed to be annexed	D. Thornton	K. Portner		4-30-94
25. Complete Circulators Affidavit	D. Thornton	K. Portner		
26. Complete Affidavit page for compliance with State Statutes	D. Thornton	K. Portner		5-1-94
27. Contact key residents to sponsor living room meetings	Growth Comm. Dept. Heads			
28. Set living room meeting time and place	Growth Comm Dept. Heads			
29. Contact living room meeting hosts with verified meeting date, time and place	D. Thornton	K. Portner		
30. Send identification of living room meeting and information packet to property owners in annexation area (information packet should include existing county zoning, proposed city zoning, map, city services provided, taxes, etc.) (send separate letter to host estimating number of attendees)	D. Thornton	K. Portner		
31. Attend living room meeting, location map, and hand out information packet	D. Thornton	K. Portner		
32. Send minutes to City Council and City Staff living room meeting, verify minutes by staff and City Council representative	D. Thornton	K. Portner		
33. Attend living room meeting for annexation with less than 100% petition	L. Timm	D. Thornton		
34. Prepare a written summary of living room meeting (done by staff) and distribute to Dept. Heads, City Council, City Clerk and annexation file	D. Thornton	D. Thornton		
35. Send thank you letter to living room meeting hosts with Mayor's signature	D. Thornton	K. Portner		
36. Set neighborhood meeting time and place	D. Thornton	K. Portner		
37. Send identification of neighborhood meeting and information packet to property owners and tenants in annexation area (information packet should include existing county zoning, proposed city zoning, map, city services provided, taxes, etc.) (send separate letter to host estimating number of attendees)	D. Thornton	K. Portner		
38. Send minutes to City Council and City Staff neighborhood meeting, verify minutes by staff and City Council representative	D. Thornton	K. Portner		

ANNEXATION NAME	PRIMARY STAFF	BACK-UP STAFF	DEADLINE DATE	COMPLETION DATE
39. Attend neighborhood meeting (small neighborhood meeting) City Manager determine City's acceptance of land use control	L. F.	D. Thornton		
40. Prepare a written summary of neighborhood meeting (document process) and distribute to City Heads, City Council, City Clerk and annexation file	D. Thornton	K. Portner		
41. Send the prepared letter to neighborhood meeting hosts with Mayor's signature	D. Thornton	K. Portner		
42. Deliver petition, POAs, fact sheet, list of Special Districts and plat to City Clerk	D. Thornton	K. Portner		5-2-94
43. Establish formal hearing schedule with City Clerk	D. Thornton S. Nye	K. Portner T. Martinez		5-2-94
44. Send notice of hearing dates, map and promotional materials to property owners and residents (check return notices and update matrix as needed)	D. Thornton	K. Portner		
45. Prepare impact statement for annexations over 10 acres and mail to County Commissioners (as required under State Statutes)	D. Thornton	K. Portner		6-14-94
46. Prepare City Council meeting executive summary	D. Thornton	K. Portner		6-13-94
* 47. Petition referred to City Council; set public hearing date (Enclaves - Adopt Resolution of intent to Annex)	D. Thornton	K. Portner		5-4-94
48. Send notification and copy of petition or resolution to County Commissioners and Special Districts (25 days before hearing) (Enclaves - not applicable)	S. Nye	T. Martinez		5-10-94
49. Hold public hearing for acceptance of petition and 1st reading of annexation ordinance (30 days after 1st publication and notice). If City accepts land use jurisdiction, then City Clerk send letter to Mesa County. (Enclaves - 1st reading of annexation (30 days after notice of intent to annex)	S. Nye	T. Martinez		
50. Publish notice of 2nd public hearing of annexation ordinance (10 days prior to hearing)	S. Nye	T. Martinez		
51. Public Hearing and 2nd reading of annexation ordinance (two weeks after 1st Reading)	City Council			
52. Initiate zoning of annexation area (see zoning checklist for process)	D. Thornton	K. Portner		7-6-94 6-7-94

