

SUBMITTAL CHECKLIST

VR-95-134

VACATION *R.O.W.*

Location: 945 North Ave.

Project Name: North Ave. Furniture

ITEMS	DISTRIBUTION																						
DESCRIPTION	SSID REFERENCE	● City Community Development	● City Dev. Eng.	● City Utility Eng.	● City Property Agent	● City Fire Department	○ City Police Department	● City Attorney	● City Sanitation	● City G.J.P.C. (8 sets)	○ City Downtown Dev. Auth.	● City Council	○ County Planning	○ Irrigation District	○ Drainage District	○ Water District	○ Sewer District	● U.S. West	● Public Service	○ GVRP	○ TCI Cable	TOTAL REQ'D.	
● Application Fee <u>\$425.00</u>	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	
● Application Form*	VII-1	1	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	
● Reduction of Assessor's Map	VII-1	1	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	
● Names and Addresses*	VII-2	1																					
● Legal Description*(1)	VII-2	1		1										1									
● General Project Report	X-7	1	1	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	
● Site Plan	IX-29	1	2	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	
○ Vicinity Sketch	IX-33	1	2	1	1	1	1	1	1	8	1	1	1	1	1	1	1	1	1	1	1	1	
● Location Map <i>Location Map full size</i>	IX-21	1																					

NOTES: * An asterisk in the item description column indicates that a form is supplied by the City.
 (1) Provide legal description of right-of-way or easement to be vacated.



DEVELOPMENT APPLICATION

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

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 type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input type="checkbox"/> Rezone				From: _____ To: _____	
<input type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input type="checkbox"/> Final				
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input checked="" type="checkbox"/> Vacation			915 North Avenue	Commercial	<input checked="" type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

PROPERTY OWNER DEVELOPER REPRESENTATIVE

Richard L. Sparkman

Keith G. Mumby

Name

Name

Name

723 Birdie Drive

P.O. Box 398

Address

Address

Address

Grand Junction, CO 81506

Grand Junction, CO 81502

City/State/Zip

City/State/Zip

City/State/Zip

245-4796

242-7322

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 required 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.

Signature of Person Completing Application

7/31/95
 Date

Signature of Property Owner(s) - attach additional sheets if necessary

7/31/95
 Date

GENERAL PROJECT REPORT

The request is to vacate 1.8 feet to 0.6 feet of the alley South of North Avenue Furniture store. The vacation is required due to the fact that the store building on the West end encroaches 1.8 feet onto the alley for a distance of 51 feet and on the East end encroaches 1.2 feet for a distance of 51.75 feet and 0.6 feet for a distance of 47.3 feet.

The building was constructed in the late 1960's.

SW
Vacation



UR-95-134

Thelma E. Garner
1010 Belford Avenue
Grand Junction, CO 81501-3135
2945-141-05-009

Robin Lynne Ely
Sandra J. Altland
931 Belford Avenue
Grand Junction, CO 81501-3132
2945-141-09-005

Newton L. Koser, Trustee
2360 S. Garfield Street
Denver, CO 80210-5615
2945-114-19-021

Paul & Letha S. Poirier
199 Edlun Road
Grand Junction, CO 81503-2217
2945-141-05-010

Sarah E. Oliver
945 Belford Avenue
Grand Junction, CO
2945-141-09-006

John L. Moss
2554 El Corona Drive
Grand Junction, CO 81501-6874
2945-114-19-023

Robert D. Hamm
1006 Belford Avenue
Grand Junction, CO 81501-3135
2945-141-05-011

Robert G. & Joan Lucas
2000 North 8th Street
Grand Junction, CO 81501-2900
2945-141-09-007/008

Craig A. & Elaine M. Shelley
715 Horizon Drive
Grand Junction, CO 81506-8724
2945-141-04-023

Kenneth L. Glenn
Christy R. Williams
1012 Belford Avenue
Grand Junction, CO 81501-3135
2945-141-05-012

St. Matthew's Parish
P.O. Box 766
Grand Junction, CO 81502-0766
2945-114-23-959/016

MSSW, Inc.
P.O. Box 2927
Grand Junction, CO 81502-2997
2945-141-04-025/024

Eulalah P. Hooker
c/o Total Petrol, Inc.
P.O. Box 500
Denver, CO 80201-0500
2945-141-05-022

