

Table of Contents

File RP-1995-093

Date 8/24/99

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, not all entries designated to be scanned, are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been included.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>
X	X	*Summary Sheet – Table of Contents
X	X	Application form
		Receipts for fees paid for anything
X	X	*Submittal checklist
X	X	*General project report
		Reduced copy of final plans or drawings
X	X	Reduction of assessor's map
		Evidence of title, deeds
X	X	*Mailing list
		Public notice cards
		Record of certified mail
X	X	Legal description
		Appraisal of raw land
		Reduction of any maps – final copy
		*Final reports for drainage and soils (geotechnical reports)
		Other bound or nonbound reports
		Traffic studies
		Individual review comments from agencies
X	X	*Consolidated review comments list
		*Petitioner's response to comments
X	X	*Staff Reports
		*Planning Commission staff report and exhibits
		*City Council staff report and exhibits
		*Summary sheet of final conditions
		*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)
<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>		
X	X	Letter from Thomas Flynn to Michael Drollinger – 6/26/95
X	X	Letter from Thomas Flynn to Michael Drollinger – 7/12/95
X	X	Property Owners Signatures
X	X	Letter from Robert Bray to Tom Flynn – 7/21/94
X	X	Replat – Paradise Proposed Plat
X		Posting of Public Notice Signs
X	X	Planning Commission Minutes – 7/11/95 - **
X	X	City Council Minutes – 8/2/95 - **
X	X	Letter form Joe Stevens to Robert Bray – 8/23/95
X		Letter from Michael Drollinger to Thomas Flynn re: appeal
X	X	Letter from Thomas Flynn to Michael Drollinger – 7/12/95
X		Dedication (unsigned)
X	X	Letter from Tom Dixon to Tom Flynn – 5/10/95
X	X	Letter from Thomas Flynn to Michael Drollinger – 6/13/94
X		Treasurer's Certificates of Taxes Due on 7 parcels – 5/3/95
X		Warranty Deed
X		Handwritten note - (no date) – drawing of drainage ditch

SUBMITTAL CHECKLIST

RESUBDIVISION

Location: S. boundary Paradise Hills #7 (Tract A) Project Name: Resub

ITEMS		DISTRIBUTION																												
DESCRIPTION	SSID REFERENCE	City Community Development	City Dev. Eng.	City Utility Eng.	City Property Agent	City Parks/Recreation	City Fire Department	City Attorney	City G.P.C. (8 sets)	City Downtown Dev. Auth.	City Police	County Planning	County Bldg. Dept.	County Surveyor	Walker Field	School Dist. #51	Irrigation District	Drainage District	Water District	Sewer District	U.S. West	Public Service	GVRP	CDOT	Corps of Engineers	Colorado Geological Survey	U.S. Postal Service	Perrispp. WWTf	TOTAL REQD. 12	
● Application Fee \$ 160	VII-1	1																												
● Submittal Checklist	VII-3	1																												
● Review Agency Cover Sheet*	VII-3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● Application Form*	VII-1	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● 11"x17" Reduction of Assessor's Map	VII-1	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
● Evidence of Title	VII-2	1					1																							
○ Appraisal of Raw Land	VII-1	1			1	1																								
● Names and Addresses	VII-2	1																												
● Legal Description	VII-2	1																												
○ Deeds	VII-1	1			1																									
● Easements	VII-2	1	1	1	1			1														1	1	1						
○ Avigation Easement	VII-1	1			1											1														
○ ROW	VII-3	1	1	1	1																	1	1	1						
● Covenants, Conditions, & Restrictions	VII-1	1	1																											
○ Common Space Agreements	VII-1	1	1																											
● County Treasurer's Tax Cert.	VII-1	1																												
○ Improvements Agreement/Guarantee	VII-2	1	1	1																										
○ CDOT, 404, or Floodplain Permit	VII-3,4	1																												
● General Project Report	X-7	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
○ Location Map	IX-21	1																												
○ Composite Plan	X-10	1	2	1	1																									
○ 11"x17" Reduction Composite Plan	IX-10	1				1	1	1	8	1	1	1	1	1			1	1	1	1	1	1	1	1	1	1	1	1	1	1
● Final Plat	IX-15	1	2	1	1																									
● 11"x17" Reduction of Final Plat	IX-15	1							8	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
○ Cover Sheet	IX-11	1	2																											
○ Grading & Stormwater Mgmt Plan	IX-17	1	2																											
○ Storm Drainage Plan and Profile	IX-30	1	2																											
○ Water and Sewer Plan and Profile	IX-34	1	2	1																		1	1	1	1					
○ Roadway Plan and Profile	IX-28	1	2																											
○ Road Cross-sections	IX-27	1	2																											
○ Detail Sheet	IX-12	1	2																											
○ Landscape Plan	IX-20	2	1	1																										
○ Geotechnical Report	X-8	1	1																											
○ Phase I & II Environmental Report	X-10,11	1	1																											
○ Final Drainage Report	X-5,6	1	2																											
○ Stormwater Management Plan	X-14	1	2																											
○ Sewer System Design Report	X-13	1	2	1																										
○ Water System Design Report	X-16	1	2	1																										
○ Traffic Impact Study	X-15	1	2																											
○ Site Plan	IX-29	1	2	1	1			1	8																					

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

PROJECT REPORT
PARADISE HILLS SUBDIVISION FILING NO. FOUR B

A. PROJECT DESCRIPTION

1. Location:

This proposed project is a replat of seven lots of Block One in Paradise Hills Subdivision Filing No. Four A which is located in the Southwest one-quarter of Section 25, Township 1 North, Range 1 West, of the Ute Meridian, Mesa County, Colorado.

2. Acreage

Approximately 0.50 acres of land in Tract "A" of Paradise Hills Filing No. 7 would be effected by this proposal.

3. Proposed Use

Existing lots in Paradise Hills Filing No. 4 A join Tract "A" of Paradise Hills Filing No. 7 which contains a drain ditch which parallels the rear (North) lot lines of seven of the lots in Block One of Paradise Hills Filing No. Four A.