ANNEXATION NAME	PRIMARY STAFF	BACK-UP STAFF	DEADLINE DATE	COMPLETION DATE
53. Get information from departments and divisions on "Welcome" letter/newsletter, i.e. voting precinct, parks, streets, sanitation, police (update letter as needed)	D. Thornton	K. Portner		
54. Mail "Welcome to the City" letter/newsletter to those annexed (2nd Reading)	D. Thornton	K. Portner		
55. Send list of addresses to all City Departments and 911 Dispatch	D. Thornton	K. Portner		
56. Mail copy of ordinance, plat and effective date of annexation to affected agencies (see distribution list)	S. Nye	T. Martinez		
57. Record two certified copies of ordinance, map and legal with Mesa County Clerk & Recorder	S. Nye	T. Martinez		
58. After effective date of annexation:				
a. Update City annexation newsletter	D. Thornton	K. Portner		
b. Update corporate boundary on City map (quarterly)	M. McCutchen D. Thornton	C. Kadel K. Portner		
c. City Services initiated	All Departs			
59. City Attorney initiates exclusion from fire districts	J. Shaver	D. Wilson		
60. Complete Zoning of annexation area (as per process)	Planning Comm City Council			6-7-94
61. Follow-up newsletters	D. Thornton	D. Varley		

Development company drops suit against city

Judy Miller
Daily Sentinel

A New Mexico-based development company dropped its lawsuit against the city of Grand Junction after the city removed the company's local land holdings from annexation, company officials said.

"It's exactly the way we would have hoped it would have gone," said Dan Garrison with B&G Investments. The company filed suit against the city's proposed annexation of 40 acres it owns north of Patterson Road near 28 1/4

Road, but the suit has been dropped and the acreage excluded from the city's annexation.

The city had included the company's 40 acres in an annexation that includes the Grand View subdivision on a 58-acre strip between Spring Valley and B&G's property.

"It's crucial to the city ... that this land be developed to enhance the city and citizens," Councilman Ron Maupin said.

B&G filed the lawsuit in May because it believed the city was annexing its property to control

commercial development. The company, which owns 127 acres — including the 40-acre parcel — near Patterson Road, plans to build 690 residential units and 165,000 square feet of commercial space.

The majority of the commercial property is in the 40 acres that the city tried to include in the annexation.

"We didn't want to hold up that part of the annexation for a lawsuit some of the developers brought forward," Mayor R.T. Mantlo said.

DAILY SENTINEL

6-18-94

Need

~~INFORMATION SHEET~~

ANNEXATION ^{Area} FACT SHEET
Petition

Discovery 76 Corp by their
Attorney in fact City Clerk,
Stephanie Nye, pursuant to P.O.A.
recorded in Book _____ Page _____

DATE _____

Discovery 76 Corp
name
Grand Junction, Co

Published 6th
13th
20th
27th

JUNE 15th

Res. Accepting the
petition
& 1st Reading
LAND USE CONTROL

JULY 6th

2nd Reading

AUG 7th

EFFECTIVE DATE

PETITION FOR ANNEXATION

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

SEE ATTACHED

As ground therefor, the petitioners respectfully state that annexation to the City of Grand Junction, Colorado is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Section 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limits lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty percent of the area of such territory to be annexed, exclusive of streets, alleys and city owned lands, and they total more than fifty percent of the landowners within the territory; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

THE NW1/4 OF THE SW1/4 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, AND ALSO, THE SE1/4 OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 6, AND ALSO, THE NE1/4 OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 6.

