



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, APRIL 9, 2013, 6:00 PM**

Call to Order

Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.

Copies of the agenda and staff reports are located at the back of the auditorium.

Announcements, Presentations and/or Prescheduled Visitors

Consent Agenda

Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and/or the applicant has acknowledged complete agreement with the recommended conditions.

The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.

1. Minutes of Previous Meetings

None available at this time.

[Attach 1](#)

2. Village Park Subdivision Easement Vacation – Vacation

Forward a recommendation to City Council on a request to vacate a public easement, which is no longer needed.

FILE #: VAC-2013-4

APPLICANT: Jody Kole - Grand Junction Housing Authority

LOCATION: 615 28 1/4 Road

STAFF: Greg Moberg

[Attach 2](#)

*** * * END OF CONSENT CALENDAR * * ***

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *****Public Hearing Items**

On the following items the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.

3. None**General Discussion/Other Business**

Joint Planning Commission Workshop hosted by Mesa County Planning Commission on Thursday, April 18, 2013 at 5:30 pm. Location to be determined.

Nonscheduled Citizens and/or Visitors**Adjournment**

Attach 1
Minutes of Previous Meetings

None available at this time.

**Attach 2
Village Park Sub Easement Vacation**

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: April 9, 2013
PRESENTER: Greg Moberg

AGENDA TOPIC: Village Park Subdivision Public Easement Vacation – VAC-2013-4

ACTION REQUESTED: Recommendation to City Council on the Requested Easement Vacation.

BACKGROUND INFORMATION				
Location:		615 28 ¼ Road		
Applicants:		Owner/Applicant: Grand Junction Housing Authority Representative: Richard Krohn		
Existing Land Use:		Apartments		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	Single Family Residential Units		
	South	Single Family Residential Units and Commercial		
	East	Church		
	West	Church and Vacant		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	PD (Planned Development)		
	South	PD (Planned Development) and R-5 (Residential 5du/ac)		
	East	R-8 (Residential 8du/ac)		
	West	R-4 (Residential 4du/ac)		
Future Land Use Designation:		Residential High Mixed Use		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Vacation of a portion of a public utility, irrigation and drainage easement.

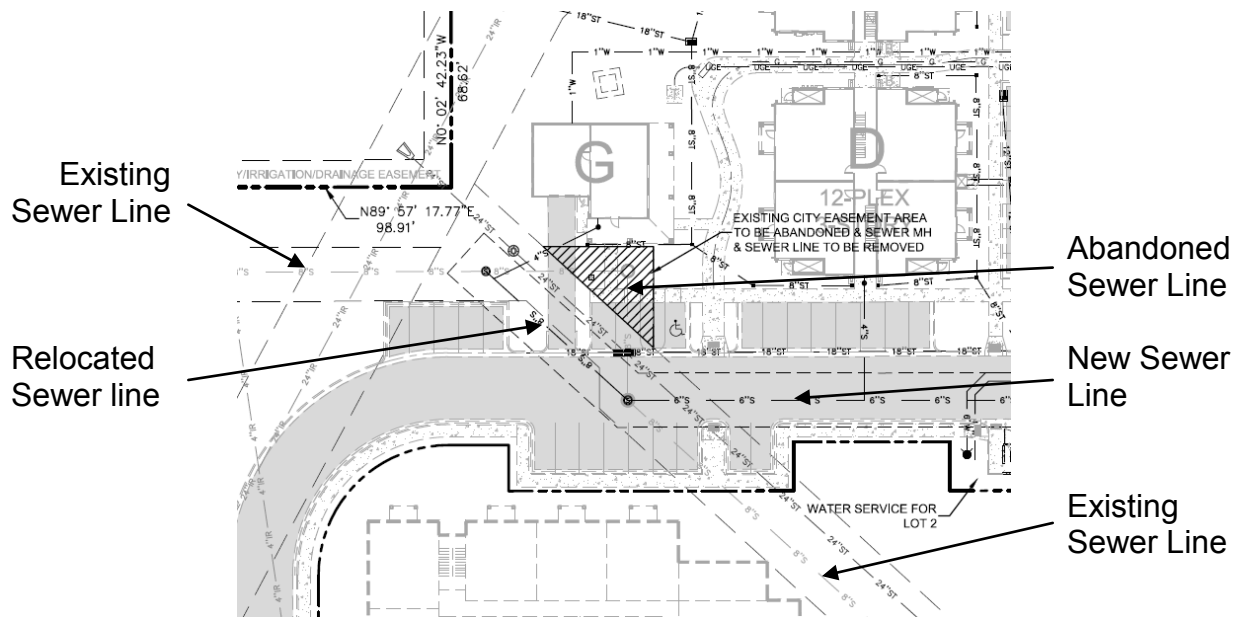
RECOMMENDATION: Recommendation of approval to City Council.

