



**City of Grand Junction**  
Department of Public Works and Utilities  
Engineering Division  
250 North Fifth Street  
Grand Junction, CO 81501-2668  
FAX: (970) 256-4011

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September 24, 2003

THF Belleville Development L.P.  
2127 Innerbelt Business Center Drive, STE200  
St, Louis, MO, 63114

RE: TEDS Exception No. 34-03, for a New Access onto Rimrock Drive

Dear Sirs;

Please find attached the committee's decision on the above request.

You may use this decision to proceed through the development review process. If you have any question concerning this decision, please feel free to contact the Development Engineer in charge of your project or me at (970) 256-4047.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. McDill".

Michael G. McDill, P.E.  
City Engineer

C: Rick Dorris, Development Engineer (256-4034)  
Pat Cecil, Development Services Supervisor



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**DESIGN EXCEPTION #DE34-03**

To: Mark Relph, Director of Public Works & Utilities

Thru: Tim Moore, Public Works Manager

Copy to: Rick Dorris, Development Engineer  
Pat Cecil, Development Services Supervisor

From: Mike McDill, City Engineer

Date: September 10, 2003

RE: Request for Exception for a New Access onto Rimrock Avenue

***DESCRIPTION OF THE SITUATION***

Applicant is planning to construct a new satellite retail shop within the Rimrock Shopping Center area. The pad site has frontage on both Rimrock Avenue and Ligrani Lane. They propose to have one access from Ligrani and a second driveway onto Rimrock. Rimrock is designated as a Minor (Local) Collector on the Grand Valley Circulation Plan. However, it is built to the Major Collector section of two through lanes and a middle turn lane. Ligrani Lane is a Local Street.

The applicant requests exception from Section 3.2.2, *Provision of Access*, which states, "If a property has frontage on two streets, access will be permitted only on those street frontages where design and safety standards can be met. The primary access shall be on the lower order street. Additional access points may be allowed based on traffic safety as determined by a TIS..."

## **EXCEPTION CONSIDERATIONS**

**1. Will the exception compromise safety?**

The Minor Collector is the lowest level of Major Street and its generally recognized purpose is to transport vehicles with some property access. This Minor Collector has been over sized by providing a center left turn lane. The spacing meets the requirements for a Collector Street. The site does take its primary access from Ligrani Lane. Because of the right angle turn 150 feet to the east, speeds along this stretch of Rimrock should be pretty low.

Because of the shape of the lot that these developers created, a building which meets all of the City's design standards would be very small. It would probably only be about half of the proposed size. The site could be re-designed to meet all of our standards, but I think that this plan mitigates any potential safety issues do to the configuration of Rimrock Avenue and their access spacing.

The Fire Department believes that the absence of this access would be a serious safety issue due to limited capability to cover all of the proposed building. Sprinkling the building might mitigate this issue, but this driveway is probably a more reasonable solution.

**2. Have other alternatives been considered that would meet the standard?**

The applicant did evaluate the possibility of deleting the access from Rimrock with fairly negative results.

**3. Has the proposed design been used in other areas?**

Generally we discourage access to any major street when there is another option available.

**4. Will the exception require CDOT or FHWA coordination?**

No.

**5. Is this a one-time exception or a manual revision?**

Any exception approved here should be considered a one-time exception due to the unique character of the property.

**Staff Recommendation**

I recommend approval of the requested Design Exceptions to Section 3.2.2 to allow the proposed secondary access to Rimrock Drive.

Recommended by: *Michael H. Miller*

Approved as Requested: ✓

Denied: \_\_\_\_\_

Date: 9/24/03

*[Signature]*

*Kathleen Portman*

*Rebecca Burt*



# CITY OF GRAND JUNCTION

## INTER-OFFICE MEMORANDUM

TO: Kathy Portner, Community Development  
James Bright, Fire Department

FROM: Darlene Wilkinson, Public Works & Utilities

DATE: September 10, 2003

SUBJECT: DE34-03, Exception for a New Access onto Rimrock Avenue.

Please make your comments regarding the above design exception no later than Wednesday, September 17.

Darlene

*Sandi : )  
distributed these  
BY T E P S exceptions  
to Kathy + Jim.  
These are the  
originals (DW)*

# MEMORANDUM

## CITY OF GRAND JUNCTION ENGINEERING DEPARTMENT

TO: Mike McDill  
FROM: Rick Dorris  
DATE: August 26, 2003  
SUBJECT: TEDS Exception for Rimrock Shops

Attached is a TEDS Exception for the Rimrock Shops. Mine and Pat's review comments told them no access onto Rimrock Avenue. Evidently, they worked with George ahead of time to design this intersection and George said it was okay. I am confirming that.

They make a good case for the exception. I don't think it will be a traffic hazard per se but the TEDS does say access to the lower order street. Also, in 20 years Rimrock will be carrying much more traffic than now and their directional analysis probably won't hold true then.

I think they could do some minor redesign and create a fire truck turnaround on site.

I'll be anxious to see how you and the committee view this one.

# **TEDS EXCEPTIONS REQUEST**

**2546 Rimrock Avenue**

**August 2003**

**Submitted By:**

**THF Belleville Development L.P.  
2127 Innerbelt Business Center Drive, Suite 200  
St. Louis, MO 63114**

# TEDS Exceptions Request for 2546 Rimrock Avenue

## Introduction

This document outlines a request for an exception to the 'Provision of Access' defined in Section 3.2.2 of the TEDS Manual for a proposed commercial building site located in the Rimrock Marketplace 3 Subdivision.

## Background

The developer has prepared and submitted the site plan application for a new commercial building site. The site will have a building for small retail use, a paved parking lot and landscape areas.

Upon submittal of plans and subsequent plan review comments, it was brought to our attention that the City code would not allow this site to have both an access to Rimrock Avenue and to Ligrani Lane.

## Proposed Exceptions

As a result of these review comments, a TEDS Manual Exception for the Provision of Access (section 3.2.2) is requested.