It is proposed that the 0.50 acres of land in Tract "A" be added to an existing 20 foot wide utility and drainage easement which is part of the seven lots in Paradise Hills Filing No. Four A. The portion of Tract "A" to be added to the adjoining seven lots will be dedicated as additional drainage easement to insure proper maintenance of the drainage ditch.

The North bank of the drainage ditch was located and surveyed and used for the approximate limit of the rear lot lines of the adjoining lots in Paradise Hills Subdivision Filing No. 7. This plan was designed to insure proper maintenance of the vigorously growing weeds on adjoining ditch banks.

The drainage ditch varies in width (30 feet - 50 feet) and depth (9 feet - 15 feet). The large size results in a moat or barrier, making it impractical for the adjoining Northerly bank lot owners to maintain the South side of the ditch bank also.

B. PUBLIC BENEFIT

City of Grand Junction Code of Ordinances (Chapter 14, Article 11) requires that landowners maintain their parcel and adjoining right-of-ways and easements of Junk, Motor Vehicles, Rubbish and Weeds.

It is apparent that portions of other Paradise Hills Subdivision Filings which adjoin Tract "A" are not being maintained and are currently being used as a rubbish dump, thereby creating a fire and safety hazard for homeowners and the public.

However, the adjoining owners of the seven lots in Paradise Hills Filing No. Four A are conscientiously maintaining the portion of Tract "A" which borders their lots, thus decreasing fire hazard conditions and creating a pleasing environment in the neighborhood.

C. PROJECT COMPLIANCE, COMPATIBILITY, AND IMPACT

The continued maintenance of the South bank along the designated drainage easement will be ensured when it becomes part of the adjoining lots.

This will eliminate the difficulty of South bank's maintenance for the adjoining Filing No. 7 Lot owners.

The transfer of ownership will not change the use of this property because all the property transferred will remain as drainage easement to allow whatever maintenance is deemed necessary by the appropriate parties.

It is anticipated that future improvements of land use, such as a trail system may be proposed along the drainage ditch and the adjoining lots. The adjoining lot owners would like to be part of the decision and planning process should any change to the land use be proposed or formulated.

D. DEVELOPMENT SCHEDULE AND PHASING

Concerning conveying the real property:

It is understood and agreed that the conditions which are stated in the letter dated July 21, 1994 (Copy attached) from Mr. Robert L. Bray, President of the Paradise Hills Filing No. 7 Homeowners Association, and a majority lot owner, will be complied with by the adjoining owners of the seven lots in Paradise Hills Filing No. Four A.



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

Receipt 2413
 Date 5-25-95
 Rec'd By JD
 File No. RP-95-93

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				
<input type="checkbox"/> Rezone				From: To:	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Text Amendment					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement
<input type="checkbox"/> PROPERTY OWNER		<input type="checkbox"/> DEVELOPER		<input checked="" type="checkbox"/> REPRESENTATIVE	

Name	Name	Tom Flynn
Address	Address	2708 Del Mar Circle
City/State/Zip	City/State/Zip	Grand Junction, CO 81506
Business Phone No.	Business Phone No.	(303) 243-1610

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. 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 represented, the item will be dropped from the agenda, and an additional fee charged to cover rescheduling expenses before it can again be on the agenda.

Signature of Person Completing Application	Date
<i>Hatter Eldridge</i>	Feb. 17, 1995
Tom Flynn, Owner's Representative	May 3, 1995

SEE ATTACHED

Property Owner(s) - Attach Additional Sheets if Necessary

271-253-01-001
RICHARD & TONYA HAMMOND
2702 MALIBU DR.
GRAND JUNCTION, CO 81506

2701-253-01-002
LARRY & SHERYL ANN VAN HOLE
2704 MALIBU DR.
GRAND JUNCTION, CO 81506

2701-253-01-003
BRIAN K & SHERRY M FRANKLIN
2702 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-01-004
WILLIAM L & MARY ALICE MCNEILL
2704 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-02-001
ROBERT P & DEBRA J BLUME
2701 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-02-002
JAMES E & DEBBIE A STOVER
2703 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-02-003
TONY CLARK & CYNTHIA GAINES
2705 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-04-001
RUSSEL WALKER & LAURA CUMMINS
2706 DEL MAR CR.
GRAND JUNCTION, CO 81506

2701-253-04-002
THOMAS J & ANN CARTER FLYNN
2708 DEL MAR CR.
GRAND JUNCTION, CO 81506

2701-253-04-006
MARGARET S JONAS
2716 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-02-004
GILBERT G E & VICTORIA MINARD
1841 PORT ABBEY
NEWPORT BEACH, CA 92660

2701-253-02-005
DAVID A & LINDA J DANNENBERGER
2704 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-04-007
FRANCIS W & CHARLENE E KALMES
2718 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-04-008
JAMES R & MARY JANE NETHERTON
2724 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-04-009
DONALD E & MARILYN J CLAY
2722 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-04-010
SOREN M & ANNA L NIELSON
2720 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-04-011
SANDRA L SULLIVAN
2718 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-04-012
GEORGE & DOROTHY GOLOMBOWSKI
2717 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-04-021
FRANK K & JANE A PFEIFER
2710 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-04-022
JOHN TRANSUE
2712 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-04-023
CLARENCE L & KITTY JONES
2714 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-05-001
JOHN A & LA BETH S BAUGH
2707 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-05-002
KUESEL FAMILY TRUST
2709 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-05-003
MICHAEL S & K NICOLE DARK
2711 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-05-004
LARRY A & DENISE M BLAIR
2713 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-05-005
JOHN A & VIRGINIA S DULING
2715 DEL MAR DR.
GRAND JUNCTION, CO 81506

2701-253-05-006
WILLIAM C & MIKUEL ANN PARRISH
2719 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-05-007
EDWARD E & NADINE CHANNELL
2716 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-05-008
SUSAN LUNDBERG & RODNEY GARNAS
2714 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-05-009
MARTHA MARIE MILLER
2712 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-05-010
DOREEN POND
2710 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-05-011
JAMES G & MARLYS JEAN BERNAL
2708 CARIBBEAN DR.
GRAND JUNCTION, CO 81506


2701-253-05-012
ANNA LOU LUBINSKI
2706 CARIBBEAN DR.
GRAND JUNCTION, CO 81506

2701-253-07-027 - 043
BRAY & COMPANY
1015 N 7TH ST
GRAND JUNCTION, CO 81501-3102

WALTER ELDRIDGE
P.O. Box 290
MESA, CO 81643

PROPERTY OWNERS SIGNATURE

Tax Parcel: 2701-253-04-002
Legal: Lot 2, of Block 1, Paradise Hills Filing No. Four A.
Address: 2708 Del Mar Circle
Deed: Book 1816, Pg 29.


