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File 1994-0145

Name: Koch Materials – Conditional Use Permit – 202 Fourth 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. 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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		*Planning Commission staff report and exhibits			
		*City Council staff report and exhibits			
		*Summary sheet of final conditions			
<u>DOCUMENT DESCRIPTION:</u>					
X	X	Resolution No. 112-94 - **	X	X	Development Improvements Agreement - ** - not recorded
X	X	City Council Minutes – 10/4/07, 12/7/94 - **	X	X	Planning Clearance – 2/27/94 - **
X	X	Planning Clearance – issued 11/4/94	X	X	Plant Layout
X		Warranty Deed – Bk 1724 / Pg 283 – not conveyed to City	X	X	Vicinity Map
X		Quit Claim Deed – Bk 1676 / Pg 783 – not conveyed to City	X	X	D & RGW Railroad Subdivision – Filing 1
X		Quit Claim Deed – Mtn. West Terminal, Inc. / Bituminous Materials co., Inc. - not recorded	X	X	Site Plan
X		Lease – Elf Asphalt, Inc. / Intermarco, Inc. – 5/13/88	X		Planning Commission Notice of Public Hearing mail-out- sent 9/23/94
X	X	Material Safety Data – Elf Asphalt	X	X	Landscaping and screening breakdown – Koch Materials Co.
X	X	Application for Permit to Install Aboveground Storage Tank – 9/23/94	X		E-mails
X		Posting of Public Notice Signs – 9/19/94	X		Fax Sheets
X	X	Correspondence	X	X	Planning Commission Minutes – 10/4/94 - **



DEVELOPMENT APPLICATION

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

Receipt 1547
Date 9-2-94
Rec'd By MP
File No. 145 94

Original
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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 checked="" type="checkbox"/> Conditional Use			202 4th Ave	I-2	Industrial
<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 type="checkbox"/> Revocable Permit					

PROPERTY OWNER

DEVELOPER

REPRESENTATIVE

Name	Name	Name
Koch Materials Company	Koch Materials Company	Gayle Lyman Western Engineers, Inc.
P.O. Box 2338	202 4th Ave.	2150 Hwy. 6 & 50
Wichita, KS 67201	Grand Junction, CO 81501	Grand Junction, CO 81505
(316) 832-5500	(303) 241-1135	(303) 242-5202

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.

X Gayle Lyman (Western Engineers) 8-31-94
Signature of Person Completing Application Date

X Marshall Prothero III 8-31-94
Signature of Property Owner(s) - Attach Additional Sheets if Necessary

PRE-APPLICATION CONFERENCE

Date: 8/16/99
 Conference Attendance: Kathy Portner, Marshall Prothero
 Proposal: CUP - Marshall Storage & Transport
 Location: 202 4th Ave

Tax Parcel Number: 2945-232-04-001
 Review Fee: \$350.00

(Fee is due at the time of submittal. Make check payable to the City of Grand Junction.)

Additional ROW required? ?
 Adjacent road improvements required? _____
 Area identified as a need in the Master Plan of Parks and Recreation? NO
 Parks and Open Space fees required? NO Estimated Amount: _____
 Recording fees required? NO Estimated Amount: _____
 Half street improvement fees required? TCP for additional traffic generated Estimated Amount: _____
 Revocable Permit required? _____
 State Highway Access Permit required? NO

Applicable Plans, Policies and Guidelines _____

Located in identified floodplain? FIRM panel # NO

Located in other geohazard area? _____

Located in established Airport Zone? Clear Zone, Critical Zone, Area of Influence? NO

Avigation Easement required? NO

While all factors in a development proposal require careful thought, preparation and design, the following "checked" items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process.

- | | | |
|--|--|---|
| <input type="radio"/> Access/Parking | <input checked="" type="radio"/> Screening/Buffering | <input checked="" type="radio"/> Land Use Compatibility |
| <input type="radio"/> Drainage | <input type="radio"/> Landscaping | <input type="radio"/> Traffic Generation |
| <input type="radio"/> Floodplain/Wetlands Mitigation | <input type="radio"/> Availability of Utilities | <input type="radio"/> Geologic Hazards/Soils |
| <input type="radio"/> Other _____ | | |

Related Files: _____

It is recommended that the applicant inform the neighboring property owners and tenants of the proposal prior to the public hearing and preferably prior to submittal to the City.

PRE-APPLICATION CONFERENCE

WE RECOGNIZE that we, ourselves, or our representative(s) must be present at all hearings relative to this proposal and it is our responsibility to know when and where those hearings are.

In the event that the petitioner is not represented, the proposed item will be dropped from the agenda, and an additional fee shall be charged to cover rescheduling expenses. Such fee must be paid before the proposed item can again be placed on the agenda. Any changes to the approved plan will require a re-review and approval by the Community Development Department prior to those changes being accepted.

WE UNDERSTAND that incomplete submittals will not be accepted and submittals with insufficient information, identified in the review process, which has not been addressed by the applicant, may be withdrawn from the agenda.

WE FURTHER UNDERSTAND that failure to meet any deadlines as identified by the Community Development Department for the review process may result in the project not being scheduled for hearing or being pulled from the agenda.

Marshall Prothero
 Signature(s) of Petitioner(s)

Kathy Portner
 Signature(s) of Representative(s)

Howard O & Donald J. Oldham
515 Lawrence
Grand Junction, CO 81505

Gilberto A. Gonzales
918 S. 4th Street
Grand Junction, 81501

D&RGW Railway Co.
Tax Dept.
P.O. Box 1319
Houston, TX 77251

City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

William R. Jarvis
Betty L., William R. Jr.,
and Judith A. Jarvis
2491 Broadway
Grand Junction, CO 81503

Teresa J. Vega
Tabitha Lynn Kopfen
934 S. 4th St.
Grand Junction, CO 81501

Koch Materials

Koch Materials
P.O. Box 2338
Wichita, KS 67201

Koch Materials
202 4th Avenue
Grand Junction, CO 81501

Gayle Lyman
Western Engineers, Inc.
2150 Highway 6 & 50
Grand Junction, CO 81505

145 94

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GENERAL PROJECT REPORT

PROJECT DESCRIPTION

The site under consideration for the Conditional Use Permit is owned by Koch Materials and is located at 202 4th Avenue. The Koch facility covers an area of approximately 3.76 acres upon which six small buildings have been developed. Approximately 20 percent of the site is impervious, which includes areas covered by buildings and storage tanks. Process chemicals and asphalt cement are unloaded from tank trucks and rail cars and stored at various locations around the site. The chemicals and emulsifier solution are measured and mixed in a process control building. The finished emulsion products are then pumped through product lines into one of several finished product storage tanks. The finished product is then pumped into tank trucks for distribution. Koch Materials is proposing the construction of an additional 2 million gallon storage facility for asphalt cement within this site. This will be accomplished by constructing two 1-million gallon capacity above ground steel storage tanks.

PUBLIC BENEFIT

Koch Materials supplies of emulsified asphalt and related products used in the surfacing of roadways, parking lots and other similar projects. This local manufacturer and distributor of asphalt contributes to the local economy by providing a specialized service to both local and out of town construction companies constructing projects in the Grand junction area. The expansion of this facility will allow increased service to local contractors and will support construction activities in the vicinity necessary for maintenance of existing improvements as well as residential and commercial growth. Without the proposed expansion, the facility will be limited in the services provided and contractors will be forced to look elsewhere for these construction materials. Relocation of the facilities would be difficult and expensive because of the specialized nature of the industry and the requirement for ready access to rail transportation facilities.

PROJECT COMPLIANCE, COMPATIBILITY, AND IMPACT

Koch Materials is bound on the north, east and west by property owned by D & R.G.W. Multiple railroad tracks and spurs are located north and east of the site while the property to the west is currently vacant. The site is bound on the south and across 4th Ave. by vacant property which has been remediated through the UMTRA Project. This property was previously an automobile salvage yard. Southeast of the site, on the opposite side of a rail road track embankment, are single dwelling residential houses.

With the improvement of this property, the city has requested landscaping be incorporated into the project. Since this is an existing business, available space is limited to support landscape. Therefore, the use of trees along 4th Ave. is recommended. This will provide a visual buffer should any development occur in the future within the property located directly south of the subject property. Information provided by the City of Grand Junction indicates realignment of 4th Avenue is anticipated in the future. Although scheduling of this project has not yet occurred, there is a possibility Koch Materials may be in a position to acquire additional land for expansion of their business. Should this expansion occur, additional trees will be incorporated at that time.

145 94

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Truck traffic entering and exiting the site follows a route in an easterly direction. 4th Avenue, which fronts Koch Materials, makes a slight jog to the southeast and intersects with 4th Street. At this point, traffic can utilize 4th St. and Noland Ave. to access U.S. Highway 50 or continue east on 4th Ave., under the 5th Street viaduct, which will allow access to I-70 business loop. The close proximity of the site to U.S. Highway 50 (5th Street), which is located approximately 500 feet to the east, allows relatively easy access for the site. There is a mixture of medium density residential and light industrial businesses within the corridor which the trucks must travel. Some increase in truck traffic is expected to accompany this expansion.

Since this is an established business, all necessary utilities are currently provided at this location. The addition of the storage tank(s) will not significantly impact any of the site utilities. There are currently two fire hydrants located along the south property line.

The public facility which may be affected by this additional product storage is the Fire Department. Their concern will deal with the storage of up to 2 million gallons of combustible material.

The soil at the site consists of Billings Silty Clay Loam, as classified by the Soil Conservation Service soil survey. This soil, locally called adobe, is one of the most extensive in the Grand Valley, covering nearly one-fifth of the Grand Junction area. The construction of storage tanks at this site will have no appreciable impact on geological formations. There are no geological hazards at this location.

Normal hours of operation are between 7:00 A.M. and 5:00 P.M. during summer months and between 8:00 A.M. and 4:30 P.M. during winter months. No additional signage is needed for the additional storage tanks.