## Alternatives Considered

Exhibit 1 shows the proposed layout and access locations for the site. The access that is not allowed per staff review comments is the one to Rimrock Avenue. This access, as shown here, meets all spacing requirements per the TEDS Manual. This access is approximately 165' from the Ligrani Lane intersection, and it is exactly 150' from the bus turn around on Rimrock Avenue to the east. In addition, there are no other accesses along the south side of Rimrock Avenue that are in conflict with this proposed access location. These access points as described here, with the key dimensions are shown on the proposed layout. Following is discussion regarding the TEDS Manual requirement and justification for the access location as proposed.

***Provision of Access*** – Per the TEDS Manual, "If a property has frontage on more than one street, access will be permitted only on those street frontages where design and safety standards can be met. The primary access shall be on the lower-order street. Additional access points may

be allowed based on traffic safety as determined by a TIS as described in Chapter 2." Per the enclosed traffic estimates for this type of use from Wolverton & Associates, the peak inbound trips are 16 and the peak outbound trips are 21. See Exhibit 2. This is the total peak trips for the entire site, not just the proposed Rimrock Avenue access. The speeds on Rimrock Ave will be below design speeds at this location due to the tight 90 degree turn in the road at the intersection of Rimrock Avenue and 25 1/2 Road. This access location meets all design and safety standards for spacing.

Rimrock Avenue also is striped with a designated left turn lane for the entire length of the street frontage of this property. Therefore, there will not be any effect on eastbound Rimrock Avenue traffic turning into the site, due to this designated left turn lane. It would be anticipated that the majority of the traffic entering this site would be eastbound traffic, which has the designated left turn lane. Also the majority of the traffic leaving this site would be westbound traffic that would utilize a right turn out of this access.

We feel that this access provides a benefit to the site by allowing additional access points and improved traffic flow through the site for the fire department. This site is not big enough to allow a fire truck to turn around within the site. Because of that, the fire fighting ability for this site would be limited to the 150' fire truck route entering from the Ligrani Lane access and the 150' hose length per the fire department. This means that part of the south and part of the east side of the building would have little or no fire protection.

### **Proposed Design**

The requested access location is discussed above and is shown in Exhibit 1.

### **Impacts of Change**

Granting this exception request is not anticipated to have adverse impacts on traffic flow or public safety. See below for further discussion.

### **Exception Considerations**

According to the Design Exception Process flowchart, staff in review of the exception request must consider several items. The items are discussed below.

- If granted, will the exception compromise safety?

*Safety will not be compromised if the exception is granted. With the low amount for peak hour traffic in and out of the site and the anticipated lower speeds for this part of Rimrock Avenue, this access location would have very little impact to the flow of traffic on Rimrock Avenue. There will not be any effect on the eastbound traffic of Rimrock Avenue do to the designated left turn lane.*

- Have other alternatives been considered that would meet current standards?

*The other alternative that would meet TEDS 3.2.2 would be to close off this access point to Rimrock Avenue. By doing this we feel that the fire departments access to the site would be prohibitive and fire protection for this site limited.*

- Has the proposed design been used in other areas - locally, state or national? Have examples, including data, been provided?

*There are many existing sites within Grand Junction that have more than one street frontage and have two or more accesses to the site from the adjacent streets, which do not comply with TEDS 3.2.2.*

- Will the exception require CDOT or FHWA coordination?

*No coordination is required with CDOT or FHWA.*

August 12, 2003

Mr. Kevin Knott  
 LANDesign  
 244 N 7<sup>th</sup> Street  
 Grand Junction, CO 81501

Re: The Shops at Rimrock Marketplace

Dear Mr. Knott:

This letter will provide estimates of traffic that would be generated by the referenced development. The preliminary site plan shows 14,000 square feet of retail shops with access to Ligrani Lane and to Rimrock Avenue.

Estimates of trip generation were prepared using data from *Trip Generation, 6<sup>th</sup> Edition*, a widely accepted publication from the Institute of Transportation Engineers. The following table summarizes the traffic projections.

**TRIP GENERATION ESTIMATES**

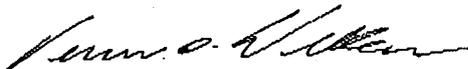
ITE LAND USE CATEGORY	SIZE, Sq Ft	DAILY, TRIPS	AM PEAK HOUR		PM PEAK HOUR	
			INBOUND TRIPS	OUTBOUND TRIPS	INBOUND TRIPS	OUTBOUND TRIPS
Specialty Retail, 814	14,000	569	0	0	16	21

The trip generation for this type of land use is very small. During the morning rush hour, shops that would typically be located in a center such as this would not be open for business.

The afternoon rush hour is the period in which any impacts of this type of development would occur. As can be seen in the table above, only about 20 vehicles would be entering the site during the course of the hour. With this small amount of traffic (about one vehicle every three minutes), I see no reason for prohibiting direct access to Rimrock Avenue.

Please contact me should you have any questions or if additional traffic analysis is needed to allow permits for this development.

Sincerely,  
 WOLVERTON & ASSOCIATES, INC.



Vernon O. Wilburn, P.E.