ANALYSIS

1. Background

The property is located northwest of the intersection of Patterson and 28 $\frac{1}{4}$ Roads and consists of approximately 6.66 acres. The site is zoned PD with specific approval for 132 multi-family residential units. On August 16, 2012 the northern 4.46 acres was approved for 72 multifamily units (SPR-2011-1325). The Developer anticipates that the southern 2.20 acres will be developed at a later date as senior housing.

The easement in question generally bisects the property from the southeast to the northwest. The Developer has relocated a segment of the existing 8" sewer line rendering a portion (758 square feet) of the existing easement unnecessary. There is no additional infrastructure located within this area and all affected utilities have reviewed the request and no objections have been submitted.



2. Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the easement shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

The requested easement vacation is in conformance with the Comprehensive Plan, the Grand Valley Circulation Plan and all other adopted plans and policies of the City.

- b. No parcel shall be landlocked as a result of the requested vacation.

No parcel is landlocked by the requested vacation.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Access to any parcel is not restricted by the requested vacation.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

The granting of this request creates no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel are not reduced.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

The granting of this request will not be inhibit the provision of adequate public facilities and services to any property.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The relocation of the existing sewer line benefits the City by creating a more efficient design and reduces the number of infrastructure conflicts. Because the sewer line has been relocated there is no need for a portion of the easement to remain in its current location.

FINDINGS OF FACT/CONCLUSIONS

After reviewing Village Park Subdivision Public Easement Vacation application, VAC-2013-4 for the vacation of a portion of a public utility, irrigation and drainage easement, I make the following findings of fact and conclusions:

1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested vacation of a portion of a public utility, irrigation and drainage easement, VAC-2013-4 to the City Council with the findings of fact and conclusions listed above.

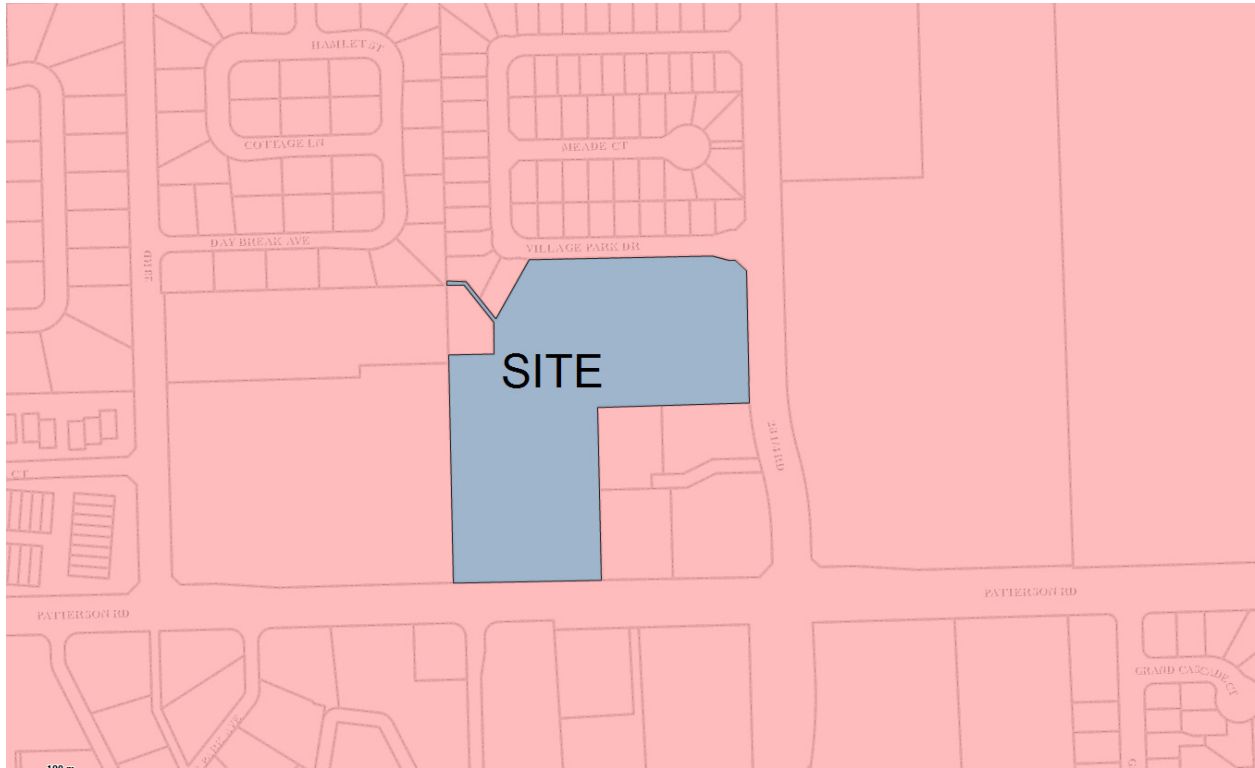
RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item VAC-2013-4, I move we forward a recommendation of approval to the City Council on the request vacation of a portion of a public utility, irrigation and drainage easement with the findings of fact and conclusions in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Village Park Plat
Village Park Site Plan
Resolution