DEVELOPMENT SCHEDULE AND PLANNING

Demolition of an existing structure and storage tanks will commence as soon as approval of the Conditional Use Permits granted by the Grand Junction Planning Commission. Construction of the new storage tanks is scheduled to begin the geotechnical investigation and tank foundation design are completed.

**APPLICATION FOR PERMIT TO INSTALL ABOVEGROUND STORAGE TANK
GRAND JUNCTION FIRE DEPARTMENT**

DATE 9/23/94 FEE \$25.00 per tank RECEIVED BY/DATE J. Masterson 9-23-94

Koch Materials 202 4th Ave. Grand Jct. Co. 81501 303-241-1135
Owner Name Address City/State/Zip Phone

Koch Materials 202 4th Ave. Grand Jct. Co. 81501 303-241-1135
Site Address City/State/Zip Phone

out for bid
Contractor Name Address City/State/Zip Phone

Mailing Address (if different from above)

COPY

Contractor's Initials Inspector's Initials/Date

PERMIT REQUIREMENTS

1. Installation of the aboveground storage tank is to comply with all provisions of the Uniform Fire Code, 1988 Edition.
2. A complete set of site and installation plans are to be submitted at least 10 days prior to tank installation. Site installation plans shall include but not necessarily be limited to distances from structures, tank size, contents, pipe size and material.
3. The GJFD shall perform an inspection prior to placement of any tank. Tanks placed without benefit of inspection may be ordered removed at the owners and/or installers expense.
4. The Grand Junction Fire Department (GJFD) is to be notified at least 24 hours in advance for site and tank inspection.
5. At least one 2A:20BC fire extinguisher shall be on-site at all times.
6. All aboveground piping and equipment shall be installed in accordance with the Uniform Fire Code, Uniform Mechanical Code, National Electrical Code and the Uniform Plumbing Code and shall be in conformance with all local, state, and federal codes, rules, regulations and ordinances.
7. Tanks shall be listed by a nationally recognized testing agency (UL, API, ASME). The serial number shall be inspected by the Fire Prevention Bureau before the tank is installed. Serial number of tank _____
8. Issuance of a GJFD tank installation permit does not replace any license or permit required by any other agency.

I have read and understand the requirements of this application.

Marshall Prothero III

Marshall Prothero III
APPLICANT'S SIGNATURE

9-23-94
DATE

DATE ISSUED _____

ISSUED BY _____

PERMIT # _____

DATE INPUT _____

CERTIFICATE OF AMENDMENT OF
CERTIFICATE OF INCORPORATION

ELF ASPHALT, INC.

a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That at a meeting of the Board of Directors of Elf Asphalt, Inc.

resolutions were duly adopted setting forth a proposed amendment of the Certificate of Incorporation of said corporation, declaring said amendment to be advisable and calling a meeting of the stockholders of said corporation for consideration thereof. The resolution setting forth the proposed amendment is as follows:

RESOLVED, that the Certificate of Incorporation of this corporation be amended by changing the Article thereof numbered " FIRST " so that, as amended, said Article shall be and read as follows:

" The name of the Corporation is Koch Materials Company. "

SECOND: That thereafter, pursuant to resolution of its Board of Directors, a special meeting of the stockholders of said corporation was duly called and held, upon notice in accordance with Section 222 of the General Corporation Law of the State of Delaware at which meeting the necessary number of shares as required by statute were voted in favor of the amendment.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, said Elf Asphalt, Inc.

has caused this certificate to be signed by

J. F. Runner

, its President,

and

H. Allan Caldwell

, its Secretary,

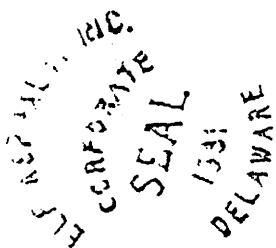
this 15th day of April, 19 93.

BY:

President

ATTEST:

Secretary





Elf Asphalt, Inc.

MATERIAL SAFETY DATA SHEET 20-04

REV. DATE 11/08/91 SUPERCEDES 03/12/90

QUICK IDENTIFIER: ASPHALT CEMENT

MANUFACTURERS NAME: Elf Asphalt, Inc.

ADDRESS: 1000 Executive Parkway P.O. Box 27327 St. Louis, MO 63141

EMERGENCY 24 Hr. TELEPHONE NUMBER: (314) 878-0793 or (314) 878-0969 Chemtrec (800) 424-9300

OTHER INFORMATION CALLS: (800) 325-9302

SECTION 1 - IDENTITY

TRADE NAME AND SYNONYMS: 0/10 PEN, 30/40 PEN, 40/50 PEN, 60/70 PEN, 85/100 PEN, 100/120 PEN, 120/150 PEN, 120/160 PEN, 140/160 PEN, 150/200 PEN, 200/250 PEN, 200/300 PEN, 300+ PEN, AC, AC-2.5, AC-3.5, AC-3.5 ADD, AC-5, AC-5 ADD, AC-7, AC-7.5, AC-10, AC-10 ADD, AC-20, AC-20 ADD, AC-20 LAG, AC-30, AC-40, AC-40 ADD, ASPHALT, ASPHALT CEMENT, ASPHALT FLUX, DOMESTIC ASPHALT, PAF-2, PETROLEUM ASPHALT, STEEP ASPHALT, URF, VAC-5, VAC-10, VAC-20

C.A.S. NUMBER: 008052-42-4

CHEMICAL NAME: PETROLEUM ASPHALT

CHEMICAL FAMILY: PETROLEUM HYDROCARBON

FORMULA: VARIABLE MIXTURE

SECTION 2 - HAZARDOUS INGREDIENTS

PRINCIPAL HAZARDOUS COMPONENTS (CHEMICAL AND COMMON NAMES)	%	THRESHOLD LIMIT VALUE (UNITS)
ASPHALT, PETROLEUM 008052-42-4	100	5.00 mg/m ³

SECTION 5 - PHYSICAL HAZARDS

MATERIAL IS: STABLE

CONDITIONS TO AVOID: SOURCES OF IGNITION

INCOMPATIBILITY (MATERIALS TO AVOID): STRONG ACIDS, ALKALIES, OXIDIZERS, AND WATER.

HAZARDOUS DECOMPOSITION PRODUCTS: THERMAL DECOMPOSITION MAY RELEASE HARMFUL OR TOXIC GASES.

HAZARDOUS POLYMERIZATION WILL: NOT OCCUR

CONDITIONS TO AVOID: N/A

SECTION 6 - HEALTH HAZARDS

CHEMICAL LISTED AS CARCINOGEN OR POTENTIAL CARCINOGEN:

ASPHALT HAS NOT BEEN INVESTIGATED AS POSSIBLE CARCINOGENS.

<u>PETROLEUM ASPHALT</u> WOULD BE AS FOLLOWS:	NAT. TOXICOLOGY PROGRAM	NO
	OSHA	NO
	I.A.R.C. MONOGRAPHS	*UNDETERMINED

* EXPLANATION: IARC MONOGRAPHS - JAN 1985 - THE STUDY INDICATES THERE IS SUFFICIENT EVIDENCE FOR CARCINOGENICITY IN ANIMALS FROM EXPOSURE TO EXTRACTS OF STEAM-REFINED BITUMENS, AIR-REFINED BITUMENS AND MIXTURES OF STEAM-REFINED AND AIR-REFINED BITUMENS. DUE TO INADEQUATE EVIDENCE IN HUMANS, BUT SUFFICIENT EVIDENCE IN ANIMALS, BITUMEN IS CONSIDERED BY OSHA AS IF IT PRESENTS A CARCINOGENIC RISK TO HUMANS. THERE IS INADEQUATE EVIDENCE THAT BITUMENS ALONE ARE CARINOGENIC TO HUMANS.

OSHA PERMISSIBLE EXPOSURE LIMIT: ASPHALT FUMES: 5mg/m³ MAX CEILING

ACGIH THRESHOLD LIMIT VALUE: ASPHALT FUMES: 5mg/m³ TWA

OTHER EXPOSURE LIMIT USED: NONE

ROUTES OF EXPOSURE: PRIMARY - SKIN CONTACT
SECONDARY - INGESTION OR INHALATION

SIGNS AND SYMPTOMS OF EXPOSURE: SKIN - CONTACT WITH HOT PRODUCT MAY CAUSE THERMAL BURNS. PROLONGED OR REPEATED CONTACT WITH COOL PRODUCT MAY CAUSE IRRITATION.

INGESTION - MAY CAUSE NAUSEA AND IRRITATION OF GASTROINTESTINAL TRACT.

INHALATION - EXCESSIVE EXPOSURE TO FUMES, VAPORS OR MISTS MAY CAUSE SOME RESPIRATORY DISCOMFORT OR IRRITATION OF THE MUCOUS MEMBRANES. ASPHALT, WHEN HEATED, RELEASES VARIOUS CONCENTRATIONS OF HYDROGEN SULFIDE (H₂S) GAS. H₂S IS AN EXTREMELY TOXIC AND FLAMMABLE GAS THAT AT LOW CONCENTRATIONS IS IRRITATING TO THE RESPIRATORY TRACT AND HAS A ROTTEN EGG ODOR. ODOR CAN NOT BE RELIED ON AS A MEANS OF DETECTION BECAUSE AT HIGHER CONCENTRATIONS, H₂S CAUSES OLFACTORY PARALYSIS. EVEN SHORT TIME EXPOSURE TO CONCENTRATIONS OF 500-1000 ppm MAY LEAD TO UNCONSCIOUSNESS, RESPIRATORY PARALYSIS AND DEATH.

EMERGENCY AND FIRST AID PROCEDURES: INHALATION - IF OVEREXPOSURE OCCURS, REMOVE INDIVIDUAL TO FRESH AIR. IF DISCOMFORT CONTINUES, SEEK MEDICAL ATTENTION.