C: Michael Staenberg

ENGINEERS • SURVEYORS • PLANNERS  
244 NORTH 7th STREET  
GRAND JUNCTION, COLORADO 81501 (970) 245-4099

# LANDesign

## THE SHOPS AT RIMROCK MARKETPLACE

DATE: 8/26/03  
DRAWN: TLT  
CHK'D: KJK

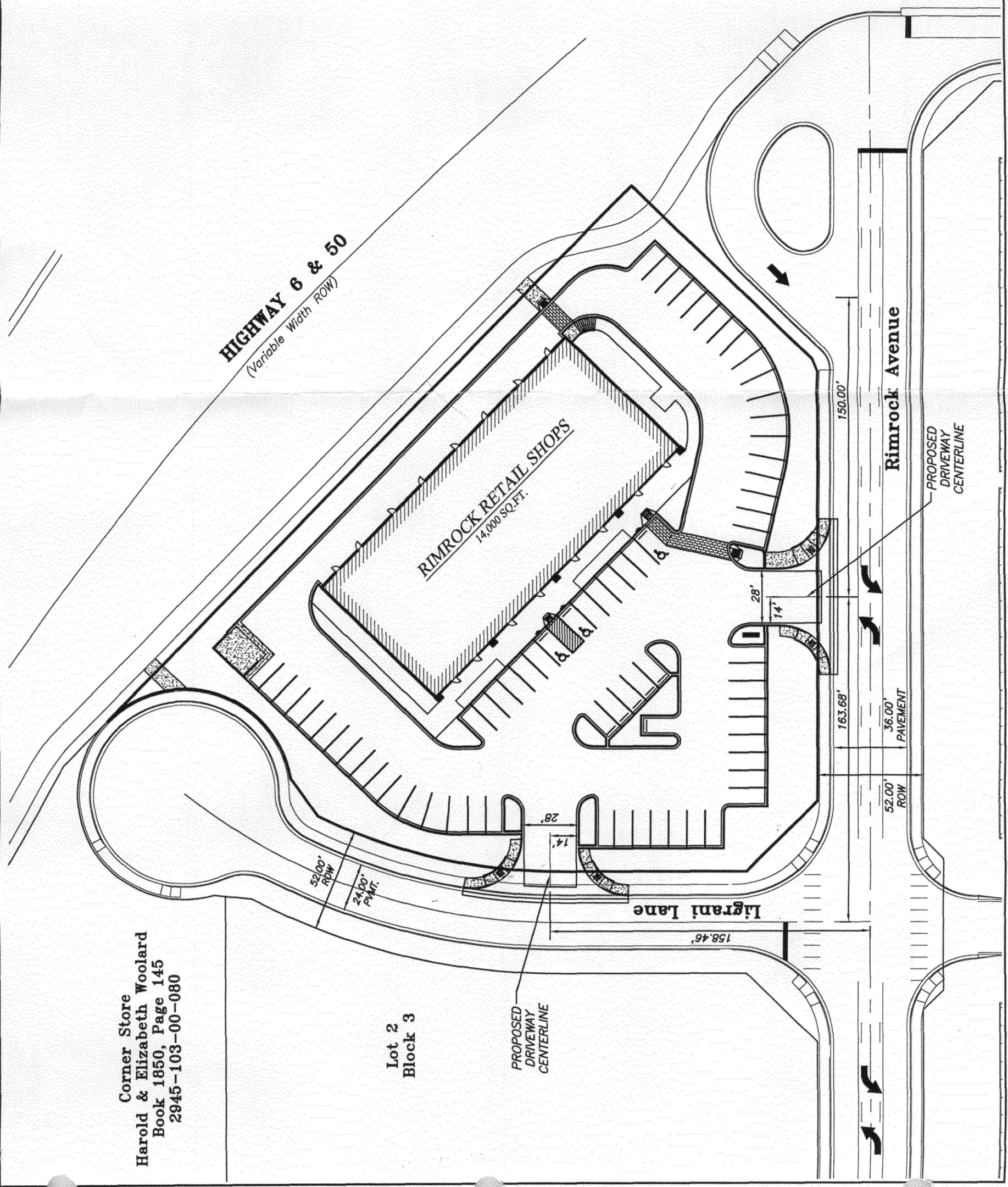
### SITE PLAN

1 OF 1 SHEET

# EXHIBIT 1



SCALE: 1" = 50'



Corner Store  
Harold & Elizabeth Woolard  
Book 1850, Page 145  
2945-103-00-080

Lot 2  
Block 3

PROPOSED  
DRIVEWAY  
CENTERLINE

PROPOSED  
DRIVEWAY  
CENTERLINE

**From:** Charles Mathis  
**To:** Cecil, Pat  
**Date:** 9/5/03 5:04PM  
**Subject:** SPR-2003-134

These are the second set of comments for the project. They have been added to Impact.

Norm Noble 08/29/03 - 10:18 AM

As the site is designed the Fire Department would require that both access points remain. Complete access around the building for Fire Department Vehicles is not adequate and if the access from Rimrock Ave. is removed it would create a dead end access for Fire Department Vehicles in excess of 150 ft. and the site would have to be redesigned.

**From:** Norman Noble  
**To:** George Miller; Jody Kliska; Mike McDill  
**Date:** 8/29/03 10:23AM  
**Subject:** Re: Rimrock TEDS Request

Norm Noble 08/29/03 - 10:18 AM

As the site is designed the Fire Department would require that both access points remain. Complete access around the building for Fire Department Vehicles is not adequate and if the access from Rimrock Ave. is removed it would create a dead end access for Fire Department Vehicles in excess of 150 ft. and the site would have to be redesigned.

>>> George Miller 08/27/03 09:46AM >>>

(NE Corner of Rimrock/Ligrani - proposed Commercial Site with desired access points on both Rimrock and on Ligrani. Proposed Rimrock access is about mid way between Ligrani and the bus turn around exit.)

I had reviewed this site with Kevin Knott of LanDesign in an isolated review, not aware of the surrounding proposals (or limitations) for area Rimrock access points. I reviewed it from the standpoint that it may be of benefit to emergency access, that it did meet access spacing requirements for this class of road, and that a second access would not pose a cut-through opportunity, as Ligrani is a dead end road.

I saw no problem with a second access, but feel the site could also function with a single Ligrani access. Please put me down as a neutral on this issue, and would only shift to an approval if the Fire Dept wished a second access for the site..

>>> Mike McDill 08/27/03 09:40AM >>>

I have put a copy of this request in your box. Please let me know your opinion at your earliest convenience.

Personally, I question the need for this access. Why can't they all use the cul-de-sac access? If this is the only access onto Rimrock Avenue, I would like to maintain the status quo. Why does this building need this access more than Lowe's or Super Wal-mart or Mr. Wollard's RV Sales? Is there any problem with conflicts between this traffic and traffic turning the corner at 25 1/2 Road? If this access is not there, will people have trouble finding these stores? I don't think many of the customers for these shops will be driving along 25 1/2 Road and suddenly realize they have to stop and buy something. If so, there is probably not enough traffic on Rimrock and 25 1/2 road to support these stores for long. Even if someone does suddenly need to stop here, it is easy westbound access from the cul-de-sac. East bound traffic, if they miss the cul-de-sac, can easily use the "bus turnaround" to quickly return.