Discovery 76 Corporation
Name

Discovery 76 Corporation by
their attorney in fact City
Clerk, Stephanie Nye, pursuant
to P.O.A. recorded in Book 2067
Page 947 & 948

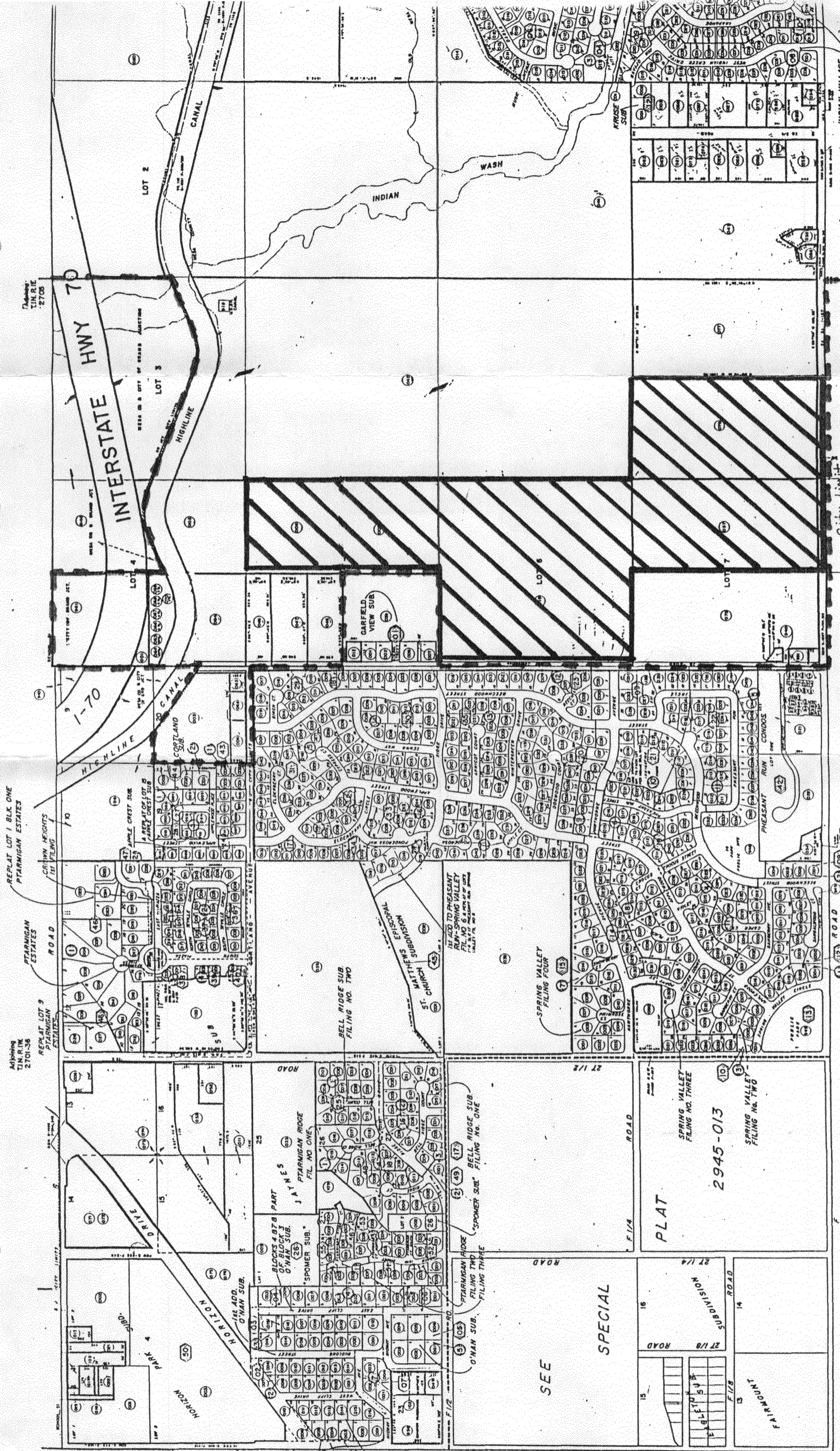
Grand Junction, Colorado

Date _____

DISCOVERY 76 ANNEXATION:

A tract of land being a part of the Southeast $\frac{1}{4}$ of Section 1, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and a part of the West $\frac{1}{2}$ of Section 6, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the West $\frac{1}{4}$ Corner of said Section 6;
thence S $89^{\circ}59'45''$ E along the North Line of Lot 6 in said Section 6 (also known as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$) a distance of 635.66 feet to the Southwest Corner of the E $\frac{1}{2}$ of Lot 5 in Section 6 (also known as the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ NW $\frac{1}{4}$);
thence N $00^{\circ}15'22''$ W a distance of 1321.49 feet to the Northwest Corner of the E $\frac{1}{2}$ of said Lot 5;
thence S $89^{\circ}56'19''$ E a distance of 662.30 feet to the Northeast Corner of said Lot 5;
thence S $00^{\circ}00'11''$ E a distance of 1320.81 feet to the Northeast Corner of Lot 6 in Section 6;
thence S $00^{\circ}19'15''$ E a distance of 1321.86 feet to the Southeast Corner of said Lot 6;
thence N $89^{\circ}51'03''$ E a distance of 670.95 feet to the Northeast Corner of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6;
thence S $00^{\circ}49'01''$ E a distance of 1291.82 feet to a point which is N $00^{\circ}49'01''$ W a distance of 30.00 feet from the Southeast Corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence S $89^{\circ}50'00''$ W, parallel with the South Line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 675.75 feet to a point which is N $00^{\circ}36'32''$ W a distance of 30.00 feet from the Southeast Corner of Lot 7 (also known as the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$) in said Section 6;
thence S $00^{\circ}36'32''$ E a distance of 30.00 feet to the Southeast Corner of said Lot 7;
thence S $89^{\circ}56'57''$ W a distance of 677.57 feet to the Southwest Corner of the E $\frac{1}{2}$ of said Lot 7;
thence N $00^{\circ}00'01''$ W a distance of 1322.14 feet to the Northwest Corner of the E $\frac{1}{2}$ of said Lot 7;
thence S $89^{\circ}58'44''$ W a distance of 635.66 feet to the Southwest Corner of Lot 6 in Section 6;
thence N $89^{\circ}46'00''$ W a distance of 30.00 feet to the West Right-of-Way for 28 Road in Section 1;
thence N $00^{\circ}00'13''$ E along the West Right-of-Way for 28 Road a distance of 1322.41 feet;
thence S $89^{\circ}59'47''$ E a distance of 30.00 feet to the Point of Beginning.