EYES - FLUSH EYES IMMEDIATELY WITH COPIOUS AMOUNTS OF WATER FOR AT LEAST 15 MINUTES, OCCASIONALLY LIFTING THE UPPER AND LOWER EYE LIDS. GET MEDICAL ATTENTION IMMEDIATELY.

SKIN - HOT PRODUCT SHOULD BE COOLED WITH WATER. CLEAN SKIN WITH WATERLESS TYPE HAND CLEANER FOLLOWED BY SOAP AND WATER. IF IRRITATION OR BURN DEVELOPS, SEEK MEDICAL ATTENTION. COOL PRODUCT MAY BE CLEANED WITH WATERLESS TYPE HAND CLEANER.

INGESTION - IF MATERIAL IS SWALLOWED, DO NOT INDUCE VOMITTING. TREAT SYMPTOMATICALLY AND GET MEDICAL ATTENTION.

MEDICAL CONDITIONS GENERALLY AGGRAVATED BY EXPOSURE: UNKNOWN

SECTION 7 - SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION: USE AIR-SUPPLIED BREATHING APPARATUS IF IN A CONFINED AREA OR IF MIST OR VAPOR CONCENTRATIONS ARE UNKNOWN OR EXCEED TLV.

VENTILATION LOCAL EXHAUST: AS NEEDED TO REMOVE MISTS OR VAPORS

PROTECTIVE GLOVES: IMPERVIOUS COATING

EYE PROTECTION: CHEMICAL GOGGLES OR SAFETY GLASSES WITH SIDE SHIELDS. FULL FACE SHIELD WHEN SPLASH CONDITIONS MAY OCCUR.

OTHER PROTECTIVE CLOTHING OR EQUIPMENT: APPROPRIATE CLOTHING TO PREVENT REPEATED OR PROLONGED CONTACT WITH SKIN AND COLD PRODUCT. IMPERVIOUS CLOTHING, IF NEEDED, TO PROTECT AGAINST CONTACT WITH HOT PRODUCT.

SECTION 8 - SPECIAL PRECAUTIONS AND SPILL/LEAK PROCEDURES

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE: AVOID HEATED PRODUCT FUMES. AVOID POSSIBLE IGNITION SOURCES.

OTHER PRECAUTIONS: OBSERVE GOOD PERSONAL HYGIENE. LAUNDRY CONTAMINATED CLOTHES BEFORE REUSE. DO NOT WEAR LEATHER SHOES OR BOOTS THAT HAVE BECOME SATURATED WITH PRODUCT.

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED: CREATE DIKES OR PONDS AS SOON AS POSSIBLE. USE EARTH, SAWDUST, OR SAND TO MAKE DIKES OR TO USE AS ABSORBENT. UPON ABSORPTION, MATERIAL WILL REVERT TO ASPHALT STATE AND CAN BE REMOVED WITH ABSORPTION MATERIAL.

WASTE DISPOSAL METHODS: MUST BE DISPOSED OF IN ACCORDANCE WITH APPROPRIATE STATE AND FEDERAL LAWS. THIS MATERIAL CAN BE DISPOSED OF IN AN APPROVED LANDFILL.

EXPLANATION OF ABBREVIATIONS:

N/D	-	NOT DETERMINED
N/A	-	NOT APPLICABLE
TLV	-	THRESHOLD LIMIT VALUE
TWA	-	TIME WEIGHTED AVERAGE

DISCLAIMER OF LIABILITY BY ELF ASPHALT, INC.

THE INFORMATION IN THIS MSDS WAS OBTAINED FROM SOURCES WHICH WE BELIEVE ARE RELIABLE. HOWEVER, THE INFORMATION IS PROVIDED WITHOUT ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, REGARDING ITS ACCURACY OR CORRECTNESS. THE CONDITIONS OR METHODS OF HANDLING, STORAGE, USE AND DISPOSAL OF THE PRODUCT BY OTHERS ARE BEYOND OUR CONTROL AND MAY BE BEYOND OUR KNOWLEDGE. FOR THIS AND OTHER REASONS, WE DO NOT ASSUME ANY RESPONSIBILITY AND EXPRESSLY DISCLAIM LIABILITY FOR LOSS, DAMAGE OR EXPENSE ARISING OUT OF OR IN ANY WAY CONNECTED WITH THE HANDLING, STORAGE, USE OR DISPOSAL OF THE PRODUCT. NOTE THAT SOME MATERIAL IDENTIFIERS MAY OR MAY NOT CONTAIN HYPHENS. A MATERIAL NAME THAT DOES NOT CONTAIN A HYPHEN SHOULD BE CONSIDERED THE SAME AS THE NAME WITH A HYPHEN.

REVIEW COMMENTS

Page 1 of 2

FILE #145-94

TITLE HEADING: Conditional Use Permit -
Expansion of Asphalt Tanks in an
I-2 Zone District

LOCATION: 202 4th Avenue

PETITIONER: Koch Materials Company

PETITIONER'S ADDRESS/TELEPHONE: 202 4th Avenue
Grand Junction, CO 81501
241-1135

PETITIONER'S REPRESENTATIVE: Gayle Lyman, Western Engineers

STAFF REPRESENTATIVE: Kathy Portner

NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., SEPTEMBER 26, 1994.

GRAND JUNCTION FIRE DEPARTMENT
Hank Masterson

9/6/94
244-1414

New tanks must comply with Fire Department requirements for installation of Above Ground Storage Tanks for flammable/combustible liquids.

A permit for installation and storage is required. Apply for permit at Fire Department and submit a site plan showing: 1) distance of tanks to property lines and buildings; 2) containment area and construction of containment; 3) distances between new and existing tanks; 4) size and contents of existing tanks; 5) also, submit a MSDS for the asphalt emulsion.

CITY UTILITY ENGINEER
Bill Cheney

9/6/94
244-1590

1. WATER - it appears that an 8" dead end line supplies water to tow hydrants located on the south portion of the property. A flow test should be performed to determine flow to the site.
2. SEWER - the existing building are presently on septic systems. The nearest sewer is located to the south on the Jarvis property, approximately 650'.

CITY PARKS & RECREATION DEPARTMENT
Don Hobbs

9/7/94
244-1542

If this action requires an open space fee we will need a appraisal of the site.

CITY ATTORNEY

9/7/94

Dan Wilson/John Shaver

244-1501

Is this expansion consistent with local planning efforts? If so, how can it be best integrated - some form of aesthetic enhancement, colors? Discussions with developer may present opportunities.

Previous staff discussion concerning use of the site included permitting entire use - is that/will that be done?

CITY DEVELOPMENT ENGINEER

9/8/94

Jody Kliska

244-1591

No comment.

COMMUNITY DEVELOPMENT DEPARTMENT

9/16/94

Kathy Portner

244-1446

See attached comments.

RESPONSE TO REVIEW COMMENTS
KOCH MATERIALS COMPANY
Conditional Use Permit

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

SEP 26 1994

GRAND JUNCTION FIRE DEPARTMENT

The proposed storage tanks will comply with Fire Department requirements for installation of Above Ground Storage Tanks for flammable/combustible liquids. The tanks will consist of welded steel construction. Approximately 4 inches of insulation will be applied to the exterior of the tank covered by corrugated aluminum. The required Fire Department permit for installation and storage has been completed. A copy of this permit application is attached. The permit application does not currently include all of the required attachments. The permit and attachments will be completed, submitted to the Fire Department and approved by the Fire Department prior to construction. A revised site plan is also attached with the following additional information: 1) distance from proposed tank to property lines. The distance from the proposed tanks to existing tanks at the closest point is approximately 20 feet. The existing office building is approximately 220 feet east of the new tanks and the mill building is approximately 110 feet east of the new tanks; 2) Containment area is indicated on Figure 1. Secondary containment is earthen embankment surrounding the perimeter of the property. The SPCC Plan will be modified to include the new storage tanks. This will involve final designs for the secondary containment.; 3) distance between proposed and existing tanks at the closest point is approximately 20 feet; 4) Figure 1 shows the location of existing tanks along with Table 1 which provides technical data on each tank. 5) an MSDS for asphalt cement is attached.

CITY UTILITY ENGINEER

A flow test will be performed prior to construction of the tanks.

CITY PARKS & RECREATION DEPARTMENT

The decision for requirement of an open space fee will be addressed at a later date.

CITY ATTORNEY

According to the City Planning Department, the City-owned property to the south has been discussed as being redeveloped into commercial property as well as a trail and greenbelt along the Colorado River. The area north of the City-owned property has been considered by the City for commercial/industrial uses compatible with the redevelopment effort in the area. The Conditional Use Permit will be applicable to the entire site.

CITY DEVELOPMENT ENGINEER

No response required.

COMMUNITY DEVELOPMENT DEPARTMENT

- 1) Currently, approximately 20 trip ends per day involving tanker trailer units occur at this site. The addition of the two storage tanks is not anticipated to significantly increase site generated traffic or to increase volume of material produced. The primary reason to install the additional storage tanks is the immediate availability of asphalt cement in stock. This will decrease the frequency of railroad tank cars delivering product to this site through the summer months. There will be no increase in employee traffic.
- 2) The proposed tanks will be 67 feet in diameter and 40 feet high. There are numerous existing tanks of various sizes. These tanks are identified on Figure 1. Table 1 provides technical data on the individual tanks.
- 3) The tanks will consist of welded steel construction. Approximately 4 inches of insulation will be applied to the exterior of the tank covered by corrugated aluminum. The exterior surface would normally be a metallic color. Since the exterior surface of the proposed tanks would not normally be painted, applying paint to the tank will increase construction costs by approximately \$21,600.00 per tank. The paint will need to be compatible with the use including proper adhesion and heat resistance. Not only is the increased cost a concern, but the introduction of particulates into the atmosphere by either brush blasting or painting is a concern of the owner.

