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File 1994-0179

Name: Fountainhead Subdivision - Resubdivision

P **S** 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.
r **e** Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page.
s **e** 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.
n **e**
d **t** **d**

X	X	Table of Contents
		*Review Sheet Summary
X	X	*Application form
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		Other bound or non-bound reports
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DOCUMENT DESCRIPTION:

X	X	Correspondence	X	X	Vicinity Map
X		Utility Coordinating Committee Approval-Sign-off on attached map	X	X	Flood Certificate
		2 DIAs-Bk 2119 / Pg 649 and Bk 2119 / Pg 639	X	X	Certification of Plat – 12/30/94
X		Declaration of Covenants – Bk 1909 / Pg 150	X		E-mails
X	X	Letter of Authorization – Bk 1841 / Pg 379	X	X	Landscape and Development Plan
X		Request for Treasurer's Certificate of Taxes Due – 10/17/94	X	X	Replat of Fountainhead – GIS Historical Maps - **
X		Flood Certificate – 10/28/94	X	X	The Helm at Fountainhead – GIS Historical Maps-**
X		Abstract & Title Company of Mesa County -Title Information	X	X	Utility Composite Plan
X	X	Notes to file			
X	X	Agreement 5/21/94 - ** - already scanned			
X	X	Amendment to 5/21/94 Agreement – sent to City Clerk for retention and scanning (not the original) – no date			
X	X	Approved Road Standards – per Jim Shanks			



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

179

94
 Receipt _____
 Date _____
 Rec'd By _____
 File No. _____

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 checked="" type="checkbox"/> Subdivision Plat. Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input checked="" type="checkbox"/> Resub			PR 12	Residential
<input type="checkbox"/> Rezone				From: _____ To: _____	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> CDP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone or Annex					
<input type="checkbox"/> Text Amendment					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Easement					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement

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PROPERTY OWNER	DEVELOPER	REPRESENTATIVE
Audrie Mae Salmon	Mountaintop Dev. Corp	JR Stuedebaker
2540 Frontier Ave. Suite #201	2488 East Harbor Circle	2488 East Harbor Circle
Boulder, Colorado	Grand Jct, Colo 81505	Grand Jct, Colo 81505
80301	City/State/Co	City/State/Co
303/440-7025	303/250-0101	303/250-0101
Business Phone No.	Business Phone No.	Business Phone No.

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

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all hearings. In the event that the petitioner is not represented, the item will be dropped from the agenda, and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

JR Stuedebaker 10/15/94
 Signature of Person Completing Application Date

Audrie M. Salmon
 Signature of Property Owner(s) - Attach Additional Sheets if Necessary

Mountaintop Development Corporation by JR Stuedebaker, President

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Marvin & Mary Meyers 2480 G Rd Grand Jct, CO 81505-9547	2701-334-12-004	Donald & Ann Borgman 2484 G Rd Grand Jct, CO 81505-9547	2701-334-12-005	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-08-004
Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-08-006	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-08-008	Audrie Mae Salmon PO Box 7207 Boulder, CO 80306	2701-334-16-001
Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-16-002	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-16-003	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-16-004
Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-16-005	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-16-006	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-056
Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-057	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-058	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-059
Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-060	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-061	Del & Katherine Adolf 785 25 Rd Grand Jct, CO 81505	2701-334-04-095
Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-096	O Reed & Lanny Guthrie 3591 Stone Dr Marietta, GA 30062-1256	2701-334-04-097	Anthony J Ferrara 737 Horizon Dr #200 Grand Jct, CO 81506	2701-334-04-098
Allan & Bernadette MacDougal 707 E. Harbor Circle Grand Jct, CO 81505	2701-334-15-001	Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-04-099	Les & Peggy Wassom 705 E. Harbor Circle Grand Jct, CO 81505	2701-334-15-002
Kirk Granum 687 Stepside Dr Grand Jct, CO 81506	2701-334-15-003	Charles & Myrna Carlson 2494 E. Harbor Circle Grand Jct, CO 81505-9600	2701-334-15-004	Armo & Margaret Nixon PO Box 55292 Grand Jct, CO 81505	2701-334-15-005
Fountainhead Dev Corp 2488 E. Harbor Circle Grand Jct, CO 81505	2701-334-15-008	Monument Homes Dev Inc 759 Horizon Dr Grand Jct, CO 81506-8737	2701-334-15-006	Monument Homes Dev Inc 759 Horizon Dr Grand Jct, CO 81506-8737	2701-334-15-007

Fountainhead Dev Corp 2701-334-15-008
2488 E. Harbor Circle
Grand Jct, CO 81505

Steve Gaudio 2701-334-14-001
2485 e. Harbor Circle
Grand Jct, CO 81505-9625

James A Parker 2701-334-14-002
2487 E. Harbor Circle
Grand Jct, CO 81505-9625

Stephen & Donna Sanford
2701-334-14-014
712 E. Harbor Circle
Grand Jct, CO 81505

PROJECT NARRATIVE - THE COVE AT FOUNTAINHEAD

TO: City of Grand Junction

FROM: Banner Associates, Inc.

RE: Resubdivision

PURPOSE: This is a narrative describing the proposed resubdivision of "The Cove at Fountainhead" subdivision. The developer, Fountainhead Development Corporation, desires to replat Block Three and Tract B of this subdivision. Block Three and Tract B make a triangular shaped parcel of 1.604 acres, north and west of Fountainhead Boulevard within the subdivision as platted.

EXISTING CONDITION: Platted Block Three consists of five single residence lots, with common lot lines adjoining Fountainhead Boulevard R.O.W.. There is a dedicated ten foot easement for utilities, drainage, and access along the Fountainhead Boulevard R.O.W. within each lot. Tract B consists of dedicated Open Space and Utility easement. Grand Junction Drainage District has a drain line easement through Tract B along the westerly side of the Tract.

PROPOSED CONDITION: The replat of Block Three consists of three blocks of triple condominium units, with the lot lines defined as the foundation limits. All the units have a minimum setback of fourteen feet from the Fountainhead Boulevard R.O.W.. There is a dedicated ten foot easement for utilities, drainage, and access along the north and west side of the Fountainhead Boulevard R.O.W., for the entire frontage through Tract B. The existing Grand Junction Drainage District easement through Tract B remains unchanged. The remainder of Tract B is dedicated Open Space.

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4/16/93

Fountainhead

Open Space Fees--

\$175.00 per unit is due prior to issuing each Planning Clearance.

The developer pays the remaining \$50.00 per unit for filing one at the time the second plat is recorded. Upon recording the second plat and all plats after that, the \$50.00 per unit is due for all units in the plat at the time of recording (or prior to recording any new improvements agreement).

It will be noted on each Planning Clearance, and on a brightly colored sheet attached to the Planning Clearance, that Community Development approval will be required prior to issuance of a C.O.

Improvements--

Prior to issuing any Planning Clearance all infrastructure to serve that lot must be in place or guaranteed.

G Road Improvements must be completed or guaranteed prior to recording the plat containing the 36th lot (filing #2) or prior to recording any new improvements agreement.

25 Road Improvements must be completed or guaranteed prior to recording the plat containing the 70th lot or prior to recording any new improvements agreement.

Landscaping along G Road and 25 Road must be completed or guaranteed prior to platting or development of the 36th lot.

As per KP & DW a TCP of \$500/unit is due since none of the G Rd or 25 Rd improvements are completed or guaranteed at this time.