Adjoining T.I.R. 2701-36

REPLAT LOT 1 BLK ONE PTARMIGAN ESTATES

PTARMIGAN ESTATES

REPLAT LOT 9 PTARMIGAN ESTATES

Adjoining T.I.R. 2943-01

INDIAN VILLAGE FILING NO. 2

Adjoining T.I.R. 2943-02

INDIAN VILLAGE FILING NO. 2

Adjoining T.I.R. 2943-07

INDIAN VILLAGE FILING NO. 2

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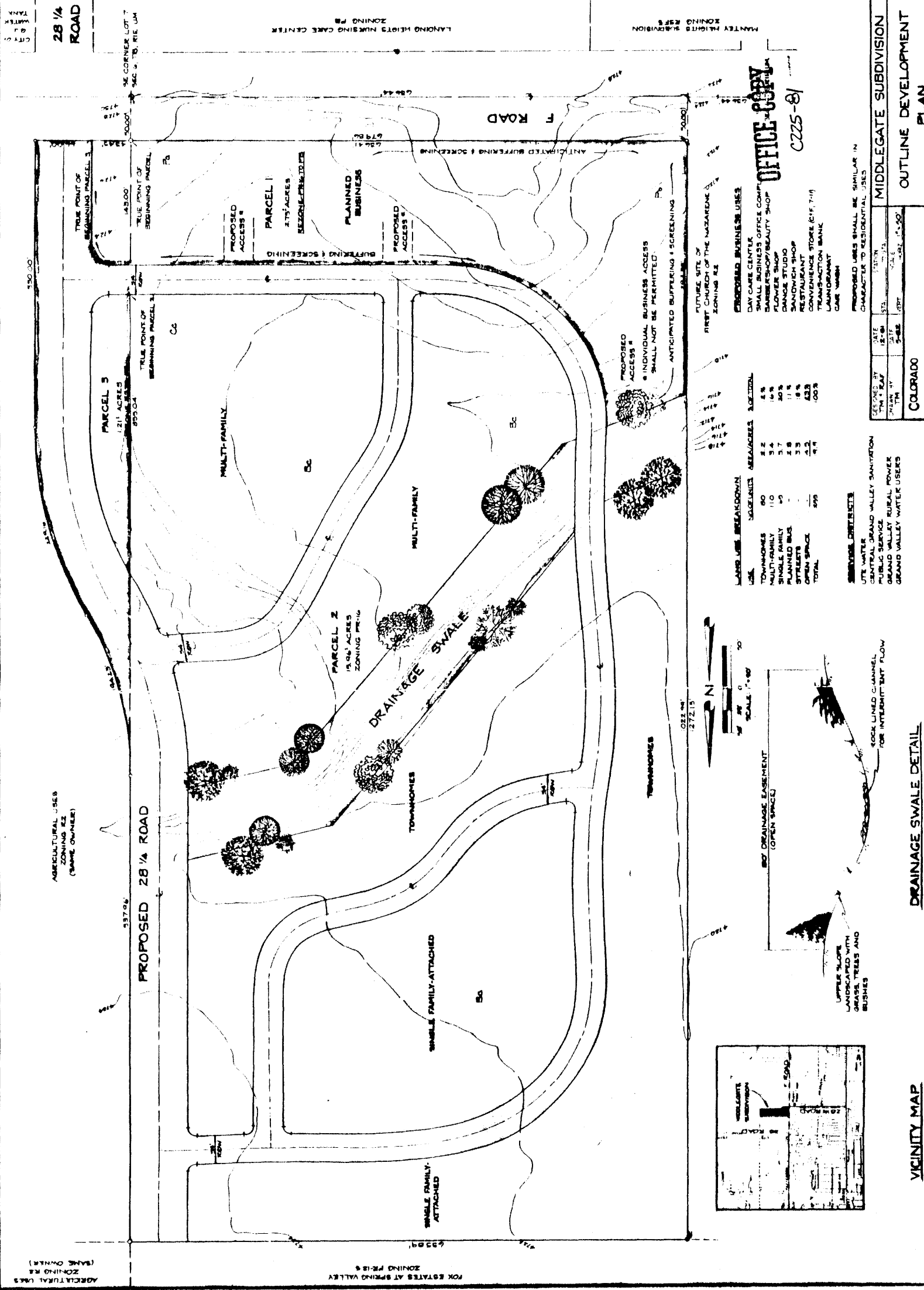
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CITY OF DENVER
 WATER DEPARTMENT
 28 1/4 ROAD

FOR ESTATES AT SPRING VALLEY
 ZONING PD-18.5
 (TRAFFIC OWNER)

MANLEY HEIGHTS SUBDIVISION
 ZONING PD-18.5
 LANDING HEIGHTS NURSING CARE CENTER

OFFICE-COPY
 C225-81

PROPOSED BUSINESS USES
 DAY CARE CENTER
 SMALL BUSINESS OFFICE COMP.
 BEAUTY SHOP
 FLOWER SHOP
 DANCE STUDIO
 SANDWICH SHOP
 RESTAURANT
 CONVENIENCE STORE (C/F, T/M)
 TRANS-ACTION BANK
 LAUNDRY
 CARE WASH