- 4) The mixing process and storage tanks require a certain amount of venting, which include certain odors. The amount of these odors has not been quantified. The addition of new tanks will not significantly increase any odor/emission released into the atmosphere. There has been fewer than six complaints of odor originating from this site made to the Mesa County Health Department over the last two years. These complaints did not warrant any action taken against the site.
- 5) The storage tanks will be located as close as practical to the railroad tracks. However, final tank locations will be based on other considerations including process function, loading and unloading, geotechnical considerations, as well as visual impact.
- 6) The 6 foot chain link fence currently surrounding the site was recently installed. It is not feasible to remove this fence and replace it with another new fence. Conversion of the existing fence to a screening fence is a possibility. The quantity and density of trees to be installed will depend on the species and size recommended by the City Parks staff. The owner proposed 6 trees located as shown on the site plan with no other landscaping. Location of trees indicated on the site plan reflect required internal traffic lanes which must remain unobstructed.

Submitted By:
WESTERN ENGINEERS, INC.

Gayle Lyman
Staff Engineer

Table 1
Tank Schedule

Tank	D (ft)	H (ft)	Volume (gal)	Position / Shape	Contents	Year New	Construction Material	Type of Level Indicator	Type of Internal Coil	Bottom Thickness	Sidewall Thickness	Type of Insulation	Thickness	Covering
100	38	32	271,462	Vert/Cyl	Asphalt		CS		Hot Oil			Fiber Glass	4	Aluminum
102	28	28	128,963	Vert/Cyl	Asphalt		CS		Hot Oil			Fiber Glass	4	Aluminum
103	27	24	102,785	Vert/Cyl	Asphalt		CS		Hot Oil			Fiber Glass	4	Aluminum
105	24	15	50,758	Vert/Cyl	Asphalt		CS		Hot Oil			Fiber Glass	4	Aluminum
107	25	14	51,404	Vert/Cyl	Asphalt		CS		Hot Oil			Fiber Glass	4	Aluminum
140	7	7	2,015	Vert/Cyl	Reagent		CS		Steam			Fiber Glass	4	Aluminum
151	16	16	24,063	Vert/Cyl	Mix Tank		CS		Hot Oil			Fiber Glass	4	Aluminum
152	16	16	24,063	Vert/Cyl	Mix Tank		CS		Hot Oil			Fiber Glass	4	Aluminum
171	25	19	69,763	Vert/Cyl	Asphalt		CS		Hot Oil			Fiber Glass	4	Aluminum
174	28	29	133,569	Vert/Cyl	Asphalt		CS		Hot Oil			Fiber Glass	4	Aluminum
200	25	24	88,122	Vert/Cyl	Styrelf 203		CS		Hot Oil			Fiber Glass	3	Aluminum
201	25	24	88,122	Vert/Cyl	AC-20R		CS		Hot Oil			Fiber Glass	3	Aluminum
202	25	24	88,122	Vert/Cyl	Emulsion		CS		Hot Oil			Fiber Glass	3	Aluminum
203	25	24	88,122	Vert/Cyl	Emulsion		CS		Hot Oil			Fiber Glass	3	Aluminum
204	25	24	88,122	Vert/Cyl	Emulsion		CS		Hot Oil			Fiber Glass	3	Aluminum
205	25	24	88,122	Vert/Cyl	Emulsion		CS		Hot Oil			Fiber Glass	3	Aluminum
257	16	22	33,087	Vert/Cyl	Emulsion		CS		Hot Water			Fiber Glass	3	Aluminum
296	20	20	46,998	Vert/Cyl	Emulsion		CS		None			Fiber Glass	3	Aluminum
300	12	24	20,303	Vert/Cyl	CR-1		CS		Steam			Fiber Glass	4	Aluminum
301	12	24	20,303	Vert/Cyl	NP-100		CS		Steam			Fiber Glass	4	Aluminum
302	12	24	20,303	Vert/Cyl	BE-8		CS		Steam			Fiber Glass	4	Aluminum
344	12	24	20,303	Vert/Cyl	NaOH		CS		None			Fiber Glass	4	Aluminum
350	6	6	1,269	Vert/Cyl	KEM-2		CS		Steam			Fiber Glass	3	Aluminum
353	8	24	9,024	Vert/Cyl	CI-6		CS		Steam			None		
355	8	20	7,520	Vert/Cyl	AB-21		CS		Steam			None		
400	22	18	51,181	Vert/Cyl	#2 Fuel Oil		CS		None			None		
420	4	5	470	Vert/Cyl	#2 Fuel Oil		CS		None			None		
501	9.5	16	8,483	Vert/Cyl	Treated H2O		CS		Raw Steam			None		
502	9.5	16	8,483	Vert/Cyl	Treated H21		CS		Raw Steam			None		
520	6	6	1,269	Vert/Cyl	Condensate		CS		Raw Steam			None		

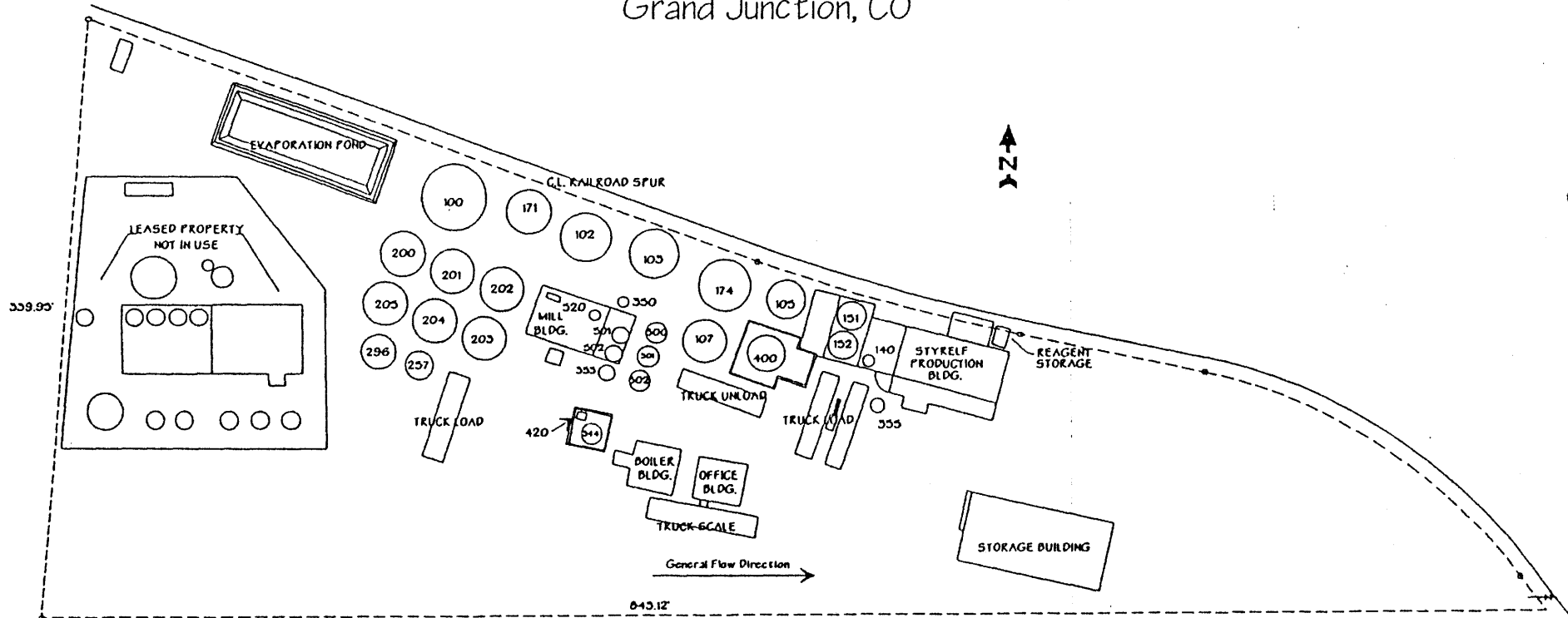
Discharge Flow Direction

The general direction of flow of the facility is to the east.

Type of Containment

Comments

Figure 1
Koch Materials
Grand Junction, CO



----- Denotes Property Line.
Secondary containment and fence are on property line.

STAFF REVIEW

FILE: #145-94
DATE: September 16, 1994
STAFF: Kathy Portner
REQUEST: Conditional Use Permit--Asphalt Storage Facility
LOCATION: 202 4th Avenue
APPLICANT: Koch Materials Company

EXISTING LAND USE: Asphalt storage facility

PROPOSED LAND USE: Expanded asphalt storage facility

SURROUNDING LAND USE:

NORTH: Railroad
SOUTH: City-owned vacant land
EAST: Railroad
WEST: Salvage yard

EXISTING ZONING: I-2 (Heavy Industrial)

PROPOSED ZONING: I-2 (Heavy Industrial)

SURROUNDING ZONING:

NORTH: I-2
SOUTH: I-2
EAST: I-2
WEST: I-2

RELATIONSHIP TO COMPREHENSIVE PLAN:

No Comprehensive Plan exists for this area. This area is within the South Downtown/Riverside/El Poso planning area. Alternatives identified for this area in the planning process include redevelopment of the City-owned property to the south as commercial property as well as a trail and greenbelt along the Colorado River. The area north of the City-owned property has been discussed for commercial/industrial uses compatible with the redevelopment effort.

STAFF ANALYSIS:

The request is for a Conditional Use Permit for Koch Materials, located at 202 4th Avenue, to allow for the addition of two storage tanks. The site is approximately 3.76 acres and consists of 6 buildings and 30 storage tanks for emulsified asphalt and related products used in the surfacing of roadways, parking lots and other similar projects. The property has had storage tanks on it since between 1959 and 1965 based on air photo information. The zoning is I-2 (heavy industrial). The use has been categorized under "Industry-Unlimited" in the Use-Zone Matrix of the Zoning and Development Code for which a Conditional Use Permit is required. A Conditional Use Permit is currently not in place for the property.