Is the fire access issue real or do they need to design their project from the outside in to determine where the building works best and how large of building fits on the site?

MIKE M.

**CC:** Charles Mathis; Hank Masterson

**RECEIVED**

MAY 22 2001

COMMUNITY DEVELOPMENT  
 DEPT.

May 18, 2001

Mr. Rick Dorris, P.E.  
 City of Grand Junction  
 250 North Fifth Street  
 Grand Junction, CO 81501-2668

Re: Rimrock Marketplace  
 Traffic Analysis For Alternative 7 Configuration

Dear Rick:

This letter will address the review comments that pertain to the traffic analysis. The comments relate to Alternative 7, which is the ultimate condition. This alternative includes a combination of both Alternative 5 (Connection to 25 1/2 Road) and Alternative 6 (Connection to 25 Road). A concept drawing of this alternative is attached.

In accordance with review comments, the distribution has been revised to change the assignment on 25 Road down to 5 percent. The resulting distribution is shown in Figure 1. The revised traffic projections are illustrated in Figure 2.

**SYSTEM EVALUATION**

The revised traffic projections were used to redo the capacity and system evaluation. The analysis indicates that all measures of effectiveness will remain unchanged from the previous analysis. The new Synchro reports are attached for your reference. The following shows the bandwidth and efficiency for all Alternative 7.

**BANDWIDTH AND EFFICIENCY OF EACH ALTERNATIVE**

ALT. No:	DESCRIPTION	EASTBOUND		WESTBOUND	
		BW (Sec.)	EFFIC. (%)	BW (Sec.)	EFFIC. (%)
7	Conn. To Both 25 1/2 Road and 25 Road	27	24.6	41	37.3

Attainability evaluates bandwidth as a percentage of the green time available for the coordinated movement. The following table shows attainability for Alternative 7. The attainability factors reflect the splits for the intersection of US 6/50 and Independent Avenue. The splits were as optimized by the Synchro Program.

### ATTAINABILITY ACHIEVED WITH EACH ALTERNATIVE

ALT. No:	DESCRIPTION	EASTBOUND			WESTBOUND		
		BW (Sec.)	Split (Sec.)	Attain. (%)	BW (Sec.)	Split (Sec.)	Attain. (%)
7	Conn. To Both 25 1/2 Road and 25 Road	27	56	48.2	41	51	80.4

### CAPACITY ANALYSIS FOR MAIN INTERSECTION

The following table shows the results of capacity analysis for the intersection of US 6/50 and Independent Avenue. The table gives the projected level of service for Alternative 7.

### INTERSECTION LEVELS OF SERVICE

INTERSECTION	ALT 7
US 6/50 & Independent Ave	C(34.6)

Note: The letters designate levels of service and the values in parenthesis are estimated control delay in seconds per vehicle.

In a recent letter to Kenton Griffin, you also asked for an evaluation of the proposed changes to the area around the Sam's Club. You asked for an evaluation of the need to provide two through lanes from Sam's southbound approaching US 6/50. A Synchro report is attached that evaluates a reduction in the number of SB through lanes from two to one.

If only one SB through lane is provided, the level of service will remain unchanged. However, the queue length will increase from about 125 feet to about 270 feet. This queue would extend almost back to the next intersection near the gas station. I recommend that two through lanes be provided.

**RECEIVED**

MAY 22 2011

COMMUNITY DEVELOPMENT  
DEPT.

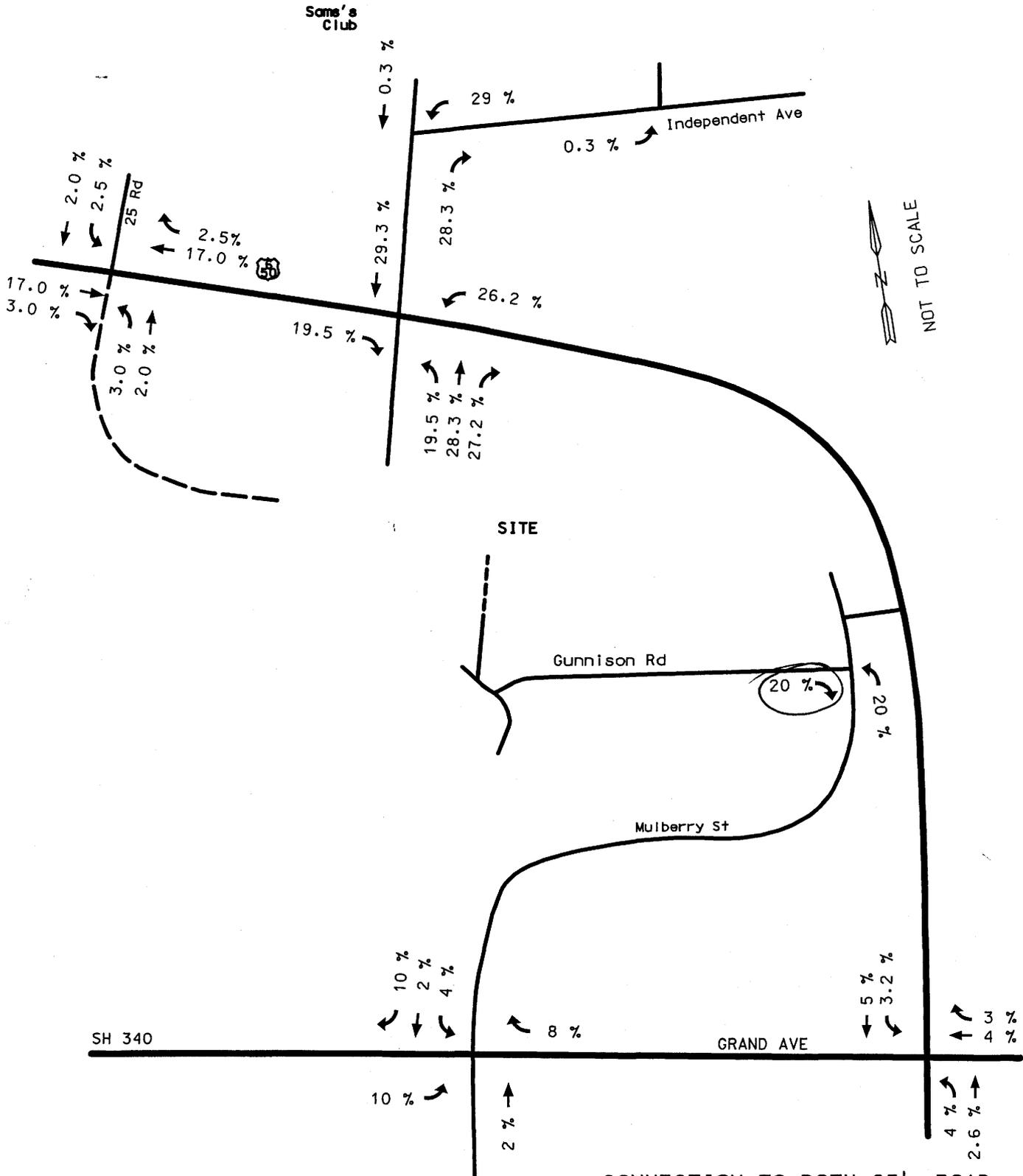
Your letter to Kenton also suggested that traffic circles should be considered for some of the intersections in the Sam's area. We prepared conceptual layouts to evaluate the feasibility of traffic circles. The geometric configuration of the circles that could be constructed within the available area is such that very low operating speeds would be required. We believe that such conditions would only be appropriate for extremely low volumes.