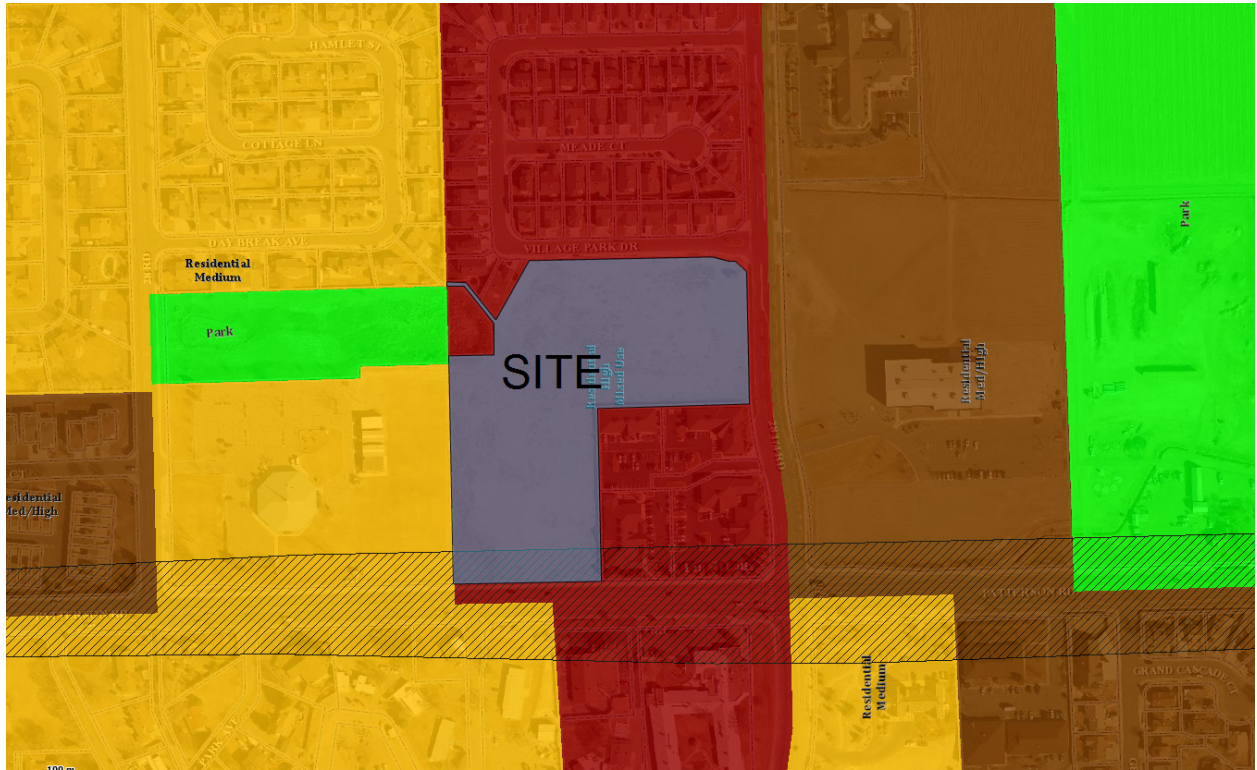
Site Location Map



Aerial Photo Map



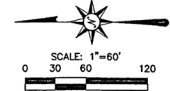
Comprehensive Plan Map



Existing City Zoning Map



VILLAGE PARK A REPLAT OF LOT 1 PATTERSON ROAD MINOR SUBDIVISION CITY OF GRAND JUNCTION MESA COUNTY, COLORADO

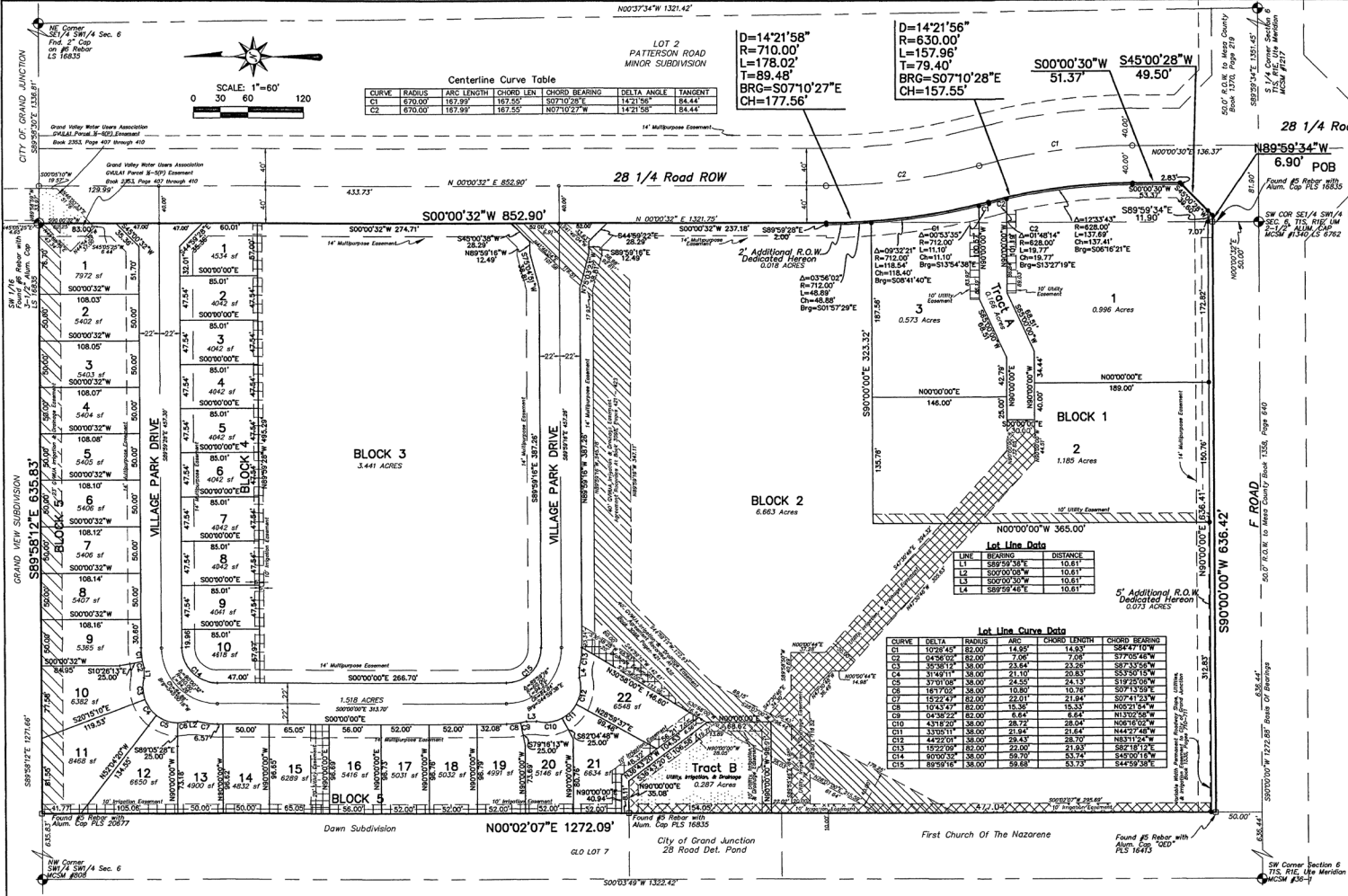


Centerline Curve Table

CURVE	ANGLE	ARC LENGTH	CHORD LEN	CHORD BEARING	DELTA ANGLE	TANGENT
C1	670.00'	167.99'	167.55'	S07°10'28"W	142°15'58"	84.44'
C2	670.00'	167.99'	167.55'	N07°10'27"E	142°15'58"	84.44'

D=14°21'58"
R=710.00'
L=178.02'
T=89.48'
BRG=S07°10'27"E
CH=177.56'

D=14°21'56"
R=630.00'
L=179.40'
T=89.40'
BRG=S07°10'28"E
CH=157.55'



Lot Line Data

LINE	BEARING	DISTANCE
L1	S00°00'00"W	10.61'
L2	S00°00'00"W	10.61'
L3	S00°00'00"W	10.61'
L4	S89°59'48"E	10.61'

Lot Line Curve Data

CURVE	DELTA	RADIUS	ARC	CHORD LENGTH	CHORD BEARING
C1	107°29'45"	82.00'	14.65'	14.29'	S84°47'10"W
C2	64°38'00"	82.00'	7.06'	7.06'	S77°05'48"W
C3	137°01'15"	38.00'	23.44'	23.29'	S67°33'58"W