Edward & Cheryl Jaros
2808 Mesa Avenue
Grand Junction, CO 81501-4916
2945-114-22-009/010/011

Meachams, Inc.
702 Golfmore Drive
Grand Junction, CO 81506-1883
2945-141-03-014

Steven O. & Deborah A. Payne
915 Belford Avenue
Grand Junction, CO 81501-3132
2945-141-09-001

Howard & Helene Y. Shevlin
936 North Avenue
Grand Junction, CO 81501-3159
2945-114-22-012

A. W. Else
NI
926 North 9th Street
Grand Junction, CO 81501-3115
2945-141-09-002

Fannie R. Susman
601 Horizon Place, Apt. 215
Grand Junction, CO 81506-1002
2945-114-19-010

Dwight D. Guthrie
Claireen Rae Cline
632 Americana Drive
Grand Junction, CO 81504-5992
2945-141-09-003

Anthony J. Ferrara
737 Horizon Drive, Suite 200
Grand Junction, CO 81506-8736
2945-114-19-010

Mary Madrid
aka Dora Lucero, c/o E. Cardona
3093 Gunnison Avenue
Grand Junction, CO 81504-6372
2945-141-09-004

Don & Clara Adams
900 North Avenue
Grand Junction, CO 81501-3105
2945-114-19-012

REVIEW COMMENTS

Page 1 of 2

FILE #VR-95-134

TITLE HEADING: Right-of-Way Vacation -
North Avenue Furniture

LOCATION: 915 North Avenue

PETITIONER: Richard Sparkman

PETITIONER'S ADDRESS/TELEPHONE: 723 Birdie Drive
Grand Junction, CO 81506
245-4796

PETITIONER'S REPRESENTATIVE: Keith Mumby

STAFF REPRESENTATIVE: Mike Pelletier

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., AUGUST 25, 1995.

CITY SANITATION 8/7/95
Rob Laurin 244-1570

Okay.

CITY FIRE DEPARTMENT 8/4/95
Hank Masterson 244-1414

The Fire Department has no problems with this vacation proposal.

CITY DEVELOPMENT ENGINEER 8/16/95
Jody Kliska 244-1591

No Comments.

PUBLIC SERVICE 8/16/95
Jon Price 244-2693

Public Service has no objections.

CITY UTILITY ENGINEER
Trent Prall

8/16/95
244-1590

No comments.

COMMUNITY DEVELOPMENT ENGINEER
Mike Pelletier

8/16/95
244-1447

While Staff currently recommends approval of this vacation request, we urge the petitioner to remove all trailers from the site permanently. The trailer parked in the front yard setback on 10th street is in violation of City Code section 5-1-2A and the truck and trailer parked on 9th street should be parked on the property.

TO DATE, NO COMMENTS RECEIVED FROM:

City Property Agent
City Attorney
U.S. West



AUG 24 1995

General Offices
2235 Staples Mill Road
Richmond, Virginia 23230
(804) 359-9171

August 18, 1995

Mr. Keith G. Mumby
Golden, Mumby, Summers & Livingston
2808 North Avenue, Suite 400
P.O. Box 398
Grand Junction, Colorado 81502

RE: HEILIG-MEYERS
FORMERLY NORTH AVENUE FURNITURE
GRAND JUNCTION, COLORADO

Dear Keith:

In response to your inquiry as to Heilig-Meyers' plans for the existing storage trailers parked on the above referenced property, it is our intent to sell these trailers as quickly as possible. Our store manager is placing an ad in the local paper advertising these trailers for sale as well as placing "for sale" signs on them. We do not need these trailers for storage purposes and would also like to see them gone.

Once the trailers have been removed from the property, we will park the truck in the lot next to the warehouse.

If you have any questions, please call me.