I believe this addresses the review comments. However, should you need additional information, please do not hesitate to contact me.

Sincerely,  
WOLVERTON & ASSOCIATES, INC.

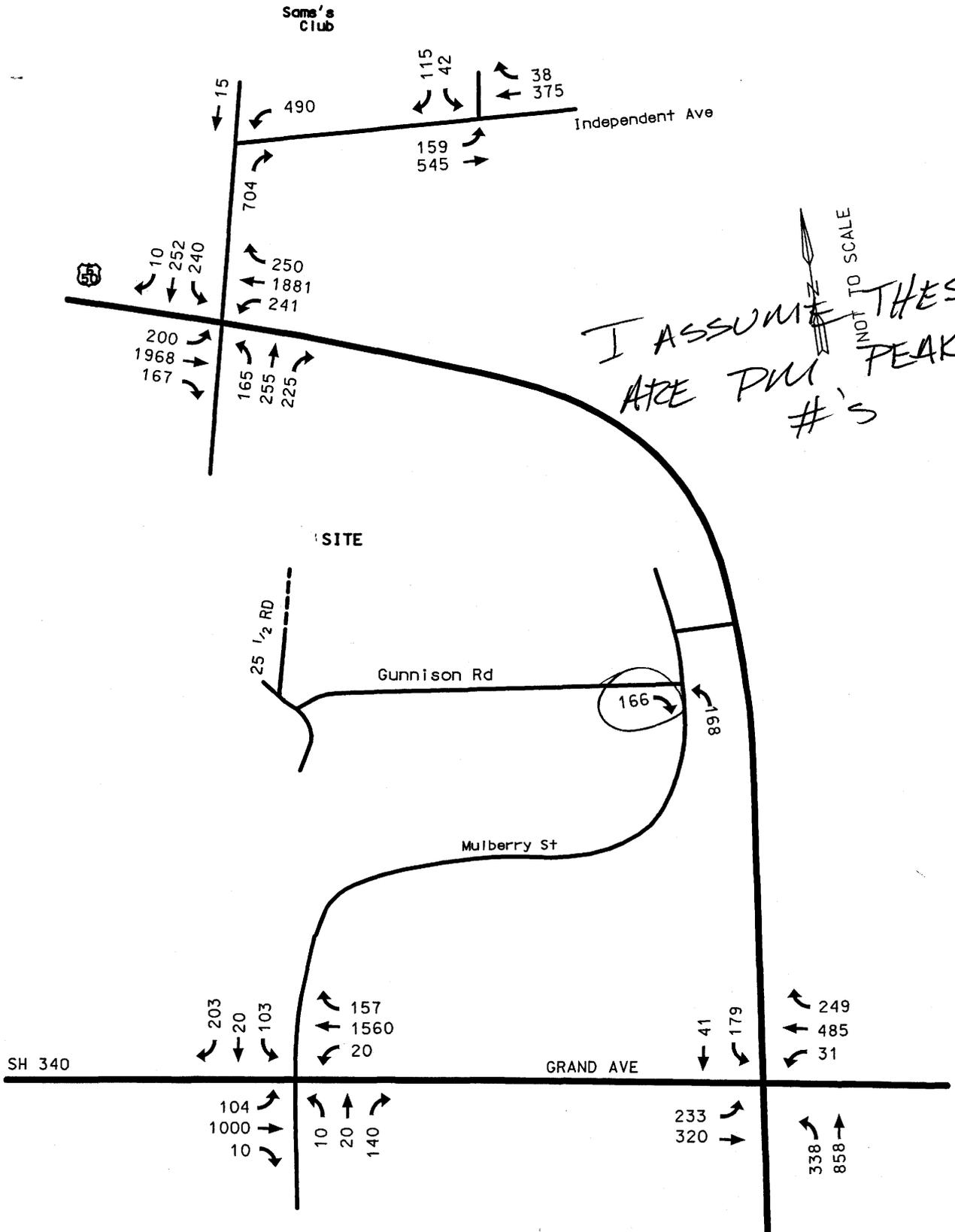
A handwritten signature in cursive script, appearing to read "Vernon O. Wilburn".