Thomas J. Flynn

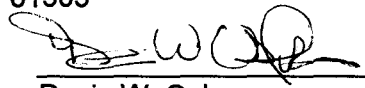

Ann Carter Flynn

Tax Parcel: 2701-253-04-021
Legal: Lot A, of Replat of Lots 3,4 & 5 in Blk 1, Paradise Hills Filing No. Four A.
Address: 2710 Del Mar Drive
Deed: Book 1964, Pg. 706


Frank K. Pfeifer

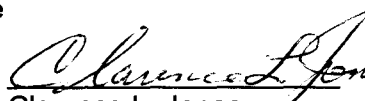

Jane A. Pfeifer

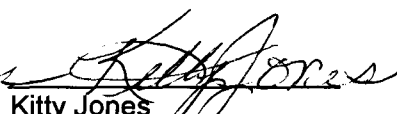
Tax Parcel: 2701-253-04-022
Legal: Lot B, of Replat of Lots 3,4 & 5 in Block 1, Paradise Hills Filing No. Four A.
Address: 719 Arrowst Ct. 81505
Deed: Book 1874, Pg. 845


Denis W. Osborn

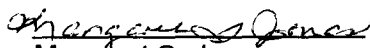

Mary Ann Osborn

Tax Parcel: 2701-253-04-023
Legal: Lot C, of Replat of Lots 3,4 & 5 in Block 1, Paradise Hills Filing No. Four A.
Address: 2714 Del Mar Drive
Deed: Book 1948, Pg. 824

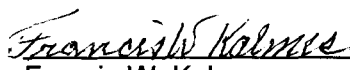

Clarence L. Jones


Kitty Jones

Tax Parcel: 2701-253-04-006
Legal: Lot 6, of Block 1, Paradise Hills Filing No. Four A.
Address: 2716 Del Mar Drive
Deed: Book 1488, Pg. 149


Margaret S. Jonas

Tax Parcel: 2701-253-04-007
Legal: Lot 7, of Block 1, Paradise Hills Filing No. Four A.
Address: 2718 Del Mar Drive
Deed: Book 2016, Pg. 688


Francis W. Kalmes



Charlene E. Kalmes

Tax Parcel: 2701-253-04-008
Legal: Lot 8, of Block 1, Paradise Hills Filing No. Four A.
Address: 2724 Caribbean Dr.
Deed: Book 1810, Page 238


James R. Netherton


Mary Jane Netherton

Tract "A" Paradise Hills Filing No. 7


Paradise Hills Homeowner's Assoc.
Robert L. Bray, Pres.

REVIEW COMMENTS

Page 1 of 2

FILE #RP-95-93

TITLE HEADING: Paradise Hills Filing #4B

LOCATION: Paradise Hills, Portions of Filing #4 & Filing #7

PETITIONER: Tom Flynn

PETITIONER'S ADDRESS/TELEPHONE: 2708 Del Mar Circle
Grand Junction, CO 81506
243-1610

PETITIONER'S REPRESENTATIVE: M.A.P., Inc. / Walter Eldridge

STAFF REPRESENTATIVE: Michael Drollinger

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., JUNE 27, 1995.

CITY UTILITY ENGINEER 5/26/95
Trent Prall 244-1507

No comment.

GRAND VALLEY RURAL POWER 5/26/95
Perry Rupp

Need 14' utility easement along Kimberly Drive.

CITY ATTORNEY 5/26/95
Dan Wilson 244-1505

See notes on attached proposed replat re: trails & dedicatory language.

CITY POLICE DEPARTMENT 5/31/95
Dave Stassen 244-3587

This replat poses no special concerns for the Police Department. If this area is developed into a trail system, the Police Department would be interested in being included in this process.

CITY FIRE DEPARTMENT 5/31/95
Hank Masterson 244-1414

The Fire Department has no problems with this proposal.

GRAND VALLEY WATER USERS'
Richard Proctor

5/30/95

Grand Valley Water Users' Association has no comments on this project.

U.S. WEST
Max Ward

5/30/95
244-4721

Telephone is in place.

CITY PROPERTY AGENT
Steve Pace

6/6/95
244-1452

-
1. In the title there is no mention of Tract "A" of Paradise Hills No. 7.
 2. No curve chart.
 3. There appears to be a lot of monumentation shown on the legend, but not on the boundary perimeter and/or lots.
 4. No lot and total acreage.
 5. Easements should be labeled existing or new, with new easements being addressed in the dedication.
 6. The dedication addresses multi-purpose easements but none are shown.

PUBLIC SERVICE COMPANY
Dale Clawson

6/7/95
244-2695

No objections.

CITY PARKS & RECREATION
Don Hobbs

6/6/95
244-1542

We would like to maintain an easement through the area as a potential connection to the proposed canal trail system. The loss of the easement will take away the only apparent access to the canal.

CITY DEVELOPMENT ENGINEER
Jody Kliska

6/9/95
244-1591

See comments made by City Property Agent.

COMMUNITY DEVELOPMENT DEPARTMENT
Michael Drollinger

6/19/95
244-1439

So long as the easement language on the plat allows for possible future placement of a pedestrian/ bicycle trail in the easement which is being created as a result of the replat, this office has no problem with the proposal.