Fountainhead-

		<u>TCP</u>
5/3/93	- 702 E. Harbor Circle	0
3/10/94	- 703 E. Harbor Circle	NO TCP
10/7/94	- 704 E. Harbor Circle	\$500 ⁰⁰
12/7/93	- 705 E. Harbor Circle	0
11/17/93	- 707 E. Harbor Circle	0
1/13/94	- 712 E. Harbor Circle	0
3/25/94	- 2491 E. Harbor Circle	0
8/30/94	- 704 W. Harbor Lane	\$500.00
3/16/95	- 706 E. Harbor Circle	\$500.00
4/28/95	- 708 E. Harbor Circle	\$500.00
3/17/95	- 714 E. Harbor Circle	\$500.00
8/2/95	- 702 Fountainhead Blvd -A,B,C	\$1200.00
6/13/95	- 710 E. ^{Townhomes} Harbor Circle	\$500.00
7/12/95	- 2486 E. Harbor Circle	\$500.00

$$\begin{array}{r}
 500^{00} \\
 \times 7 \\
 \hline
 3,500
 \end{array}
 + 1,200 = \$4,700^{00}$$

Copy
 given to
 Dan Wilson
 (actually Connie)
 9/6 - 4⁰⁰ pm



LETTER OF AUTHORIZATION

17.9 9.4

The undersigned, hereby give their authorization to the Chairman of the Utility Coordination Committee to sign the final plat entitled The Cove at Fountainhead. In signing this letter, it is agreed that those concerns expressed by the undersigned have been met to their satisfaction.

A signature block for the Grand Junction Drainage District has purposely been left off this letter since Mr. John Ballaugh of the Grand Junction Drainage District will be signing the final plat as Chairman of the Utility Coordination Committee, the assumption being that his concerns as well have been met.

Mesa County Planning:

Linda Dannenberger, Planner

**City of Grand Junction:
Plan Review:**

Don Newton 5-21-91
Don Newton, City Engineer

**City of Grand Junction:
Community Development Dept.**

Bennett Boeschenstein
Bennett Boeschenstein, Dir.

Public Service Co. :

Dick Miller
Dick Miller, Engineering Suprv.

Grand Junction Fire Department:

Ken Johnson
Ken Johnson, Fire Marshal

U. S. West Communications:

Leon Peach
Leon Peach

Mesa County Engineering:

Jack Gould 7/3/91
Jack Gould, Staff Engineer

**City of Grand Junction:
Off-site Sewer:**

Bill Cheney 5-21-91
Bill Cheney, Utility Engineer

**Grand Valley Rural Power
Lines:**

Charles A. Mitisek
Charles A. Mitisek, Mgr. of Engr.

Ute Water Conservancy Dist.:

Gary Matthews
Gary Matthews

The Grand Valley Irrig. Co.:

Phil Bertrand
Phil Bertrand, Superintendent

United Artists Cable:

Darrel Phelps
Darrel Phelps

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CONSULTING ENGINEERS & ARCHITECTS

BANNER ASSOCIATES, INC.
2777 Crossroads Boulevard
Grand Junction, Colorado 81506
(303) 243-2242
FAX (303)243-3810
605 East Main, Suite 6
Aspen, Colorado 81611
(303) 925-5857

FLOOD CERTIFICATE

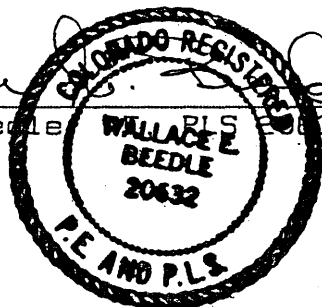
179 94

BLOCK 3
of The Cove at Fountainhead a Replat of a Portion of the Replat
of Fountainhead Subdivision except Lot 1, Block 3 and Mini "Cove"
Subdivision

I, Wallace E. Beedle, a Professional Engineer and Professional
Land Surveyor, licensed under the laws of the State of Colorado
do hereby certify that according to the Flood Insurance Rate Map
Panel 460 of 1000, Community-Panel Number 080115 0460 B, revised
July 15, 1992 prepared for Mesa County, Colorado (unincorporated
areas), by the Federal Emergency Management Agency through the
National Flood Insurance Program, that portion of the SE 1/4 of
the SE 1/4 of the SE 1/4 of Section 33, Township 1 North, Range 1
West, Ute Meridian on which BLOCK 3 of The Cove at Fountainhead a
Replat of a Portion of the Replat of Fountainhead Subdivision
except Lot 1, Block 3 and Mini "Cove" Subdivision is located, is
in Zone X, which is that portion of the study which is outside
the 500-year flood plain.

IN WITNESS WHEREOF I hereunto affix my hand and official seal
this 18 day of October, A.D. 1994.

Wallace E. Beedle
Wallace E. Beedle



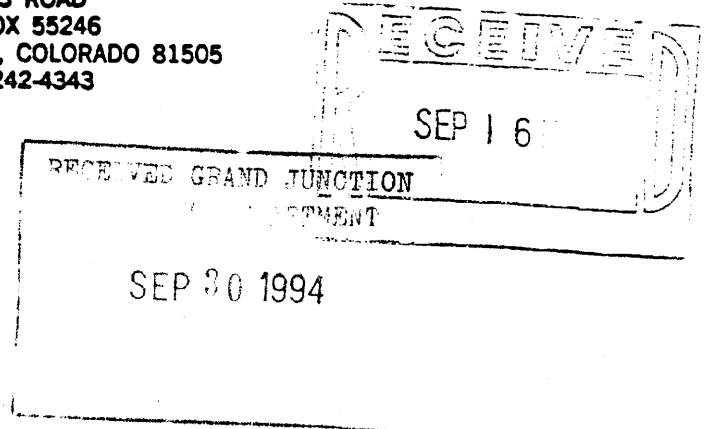
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GRAND JUNCTION DRAINAGE DISTRICT

722 23 ROAD
P.O. BOX 55246
GRAND JUNCTION, COLORADO 81505
(303) 242-4343

September 12, 1994

Mr. Ken Brotsky, P.E.
Senior Vice-President
Banner Associates, Inc.
2777 Crossroads Boulevard
Grand Junction, Colorado 81506



Re: FOUNTAIN HEAD SUBDIVISION

Dear Mr. Brotsky,

The Grand Junction Drainage District has always maintained that the existing tile lines in the proposed future filings of FOUNTAIN HEAD SUBDIVISION were not going to be able to stay in their present location given the plat design. Some allowance must be made. Off site seep and surface runoff do flow through the line(s) under discussion.

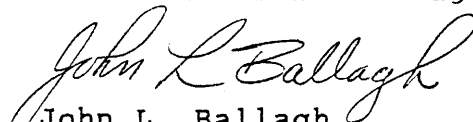
The long standing policy of the Drainage District is that existing tile lines or open drains may be rerouted at the full cost (materials, equipment, and labor) to the party desiring the relocation. In this particular case, the developer of FOUNTAIN HEAD SUBDIVISION, is the party desiring relocation. The Drainage District will work with the developer in performing the work but at Bluebook rate for equipment and full labor and material cost to be paid by the developer.

Once a tile line is relocated, the old line is abandoned by the District. The District will vacate easements over abandoned tile lines, after relocation is complete.

Concerning your immediate request of redirecting the flows to the east and into the L. EDWARDS DRAIN, there is a problem in your survey information. The line is a 12 inch non reinforced concrete pipe not 15 inch as shown on the filing two concept plan. If flows are to be redirected, there is an upsizing which will be required. Again, the full cost of upsizing, including the crossing under G Road will be at the sole cost of the party wanting the change, the developer of FOUNTAIN HEAD SUBDIVISION.

If there are any questions please feel free to call.

Sincerely,
Grand Junction Drainage District


John L. Ballagh,
Manager

BANNER ASSOCIATES, INC.
2777 Crossroads Boulevard
Grand Junction, Colorado 81506
(303) 243-2242
FAX (303)243-3810
605 East Main, Suite 6
Aspen, Colorado 81611
(303) 925-5857

September 1, 1994

Mr. John Ballagh
GRAND JUNCTION DRAINAGE DISTRICT
722 23 Road
Grand Junction, CO 81506

RE: Fountainhead Subdivision

Dear Mr. Ballagh:

This letter is written at the request of J.R. Studebaker and Fountainhead Development.