Sincerely,

Deborah H. Beer
Assistant Vice-President
Corporate Expansion

STAFF REVIEW

FILE: VR-95-134
DATE: August 28, 1995
STAFF: Mike Pelletier
REQUEST: Vacate a portion of alley right-of-way
LOCATION: South side of North Ave. Furniture (945 North Ave.)
APPLICANT: Keith Mumby

EXISTING LAND USE: Furniture Store
SURROUNDING LAND USE:
NORTH: Commercial EAST: Commercial
SOUTH: Commercial WEST: Commercial

EXISTING ZONING: C-1
SURROUNDING ZONING:
NORTH: C-1 EAST: C-1
SOUTH: PB WEST: C-1

STAFF ANALYSIS:

The applicant proposes to vacate 1.8 feet to 0.6 feet of the alley south of North Avenue Furniture store. The vacation is required due to the fact that the store building on the West end encroaches 1.8 feet onto the alley for a distance of 51 feet, on the East end encroaches 1.2 feet for a distance of 51.75 feet, and in the middle 0.6 feet for a distance of 47.3 feet.

The building was constructed in the late 1960's. The encroachment issue arose because of change in ownership at the store. The financing bank involved in the transaction initiated the need for the vacation.

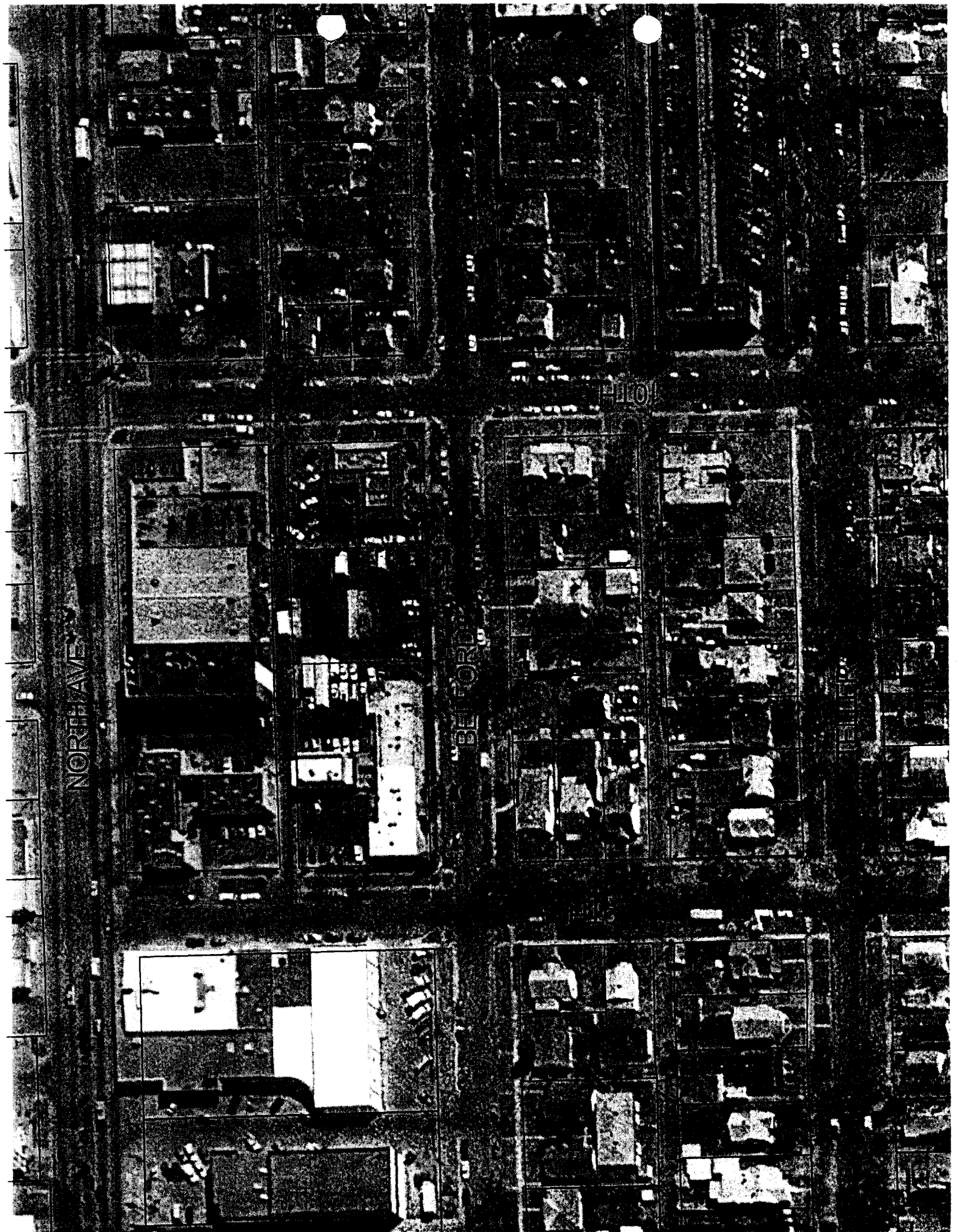
Another issue is the presence of three trailers owned by North Avenue Furniture: one in the front yard setback off 10th Street, one next to the new warehouse on the property, and a truck and trailer on 9th Street. Per the attached letter from the Heilig-Meyers Corporation, it is our understanding that the trailer on 10th Street and next to the warehouse are for sale and that the truck and trailer will be parked next to the warehouse and not used for storage.