The property is surrounded by the railroad tracks to the north and east, vacant land and a salvage yard to the west and City-owned, vacant property to the south. Access to the property is via the poorly aligned, substandard 4th Avenue winding over the south-bound railroad tracks.

The impacts of the facility at this location, such as odor, traffic and aesthetics, will not change significantly with the addition of the two tanks. In the response to comments, the petitioner has indicated that the additional storage tanks will facilitate the immediate availability of asphalt cement in stock thereby decreasing the frequency of railroad tank cars delivering product. They have commented that the additional storage will not significantly increase the number of trips generated to or from the site or the amount of odor emissions from the site. The tanks are significantly larger than any of the other tanks or structures on the site and will have a shiny metallic surface. Staff had asked the feasibility of painting the tanks an earth-tone color to reduce the visual impact. The petitioner estimates it would cost approximately \$21,600 to paint each of the two proposed tanks. Given the high cost and the fact that the rest of the site's tanks would remain in the reflective colors (and well stained), staff is not recommending that painting be required.

Staff is recommending that the tanks be located as close to the railroad tracks as possible and that the existing chain link fence be converted into a screen fence to minimize the visual impact from 4th Avenue. The required landscaping for the entire site is 3,150 sq.ft., including 7 trees. The total square footage can be reduced if additional trees are provided or trees are provided they are larger than the required 2" caliper for deciduous and 6' height for conifers. Staff recommends increasing the number of trees to 10 along the street frontage. Coniferous trees are preferred to offer year-round buffering to the site. Trees should be located outside of the screen fence.

Staff has determined that Parks and Open Space fees will not be required based on the criteria listed in section 5-4-6.A

The following criteria for evaluating conditional use permits apply (section 4-8-1 of the Zoning and Development Code):

1. Compatibility--The proposed expansion as described will not significantly increase any adverse impacts the facility has on the area such as traffic and odor. Including a screen fence and street trees will increase the sites compatibility with the proposed redeveloped

City-owned property to the south.

2. Adequate public services--Adequate public services exist for the expansion.
3. Conformance with plans and regulations--There is no adopted plan for this area. Approval of the site with staff conditions would bring it into conformance with the I-2 Code requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit with the following conditions:

1. All Fire Department requirements must be met prior to issuance of a permit for construction of the new tanks.
2. The existing chain link fence be converted into a screen fence.
3. Ten coniferous trees be planted along the street frontage, outside the screen fence.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item #145-94, a request for a conditional use permit for Koch Materials, I move we approve this.

POSTING OF PUBLIC NOTICE SIGNS

The posting of the Public Notice Sign is to make the public aware of development proposals. The requirement and procedure for public notice sign posting are required by the City of Grand Junction Zoning and Development Code.

To expedite the posting of public notice signs the following procedure list has been prepared to help the petitioner in posting the required signs on their properties.

1. All petitioners/representatives will receive a copy of the Development Review Schedule for the month advising them of the date by which the sign needs to be posted. IF THE SIGN HAS NOT BEEN PICKED UP AND POSTED BY THE REQUIRED DATE, THE PROJECT WILL NOT BE SCHEDULED FOR THE PUBLIC HEARING.
2. A deposit of \$50.00 per sign is required at the time the sign is picked up.
3. You must call for utility locates before posting the sign. Mark the location where you wish to place the sign and call 1-800-922-1987. You must allow two (2) full working days after the call is placed for the locates to be performed.
4. Sign(s) shall be posted in a location, position and direction so that:
 - a. It is accessible and readable, and
 - b. It may be easily seen by passing motorists and pedestrians.
5. Sign(s) MUST be posted at least 10 days before the Planning Commission hearing date and, if applicable, shall stay posted until after the City Council Hearing(s).
6. After the Public Hearing(s) the sign(s) must be taken down and returned to the Community Development Department within ~~three~~ ^{(5) FIVE} working days to receive full refund of the sign deposit. For each working day thereafter the petitioner will be charged a \$5.00 late fee. After eight working days Community Development Department staff will retrieve the sign and the sign deposit will be forfeited in its' entirety.

Community Development Department staff will field check the property to ensure proper posting of the sign. If the sign is not posted, or is not in an appropriate place, the item will be pulled from the hearing agenda.

I have read the above information and agree to its terms and conditions.

Marshall Prothero 9-19-94
SIGNATURE DATE

FILE #/NAME #145-94 Cond. Use Permit RECEIPT # 1587

PETITIONER/REPRESENTATIVE: Marshall Prothero Rock Mat'l PHONE # 241-1135

DATE OF HEARING: 10-4-94 POST SIGN(S) BY: 9-23-94

DATE SIGN(S) PICKED-UP 9-22-94

DATE SIGN(S) RETURNED 10-5-94 RECEIVED BY: [Signature]

refunded \$50.00
V#40 075121



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

October 24, 1994

Marshall Prothero III
Koch Materials Company
202 4th Avenue
Grand Junction, CO 81501

Dear Marshall:

This letter will serve as official notice of approval of a Conditional Use Permit for the operation of the existing use of the property at 202 4th Avenue as a supplier of emulsified asphalt and related products and the addition of two 1-million gallon capacity above ground steel storage tanks. The approval of the Conditional Use Permit is contingent of the following requirements:

1. All Fire Department requirements must be met prior to issuance of a permit for construction of the new tanks.
2. The existing chain link fence must be converted to a screen fence, either with fencing materials or vegetation.
3. At least 10 trees must be planted along the street frontage, outside the screen fence.

A Revocable Permit will be required for any landscaping in the ROW. I will advise you in that process if we determine it is necessary. There is no additional charge for the permit and the process is relatively simple and quick.

A landscaping and screening plan must be submitted and approved by staff prior to issuance of a Planning Clearance for the construction of the tanks. The landscaping and screening must be completed or an improvements agreement/guarantee must be provided prior to the final inspection for use of the tanks.

The Conditional Use Permit is not effective until all of the above requirements are met. Thank you for your cooperation through this process.

Sincerely,

Katherine M. Portner
Planning Supervisor

Enclosure



KOCH MATERIALS COMPANY

To: Kathy Portner
From: Marshall Prothero
Subject: Detailed landscaping and screening cost breakdown

The landscaping plan for the Koch Materials Grand Junction facility is designed to beautify and screen the 4th Avenue fence line of the plant. Del Adolf of Valley Grown Nursery and Mike Vendegna of the City of Grand Junction were consulted on this project.

Ten trees are required and twelve to thirteen will be planted and will probably be a combination of the following:

- Bradford pear
- Paul's scarlet hawthorn
- Ginnala maple
- Golden rain tree

The screening will consist of vining plants which will creep over the chain link fence. The plants will probably consist of a combination of the following:

- Virginia creeper
- Hall's honeysuckle
- Silver lace vine

This cost estimate is based on figures aquired from Valley Grown Nursery and Grand Junction pipe.

ITEM	UNIT PRICE	AMOUNT	TOTALS
TREES	\$90.00	13	\$1170.00
VINES	\$4.50	45	\$202.50
TOP SOIL	\$25.00	13	\$325.00
MULCH	\$10.00	2	\$20.00
DRIP LINE	\$100.00	1	\$100.00
WATER SUPPLY	\$100.00	1	\$100.00
INCIDENTALS			\$100.00

		TOTAL	\$2017.50

See attached drawing fo an overall veiw of the landscaping project. If there any questions, please call me at 241-1135.


Marshall Prothero III Plant Mngr.

Date 11-4-94



November 16, 1994

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

Mr. Max E. Morris, L.S.
Q.E.D. Surveying Systems, Inc.
1018 Colorado Avenue
Grand Junction, CO 81501

Re: D&RGW Railroad Subdivision Filing One - Plat Book 13, Page 383

Dear Max:

In the course of preparing a metes & bounds description for a permit to benefit Lot 1 of D&RGW Railroad Subdivision Filing One, I discovered what appears to be defect in the legal description of the recorded subdivision boundary.

The description refers to six (6) courses along a line (which is) 8.5 feet southwesterly and parallel with the centerline of an existing railroad spur. Only five (5) courses are described. In addition, the second course is numerically missing. According to my calculations, the missing second course should read N35°45'29"W a distance of 8.90 feet.

The permit is scheduled for approval by the Grand Junction City Council on December 1, 1994. Would it be possible for you to file an Affidavit correcting the plat before that date? If not, please let me know so we may reschedule.

A copy of the plat is enclosed with the suspect area highlighted. Please do not hesitate to contact me at 244-1565 if you have any questions or comments.