C4	31°49'11"	38.00'	21.10'	20.83'	S53°50'15"W
C5	137°01'15"	38.00'	23.44'	23.29'	S67°33'58"W
C6	167°10'28"	108.00'	10.78'	10.78'	S09°13'59"E
C7	102°24'41"	82.00'	22.01'	21.84'	S07°41'23"W
C8	107°29'45"	82.00'	14.65'	14.29'	S84°47'10"W
C9	64°38'00"	82.00'	7.06'	7.06'	S77°05'48"W
C10	137°01'15"	38.00'	23.44'	23.29'	S67°33'58"W
C11	31°49'11"	38.00'	21.10'	20.83'	S53°50'15"W
C12	137°01'15"	38.00'	23.44'	23.29'	S67°33'58"W
C13	167°10'28"	108.00'	10.78'	10.78'	S09°13'59"E
C14	102°24'41"	82.00'	22.01'	21.84'	S07°41'23"W
C15	107°29'45"	82.00'	14.65'	14.29'	S84°47'10"W
C16	64°38'00"	82.00'	7.06'	7.06'	S77°05'48"W
C17	137°01'15"	38.00'	23.44'	23.29'	S67°33'58"W

KNOW ALL MEN BY THESE PRESENTS: That Patterson Road Development, L.L.C., a Colorado Limited Liability Company, are the owners of that real property located in part of the Southwest Quarter (SW1/4) of Section 6, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows: (Book 2951, Page 370)

Lot 1 of Patterson Road Minor Subdivision, as shown on the plat recorded in Plat Book 15, Page 188 of the Mesa County Records.

SUBJECT to easement rights of GRAND VALLEY WATER USERS ASSOCIATION and the UNITED STATES OF AMERICA as set forth in agreement dated June 4, 2002, and recorded in Book 3098, Pages 421 through 427, Mesa County Records.

That said owners have caused the real property to be laid out and platted as Village Park, a subdivision of a part of the City of Grand Junction, Colorado, That said owner does hereby dedicate and set apart real property as shown and labeled as the accompanying plat of Village Park as follows:

All streets, roads and Rights-of-Way are dedicated to the City of Grand Junction for the use of the public forever. Before acceptance of a dedication of any street or right of way, the City may require proof of acceptable environmental condition by e.g. a 'phase I' environmental audit.

All Utility Easements to the City of Grand Junction for the use of City approved public utilities as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public providers and appurtenances facilities.