Fountainhead is currently planning to develop a Filing 2 platting of Townhomes as shown on the attached map. There is currently a drainage easement and underground drain line through the proposed filing which would interfere with the development.

We are proposing that the drain line be abandoned and the easement vacated and that the drain line be re-routed east across 25 Road into an existing open drainage ditch which flows south into Leech Creek.

We request that you review this proposed change and advise whether the District would concur with this request.

Sincerely,

BANNER ASSOCIATES, INC.



KENNETH J. BROTSKY, P.E.
Senior Vice-President

KJB/rk

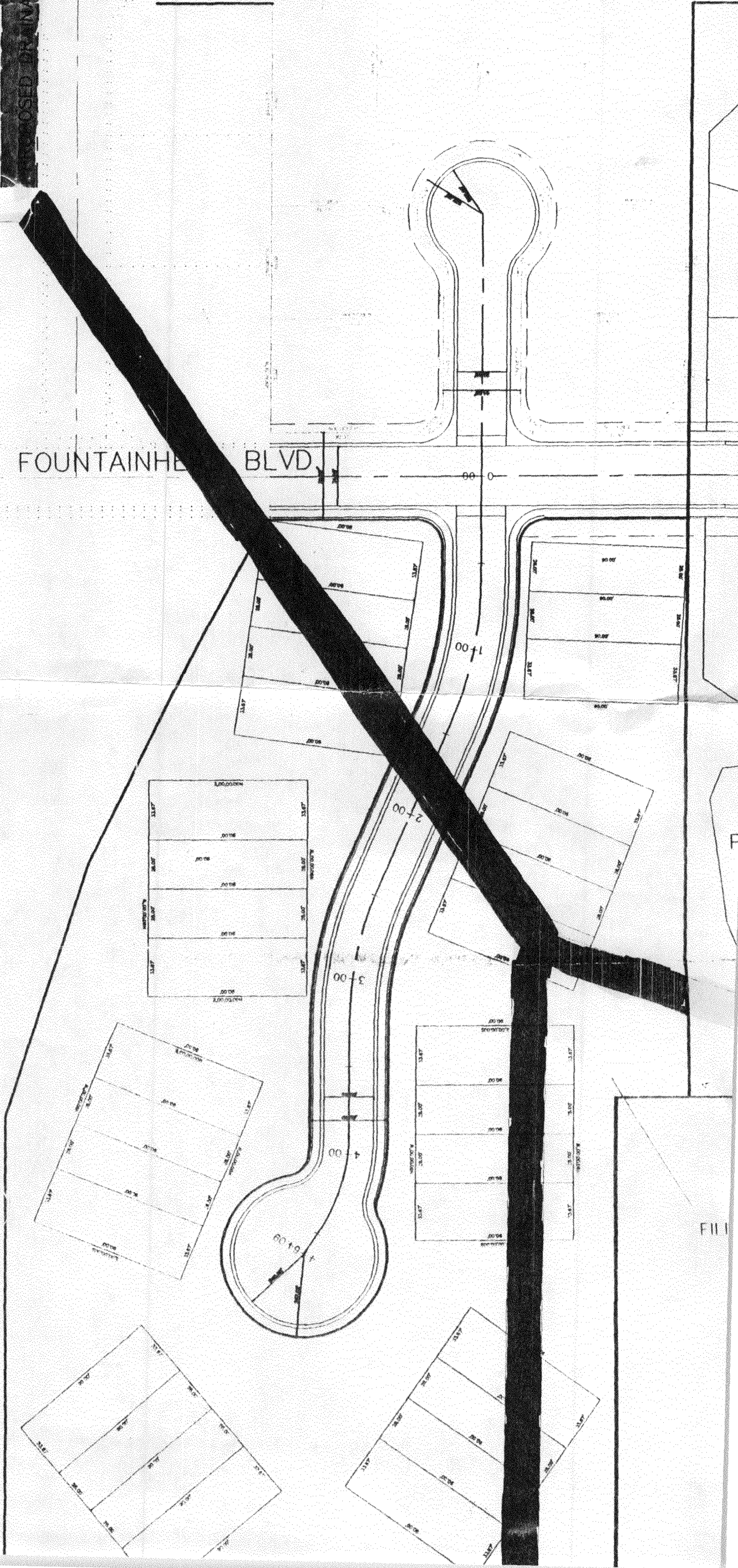
cc: J.R. Studebaker

OPEN DRAINAGE DITCH

EXISTING DRAINAGE EASEMENT

EXISTING 15" RCP

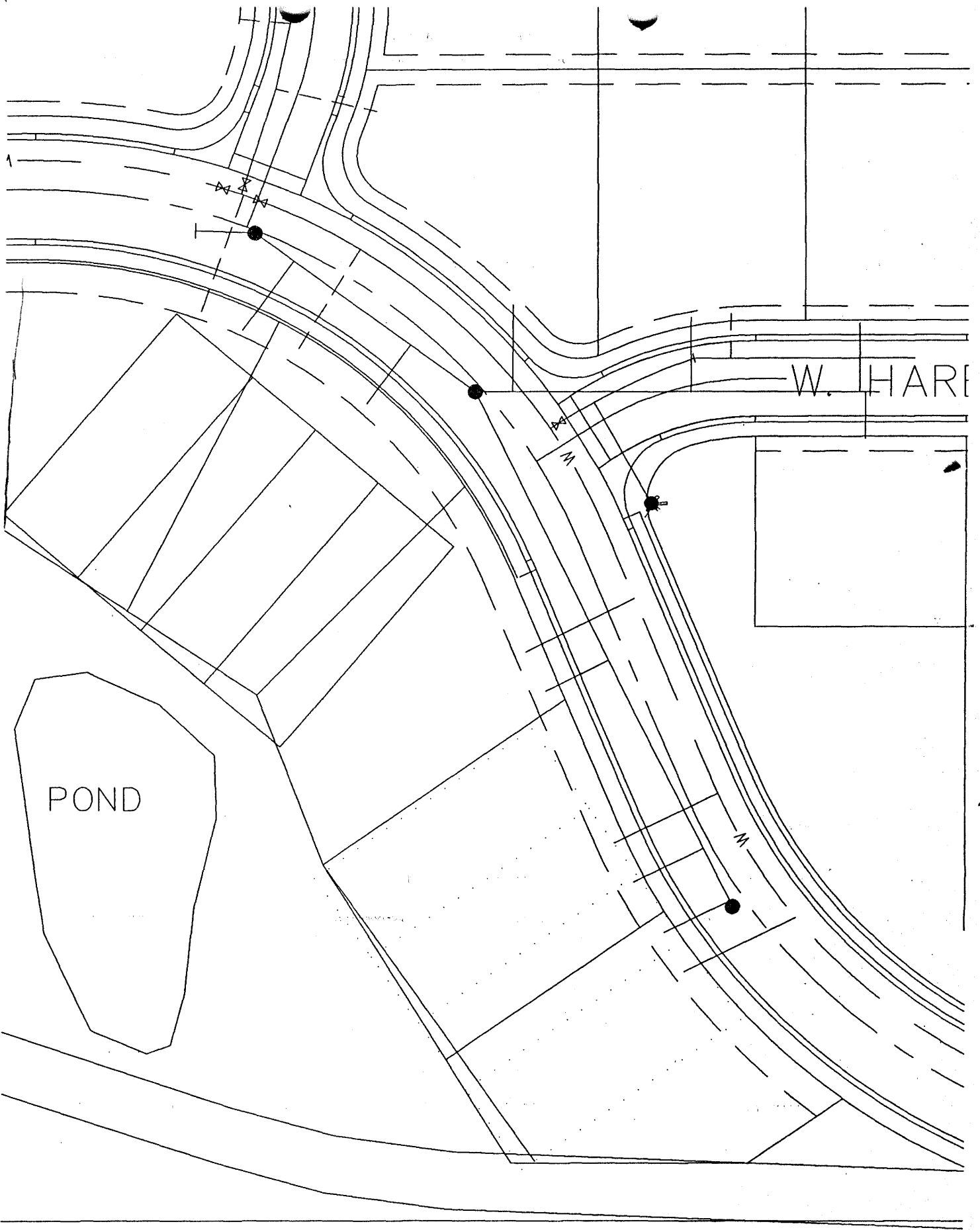
FOUNTAINHEAD BLVD



FILL

W. HARE

POND



(Form for approval of filing & recording of SUBDIVISION PLATS)