STAFF REVIEW

FILE: RP 95-93
DATE: June 14, 1995
STAFF: Michael Drollinger
REQUEST: Replat
LOCATION: Del Mar Circle - Paradise Hills Subdivision
ZONING: RSF-5

STAFF COMMENTS:

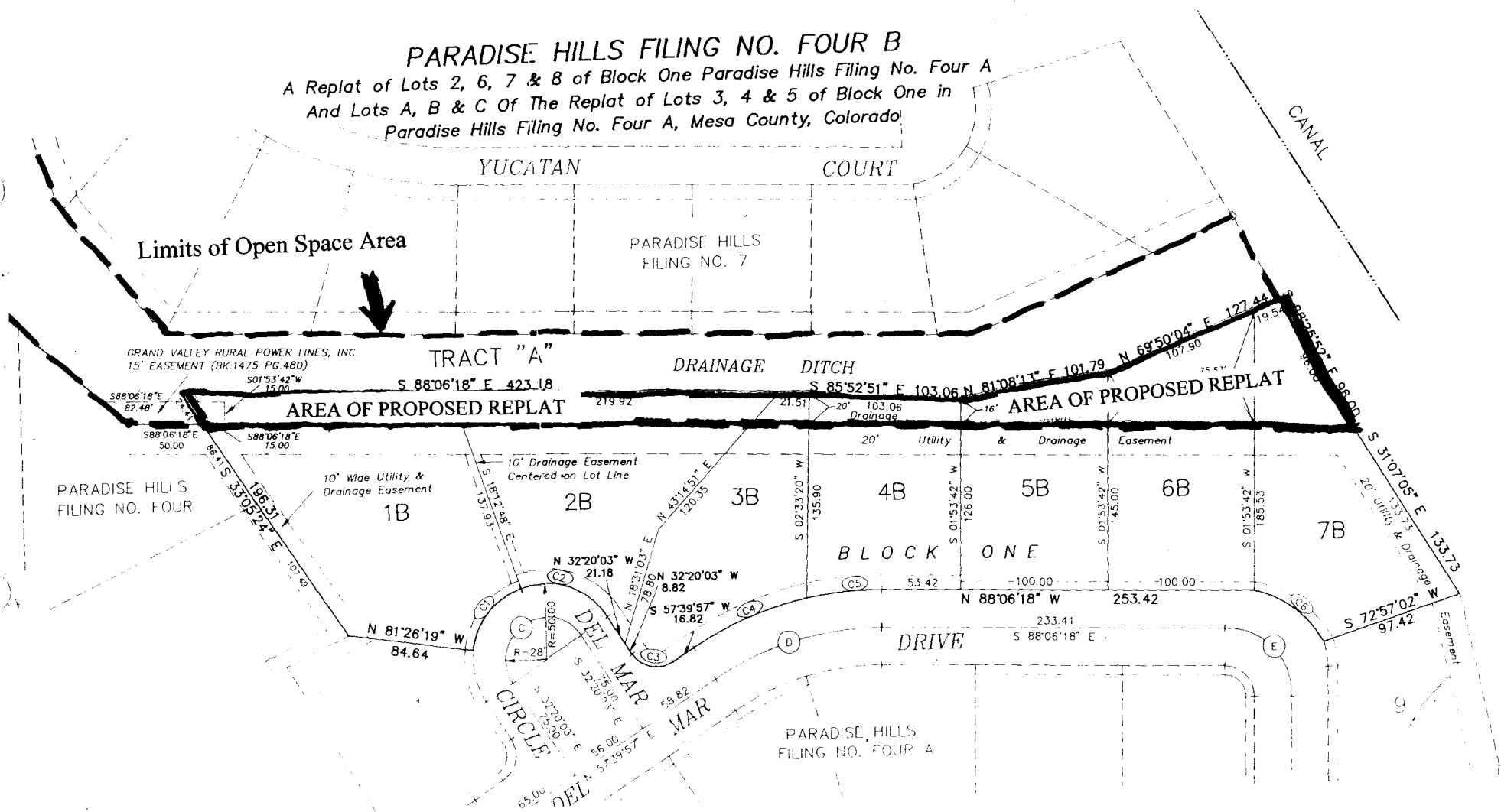
1. So long as the easement language on the plat allows for possible future placement of a pedestrian/bicycle trail in the easement which is being created as a result of the replat, this office has no problem with the proposal.
-

You are urged to contact the Community Development Department if you require clarification or further explanation of any items.

h:\cityfil\1995\95-93.wpd

**RP-95-93
REPLAT - PARADISE HILLS
PROPOSED PLAT**

PARADISE HILLS FILING NO. FOUR B
 A Replat of Lots 2, 6, 7 & 8 of Block One Paradise Hills Filing No. Four A
 And Lots A, B & C Of The Replat of Lots 3, 4 & 5 of Block One in
 Paradise Hills Filing No. Four A, Mesa County, Colorado