STAFF RECOMMENDATION:

Approval

RECOMMENDED BOARD MOTIONS:

Mr. Chairman, on item 95-134, a vacation of a portion of the alley right-of-way, I move that we forward a recommendation of approval on to the City Council.



STAFF REVIEW

FILE: VR-95-134
DATE: September 6, 1995
STAFF: Mike Pelletier
REQUEST: Vacate a portion of alley right-of-way
LOCATION: South side of North Ave. Furniture (945 North Ave.)
APPLICANT: Keith Mumby

EXISTING LAND USE: Furniture Store
SURROUNDING LAND USE:
NORTH: Commercial EAST: Commercial
SOUTH: Commercial WEST: Commercial

EXISTING ZONING: C-1
SURROUNDING ZONING:
NORTH: C-1 EAST: C-1
SOUTH: PB WEST: C-1

EXECUTIVE SUMMARY

The North Avenue Furniture building (built in the late 1960's) encroaches approximately 1 foot into the alley between North and Belford Avenues. The vacation is needed for a change in ownership. The City does not object to the vacation and the petitioner has removed the storage trailers on the site.

STAFF ANALYSIS:

The applicant proposes to vacate 1.8 feet to 0.6 feet of the alley south of North Avenue Furniture store. The vacation is required due to the fact that the store building on the West end encroaches 1.8 feet onto the alley for a distance of 51 feet, on the East end encroaches 1.2 feet for a distance of 51.75 feet, and in the middle 0.6 feet for a distance of 47.3 feet.

The building was constructed in the late 1960's. The encroachment issue arose because of change in ownership at the store. The financing bank involved in the transaction initiated the need for the vacation.

STAFF RECOMMENDATION:

Approval

RECOMMENDATIONS OF PLANNING COMMISSION:

Approval

STAFF REVIEW

FILE: VR-95-134
DATE: September 13, 1995
STAFF: Mike Pelletier
REQUEST: Vacate a portion of alley right-of-way
LOCATION: South side of North Ave. Furniture (945 North Ave.)
APPLICANT: Keith Mumby

EXISTING LAND USE: Furniture Store
SURROUNDING LAND USE:
NORTH: Commercial EAST: Commercial
SOUTH: Commercial WEST: Commercial

EXISTING ZONING: C-1
SURROUNDING ZONING:
NORTH: C-1 EAST: C-1
SOUTH: PB WEST: C-1

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The building was constructed in the late 1960's. The encroachment issue arose because of change in ownership at the store. The financing bank involved in the transaction initiated the need for the vacation.

When I visited the site on September 11, 1995 the the trailer on 10th Street was gone, the trailer next to the warehouse was gone, and the truck/trailer on 9th Street was moved next to the warehouse. This is in compliance with the Code.

STAFF RECOMMENDATION: Approval

RECOMMENDATIONS OF PLANNING COMMISSION: Approval
Approved by city Council on Sept 20th 6-0

**McGUIRE WOODS
BATTLE & BOOTHE LLP**

One James Center
901 East Cary Street
Richmond, Virginia 23219-4030
Telephone/TDD (804) 775-1000 • Fax (804) 775-1061

Direct Dial: (804) 775-7731

September 6, 1995

Community Development Department
City of Grand Junction
250 N. 5th Street
Grand Junction, Colorado 81501

Attention: Ms. Kathy Portner

Re: Heilig-Meyers Furniture Company

Gentlemen:

This firm represents Heilig-Meyers Furniture Company. In connection with the financing of the property, we have been requested to confirm the zoning applicable to the property located in the City of Grand Junction, Colorado.