SB-130-94

MESA COUNTY LAND RECORDS
544 ROOD AVE.
GRAND JUNCTION, CO 81501
(303) 244-1823

1705055 09:36 AM 12/30/94
MONIKA TODD CLK&REC MESA COUNTY CO

To: Monika Todd, Mesa County Clerk & Recorder

This is to certify that the SUBDIVISION PLAT described below

THE HELM AT FOUNTAINHEAD

has been reviewed under my direction and to the best of my knowledge it conforms with the neccessary requirements pursuant to the Colorado Revised Statute 1994, 38-51-106 for the recording of Land Survey Plats in the records of the County Clerk's Office. This approval does not certify as to the possibility of omissions of easements and other Rights-of-Way or Legal Ownerships.

Dated this 12th day of December, 1994.

Signed: _____

Ken Swearengin
KEN SWEARENGIN

RECORDED IN MESA COUNTY RECORDS

DATE: _____

TIME: _____

BOOK: 14 PAGE: 313 & 314

RECEPTION NO.: _____

NOTE:

The recording of this plat is subject to all approved signatures & dates.

Drawer AA163

fee \$20

REVIEW COMMENTS

Page 1 of

FILE # 179-94

TITLE HEADING: Replat - Block 3 and Tract B
of the Cove at Fountainhead

LOCATION: Fountainhead Blvd.

PETITIONER: Fountainhead Development Corp./J.R. Studebaker

PETITIONER'S ADDRESS/TELEPHONE: 2488 E Harbor Circle
Grand Junction, CO 81505
250-0101

PETITIONER'S REPRESENTATIVE: Banner Associates

STAFF REPRESENTATIVE: Tom Dixon

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

GRAND JUNCTION FIRE DEPARTMENT
Hank Masterson

11/2/94
244-1414

The Fire Department has no requirements. The existing 8" water line and two nearby hydrants are adequate for a change to multi-family dwellings.

GRAND VALLEY RURAL POWER
Perry Rupp

11/2/94
242-0040

Need 14' (standard) front lot easement.

U.S. WEST
Max Ward

11/3/94
244-4721

No comments.

CITY UTILITY ENGINEER
Bill Cheney

11/4/94
244-1590

SEWER

1. Sewer service appears to be poorly located to provide service to the units as proposed. One service is required for each unit.
2. Main sewer line has to be extended north to next manhole if there is a service into the line. Profile required for sewer extension to north.

U.S. POSTAL SERVICE 11/4/94
Cheryl Fiegel 244-3435

Centralized mail delivery required.

PUBLIC SERVICE COMPANY 11/3/94
Dale Clawson 244-2695

Electric & Gas: No objections.

PARKS & RECREATION DEPARTMENT 11/4/94
Don Hobbs 244-1542

Open space fees based upon 9 units at \$225 = \$2,025 due in fees.

UTE WATER 11/8/94
Gary R. Mathews 242-7491

A stub out is required to each triple condominium unit. Petitioner should contact Ute Water for metering options. Policies and fees in effect at the time of application will apply.

GRAND JUNCTION DRAINAGE DISTRICT 11/9/94
John L. Ballagh 242-4343

As long as the existing drainage district tile or easement is not altered and no permanent structures are planned over the easement there are no Drainage District problems with the replat.

CITY DEVELOPMENT ENGINEER 11/15/94
Jody Kliska 244-1591

1. Utility easement should be our standard 14' multipurpose easement to accommodate utilities in accordance with our standard drawing.
2. All easements need to be dedicated using the City's Guide to Plat Dedications. I don't see an access easement labeled on the drawing.
3. Need a traffic analysis for the Fountainhead Boulevard collector street. Rationale for limiting the platted lots to six because of the concern for the number of driveways on the street in the annexation agreement.

Exhibit "C"

TRAFFIC EVALUATION

Fountainhead Subdivision

The original plan for Fountainhead Subdivision called for 339 single family townhomes and 416 condominium units on 66.937 acres. 196 of those single family units were to have been located on land east of 24 3/4 Road. 58 percent of the multi-family area is located east of 24 3/4 Road (240 units). This proposal will reduce the original platted density by approximately one-half to 98 single family and 120 multifamily units.

Traffic generated for each of these uses are as follows:

Single Family	26.45 trips/acre x 38.4 acres	= 1016 trips
Multi-Family	5.903 trips/unit x 120 units	= 708 trips
	Total Traffic Generated	= 1724 trips

Of this total, it is anticipated that the 30 single family units in Filing 1 will continue to use Fountainhead Boulevard south to "G" Road thru full build-out. The remainder of the vehicle trips from single family units north of Filing 1, will use Fountainhead Place to access 25 Road. Fountainhead Boulevard will therefore carry 31 percent of that traffic or 311 trips per day.

The southern most 5.45 acres of the multi-family area will access to Fountainhead Boulevard near the north boundary of Filing 1. This will generate 38 percent of the trips from the multi-family area (254 trips). Approximately one-half of this traffic is anticipated to use Fountainhead Boulevard south to "G" Road (127 trips). This would result in a peak total traffic generation of 290 vehicle trips per day which

is well below the allowable average of 500 tips per day (ADT) for a Local section. Thus an upgrade to Collector status is not necessary with the reduced density.

Since this road can be a Local section, the design speed may be 25 MPH. At this design speed and platted radius (225 feet), crown (.015 ft/ft) reversal alone would be adequate to provide needed frictional resistance. For urban roadways having design speeds of less than 25 MPH, AASHTO does provide for the elimination of superelevation requirements for design speeds of 25 MPH in urban areas.

MEMORANDUM

TO: JOHN WILLIAMS, ATTORNEY
 JIM SHANKS, PUBLIC WORKS DIRECTOR
 LARRY TIMM, COMMUNITY DEVELOPMENT DIRECTOR

FROM: DAN E. WILSON, CITY ATTORNEY

DATE: November 25, 1994

RE: MEETING - NOVEMBER 25, 1994
 Dan Wilson, John Williams, Jim Shanks

We agreed that the discussions we are having are settlement negotiations pursuant to Rule 408, C.R.E.

The specifics we discussed are:

1. City staff estimates up to \$6,500 to replace the failed asphalt-base course. Developer has the right to pursue additional testing to lower this number. This work will need to be performed before the final lift on the northern portion of Fountainhead Blvd. in Filing 1, (estimated to cost \$3,500). City proposed that the work be done by June 1, 1995.
2. Developer has not yet complied with the one remaining item discussed in the June 1993 letter from the City, *i.e.*, the final lift (and associated milling). This work should be completed by June 1, 1995.
3. John Williams will contact the only adjoiner in Fountainhead, Mr. Adolph, to secure his consent to the replat. John Williams will, if consent is not supplied, inform the City why Mr. Adolph objects.
4. John Williams will prepare documents so that the buyer of the replatted nine lots, Milyard, shall agree to propose a legal mechanism to deal with maintenance, ownership and use of common driveways. The plat will incorporate a note as well. So long as the buyer is obligated to timely satisfy the City's concerns, the November 30th closing will not be delayed by the City on this basis.
5. The title commitment supplied to the City by Developer does not evidence 100% ownership in the developer of Tract B. In addition, developer needs to provide proof of the formation of the homeowners association and conveyance of Tract B to the association.

