

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. 3087

Ordinance Rezoning 1800 East Main Street from RMF-32 to RMF-64

Recitals.

A rezone request from Residential Multi-Family with a maximum density of thirty-two units per acre (RMF-32) to Residential Multi-Family with a maximum density of sixty-four units per acre (RMF-64) has been requested for a 3.87 acre site located at 1800 East Main Street.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, on December 8, 1998 the Grand Junction Planning Commission recommended approval of the Residential Multi-Family with a maximum density of sixty-four units per acre (RMF-64) zone district for 1800 East Main Street for the following reason:

- Rezone to RMF-64 complies with the rezone criteria found in Section 4-4-4 of the Grand Junction Zoning and Development Code.

To implement the full reason and rationale for the rezoning:

- A Deed Restriction shall be placed on the property. Such restriction shall only allow residential densities up to what is currently existing; shall be acceptable to the City of Grand Junction, the property owner, and HUD; and shall run with the land until such time that the zoning for this parcel is changed to the proposed RMF-24 zone district.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-64 zone district be established.

The City Council finds that the RMF-64 zone district is in conformance with the stated criteria of section 4-4-4 of the Grand Junction Zoning and Development Code.

The following property is hereby rezoned from RMF-32 to RMF-64.

The following parcel shall be zoned to Residential Multi-Family with a maximum density of sixty-four units per acre (RMF-64):

A parcel of land situate in the NE 1/4 of the SE 1/4 of Section 13, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Lots 1 through 24, inclusive, in Block 5, East Main Street Addition to the City of Grand Junction, Together with the vacated East-West alley in said Block 5 adjacent to said Lots, as said alley was vacated by Ordinance No. 1459, recorded May 18, 1973, in Book 996 at Page 467, County of Mesa, State of Colorado

(includes the following tax parcel: 2945-133-09-024)

Introduced on first reading this 16th day of December, 1998.

PASSED and ADOPTED on second reading this 6th day of January, 1999.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Janet L. Terry
President of the Council

DEED RESTRICTIONS

Maurice Arms Associates, a Colorado limited partnership ("Owner"), which is the owner of Lots 1 through 24, inclusive, in Block 5, EAST MAIN STREET ADDITION to the City of Grand Junction, together with the vacated east-west alley in said Block 5 adjacent to said lots, as said alley was vacated by Ordinance No. 1459, recorded May 18, 1973, in Book 996 at Page 467, Mesa County, Colorado, hereinafter referred to as "the Property" or "Property," does hereby encumber the Property with the following restrictions, covenants and reservations, which shall be deemed to be covenants affecting title, touching, concerning and running with the land. The restrictions, covenants and reservations shall be liberally construed in favor of the City of Grand Junction and the goal of consistent, rational land use planning and zoning. The Owner and successors to the owner shall be bound strictly to the restrictions, covenants and reservations and waive any and all claims, damages and defenses to action taken by the City, its officers and agents in rezoning the Property.

**I.
ZONING**

Notwithstanding the zoning designation of RMF-64 presently enjoyed by the Property, Owner agrees that neither it nor any successors to it shall construct any additional units on the Property. In the event of destruction or casualty, neither the Owner nor any successors to it shall seek to rebuild in excess of sixty-six (66) units on the Property. "Units," for the purpose of this Covenant, shall include but not be limited to any dwelling unit or construction intended or used for human habitation.

**II.
TERM**

This Covenant shall expire, become null and void and of no further force and effect, upon the rezoning of the Property to RMF-24 or a zone designation other than RMF-32 or RMF-64. "Rezoning," for the purpose of this Covenant, shall mean final action by the City Council, as contemplated by the City Charter, on a rezoning ordinance and the expiration of the period after which the ordinance becomes effective and the expiration of all rights to judicial review and/or referendum, or the passage of enough time that all claims would be barred by assertion of a statute of limitations defense.

If the zoning of the property is challenged by a referendum or an initiative, all provisions of this Covenant shall be suspended pending the outcome of the referendum election. If the referendum challenge to the zoning results in the Property not being zoned RMF-64 or RMF-24, then this Covenant and all provisions contained therein shall be null and void and of no further effect, except as otherwise provided herein. If the referendum challenge fails, then the Owner and successors to it shall continue to be bound by all the terms and provisions of this Covenant.

III.
MODIFICATION

This Covenant may not be modified unless evidenced by an instrument in writing, signed by Owner and the Mayor of the City of Grand Junction and recorded in the Land Records of Mesa County, Colorado. If the rezoning does not occur or the rezoning is referred to the electorate, this Covenant may be modified or released at the discretion of the City.

Executed this 6th day of January, 1999.

OWNER:

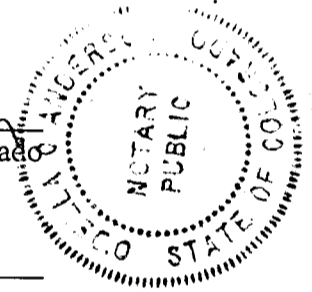
MAURICE ARMS ASSOCIATES,
a Colorado limited partnership

By Clarence R. Anderson
Clarence R. Anderson, General Partner

STATE OF COLORADO
COUNTY OF Aurora

This instrument was acknowledged before me on this 14th day of January, 1999, by Clarence R. Anderson, General Partner of MAURICE ARMS ASSOCIATES, a Colorado limited partnership, on behalf and with authority for said partnership.

O'Della C. Anderson
Notary Public in and for the State of Colorado



O'Della C. Anderson
(Notary's Printed Name)
My Commission Expires: 2/18/2001