I would appreciate receiving your response in writing via telecopier followed by a hard copy. Closing on the financing of this property is scheduled shortly so we would appreciate having your response as soon as possible. For your convenience, I have enclosed a draft confirmation letter regarding the zoning of the property. I have also enclosed a copy of the survey.

Should you have any questions, please call me.

Sincerely,

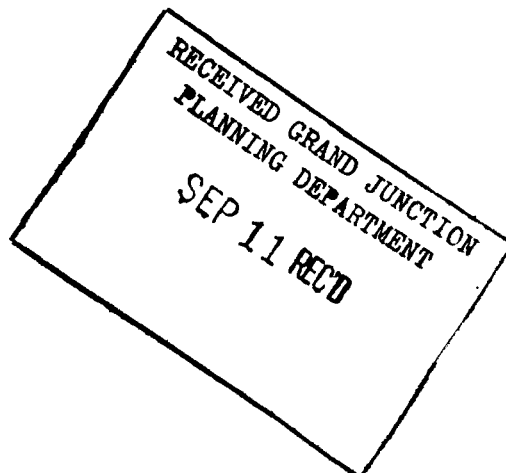
Kay T. Eaves

Kay T. Eaves
Real Estate Legal Assistant

kte
Enclosures

cc: Nancy R. Little, Esquire
Edmund S. Pittman, Esquire

u:\7731\heilig\junction\zoning.cover



[Letterhead of Office of Planning
of the City of Grand Junction]

[Date]

Citicorp Leasing, Inc.
Heilig-Meyers Furniture Company
c/o McGuire, Woods, Battle & Boothe, L.L.P.
One James Center
901 East Cary Street
Richmond, Virginia 23219

Attention: Kay T. Eaves

Gentlemen/Ladies:

At the request of Heilig-Meyers Furniture Company, we have examined our records with respect to certain real property in the City of Grand Junction located at 945 North Avenue and identified as tax parcel _____ (the "Property"), and we are pleased to advise you that:

(a) The Property is located in the City of Grand Junction, Colorado and is zoned _____ under the zoning ordinance of the City of Grand Junction, which zoning ordinance governs the permitted uses of the Property. The zoning district permits use as a retail furniture store and incidental and accessory uses relating thereto, as a matter of right without the necessity of obtaining a conditional or special use permit, variance, special exception or other authorization or approval. [If the Property is subject to or requires a use permit or variance, please so state and attach a copy.]

(b) The Property is [not] subject to proffered conditions or other special limitations imposed by the City of Grand Junction in connection with the zoning or rezoning of the Property. [If the Property is subject to proffered conditions or other special limitations, please so state and attach a copy.]

(c) The use of the Property as a retail furniture store and incidental and accessory uses relating thereto complies with all applicable requirements of the zoning ordinance of the City of Grand Junction. The Property currently complies with all setback and parking requirements of the zoning ordinance of the City of Grand Junction.

(d) The Property is recognized as a separate parcel of land under the subdivision ordinance of the City, may be conveyed, leased, or mortgaged as a separate parcel without the necessity of obtaining any approval of subdivision or resubdivision of the Property and currently complies with such subdivision ordinance and other applicable subdivision laws. The Property is not subject to any conditions or special limitations imposed by the City in connection with any subdivision approval of the Property. [If the Property is subject to any such conditions or limitations, please so state.]

Very truly yours,

Zoning Administrator of the
City of _____



October 23, 1995

Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(970) 244-1430 FAX (970) 244-1599

Citicorp Leasing, Inc.
Heilig-Meyers Furniture Company
c/o McGuire, Woods, Battle & Boothe, L.L.P.
One James Center
901 East Cary Street
Richmond, VA 23219

Attention: Kay T. Eaves

Gentlemen/Ladies:

At the request of Heilig-Meyers Furniture Company, we have determined that the furniture store located at 945 North Avenue and identified as tax parcel # 2945-141-04-027 is zoned C-1 (light commercial). The furniture store is an allowed use in that zone. We cannot comment on whether the property meets all current requirements of the Zoning and Development Code, however, the use can continue as it has in the past.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Portner".

Kathy Portner
Planning Supervisor