6. Developer acknowledges that the half street improvements to G and 25 Road are triggered by the nine lot replat. Dan Wilson said Joe Coleman recollected the estimate to be \$60,000. Jim Shanks' letter to the developer of December 1991, applying the lineal feet involved, sets an estimate of about \$85,000 (City's file reflects no developer response to this letter). An improvements guarantee in said amount is required to plat the nine lot replat.

7. A meeting is scheduled for Monday, November 29th, at which time the City hopes to have its land use planning comments available.

8. Any right-of-way vacations require an ordinance which necessitates a public hearing. Developer needs to be aware that such a process cannot be accomplished via "administrative review." The developers covenants concerning set-backs may be different from planning and zoning rules. This needs to be discussed and resolved.

9. City believes that no landscaping plans for G and 25 Road corridors have been submitted nor approved. Developer needs to submit such plans and a proposed time-line to perform the work. (Part of the improvements guarantee?)

10. Parties appear to have differing perspectives on what constitutes an "administrative review." Developer appears to believe that there is no City discretion involved, while the City believes that both objective and subjective criteria must be met before administrative approval is granted.

Paragraph 13

\$175 per building lot, \$50 per unit in which
outstanding (all zoning plotted lots)

\$50 per lot upfront for all plotted lots plus the
additional 9 lots

Tom *Atty Cortner*



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

November 25, 1994

J. R. Studebaker
Fountainhead Development Corporation
P. O. Box 7207
Boulder, CO 80306-7207

Re: Fountainhead Subdivision, Phases I, II, III and IV Street Improvements

Dear J. R.:

I am writing to summarize the current status of the street improvements in Fountainhead Subdivision.

On October 27, 1994, a final inspection of the street improvements in Phase IV was conducted. The following items were noted as a result of this inspection:

1. The bottom 2 1/2 inches of the 4-inch asphalt pavement has been placed. The pavement appears to have been placed in three 12 foot wide passes. Between pavement joints, around manholes and at other locations, the pavement mix is badly segregated. This segregation appears to have been caused during the paving operation. Several areas of the pavement also have parallel hairline cracks, typically caused when the tiller wheel of the roller is in front in the direction of travel during the breakdown pass, or when the roller is operated too fast.

Inspection reports and compaction test data received from Banner Associates, Inc. on November 8, 1994 indicate that the minimum required density (92% of maximum theoretical density) is not met in four of six compaction tests performed on the pavement.

2. Concrete inverts have not been placed in several of the sewer manholes.

3. The fire hydrant at the southwest corner of West Harbor Lane and Fountainhead Boulevard is low and will need to be raised to finished ground elevation.
4. The street light pole at the southwest corner of West Harbor Lane and Fountainhead Boulevard is not plumb and will need to be straightened.

Acceptance of the asphalt pavement is based on the pavement meeting the minimum requirements of the quality assurance testing. City specifications require compaction in the range of 92 to 96 percent of the maximum theoretical density.

Based on the test results received, the pavement does not meet minimum compaction requirements and cannot be accepted. I would recommend that you hire the services of an independent materials testing laboratory to extract cores and determine the in-place density of the pavement. If such tests verify that the asphalt does not meet minimum density requirements, the pavement will have to be removed and replaced.

Only the concrete work including curbs, gutters, sidewalks, pans and fillets in Phase IV are accepted at this time. The asphalt pavement will not be accepted until you can demonstrate that the pavement meets density requirements.

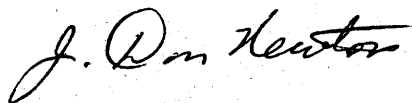
Street improvements in Phase I, except sidewalks, were accepted by the City in June of 1992. Street improvements in Phase II were inspected in June of 1993 and accepted with the Phase III street improvements in November, 1993.

Acceptance of public facilities by the City is subject to your one-year warranty (as Developer) of all materials and workmanship in the improvements. In a letter sent to you on June 22, 1993, a copy of which is attached for your reference, I listed five deficiencies of the improvements that were identified during a warranty inspection of streets in Phase I. These deficiencies included incomplete sidewalks, pavement settlement, sewer trench settlement and trees planted within the alignment of the required sidewalk on Fountainhead Boulevard.

As of October 27, 1994, all of the deficiencies in Phase I had been corrected with the exception of Item 3 listed in my letter of June 22, 1993; the street pavement in Fountainhead Boulevard and East Harbor Circle settled below the concrete gutters. These streets will require edge milling and overlay to raise the pavement surface elevation. Please provide me with a schedule for the performance of this work by December 16, 1994.

Please call if you have any questions regarding these issues.

Sincerely,

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

J. Don Newton
City Engineer

xc: Walt Hoyt
Jim Shanks
Dan Wilson
Mark Relph
Kathy Portner

DN/lab



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

November 29, 1994

John Williams
c/o Coleman, Joufflas & Williams
P.O. Box 55245
Grand Junction, CO 81505

Dear John:

I generally agree with your fax letter of November 28, 1994, except as noted:

1. The failed asphalt will need to be replaced by October 1, 1995. The rationale for the delayed requirement is to avoid street cuts in new pavement. Posting of security for the interim for between now and October 1st is an option (which I presume you are not offering), but it is not an option to delay the date for the construction work. The \$3,500 in security will be posted at or prior to the recording of the Milyard plat.

2. Of course, any pavement work or other "fixes" must meet City specifications and be inspected by the City. As is normal, the developer will pay for the inspection services provided by the City.

The roads referred to in your paragraph 2 are Fountainhead Boulevard and East Harbor.

3. The impetus to deal with the common driveway rests with Mr. Milyard. Whatever he proposes must be acceptable to the City. That arrangement must be finalized before the plat is recorded.

4. Our view of the annexation agreement is that it contemplates that the 25 Road improvements must be paid upon the earlier of the platting of the 70th lot or the development of the 70th lot. I have presumed that this was the common understanding of the parties.

5. The landscaping plan to be submitted by the developer, of course, must receive City approval.

6. In order that there be no last minute delays, supply the planner and me with blue lines of the proposed final plat mylar as soon as possible.

7. G Road may only be built by the developer, in lieu of cash paid to the City, after the City has approved plans and specifications.

John Williams
November 29, 1994
Page two

8. Right-of-way and public easements are only changed or vacated pursuant to the normal public hearing process.

The negotiations concerning the annexation agreement are not limited to the G Road improvements.

Please call me in you have any questions or comments regarding the above. Thank you.

Very truly yours,



Dan E. Wilson
City Attorney

ADMINISTRATIVE REVIEW

FILE: #179-94

DATE: November 29, 1994

STAFF: Tom Dixon

REQUEST: Replat of Lots 1-5, Block 3, The Cove at Fountainhead

LOCATION: Northwest side of Fountainhead Boulevard, approximately 400 feet north of G Road

APPLICANT: J.R. Studebaker

EXISTING LAND USE: Undeveloped

PROPOSED LAND USE: Residential, 12 units per acre

SURROUNDING LAND USE (AND APPROXIMATE DENSITY):

NORTH: Undeveloped

SOUTH: Single-family Residential (8 units per acre)

EAST: Single-family Residential (8 units per acre)

WEST: Single-family Residential (2 units per acre)

EXISTING ZONING: PR-12

SURROUNDING ZONING:

NORTH: PR-12

SOUTH: PR-12

EAST: PR-12

WEST: AFT (Mesa County)

RELATIONSHIP TO COMPREHENSIVE PLAN/POLICIES/GUIDELINES:

No such plans have been adopted for this part of the City.

STAFF ANALYSIS:

The proposal is to replat five single-family lots into nine townhome lots to allow three separate townhome structures, each structure comprised of three units. The proposed replat will cause the new lots to encroach into an area designated as open space on the plat recorded on October 20, 1992.