Sincerely,

Tim Woodmansee

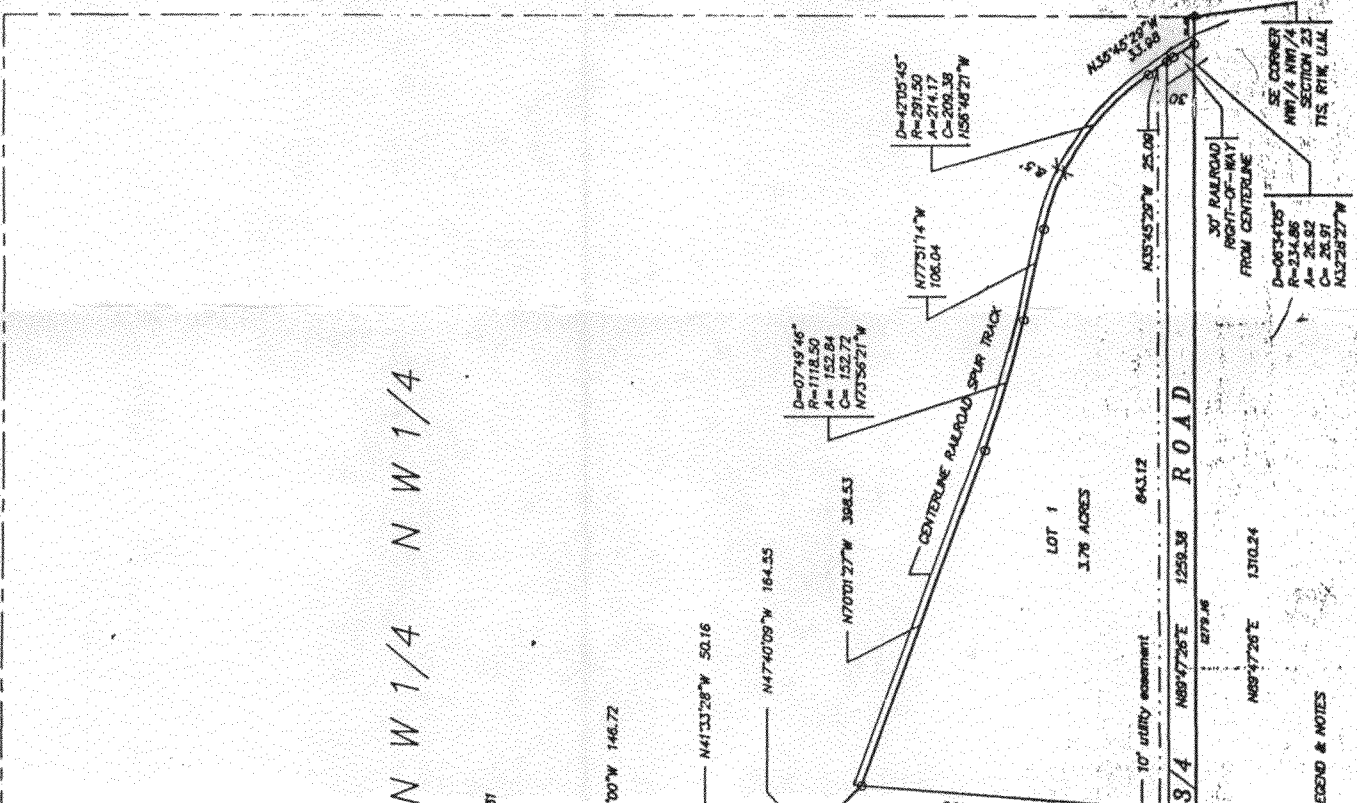
Tim Woodmansee
City Property Agent

cc: Mesa County Surveyor's Office
Kathy Portner, Grand Junction Senior Planner
Mr. Matthew Prothero, Koch Materials

RAILROAD SUBDIVISION

FILING ONE

N89°52'33"W 1308.31



KNOW ALL MEN BY THESE PRESENTS

That the undersigned, THE DENVER AND RIO GRANDE WESTERN RAILROAD CO., a Delaware corporation, is the owner of that real property situated in the NW 1/4 NW 1/4, Section 23, Township 1 South, Range 1 West, Ute Meridian, County of Mesa, State of Colorado, as shown on the accompanying plat, said property being additionally described as follows:

Beginning at a point on the West line of the NW 1/4 NW 1/4 of Section 23, Township 1 South, Range 1 West, of the Ute Meridian, being 245.17 feet S00°14'18"W of the NW corner of Section 23 and considering the West line of the NW 1/4 NW 1/4 to bear S00°14'18"W and considering all the bearings mentioned herein to be relative thereto; thence S00°14'18"W 1074.99 feet along the West line of the NW 1/4 NW 1/4 Sec. 23 to the SW corner of the NW 1/4 NW 1/4 of Sec. 23; thence N89°47'28"E 1279.16 feet along the South line of the NW 1/4 NW 1/4 Sec. 23 to a point 8.5 ft. southwesterly of the centerline of an existing spur track along a line 8.5 feet southerly and parallel with the centerline of an existing railroad spur the following: (1) 25.82 feet along the arc of a curve to the left with a radius of 234.86 feet and whose chord bears N32°28'27"W 25.91 feet; (2) 152.85 feet along the arc of a curve to the left with a radius of 291.50 feet and whose chord bears N58°48'27"W 208.38 feet; (3) 170°17'14"W 108.04 feet; (4) 152.85 feet along the arc of a curve to the right with a radius of 1118.50 feet and whose chord bears N73°56'27"W 152.72 feet; (5) N70°17'14"W 368.53 feet; (6) N70°17'14"W 368.53 feet; (7) 10' utility easement along the centerline of the spur track; thence the solid line bears the following: (1) N41°33'28"W 501.6 feet; (2) N41°33'28"W 146.72 feet; (3) N22°34'18"W 273.31 feet; (4) N30°22'27"W 208.75 feet to the point of beginning, containing 11.08 acres.

SUBJECT TO existing rights-of-way for road purposes.

That said owner has caused the said real property to be laid out and surveyed as D & R G W RAILROAD SUB. FILING ONE, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado.

That said owner does hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever, and hereby dedicates to the Public Utilities those portions of said real property which are labeled as utility easements on the accompanying plat as perpetual easements for the installation and maintenance of utilities, irrigation and drainage facilities, including but not limited to electric lines, gas lines, telephone lines, together with the right to trim interfering trees and brush; with perpetual right of ingress and egress for installation and maintenance of such lines. Such easements and rights shall be utilized in a reasonable and prudent manner.

IN WITNESS WHEREOF, the owner has caused his

DECEMBER 10, 1987

W. J. Holzman

THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

A DELAWARE CORP. W. J. HOLZMAN, President

STATE OF COLORADO } S.S.

COUNTY OF DENVER }

The foregoing instrument was acknowledged before me this 14th day of December, A.D. 1987, by W. J. Holzman, President of THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, A DELAWARE CORP.

My commission expires May 10, 1991

Voluntary Public Address: 1779 S. Jackson St. CLERK AND RECORDERS OFFICE

STATE OF COLORADO } S.S.

COUNTY OF MESA }

I hereby certify that this instrument was 200 block P.M. this 22 day of DECEMBER, A.D. 1987 and is duly recorded in Plat Book No. 13, Page 183

Clerk and Recorder Deputy Fees \$

CITY APPROVAL

This plat of D & R G W RAILROAD SUBDIVISION, FILING ONE, a subdivision of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted on this 13th day of December, A.D. 1987

Steve DeLochen City Manager

President of Council

Mayor, Grand Junction City Planning Commission

Director of Development

City Engineer

SURVEYOR'S CERTIFICATE

I, Max E. Morris, certify that the accompanying plat of D & R G W RAILROAD SUB. FILING ONE, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado has been prepared under my direct supervision and accurately represents a field survey of same.

Max E. Morris, C.E.D. Surveying Systems Inc. Registered Professional Land Surveyor L.S. 16413



12/1/87 Date

(35° 45' 10" N 55° 17' 0" E 106.10
10022-7-022
10022-7-022
10022-7-022
10022-7-022
10022-7-022

1312.82
N0011587E



November 18, 1994

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

Mr. Max E. Morris
Q.E.D. Surveying Systems, Inc.
1018 Colorado Avenue
Grand Junction, CO 81501

Re: D&RGW Railroad Subdivision Filing One

Dear Max:

Thank your for your quick response to my letter of November 16. I agree with your written reply that the missing numeral 2 does not warrant an Affidavit of Correction. I also concur with your computations; the closure is well within tolerable limits.

I apologize for being such a pain in the derriere. Thanks for not rubbing-in the egg I threw in my face.

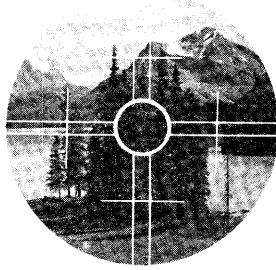
Yours truly,

A handwritten signature in cursive script that reads "Tim Woodmansee".

Tim Woodmansee
City Property Agent

cc: Mesa County Surveyor's Office
Kathy Portner, Grand Junction Senior Planner

(suitable for framing)



Q.E.D.

SURVEYING SYSTEMS, INC.

1018 Colorado Ave., Grand Junction CO 81501
(303) 241-2370 (303)464-7568

November 17, 1994

Tim Woodmansee
City Property Agent

Re: D&RGW Railroad Subdivision Filing One - Plat Book 13, Page
383

Dear Tim:

In response to your letter of November 16 I am offering the following by way of explanation.

Regarding paragraph 2, you mention that "only five (5) courses are described.". Actually six courses are described. The second course (N35°45'29"W 33.98 feet) simply has the number 2 missing in front of it.

The 8.90 feet that you refer to is the distance between the P.T. of the curve within the Right-of-way to the actual intersection of the N35°45'29"W call with the right of way line of C 3/4 Road. Note the two distances noted in that area 33.98 minus 25.09 will result in the difference: 8.89' actually. As the plat shows, we set two (2) re-bar as state law requires.

