

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. 2938

REZONING LAND LOCATED ON PATTERSON ROAD WEST OF 12th STREET, EAST OF
7TH STREET KNOWN AS 1001 PATTERSON ROAD

Recitals:

A rezone from B-1 (Limited Business) to B-3 (General Business) was considered by the Grand Junction City Council sitting in regular session on July 17, 1996 for the property located at 1001 Patterson Road to allow for a retail liquor store. The Planning Commission at their June 11, 1996 meeting denied the rezone request based on traffic generation and site circulation concerns. Following an appeal of the Planning Commission decision to the City Council, testimony was heard by and evidence was presented to the City Council.

The City Council after due consideration of the testimony and evidence adduced at the hearing approved rezoning the property subject to the applicant satisfactorily addressing the site design/plan requirements and waiver by the Owner of any right that the Owner, or any successor(s) may have to complain, remonstrate, enjoin or claim a taking of property by virtue of the construction of a median or medians and/or other road or street improvement(s) that may limit, impair, impede, restrict, prevent or eliminate left-hand turn(s) into the property from West bound Patterson Road and/or exiting from the property to West bound Patterson Road. The rezone Applicant agreed on the record to waive any and all claim(s), demand(s) or right(s) to continued or perpetual left turn ingress and egress to and from Patterson Road at such time as improvements are constructed.

To effectuate the Owner's stated agreement and understanding of the conditions of the rezone, this Ordinance shall be recorded in the land records of Mesa County and shall be deemed an obligation and burden to run with the land.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF GRAND JUNCTION, COLORADO:

That the land described below is hereby rezoned from B-1 (Limited Business) to B-3 (General Business), subject to: 1) full and complete compliance with site design and planning requirements and 2) the waiver of access at such time as improvements are constructed that impair access to and/or from the site and 3) the waiver of any and all claim(s), demand(s) and legal action(s) or proceeding(s) that may arise or accrue as a result of limiting or eliminating left turn access to and/or from the property.

Beginning at a point 691.4 feet West of the Northeast Corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence South to the Northeasterly boundary of the Right-of-

Way of Grand Valley Irrigation Company Canal; thence Northwesterly along said Right-of-Way of Grand Valley Irrigation Company Canal to its intersection with the North line of said Section 11; thence east along said North line of said Section 11 to the point of beginning; EXCEPT the North 30 feet for road,
Mesa County, Colorado.

IT IS FURTHER ORDAINED, BY THE CITY COUNCIL THAT THE FOREGOING RECITALS ARE NOT MERE RECITALS BUT ARE SUBSTANTIVE PROVISIONS, CONDITIONS AND TERMS OF APPROVAL AND SHALL BE CONSTRUED AND INTERPRETED AS PART OF THIS ORDINANCE AS IF FULLY SET FORTH.

INTRODUCED for FIRST READING and PUBLICATION this 3rd day of July, 1996.

PASSED on SECOND READING this 17th day of July, 1996.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Linda Afman
President of City Council