ADMINISTRATIVE DECISION:

The proposed replat is approved, subject to the following conditions:

- 1) A landscaping plan for the portion of the Fountainhead subdivision bordering 25 and G Roads shall be submitted for review by Planning staff no later than January 1, 1995. This landscaping plan must be approved prior to the issuance of any building permits for the nine replatted lots and shall be guaranteed by an Improvements Agreement.
- 2) Improvements to G Road are required with the replatting of these lots. A Development Improvements Agreement or a letter of credit for \$50,000 (or a lesser amount, if approved by the Public Works Director) shall be accepted by the City prior to the recording of the replat.
- 3) An adjustment to the Parks and Open Space fees is payable prior to the recording of this replat. This applies to all previous lots platted in Filing 1 (which is 28) as well as the nine lots proposed with this replat. The amount of \$1,850 is payable prior to recording of the replat. In addition, these nine replatted lots will owe the balance of \$175 per lot each time a building permit is requested.
- 4) The bulk dimensions for each of the proposed shall be no greater than 30 feet wide and 80 feet deep.
- 5) The setbacks for this replat are as follows:
 - Front yard - 14 feet
 - Side yard - 0 feet
 - Rear yard - 0 feet to the Open Space areaThere shall also be a minimum distance of 10 feet between each building cluster.



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

December 1, 1994

Dear Property Owner,

You were recently given notice that J. R. Studebaker of Fountainhead Development Corporation had appealed an administrative denial regarding the replat of five to nine lots in the Fountainhead Subdivision (File #179-94). The appeal was to be heard by the City Planning Commission at its 7:00 p.m. meeting on December 6th. However, the issues which were the basis of that administrative denial have been resolved and the replat has been tentatively approved based on the prior annexation agreement. Therefore, the appeal before the City Planning Commission has been withdrawn and will not be heard on the December 6th agenda.

If you have any question please feel free to contact me at 244-1447.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dixon".

Tom Dixon, AICP, Senior Planner

cc: File #179-94
Dan Wilson, City Attorney
Larry Timm, Community Development Director
J. R. Studebaker, petitioner



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

January 11, 1995

J.R. Studebaker
%Fountainhead Development Corporation
2488 East Harbor Circle
Grand Junction, CO 81505

Dear J.R.,

The City presently requires a \$500 Transportation Capacity Payment (TCP) to be collected prior to the issuance of the planning clearance for a building permit for individual residences. The collection of the TCP is done with every project unless a credit has been determined by the Director of Public Works, Jim Shanks.

The recent replat of nine lots known as The Helm at Fountainhead required an improvement agreement for G Road of \$50,000. In order for you or a builder of any of the undeveloped lots at Fountainhead to get a credit toward your TCP, a written request must be sent to Jim Shanks and written confirmation is necessary from him granting the credit.

Therefore, to gain the TCP credit you desire at this time, please make such request to Jim Shanks so that he may evaluate and determine the appropriate amount of credit.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dixon".

Tom Dixon, AICP, Senior Planner

cc: File #179-94
Joe Coleman



COPY

file in "The Helm" file
#179-94



City of Grand Junction, Colorado
250 North 5th Street
81501-2668
Phone (970) 244-1501
FAX (970) 244-1456

October 25, 1996

Gregg Cranston
ReMax 4000
1401 N. 1st St.
Grand Junction, CO 81501

Dear Gregg,

Re: Your letter of October 17, 1996

While I don't disagree with the solutions we have discussed, the factual and legal predicates which you stated in your letter force me to respond.

You say that "It is evident that you and I agree the City Public Works department erred..." Later you again discuss the "...Public Works Department's mistake... We agree that this was clearly the City's mistake...I relied on the City inspections...and purchased..."

Gregg, Gregg, Gregg. I cannot let such incorrect assumptions and assertions go unanswered. You and I have discussed **your** dilemma: **you** purchased lots for which the infrastructure was not completed. Had you performed **your** due diligence **you** would have discovered that the road wasn't available to **your** lots, and **your** purchase price would reflect the condition of the property. **Your** remedy may be against your seller or the developer--it is not against the City.

This City is not in the business of being a guarantor for the benefit of each and every lot purchaser in the City. Colorado law doesn't create such a duty and the City hasn't chosen to assume any such duty by the adoption of subdivision regulations and the requirement that improvements be guaranteed. The City doesn't create a duty **to you** when the City exercises its police powers on behalf of the general public.

You have, it is true, made clear your position that if you cannot recoup the money to build the 66 feet, you believe you can successfully sue the City. I hope you have heard me say, every time, that you may sue the City but that I certainly do not believe you will win.

I have agreed, based on the facts that you and I have assumed to be true, that had City staff been made aware of the fact that the asphalt didn't extend past your lots, City staff would have increased the amount of the DIA. I have agreed that in theory, City staff

Gregg Cranston
October 25, 1996
Page 2

could have known that the amount of the DIA guarantee wasn't sufficient, and that before anything was released that the final inspection could have, and maybe should have, identified this issue. I haven't talked to the developer or the others involved to see if there are other facts which are relevant. Even if this is a "City mistake," that doesn't make the City liable.

More importantly, it was the developer, or its staff, that submitted the quantities and dollar amounts; it is the developer who is required by law to construct the improvements. The City's role, as mentioned, is only one of checking--on behalf of the City and the general public. It is the buyer who is responsible to pay whatever price the buyer thinks a parcel is worth. If a parcel is partially or wholly unimproved, no doubt the buyer's price reflects that condition. If the buyer, especially a sophisticated, professional one, chooses to make certain assumptions which later turn out to be wrong, I believe the familiar doctrine of *caveat emptor* applies.

For future reference, I recommend that you not attempt to rely on City inspections and CD assurances. You should investigate and inspect as you deem appropriate using professionals whose duties run to you.

Rather than continuing, I propose that you cease from ascribing wrong so that I can cease from having to disagree. If there comes a time when we are forced to find out who is right and who is wrong, so be it. For now though, I know we can agree to "problem solve."

You desire to build as soon as possible. The City requires that the lots have completed infrastructure. The "solution" which we have discussed requires you to pay now for the completion of the road work (about \$3,500 in road improvements), in the hopes of being reimbursed. You agreed to have your agents check, before construction, with Jody Kliska concerning construction standards, plans, *et cetera*. I agreed to take steps to collect, for reimbursement to you, the money from the developer of the next phase of Fountainhead, as a part of the subdivision review of that next phase. I told you that the City didn't, and couldn't, guarantee that such efforts would be successful but that we would try.


You also asked that fees be waived, such as the TCP, sewer fees, parks fees, and the like. I left a voice mail for you on October 23 or 24 indicating that no TCP would apply. You asked for confirmation in writing of this, and that Community Development receive a copy of this letter so that CD also knows not to collect the TCP. I told you earlier in this process that the sewer fee was money owned to another fund, and thus not available for reduction. The same is true for park fees.

Gregg Cranston
October 25, 1996
Page 3

I conclude by confirming that we have agreed on a solution, albeit only partially satisfactory to you.

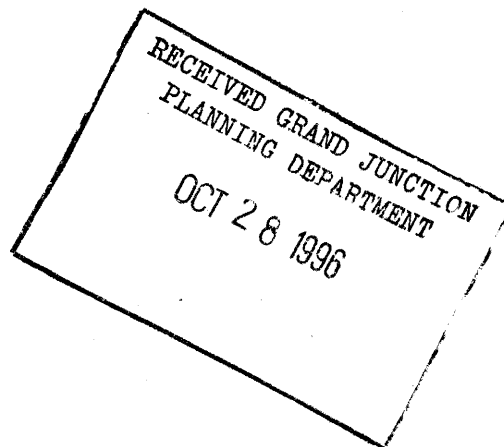
I have enjoyed your candor and diligence in this matter. I could not, however, let pass the opportunity to, as any good City Attorney would do, make clear that the City doesn't perceive **legal** liability. Nevertheless, where we can help solve a problem, we like to do so.