PROPOSED ACCESS #
 * INDIVIDUAL BUSINESS ACCESS
 SHALL NOT BE PERMITTED

ANTICIPATED BUFFERING & SCREENING

ANTICIPATED BUFFERING & SCREENING

PROPOSED ACCESS #
 * INDIVIDUAL BUSINESS ACCESS
 SHALL NOT BE PERMITTED

FUTURE SITE OF
 FIRST CHURCH OF THE NAZARENE
 ZONING R2

AGRICULTURAL USES
 ZONING R2
 (TRAFFIC OWNER)

PROPOSED 28 1/4 ROAD

PARCEL 5
 12.11 ACRES
 ZONING PD-18.5
 TRUE POINT OF BEGINNING PARCEL 3

PARCEL 2
 15.94 ACRES
 ZONING PD-18.5
 TRUE POINT OF BEGINNING PARCEL 2

PARCEL 1
 275 ACRES
 ZONING PD-18.5
 TRUE POINT OF BEGINNING PARCEL 1

TRUE POINT OF BEGINNING PARCEL 3

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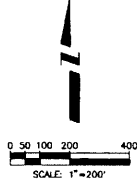
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DISCOVERY 76 ANNEXATION

LEGAL DESCRIPTION

A tract of land being a part of the Southeast 1/4 of Section 1, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and a part of the West 1/4 of Section 6, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the West 1/4 Corner of said Section 6;
 thence S 89°59'45" E along the North Line of Lot 6 in said Section 6 (also known as the NW1/4 of the SW1/4) a distance of 635.66 feet to the Southwest Corner of the E1/2 of Lot 5 in Section 6 (also known as the E1/2 of the SW1/4 NW1/4);
 thence N 00°15'22" W along the West line of the E1/2 of said Lot 5 a distance of 1321.49 feet to the Northwest Corner of the E1/2 of said Lot 5;
 thence S 89°56'19" E along the North line of the E1/2 of said Lot 5 a distance of 662.30 feet to the Northeast Corner of said Lot 5;
 thence S 00°00'11" E along the East line of said Lot 5 a distance of 1320.81 feet to the Northeast Corner of Lot 6 in Section 6;
 thence S 00°19'15" E along the East line of said Lot 6 a distance of 1321.86 feet to the Southeast Corner of said Lot 6;
 thence S 89°58'24" W along the South line of said Lot 6 a distance of 1299.61 feet to the Southwest Corner of said Lot 6;
 thence N 89°48'00" W a distance of 30.00 feet to the West Right-of-Way line for 28 Road in Section 1;
 thence N 00°00'13" E along the West Right-of-Way line for 28 Road a distance of 1322.41 feet;
 thence S 89°59'47" E a distance of 30.00 feet to the Point of Beginning.



LINE CHART

LINE	DIRECTION	DISTANCE
L1	S 89°59'47" E	30.00'
L2	N 89°48'00" W	30.00'