Vernon O. Wilburn, P.E.  
Director of Traffic Engineering



SOURCE: Mesa County RTPD

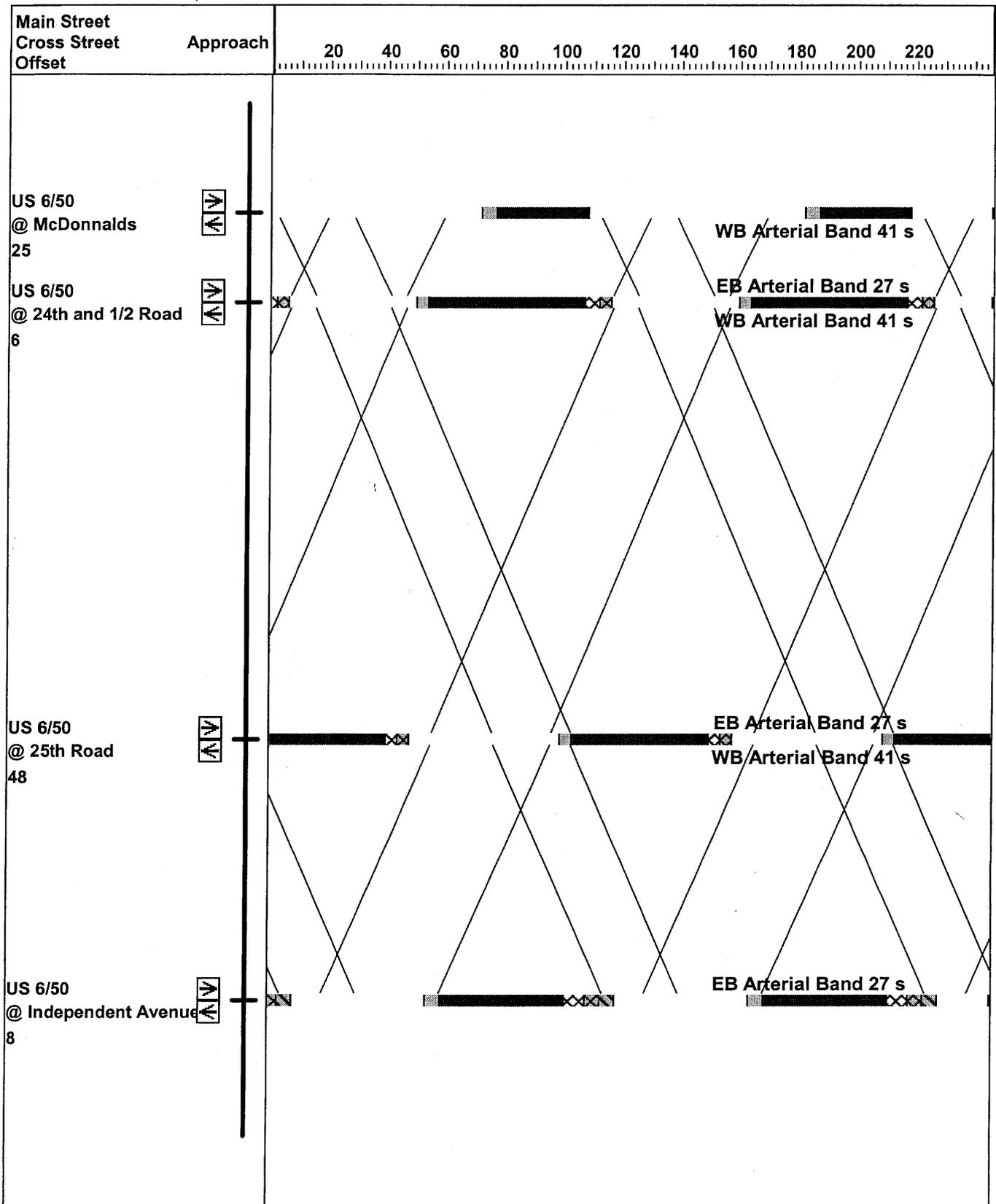
CONNECTION TO BOTH 25 1/2 ROAD AND 25 ROAD



CONNECTION TO BOTH  
25 1/2 ROAD AND 25 ROAD

**Time-Space Diagram - US 6/50**  
**Arterial Bandwidths, 90th Percentile Green Times**

5/15/2001



ALT 7 - CONN. TO 25 1/2 AND 25 RD

PM Peak Hour

Phasings  
12: US 6/50 & Independent Avenue

5/18/2001



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Total Lost Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Satd. Flow (prot)	1787	5085	1599	3467	5085	1599	3467	1881	1599	3467	3574	1599
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1787	5085	1599	3467	5085	1599	3467	1881	1599	3467	3574	1599
Satd. Flow (RTOR)			186			110			26			5
Volume (vph)	200	1968	167	241	1881	250	165	255	225	240	252	10
Lane Group Flow (vph)	222	2187	186	268	2090	278	183	283	250	267	280	11
Turn Type	Prot		pt+ov									
Protected Phases	1	6	6 7	5	2	2 3	7	4	4 5	3	8	8 1
Permitted Phases												
Total Split (s)	17.0	56.0	67.0	12.0	51.0	72.0	11.0	21.0	33.0	21.0	31.0	48.0
Act Effct Green (s)	14.0	55.5	66.5	9.0	50.5	69.0	8.0	18.0	30.0	15.5	25.5	42.5
Actuated g/C Ratio	0.13	0.50	0.60	0.08	0.46	0.63	0.07	0.16	0.27	0.14	0.23	0.39
v/c Ratio	0.98	0.85	0.18	0.94	0.90	0.27	0.73	0.92	0.55	0.55	0.34	0.02
Uniform Delay, d1	47.8	23.7	0.0	50.2	27.3	5.2	49.9	45.2	30.4	43.9	35.2	11.4
Delay	71.5	27.5	3.9	80.1	31.8	5.4	55.0	68.6	31.1	43.7	34.9	15.0
LOS	E	C	A	F	C	A	E	E	C	D	C	B
Approach Delay		29.6			33.9			52.0			38.7	
Approach LOS		C			C			D			D	
Queue Length 50th (ft)	145	561	27	98	483	27	66	199	135	91	87	3
Queue Length 95th (ft) m#232		635	m37	#180	#624	85	#115	#358	219	130	122	14
Internal Link Dist (ft)		1824			930			557			585	
50th Up Block Time (%)												
95th Up Block Time (%)												
Turn Bay Length (ft)												
50th Bay Block Time %												
95th Bay Block Time %												
Queuing Penalty (veh)												