Very Truly,



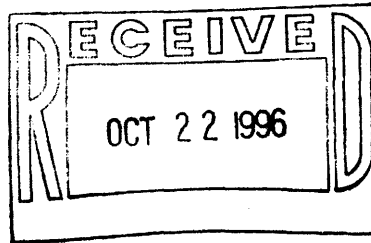
Dan Wilson
City Attorney

DW/sm/ftnlots.doc
cc: Kathy Porter, Comm. Development
File



RE/MAX

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the
Crowd!**



RE/MAX 4000, Inc.

Gregg L. Cranston
Broker Associate
GRI, CRS

Thursday, October 17, 1996

See EMAIL

Dan Wilson
Legal Council - City Of Grand Junction
250 N. 5 th.
Grand Junction, CO 81501

RE: Memorializing our conversation this morning - Fountainhead Blvd./Helm

Dear Dan:

Thanks for meeting with me this morning.

Attached please find a copy of the estimate from Elam Construction to complete that last 60' or so of Fountainhead Blvd. to City Specs as I promised to make available to you.

It is evident that you and I agree the City Public Works department erred in their final inspections as to the completion of Fountainhead Blvd. which resulted in the planning department releasing, or allowing to lapse, the two *letters of credit that served as the financial guarantee of the improvements agreement from Fountainhead Development Corp.* such that all 9 lots would be completed and ready for building permits.

Building permits for the construction of lots 7,8 & 9 of The Helm (3 units with value of \$400,000 approx.) are being held up (by Kathy Portner in the City Planning Department) due to the Public Works Department's mistake and subsequently the planning department's release (or failure to collect on) the two letters of credit that were in the City's possession to guarantee improvements of the sites per the approved and recorded plat of The Helm. We agree that this was clearly the City's mistake (albeit unententional). I relied on the City inspections and Planning departments assurance that these lots had been completed and purchased the lots from Fountainhead Development for Weber on that basis.

If you check The Helm subdivision files you will find nothing that would indicate other than what we have discussed. There was no phasing or permit holds

1401 N. 1st Street • Grand Junction, CO 81501
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requirements in the approval of The Helm and the City had the improvements agreements and letters of Credit to guarantee performance of the improvements agreement. So much for the history.

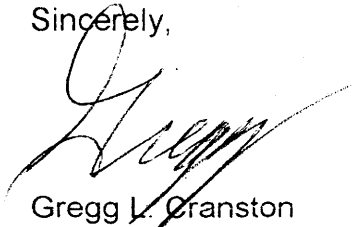
My first choice of course would be that the City fix their mistake.

My second choice would be some solution such as I proposed this morning to work with the City to rectify this. My thought was that perhaps the City could credit me and/or Weber future development fees in an amount equal to the expense to complete this road section. This would not require cash from the City. I suggested sewer and TCP fees as possible vehicles.

Based on our conversation I understand that the sewer fees are probably not an option, but that the TCP fees in an amount equal (more or less) to the actual cost to correct this mistake. Then perhaps we can recover the costs later from whomever completes development of the balance of the project via some means.

I know that this is a very small issue to the City, but we obviously did not cause this situation. We would appreciate your effort in resolving this.

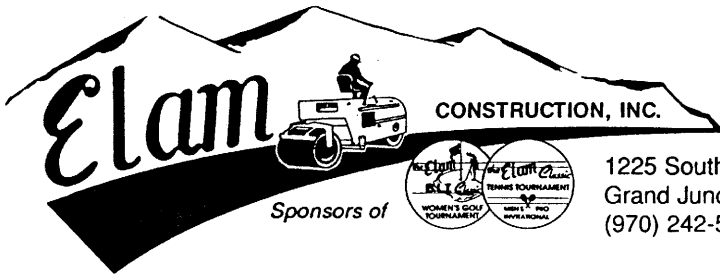
Sincerely,



Gregg L. Cranston
REALTOR[®]

cc: file
Weber

Proposal



1225 South 7th St.
 Grand Junction, Colorado 81501-7791
 (970) 242-5370 • FAX (970) 245-7716

Page 1 of 1

PROPOSAL SUBMITTED TO:	Phone: 241-4000	Date: 09/17/96
Remax 4000 attn: Mr. Greg Cranston 1401 N. 1st Street Grand Junction, Co 81501	Job Name & Address: Fountainhead Blvd Fountainhead Subdivision Grand Junction	
	Architect:	Date of Plans:

We hereby propose:

to furnish the following in connection with street improvements in accordance with the plans and the current City of Grand Junction standard specifications:

1. Grade and compact subgrade in preparation for base and paving.
2. Furnish and install six (6) inches of 3/4 inch roadbase covering approximately 2,140 square feet.
3. Furnish and install three (3) inches of Hot Bituminous Pavement to cover approximately 2,140 square feet.
4. Compliance testing for the above mentioned items.
5. Furnish and install city approved end of street markers at the end of the pavement.

COPY

Notes:

1. Scheduling will be upon the mutual agreement between the owner and Elan Construction, Inc..
2. Permits and fees are excluded.

All of the above work to be completed in a substantial and workmanlike manner for the sum of **Three Thousand Seven Hundred Dollars and no/100 (\$3,700.00)**

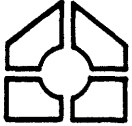
IMPORTANT: The terms and conditions stated on the reverse side hereof are expressly made a part of this contract. This proposal shall not become a binding contract unless and until the Acceptance of Proposal and Confirmation by Contractor on the reverse side have been executed. This proposal must be accepted as provided and delivered to Elam Construction, Inc., days from above date, or it shall expire.

-30-

Respectfully submitted
 ELAM CONSTRUCTION, INC.

by Scott J Baumgardner
 Scott J Baumgardner, Estimator

***To accept this proposal, please sign back of white copy and return to Elam Construction, Inc. Elam Construction, Inc. shall not be bound herein to execute a contract unless the owner provides satisfactory evidence of adequate financing.**



Architectural Energy Corporation

BUILDING SCIENCE • ENGINEERING • ARCHITECTURE

179 94

18 October 1994

Mr. Tom Dixon
The City of Grand Junction
250 N. 5th Street
Grand Junction, Colorado 81501-2268

Dear Mr. Dixon:

Please understand that I am signing this application as it may be required for the pending replat of Block #3 in the cove at Foundation Development Corporation.

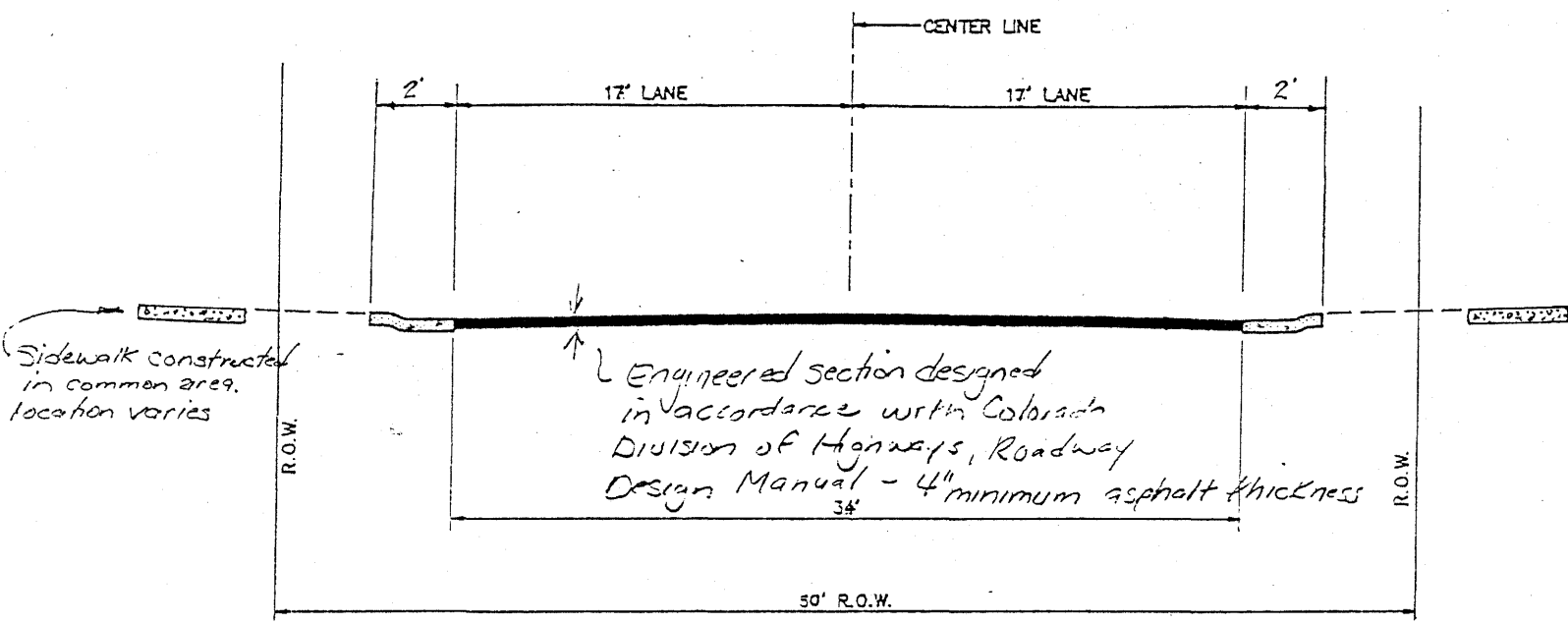
Although I am currently the record owner of these properties, I am under contract with Fountainhead Development Corporation to purchase Lots 1 and 2 of Block 3 contingent upon the sale and closing to Mr. Bruce Milyard of Constructors West, Inc. in Grand Junction.