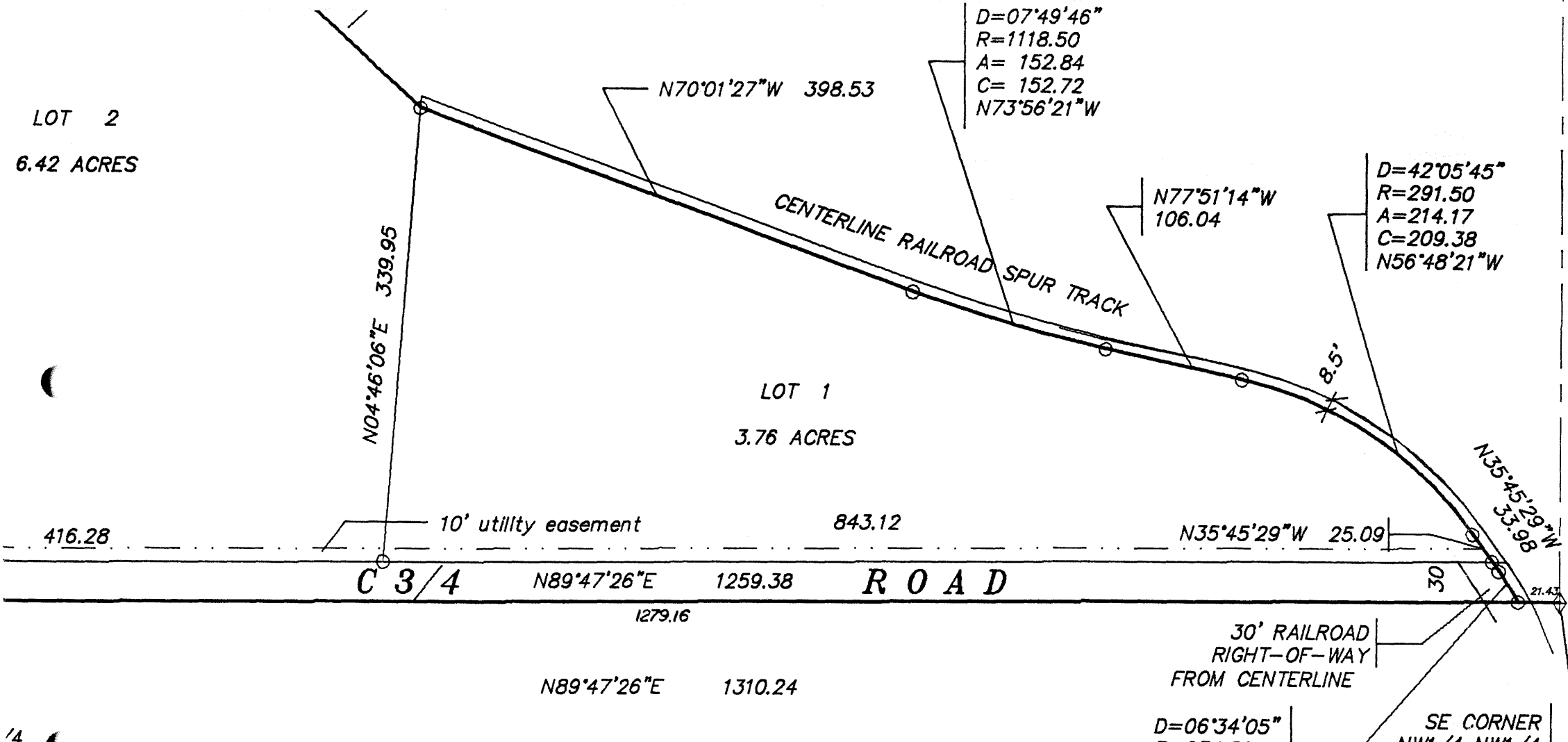
Please find enclosed a copy of the highlighted areas and a lot check summary that we ran using the written description. In that lot check the closure precision resulted in 1 in 4123209764394.21. The area difference is attributable to the fact that we used chords in the lot check and the platted area is calculated from arcs.

We appreciate your attention to detail, but at the present time we do not feel that an Affidavit of Correction is warranted at this time

Sincerely,

Max E. Morris
Q.E.D. Surveying Systems, Inc.

cc: Mesa County Surveyor's Office
Kathy Portner, Grand Junction Senior Planner



LEGEND & NOTES

- ◆ Recovered Mesa County Brass Cap
- ◆ 2 1/2" iron pipe w/Brass Cap set L.S. 16413
- set no. 5 re-bar w/cap L.S. 16413

Survey oriented with found monuments

Bearings based on S00°14'18"W along West line of Sec. 23

AREA SUMMARY

AREA IN LOTS = 10.18 ACRES
 AREA IN ROAD R.O.W. = .86 ACRES
 AREA IN R.R. R.O.W. = .02 ACRES

TOTAL = 11.06 ACRES

STATE
 COUN
 I here
 Clerk
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 State
 City M
 I, Max
 the Cit
 represe
 Max E.
 Registe

1/4
 M.

Beginning Point Number: 1

PtNo.	North(y)	East(x)	Elev(z)	Description
1	5000.00	5000.00	0.00	

Exit/Curve/(point number): 2

PtNo.	North(y)	East(x)	Elev(z)	Description
2	3925.02	4995.53	0.00	

BEARING> S00d14'18"W Hz DIST> 1074.99
Exit/Curve/(point number): 3

PtNo.	North(y)	East(x)	Elev(z)	Description
3	3929.70	6274.68	0.00	

BEARING> N89d47'26"E Hz DIST> 1279.16
Exit/Curve/(point number): 4

PtNo.	North(y)	East(x)	Elev(z)	Description
4	3952.40	6260.23	0.00	

BEARING> N32d28'27"W Hz DIST> 26.91
Exit/Curve/(point number): 5

PtNo.	North(y)	East(x)	Elev(z)	Description
5	3979.97	6240.37	0.00	

BEARING> N35d45'29"W Hz DIST> 33.98
Exit/Curve/(point number): 6

PtNo.	North(y)	East(x)	Elev(z)	Description
6	4094.60	6065.16	0.00	

BEARING> N56d48'21"W Hz DIST> 209.38
Exit/Curve/(point number): 7

PtNo.	North(y)	East(x)	Elev(z)	Description
7	4116.91	5961.50	0.00	

BEARING> N77d51'14"W Hz DIST> 106.04
Exit/Curve/(point number): 8

PtNo.	North(y)	East(x)	Elev(z)	Description
8	4159.17	5814.74	0.00	

BEARING> N73d56'21"W Hz DIST> 152.72
Exit/Curve/(point number): 9

PtNo.	North(y)	East(x)	Elev(z)	Description
9	4295.31	5440.18	0.00	

BEARING> N70d01'27"W Hz DIST> 398.53
Exit/Curve/(point number): 10

PtNo.	North(y)	East(x)	Elev(z)	Description
10	4406.12	5318.54	0.00	

BEARING> N47d40'09"W Hz DIST> 164.55
Exit/Curve/(point number): 11

PtNo.	North(y)	East(x)	Elev(z)	Description
11	4443.66	5285.26	0.00	

BEARING> N41d33'28"W Hz DIST> 50.16
Exit/Curve/(point number): 12

PtNo.	North(y)	East(x)	Elev(z)	Description
12	4568.64	5208.42	0.00	

BEARING> N31d35'00"W Hz DIST> 146.72
Exit/Curve/(point number): 13

PtNo.	North(y)	East(x)	Elev(z)	Description
13	4821.02	5103.51	0.00	

BEARING> N22d34'18"W Hz DIST> 273.31
Exit/Curve/(point number): 14

PtNo.	North(y)	East(x)	Elev(z)	Description
14	5000.00	5000.01	0.00	

BEARING> N30d02'27"W Hz DIST> 206.75
Exit/Curve/(point number): 1

PtNo.	North(y)	East(x)	Elev(z)	Description
1	5000.00	5000.00	0.00	

BEARING> N64d29'55"W Hz DIST> 0.01
Exit/Curve/(point number): E

Area = 479171.69, Perimeter = 4123.21

Closure error distance> 0.00000000 Error Bearing> E
Closure Precision> 1 in 4123209764394.21 Total Distance Traversed> 4123.21
SQ. YARDS: 53241
SQ. MILES: 0
SQ. METERS: 44515
SQ. KILOMETERS: 0
SQ. FEET: 479172
PERIMETER: 4123
ACRES: 11.00

STAFF REVIEW

FILE: #145-94

DATE: December 1, 1994

STAFF: Kathy Portner

REQUEST: Revocable Permit for Landscaping in ROW of C 3/4 Road

LOCATION: 202 4th Avenue

APPLICANT: Koch Materials

EXISTING LAND USE: Industrial

PROPOSED LAND USE: Industrial

SURROUNDING LAND USE: Railroad, Industrial and City-owned vacant land

EXECUTIVE SUMMARY: Resolution authorizing the issuance of a Revocable Permit to allow landscaping in the public right-of-way for C 3/4 Road adjacent to the property at 202 4th Avenue.