**RP-95-93
REPLAT - PARADISE HILLS
LOCATION MAP**

AREA OF PROPOSED REPLAT

Government Highline Canal

Rice Wash

Lanai Drive

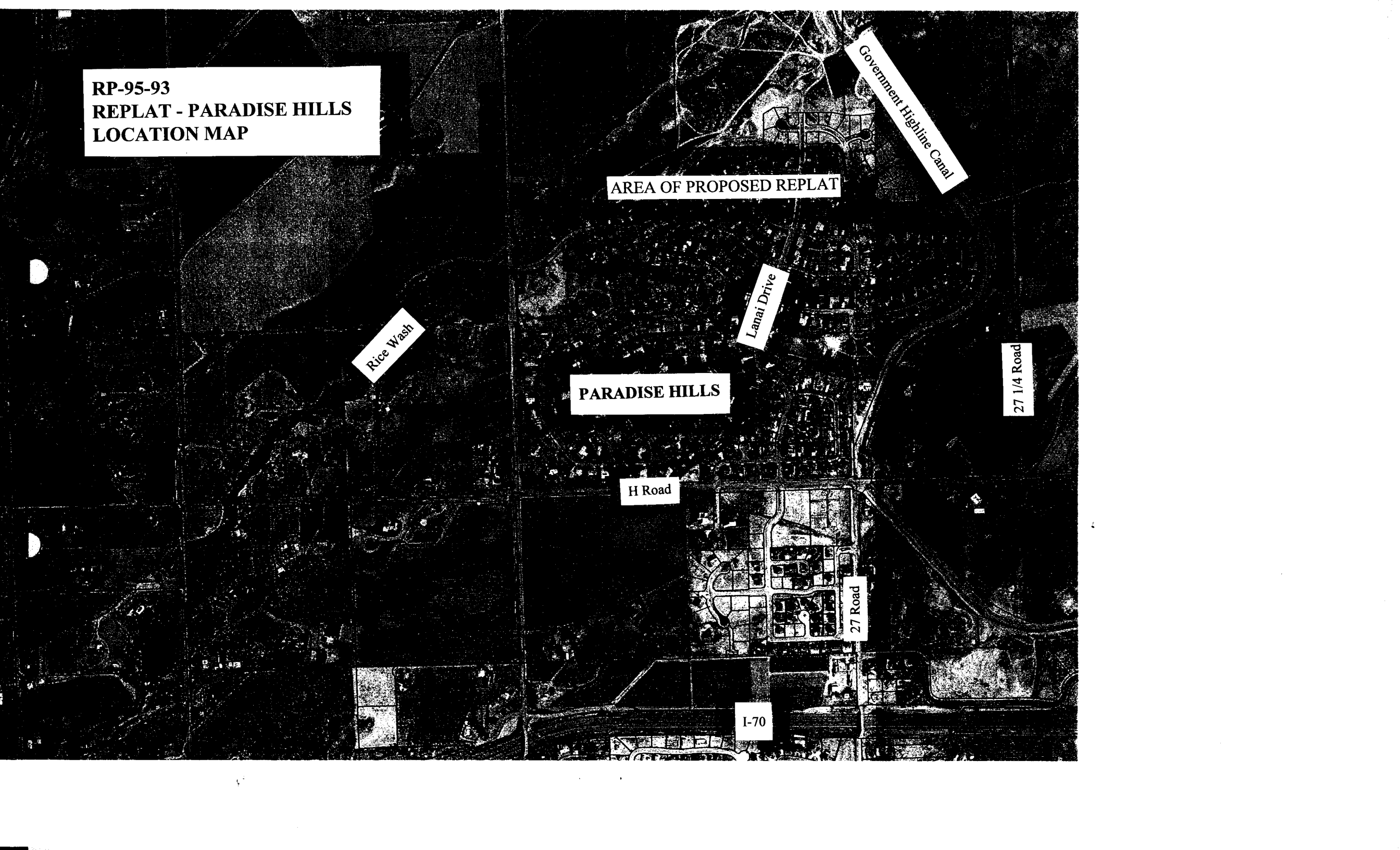
PARADISE HILLS

27 1/4 Road

H Road

27 Road

I-70



**RP-95-93
REPLAT - PARADISE HILLS
AERIAL MAP**

PARADISE HILLS FILING #7

Yucatan Court

Government Highline Canal

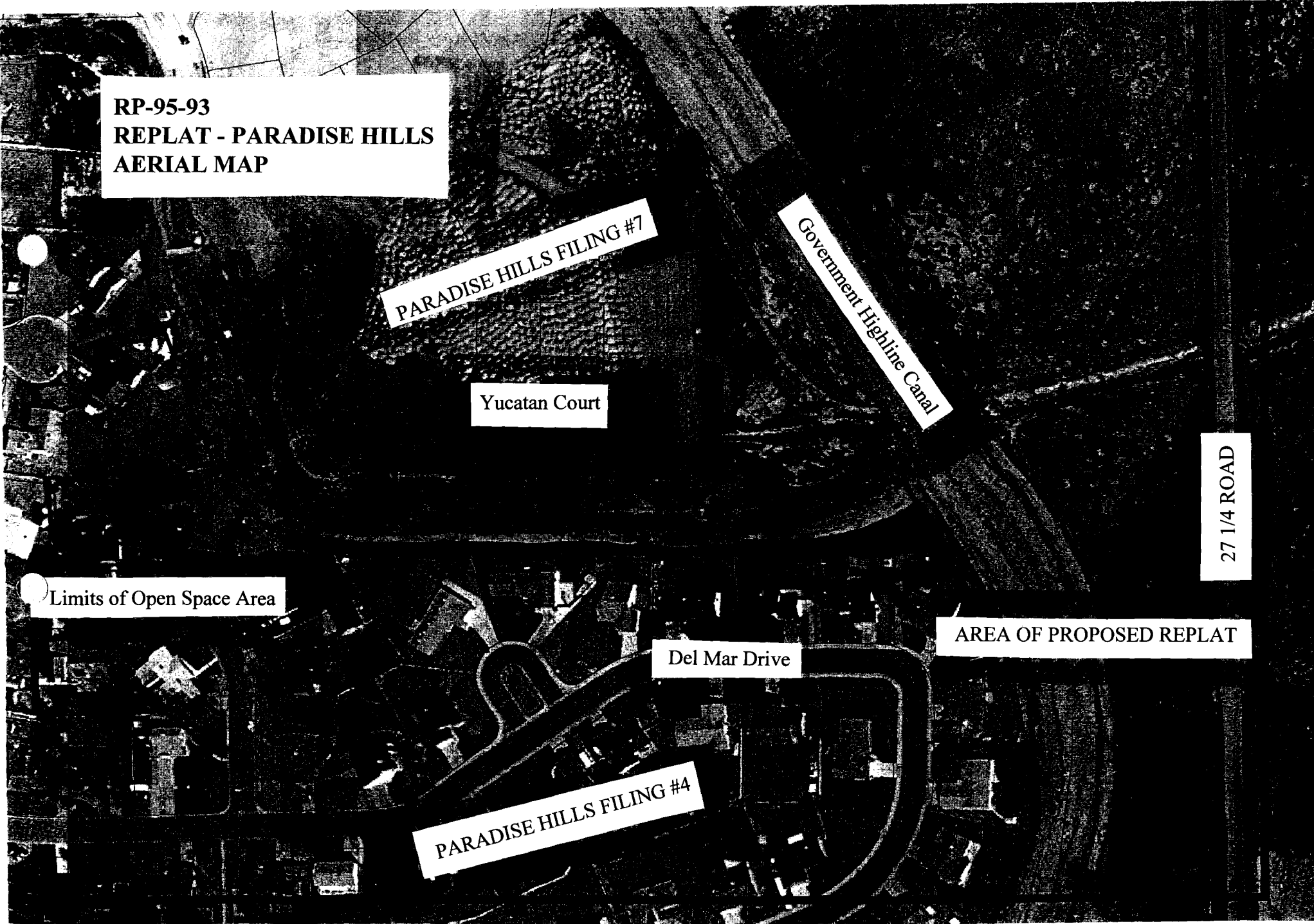
27 1/4 ROAD

Limits of Open Space Area

AREA OF PROPOSED REPLAT

Del Mar Drive

PARADISE HILLS FILING #4



STAFF REVIEW

FILE: #RP-95-93

DATE: July 5, 1995

STAFF: Michael Drollinger

REQUEST: Replat of portions of Paradise Hills Filings #4 and #7

LOCATION: DelMar Circle and DelMar Drive, Paradise Hills

APPLICANT: Tom Flynn

EXISTING LAND USE: Single Family Residential and Open Space

PROPOSED LAND USE: Single Family Residential

SURROUNDING LAND USE:

NORTH: Single Family Residential and Undeveloped

SOUTH: Single Family Residential

EAST: Single Family Residential and Undeveloped

WEST: Single Family Residential and Undeveloped

EXISTING ZONING: RSF-4 and RSF-5

PROPOSED ZONING: RSF-4 and RSF-5

SURROUNDING ZONING:

NORTH: RSF-5

SOUTH: RSF-4

EAST: PAD (Planned Airport Development)

WEST: RSF-4 and RSF-5

RELATIONSHIP TO COMPREHENSIVE PLAN:

No Comprehensive Plan exists for this area.

STAFF ANALYSIS:

The owners of lots 1,2,3,4,5,6 and 7 of Paradise Hills, Filing #4 are proposing to replat their lots to incorporate a portion of Tract "A", Paradise Hills, Filing #7 into their lots. Tract A is a linear tract that includes a large drainage ditch with an access road on the south side. It was

dedicated as private open space with Filing #7.

City staff has two concerns with incorporating a strip of this open space into individual ownerships, one is with access for maintenance of the ditch and the other is for potential future trail access. Periodically the drainage ditch will need to be maintained and access may be needed along the access south of the ditch which is proposed to be incorporated into the lots in Filing #4. Therefore if the replat was approved, the strip along the ditch would have to be maintained as an access easement for ditch maintenance and fencing would be restricted.

City staff also thinks it's important to maintained Tract A as private open space in its entirety under one ownership if in the future the City wants to pursue dedication of a trail easement along the ditch. City Parks staff has commented as follows:

The Parks Department is opposed to this replat due to it possibly eliminating a very important trail connection between a possible future trail along the Government Highline Canal and the northern portion of the Paradise Hills Subdivision. This connection will also provide a northern off-road tie between the Government Highline Canal and the Grand Valley Highline Canal at the Interstate intersection and possibly further to G Road.