Sincerely,

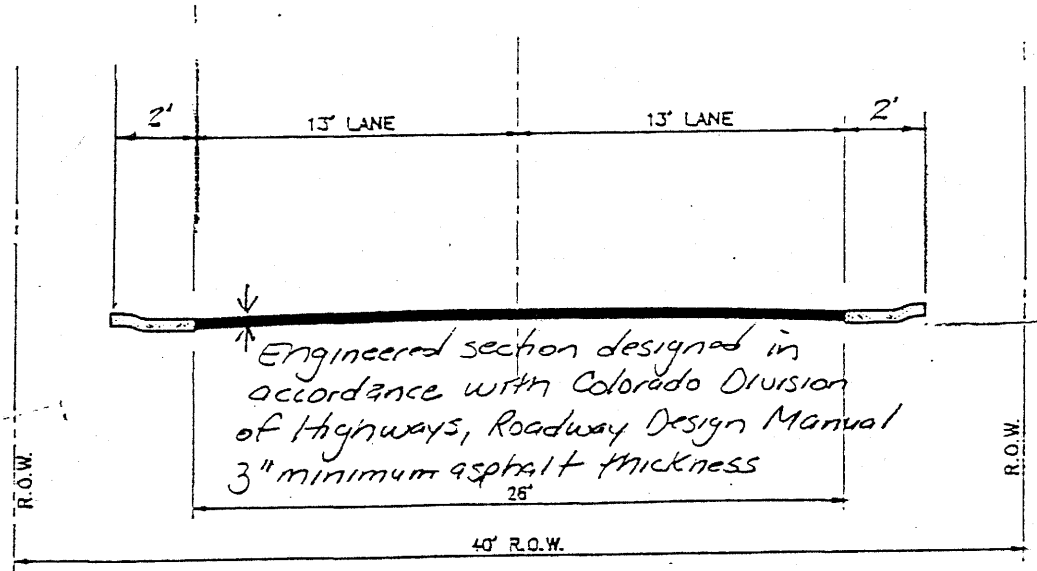
Audrie M. Salmon

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NOT REMOVE
Office

Approved road standards for all of Fountainhead per Jim Shanks.

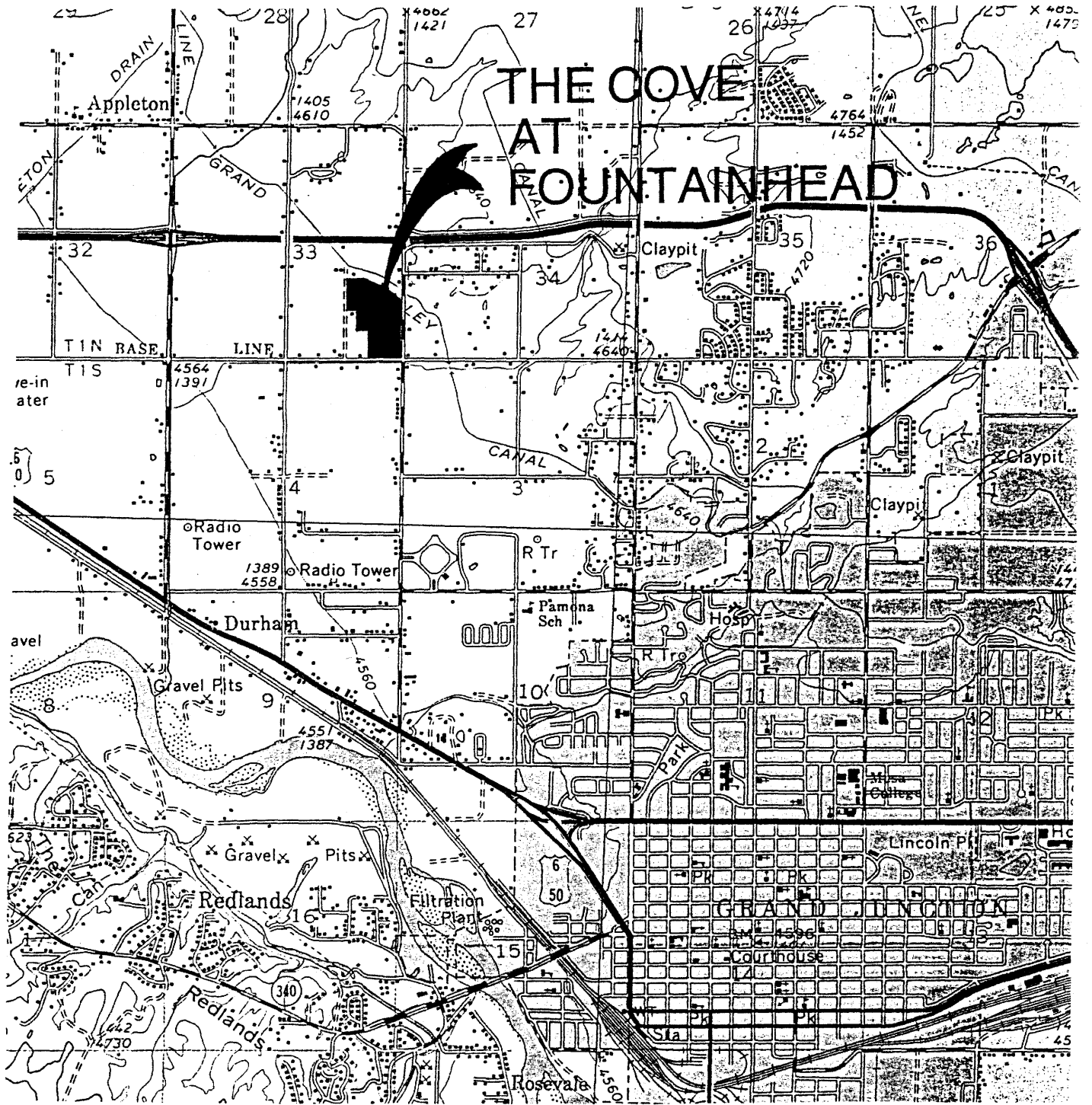


Typical Section - Fountainhead Blvd



Typical Section - Residential Streets

"D" plans



VICINITY MAP

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Do NOT Remove
From Office
179 94