LEGEND

- Boundary of Existing City Limits
- Boundary of New City Limits

AREA OF ANNEXATION

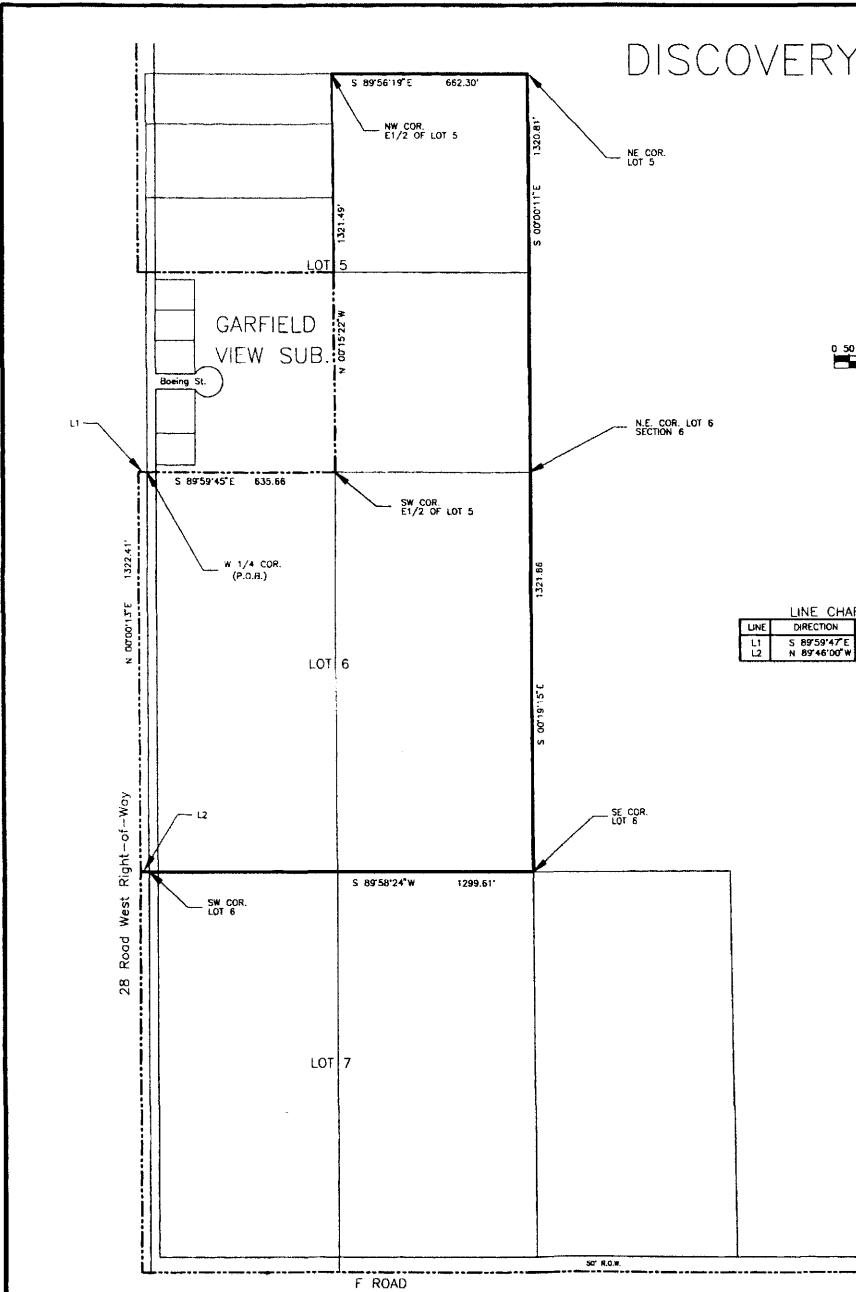
Annexation Perimeter	7,944.14 Ft.
Contiguous Perimeter	2,648.07 Ft.
Area in Square Feet	2,624,122.57
Area in Acres	60.24

ORDINANCE NUMBER
2758

EFFECTIVE DATE
AUGUST 7, 1994

The Description(s) contained herein have been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This plat does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.


 JAMES L. SHANKS, DIRECTOR OF PUBLIC WORKS & UTILITIES



REVISION	DESCRIPTION	DATE	DRAWN BY	M.A.P.	DATE	SCALE	PLAN	PROFILE
REVISION A			CHECKED BY	T.S.W.	DATE	7/13/94	HORIZ	1"=200'
REVISION A			APPROVED BY	J.L.S.	DATE	7/13/94	HORIZ	
REVISION A			FIELD BOOK NO.		PAGE		VERT.	

DEPARTMENT OF PUBLIC WORKS AND UTILITIES
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION, COLORADO

DISCOVERY 76 ANNEXATION	SHEET NO. 1 OF 1 FILE NO. DIS76.DWG
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