STAFF RECOMMENDATION:

Staff recommends denial of the proposed replat.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item #RP-95-93, I move we approve the proposed replat.
(Staff is recommending denying the motion)

STAFF REVIEW (City Council)

FILE: #RP-95-93

DATE: July 27, 1995

STAFF: Michael T. Drollinger

REQUEST: Replat - A Portion of PARADISE HILLS FILINGS #4 & #7

LOCATION: Del Mar Circle

APPLICANT: Thomas Flynn
2708 Del Mar Circle
Grand Junction, CO 81506

EXECUTIVE SUMMARY:

This is an appeal of a Planning Commission denial of a replat request. Applicants are seven property owners in Paradise Hills Filing #4 who are requesting to replat a portion of private open space in Paradise Hills #7 into their lots. Staff is concerned with ditch maintenance access and trail issues. Private open space area may be an opportunity for dedication of a future easement for public trail access as part of a regional trail network. Petitioners are opposed to providing an easement as part of this application for possible future trail access. Staff recommends denial of application.

EXISTING LAND USE: Drainage Ditch

PROPOSED LAND USE: No Change

SURROUNDING LAND USE:

NORTH: Single Family Residential
SOUTH: Single Family Residential
EAST: Single Family Residential
WEST: Single Family Residential

EXISTING ZONING: RSF-4/RSF-5

PROPOSED ZONING: No change

SURROUNDING ZONING:

NORTH: RSF-5

SOUTH: RSF-4
EAST: RSF-4
WEST: RSF-4

RELATIONSHIP TO COMPREHENSIVE PLAN:

No comprehensive plan exists for this area

STAFF ANALYSIS:

The owners of Lots 1,2,3,4,5,6 & 7 of Paradise Hills Filing #4 are proposing to replat a portion of Tract "A" Paradise Hills, Filing #7 into their lots. Tract "A" is a linear tract that includes a large drainage ditch with an access road on the south side (see attached maps). The land was dedicated as private open space with Filing #7.

City staff has two concerns with incorporating a strip of this open space into individual ownerships as proposed. The first concern is regarding access for maintenance of the ditch and the other concern is for potential future trail access. Periodically the drainage ditch needs to be maintained and access may be needed along the access south of the ditch which is proposed to be incorporated into the lots in Filing #4. Therefore, if the replat was approved, the strip along the ditch would have to be maintained as an access easement for ditch maintenance and fencing would be restricted. Based on staff's experience, encroachment of fences, gardens, etc. into the easement may become a problem in the future.