Intersection Summary

Cycle Length: 110  
 Actuated Cycle Length: 110  
 Offset: 8 (7%), Referenced to phase 2:WBT and 6:EBT, Start of Green  
 Control Type: Actuated-Coordinated  
 Maximum v/c Ratio: 0.98  
 Intersection Signal Delay: 34.6  
 Intersection LOS: C  
 Intersection Capacity Utilization: 88.5%  
 ICU Level of Service: D  
 # 95th percentile volume exceeds capacity, queue may be longer.  
 Queue shown is maximum after two cycles.  
 m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 12: US 6/50 & Independent Avenue

ø1 17 s	ø2 51 s	ø3 21 s	ø4 21 s
ø5 12 s	ø6 56 s	ø7 11 s	ø8 31 s



**From:** Rick Beaty  
**To:** Bob Blanchard; Mark Relph; Mike McDill; Sandi Nimon  
**Date:** 9/16/03 9:21AM  
**Subject:** TEDS Round 5000

DE33-03, DE34-03, DE35-03 and DE37-03 -- I concur with Mike's recommendation on these three projects.

DE36-03

I concur with denial of this request. The additional drives increase a public safety risk and will exacerbate the problem with traffic due to the additional drives.

Rickb

**From:** Bob Blanchard  
**To:** Mark Relph; Rick Beaty  
**Date:** 9/15/03 6:33PM  
**Subject:** TEDS Exceptions

DE33-03

I concur with Mike's recommendations

DE34-03

I support Mike's recommendation of approval.

DE35-03

I support Mike's recommendation of denial. There are some questions here tho': do we know if the removal of parking makes them non-conforming with the ZDC and do we care? Is safety the paramount issue here with the potential of parking spaces directly at the corner? If so, this should be stated in the staff report as a another reason for denial.

DE36-03

As a general rule, I would rather find Code inconsistencies on the second or third round of review and have them corrected prior to approval rather than find them during construction and have to deal with them at that time. However, this issue does not appear to be an issue that would create any engineering issues during construction so letting this one go because it was not discovered during either the general meeting or the first round of comments probably would not cause any problems. IF this project is ready to go except for minor details and this TEDS exception then I can support approving it based on the timing of the discovery of the issue. If there are significant design issues that remain to be addressed that imply that a project redesign wouldn't affect the timing of approval, then I would support Mike's recommendation of denial.

Is there any reason to meet on this one?

DE37-03

I support Mike's recommendation of approval.

**CC:** Mike McDill; Sandi Nimon

# MEMORANDUM

TO: Sandi Nimon  
FROM: Marilyn Grafe  
DATE: Friday, February 08, 2002  
SUBJECT: Week Activities

Sandi: I really appreciated the opportunity to fill in for you this week while you were enjoying yourself in Florida. I hope you had an extremely good trip and did lots of fun things.

It was just like "coming back home" this week. Most things haven't changed at all, but those that did (i.e. Banner screens & Direct Pay forms on the computer, etc. etc.) were pretty easy to learn (how long I will remember them will be another thing).

Monday and Tuesday were a little slow, but things picked up considerably for the rest of the week, so it really felt like the old days.

I filled out my time sheet and plan to get it signed (if Mark gets out of his meeting in time) and will give it to Darlene (whether it's signed or not) -- just in case you don't need me anymore during this pay period. If you should need me, give me a call. I do have some commitments next week, but we can probably work around them.

Again, I want to let you know how good it was to be here and to see everyone again. It has been very difficult these past few months, but working has helped to get my mind off of things and gives me the opportunity to be with many friends who are all very supportive of me. Thanks. Welcome back and I will talk to you later. Marilyn

*Sandi* —

cc: GREGG, MIKE MATH, BRUCE

MARK REIP

JE  
SN  
12/18/03

December 18, 2003

Patricia Cookson, Attorney at Law  
c/o Hall & Pearce, PC  
834 Rood Avenue  
Grand Junction, CO 81501

Re: Your letter of November 25, 2003 – Baughman Property

Dear Patty,

I have received your letter dated November 25, 2003. I write in response to it as well as to confirm the recent conversation we had in anticipation of this letter.

Initially let me again thank you and your clients for meeting with me and other City staff. From our perspective the time was well spent. As you and I discussed it is not the City's intention to hinder the progress that we made in our meeting; however, the City can not commit to the 5 requirements stated in your letter as a condition of survey access. My thinking is as follows.

Many of your points presume that the project will be built. That presumption is inconsistent with the current circumstances. Unless and until the City has the opportunity to survey and assess your clients' property the size and location of the project, if it is to occur at all, can not be determined. Until the size and location is determined the City can not commit to constructing the project on the Gormley property; it can not commit to working with the Drainage District to vacate the District's east-west drainage easement nor can it size the project to accept developed flow from the Baughman property. The lack of information about the site, including the grade, soil conditions, the characteristics of the channel and other missing data simply precludes the City from being able to agree to those things at this time.

When we spoke I told you that the City has no objection to including the 5 points and possibly others in discussion about value to be paid to your clients if the project goes forward and property rights are acquired. I reiterate that offer here. As we discussed when we met we believe that there are good opportunities for the City's planning and possible construction of this project to come together nicely with the future planning and possible development of your clients' property.

According to a number of local, state and federal regulations, as well as the Federal Emergency Management Agency, the City has a legal obligation to plan for, manage and mitigate storm water. Because of those requirements, both legal and practical, the City has no choice but to continue to plan for and develop responses to them.