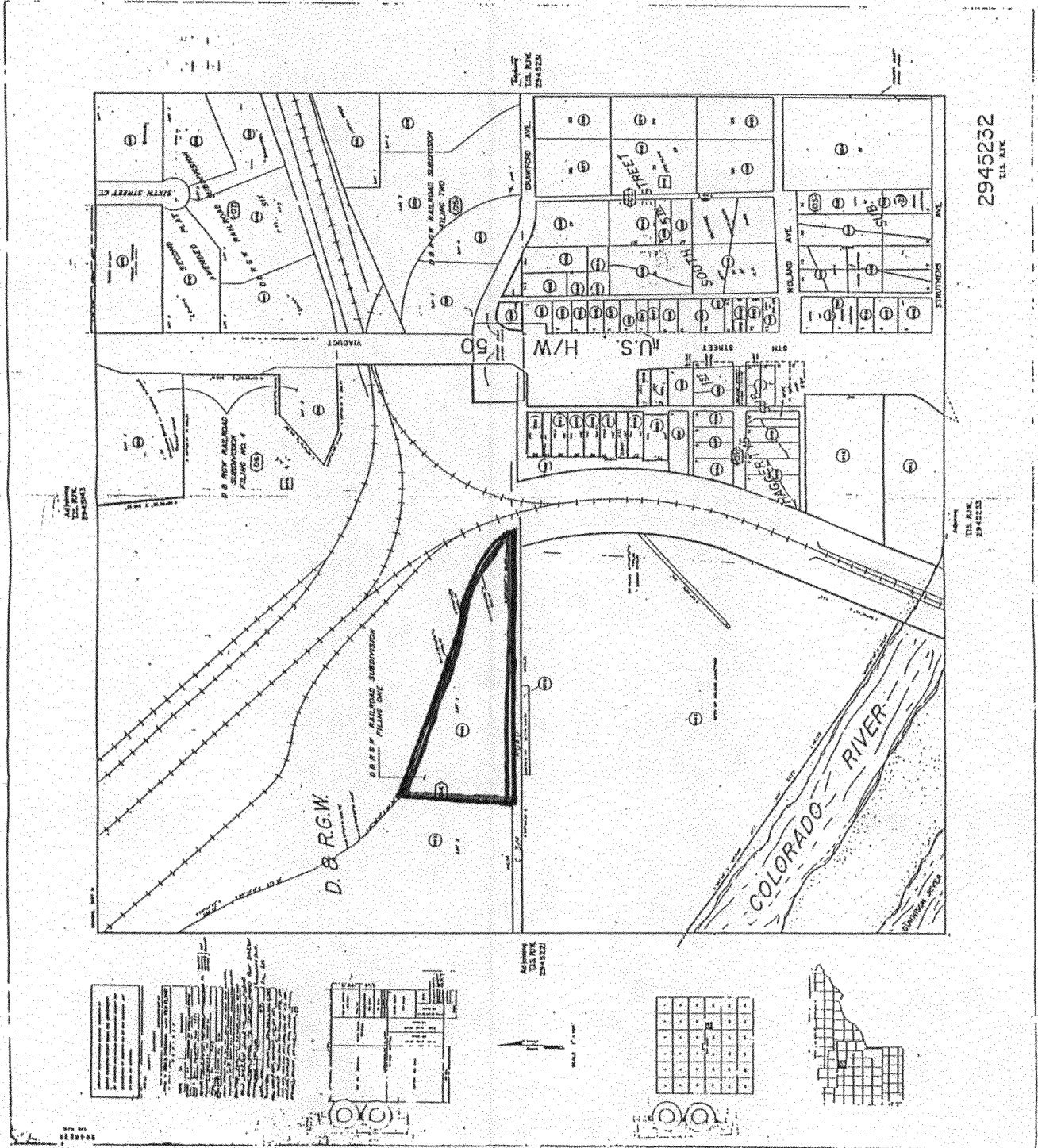
STAFF ANALYSIS: Koch Materials, located at 202 4th Avenue across from the City owned Jarvis property, received approval of a Conditional Use Permit for the addition of two storage tanks at their existing storage and distribution center. Requirements of that approval included providing landscaping and screening along the frontage of the property along 4th Avenue (also known as C 3/4 Road). The company will be planting 12 trees along the frontage, outside the fence, and will be planting vines along the fence line to provide some screening of the facility. Planting the trees on the outside of the fence will offer a much better streetscape for the site and for the City-owned property to the south. The area proposed for landscaping is not needed for roadway purposes in the near future. Plans for realigning 4th Avenue through this area will most likely move the roadway further south.

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.

STAFF RECOMMENDATION: Review and adopt proposed resolution

145 94

Original
Do NOT Remove
from Office

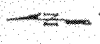


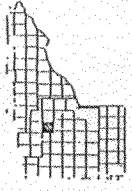
2945232
THE A.I.C.

THE A.I.C.
2945233

THE A.I.C.
2945233

1. The map shows the location of the property in relation to the surrounding streets and landmarks.
 2. The property is bounded by the Colorado River to the south and east, and by the D. & R.G.M. Subdivision to the north and west.
 3. The property is situated in the center of the block, bounded by the Colorado River to the south and east, and by the D. & R.G.M. Subdivision to the north and west.
 4. The property is situated in the center of the block, bounded by the Colorado River to the south and east, and by the D. & R.G.M. Subdivision to the north and west.
 5. The property is situated in the center of the block, bounded by the Colorado River to the south and east, and by the D. & R.G.M. Subdivision to the north and west.





Improvements Guarantee

Deposit		<input checked="" type="checkbox"/> Request to Release Funds
Date	December 18, 1997	
File No.	145-94	
Purpose	Guarantee for landscaping	
Project Name & Address	Koch Materials, attn: Marshall Prothero 202 4th Avenue	
Payee Name	Koch Materials Company	
Payee Mailing Address	attn: Marshall Prothero 202 4th Avenue Grand Junction, CO 81501	
ACCOUNTING INFORMATION		
	<i>Amount</i>	<i>Receipt/PA No.</i>
DEPOSIT	\$0.00	TR #
Refund Amount	\$2,000.00	
Refund Amount	\$0	
Refund Amount	\$0	
BALANCE	\$0.00	
Fund-Account No.	207-21090	
Planner's Name	Kathy Portner	

*Views planted -
inspected 12/18/97*



City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX: (970)244-1599

June 30, 1998

Kelly Cain
Koch Performance Asphalt
202 4th Avenue
Grand Junction, CO 81501

Dear Mr. Cain:

I have reviewed your proposal to put additional landscaping materials in the 4th Avenue right-of-way adjacent to the property at 202 4th Avenue. A Revocable Permit was issued by the City (Resolution #112-94) to allow for the installation of landscape improvements on Dec. 7, 1994. Your proposal to increase the number of plantings and add a gravel ground cover is allowed under the existing Revocable Permit.

We appreciate your efforts to beautify the frontage of the property.

Sincerely,

A handwritten signature in cursive script that reads "Katherine M. Portner".

Katherine M. Portner
Planning Manager

KOCH MATERIALS
LEGAL DESCRIPTION

Lot 1, D&RGW RAILROAD SUBDIVISION FILING ONE, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado.

This Parcel contains 3.76 acres more or less.

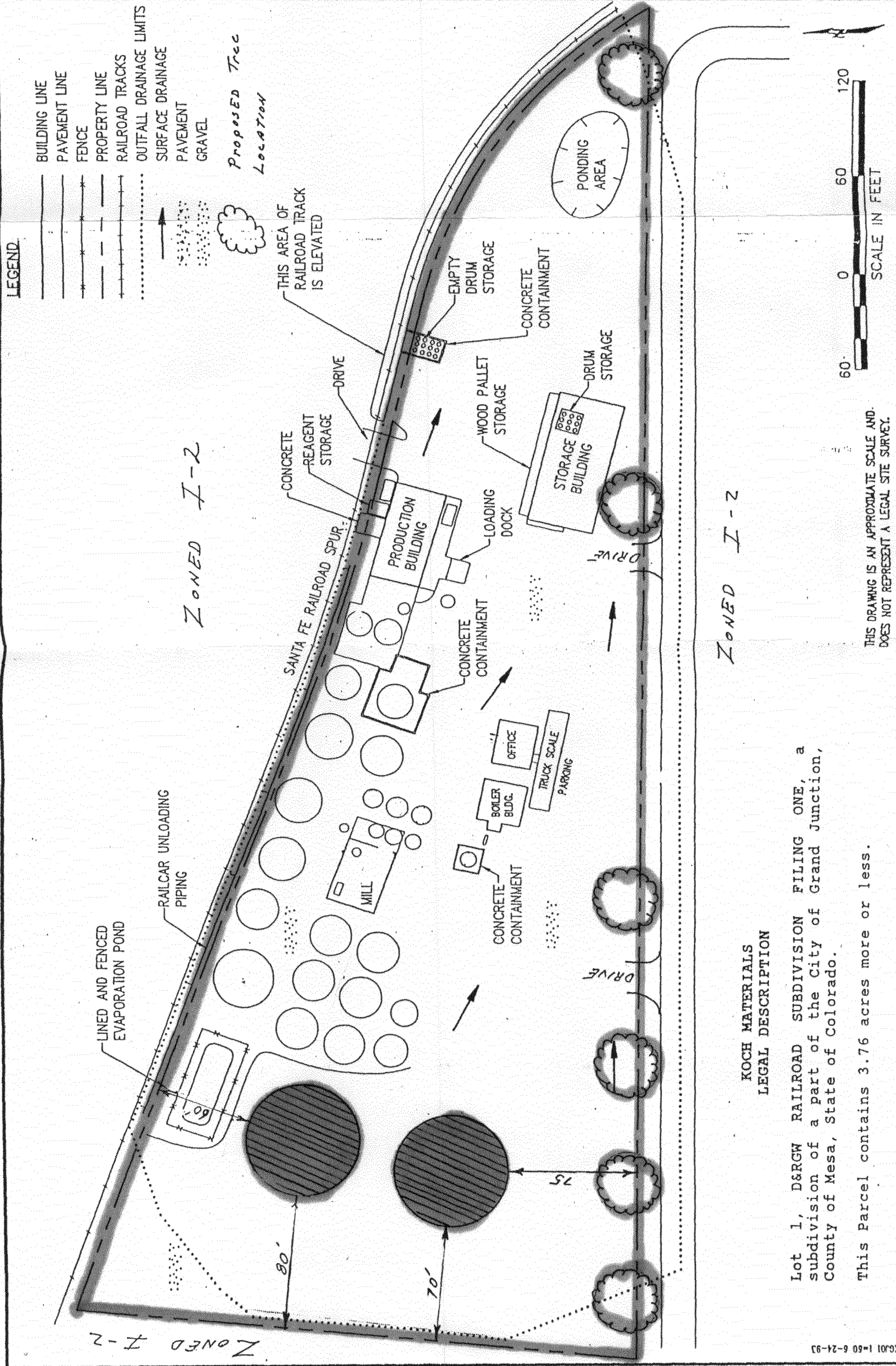
145 94

**Original
Do NOT Remove
From Office**

VICINITY MAP

KOCH MATERIALS COMPANY
GRAND JUNCTION, COLORADO

CONSULTING ENGINEERS/LAND SURVEYORS
2150 HWY. 6 & 50, Grand Junction, CO 81505 • 303/242-5202



LEGEND

- BUILDING LINE
- PAVEMENT LINE
- FENCE
- PROPERTY LINE
- RAILROAD TRACKS
- OUTFALL DRAINAGE LIMITS
- SURFACE DRAINAGE PAVEMENT
- GRAVEL
- Proposed Tree Location

Zoned I-2

Zoned I-2

KOCH MATERIALS
LEGAL DESCRIPTION

Lot 1, D&RGW RAILROAD SUBDIVISION FILING ONE, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado.

This Parcel contains 3.76 acres more or less.

THIS DRAWING IS AN APPROXIMATE SCALE AND DOES NOT REPRESENT A LEGAL SITE SURVEY.