City staff also believes that it is important to maintain Tract A as private open space in its entirety if in the future the City wishes to pursue dedication of a trail easement along the ditch. City Parks staff has commented as follows:

The Parks Department is opposed to this replat due to it possibly eliminating a very important trail connection between a possible future trail along the Government Highline Canal and the northern portion of the Paradise Hills Subdivision. This connection will also provide a northern off-road tie between the Government Highline Canal and the Grand Valley Highline Canal at I-70 and possibly further to G Road.

The petitioners have indicated that they are opposed to dedication of a trail easement in conjunction with this application.

STAFF RECOMMENDATION:

Staff recommends denial of the proposed replat.

PLANNING COMMISSION RECOMMENDATION:

At their July 11, 1995 meeting, the Planning Commission recommended denial of the proposed replat (vote: 7-0).

h:\cityfil\1995\95-934.wpd



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

May 10, 1995

Tom Flynn
2708 Del Mar Circle
Grand Junction, CO 81506

Dear Mr. Flynn,

On May 4, 1995 the Community Development Department received a proposal from you and adjoining property owners to replat a portion of Tract A and portions of Block 1, Lots 2 through 8, Paradise Hills. The deadline for submitting proposals for the June 6th Planning Commission hearing was May 1st. Therefore, this proposal will be scheduled for the July 13th Planning Commission hearing.

You inquired about legal cases regarding takings. The two most significant cases that come to mind, both of which were decided by the U.S. Supreme Court, are *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*. If you are interested in getting copies of these decisions, you may want to contact the City Attorney, Dan Wilson, at 244-1505.

Sincerely,

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

Tom Dixon, AICP, Senior Planner

cc: File #RP-95-93

THOMAS J. FLYNN, ESQ.
MEDIATOR - FACT FINDER - ARBITRATOR
2708 Del Mar Circle
Grand Junction, Colorado 81506-1769
(303) 243-1610

Panels

- American Arbitration Association
(Labor and Commercial)
- Federal Mediation and Conciliation Service

Member of Bar in:
Colorado
Massachusetts

June 13, 1994

Michael Drollinger
Senior Planner
City Hall
Grand Junction, CO 81502

RE: Changing Property Lines of Several Owners
of Property in Paradise Hills Filing 4A

Dear Mr. Drollinger:

This will confirm our appointment to meet on June 16, 1994, at 2:00 P.M. The appointment was made during our conversation on June 9th. This was the second conversation I have had with you. The first was on May 19.

The May 19th conversation with you was initiated by me. It was prompted by a conversation I had with the surveyor (Walt Eldrige of M.A.P. Inc.) who is going to replat the areas involved here. He told me he had a conversation with you regarding the additional land from the end of out plots to the edge of the drainage ditch and that the city did not look with favor upon the matter. The land a gift from Richard Bray who owns this open area which is at the edge of his new development Filing 7A and abutts our lots.

I asked you for the city's objection. After some prodding, you told me that yourself and Mark Relph, Manager of the city's Public Works Department, had eyeballed the land and that Relph voiced objection about getting vehicles into the area to service the ditch. You also added that the city would find it more convenient to deal with one entity instead of several owners should some kind of problem arise.

We discussed the matter and my position was that there was no reason why vehicles could not service the ditch since we were willing to give whatever easements were needed. As for having to deal with each abutting owner, I saw no problem because seven owners abutting the ditch already have easements on their properties including a ditch easement. We know of no utility having a problem dealing with individual owners. Besides, we are willing to give the city whatever easements it needs and to make those easements common in each replat. I told you I was going out of town for several weeks and that Frank Pfeiffer, one of the owners, would contact Relph as to his objection.



Printed on Recycled Paper

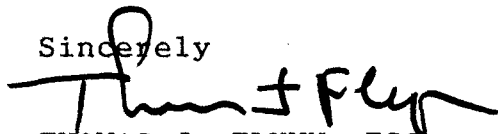
On the same day, I tried to contact Mr. Relph. He was out of town. However, I did speak to Don Newton, City Engineer, and repeated what you told me about Relph's objection and the dealing with one entity rather than many. He said he could not answer for Relph but that he wasn't aware of any objection. As for the dealing with the many he saw no problem if there were easements.

I returned from my trip and spoke to Frank Pfeiffer. He told me that he had spoken to Relph and that he had no objection if the proper easements were in place. Pfeiffer told Relph that the city could have whatever easement it wanted. To this Relph said he had no objection to the replatting.

After phoning our surveyor to start the surveying, I returned a call from you on June 9. In that conversation you raised the same objections. I told you of Relph's position and you then turned to the "dealing with the one..." argument. I repeated my argument that utilities all have individual easements with individual owners and that your position smacked of discrimination against the individual property owner. Despite my argument you maintained your position. Hence my request for a meeting.

I hope that some of the city actors in this little drama will be present at the meeting. This simple matter seems to be dragging on for apparently spurious reasons. Their attendance should lay the matter to rest.

Sincerely



THOMAS J. FLYNN, ESQ.

CC: Cathy Potter
Planning Supervisor
Planning Department

Mark Relph
Manager
Public Works Department

Don Newton
City Engineer

Walt Eldridge, Surveyor
M.A.P. Inc.

Frank Pfeiffer

THOMAS J. FLYNN, ESQ.

June 26, 1995

2708 Del Mar Circle
Grand Junction, CO 81506
(303) 243-1610

Michael Drollinger
Staff Representative
Community Development Department
City of Grand Junction
250 N. 5th Street
Grand Junction, Colorado 81501-2668

Mesa State College
P.O. Box 2647
Grand Junction, CO 81502
(303) 248-1724

RE: File # RP-95-93
Paradise Hills Filing #4B

Dear Mr Drollinger:

I received the Review Comments in the above cited matter on June 23 and my response was to be made on Tuesday June 27. The letter was mailed on June 20 and I received it on June 22. Because of the late transmission of the Comments to me and the request that the submitted plans be modified I phoned yourself and City Property Agent on June 22.