Patricia L. Cookson  
December 18, 2003  
Page 2

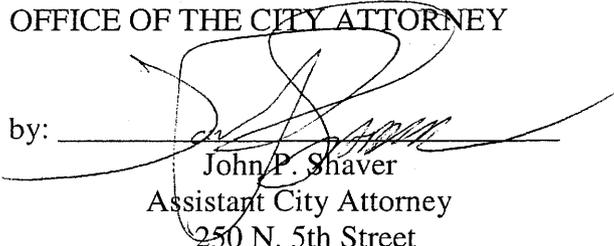
On behalf of the City I renew our request that your clients consent to the City performing a survey and suitability assessment of the existing channel. The City will pay a reasonable fee; provide an indemnity if your clients require it and will provide your clients with the data that is gained from the evaluation. If there are other reasonable conditions that you would require please communicate those to me and I will confer with my clients about them.

I look forward to hearing from you as soon as possible.

Best wishes to you and your clients for a Merry Christmas!

OFFICE OF THE CITY ATTORNEY

by: \_\_\_\_\_

  
John P. Shaver

Assistant City Attorney

250 N. 5th Street

Grand Junction, CO 81501

(970) 244-1501

pc: Mark Relph

cc: GREGG, MIKE McJILLY,  
BRISTOL

SN  
12/18/03

MMK  
REPLY

December 18, 2003

Patricia Cookson, Attorney at Law  
c/o Hall & Pearce, PC  
834 Rood Avenue  
Grand Junction, CO 81501

Re: Your letter of November 25, 2003 – Baughman Property

Dear Patty,

I have received your letter dated November 25, 2003. I write in response to it as well as to confirm the recent conversation we had in anticipation of this letter.

Initially let me again thank you and your clients for meeting with me and other City staff. From our perspective the time was well spent. As you and I discussed it is not the City's intention to hinder the progress that we made in our meeting; however, the City can not commit to the 5 requirements stated in your letter as a condition of survey access. My thinking is as follows.

Many of your points presume that the project will be built. That presumption is inconsistent with the current circumstances. Unless and until the City has the opportunity to survey and assess your clients' property the size and location of the project, if it is to occur at all, can not be determined. Until the size and location is determined the City can not commit to constructing the project on the Gormley property; it can not commit to working with the Drainage District to vacate the District's east-west drainage easement nor can it size the project to accept developed flow from the Baughman property. The lack of information about the site, including the grade, soil conditions, the characteristics of the channel and other missing data simply precludes the City from being able to agree to those things at this time.

When we spoke I told you that the City has no objection to including the 5 points and possibly others in discussion about value to be paid to your clients if the project goes forward and property rights are acquired. I reiterate that offer here. As we discussed when we met we believe that there are good opportunities for the City's planning and possible construction of this project to come together nicely with the future planning and possible development of your clients' property.

According to a number of local, state and federal regulations, as well as the Federal Emergency Management Agency, the City has a legal obligation to plan for, manage and mitigate storm water. Because of those requirements, both legal and practical, the City has no choice but to continue to plan for and develop responses to them.

Patricia L. Cookson  
December 18, 2003  
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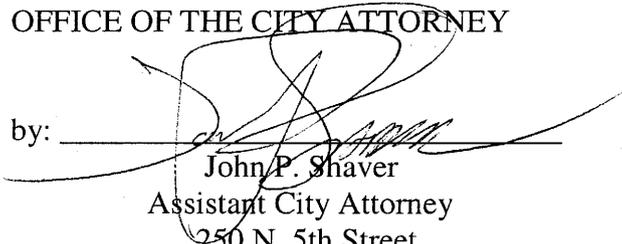
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OFFICE OF THE CITY ATTORNEY

by: \_\_\_\_\_



John P. Shaver  
Assistant City Attorney  
250 N. 5th Street  
Grand Junction, CO 81501  
(970) 244-1501

pc: Mark Relph

11/6/03

cc: GREAT  
MILSR

FYI, MARK

SIN  
11/10/03

OCT 29 2003



# DELTA COUNTY, COLORADO

## BOARD OF COUNTY COMMISSIONERS

COUNTY COURTHOUSE • 501 PALMER STREET • SUITE 227 • DELTA • COLORADO • 81416-1796  
PHONE: (970) 874-2100 FAX: (970) 874-2114

Dist. 1: Lela J. "Jan" McCracken - Dist. 2: Wayne E. Wolf - Dist. 3: Ted H. Hayden

October 20, 2003

The Board of County Commissioners of Mesa County  
544 Rood Avenue  
Grand Junction, Colorado

Dear Commissioners Baughman, Bishop and Genova:

It is our understanding that CB Industries, a company which we recently approved to construct a composting facility here in Delta County, has presented a proposal to you for the treatment and disposal of biosolids from Persego Waste Water Treatment Plant to its facility in Delta County.

Although we certainly do not want to interfere with the ability of parties to enter into arms-length contracts, or to negotiate to establish contractual relationships, we do feel that we need to express a concern that we have regarding that proposal.

During the process by which CB Industries gained approval by this Board of its processing plant here in Delta County, it was clearly understood that its facility would receive domestic septage hauled by private haulers from locations both within and outside of Delta County. The request was made several times during that process, however, by the neighbors and residents along the road to be used for access to CB Industries' facility here in Delta County, that such traffic be limited and that CB Industries not be providing a facility for the disposal of municipal wastes from either Montrose or Mesa County facilities. This would include the biosolids which CB Industries now proposes to accept for disposal from Mesa County.

We agreed that to transport to Delta County a significant quantity of material from Mesa County would create an undue burden upon the roads and residents of Delta County, as well as the residents along the haul route between the Mesa County and Delta County facilities. For that reason we assumed that CB Industries would limit itself, once approved, to hauling or accepting domestic septage, primarily from Delta County, and in reasonably limited quantities from neighboring counties. For example, septage from U.S. Forest Service toilets on Grand Mesa has been accepted at our landfill. Delta County has generally not accepted significant amounts of waste materials from Mesa County in the past, nor has Mesa County accepted them from Delta County. Because of the distance involved we did not anticipate that trips either way would be practical.

We believe now that the quantity of biosolids anticipated to be accepted under CB Industries' proposal to you would have a significant impact upon the residents of Delta County which we did not anticipate when we approved the application of CB Industries for both the Certificate of Designation and the Specific Development.