The City Property Clerk had six (6) matters to be added to the already submitted replat plans. After discussion we agreed that he would accept the changes after the approval of the replat by the city.

In my conversation with you I advised you of the City Property Agent's position and you also agreed. However we disagreed on the request for an easement for a pedestrian/bicycle trail made by the City Attorney, City Parks & Recreation and your Community Development Department. We are especially concerned because the request for the easment seems to extend to the property we already own. The City Attorney writes "... that said owners hereby dedicate to the City of Grand Junction for the benefit of the public ... all portions of the property north of the south line of the twenty foot utility and drainage ditch easement ..." That utility easement is on our present property and we refuse to give the city an easement on our present lots.

Regarding your request for an easement on the Tract A land to be added to our lots, we will be willing to discuss the matter when the City has definite plans for a trail system. We do not agree on an easement now.

While we don't own the property in question, it is obvious that some City departments want to recommend withholding approval to the replat. In plain language the replat will be hostage to the City's nebulous trailway plans.

Sincerely

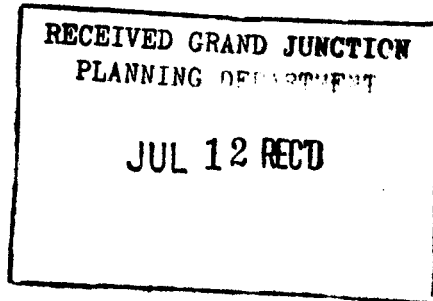
THOMAS J. FLYNN, ESQ.

COLORADO BAR • MASSACHUSETTS BAR • AMERICAN ARBITRATION ASSOCIATION
(LABOR AND COMMERCIAL) • FEDERAL MEDIATION AND CONCILIATION SERVICE



THOMAS J. FLYNN, ESQ.

July 12, 1995



2708 Del Mar Circle
Grand Junction, CO 81506
(303) 243-1610

Mesa State College
P.O. Box 2647
Grand Junction, CO 81502
(303) 248-1724

Michael Drollinger
Staff Representative
Community Development Department
City of Grand Junction
250 N. 5th Street
Grand Junction, Colorado 81501-2668

RE: File # RP-95-93
Paradise Hills Filing #4B

Dear Mr Drollinger:

At a meeting on July 11, 1995 the Grand Junction Planning Commission rejected the request of the homeowners in the above cited matter.

On behalf of the seven homeowners listed in our application I hereby appeal the decision of the Commission to the City Council.

Please advise me of the procedural steps so that I may properly appear before the Council.

I would appreciate a timely acknowledgement of this appeal as well as a timely notification of necessary submissions.

Sincerely,

A handwritten signature in black ink, appearing to read "TJ Flynn".

THOMAS J. FLYNN, ESQ.

BY HAND

COLORADO BAR • MASSACHUSETTS BAR • AMERICAN ARBITRATION ASSOCIATION
(LABOR AND COMMERCIAL) • FEDERAL MEDIATION AND CONCILIATION SERVICE





July 21, 1994

Tom Flynn
2708 Del Mar Circle
Grand Junction, Colorado 81506

Dear Tom:

As per our recent conversations you and six other property owners along Del Mar Circle and immediately south of a large drain ditch, have asked that I give consideration in terms of conveying certain real property to you. Generally speaking, the property is located between the northern boundaries of your properties and the southern edge or drop off of the drainage ditch as it proceeds in a westerly direction. As I have indicated to you, Bray and Company in fact does not own said referenced property but this property is owned by Paradise Hills Filing #7 Homeowners Association. However, I am currently President of the Association and represent Bray and Company as a majority lot owner in the association. I have no concerns in conveying to your group the referenced property as it would be of no benefit to our association.

There are three conditions that would have to be met in order to consummate a transaction. First, it is understood that your group of owners will pick up any engineering, legal and filing costs resulting from the transfer of the parcel of land. Secondly, it is very, very important that an easement of approximately fifteen feet in width across the southern edge of the drainage area be in place for access to and maintenance of the ditch area by the appropriate parties. And lastly, I have indicated that the City may in fact have an interest in providing a trail system through the drainage area at some point in the future. As long as there is deemed to be enough area either within the drainage or on the northern side of said drainage for said trail system, I do believe the City would approve the conveyance of the property on the southern side of the ditch.

If all of these conditions can be met, I believe it very possible to convey to your group of lot owners said property at no additional monetary consideration. If you have any questions please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Bray". The signature is fluid and cursive, written over a horizontal line.

Robert L. Bray, President
Bray and Company Realtors/BH&G

RLB:ma

CENTRAL OFFICE
1015 North 7th Street
Grand Junction, Colorado 81501
(970) 242-8647

HOME INFORMATION CENTER
Mesa Mall
2424 U.S. Highway 6 & 50
Grand Junction, Colorado 81505



File - Paradise Hills Regd file
To: Larry Timm

City of Grand Junction
Parks and Recreation Department

August 23, 1995

Robert Bray, Jr.
1015 N 7th Street
Grand Junction CO 81501

**COPY FOR YOUR
INFORMATION**

Dear Robert:

This letter will confirm our conversation of August 22, 1995 concerning the potential development of a recreational trail between Lanai Dr. and the Highline Canal adjacent Price Ditch in the Paradise Hills #7 subdivision. We mutually agree that the idea of a trail on the north or south side of the drainage ditch has merit. The City will continue to access the feasibility of trail development along this corridor recognizing your concerns relative to transfer of maintenance and liability from the Homeowners Association to the City should the project move forward.

Thank you for the opportunity to share ideas of mutual interest including trail development and future parks and golf course potential.

Sincerely,

Erik Joe Stevens, Director
Parks and Recreation

file\facparks\parhills