All Multipurpose Easements to the City of Grand Junction for the use of City approved: utilities and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

All Irrigation and Drainage Easements to an association, if formed now or later, for the benefit of the owners, or if not, to the owners of the lots and tracts hereby platted as undivided interests (not partitionable), as perpetual easements for the installation, operation, maintenance and repair of irrigation systems and to supply and drain irrigation water; Covenants, conditions, or restrictions or other conveyance recorded at Book 3101, Page 415.

Tract A to the Village Park Homeowners Association for the purposes of said Association including, but not limited to ingress and egress and utility purposes, and for the use of the surrounding Lot owner(s), their guest(s), and invitee(s), and also for use by public providers and utilities, including but not limited to, postal service, trash collection, fire, police and emergency vehicles and services. Deed of conveyance recorded at Book 3101, Page 415, subject to further conditions and restrictions as may be set forth in that instrument.

Tract B to the City of Grand Junction for the purposes of the City including, but not limited to ingress and egress and utility purposes and as perpetual easements for the installation, operation, maintenance and repair of irrigation systems and to supply and drain irrigation water.

All Tracts/Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or as signs, together with the right to trim or remove interfering trees and brush, and in Drainage & Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

Owner hereby declares there are no lienholders to herein described real property.

IN WITNESS WHEREOF, said owners, Patterson Road Development, L.L.C., a Colorado Limited Liability Company, a Colorado Limited Liability Company, have caused their names to be hereunto subscribed this 25th day of September, A.D. 2002.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Patterson Road Development, L.L.C., a Colorado Limited Liability Company, are the owners of that real property located in part of the Southwest Quarter (SW1/4) of Section 6, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows: (Book 2951, Page 370)

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All Multipurpose Easements to the City of Grand Junction for the use of City approved: utilities and public providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

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Tract A to the Village Park Homeowners Association for the purposes of said Association including, but not limited to ingress and egress and utility purposes, and for the use of the surrounding Lot owner(s), their guest(s), and invitee(s), and also for use by public providers and utilities, including but not limited to, postal service, trash collection, fire, police and emergency vehicles and services. Deed of conveyance recorded at Book 3101, Page 415, subject to further conditions and restrictions as may be set forth in that instrument.

Tract B to the City of Grand Junction for the purposes of the City including, but not limited to ingress and egress and utility purposes and as perpetual easements for the installation, operation, maintenance and repair of irrigation systems and to supply and drain irrigation water.

All Tracts/Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or as signs, together with the right to trim or remove interfering trees and brush, and in Drainage & Retention easements or tracts, the right to dredge; provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

Owner hereby declares there are no lienholders to herein described real property.

IN WITNESS WHEREOF, said owners, Patterson Road Development, L.L.C., a Colorado Limited Liability Company, a Colorado Limited Liability Company, have caused their names to be hereunto subscribed this 25th day of September, A.D. 2002.

by: *Alan Robinson*
for: Patterson Road Development, L.L.C., a Colorado Limited Liability Company

NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MESA) ss

The foregoing instrument was acknowledged before me by *Alan Robinson* for Patterson Road Development, L.L.C., a Colorado Limited Liability Company this 25th day of September, A.D., 2002.

Witness my hand and official seal:
Teressa C. Romines
Notary Public

My Commission Expires 9/27/2005

CITY OF GRAND JUNCTION APPROVAL

This plat of Village Park, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this 25th day of September, A.D., 2002.

City Manager *David A. Valley*
City Mayor *Cindy Gentry-Murray*

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MESA) ss

I hereby certify that this instrument was filed in my office at 4:30 o'clock P.M., Sept. 25, A.D., 2002, and was duly recorded in Plat Book 19, Page No. 125, 126

Reception No. 20218105 Drawer No. MM-79 Fees: 20.00 1.00 sc

Monika Todd
Clerk and Recorder

By: *Cindy Baughman*
Deputy

RECORDER NOTE: POOR QUALITY DOCUMENT PROVIDED FOR REPRODUCTION

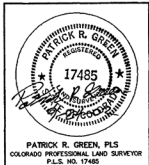
AREA SUMMARY

LOTS	=	6.648 Acres	35.36%
BLOCK 2	=	6.663 Acres	35.44%
BLOCK 3	=	3.441 Acres	18.30%
TRACT A	=	0.152 Acres	0.81%
TRACT B	=	0.287 Acres	1.53%
ROAD ROW	=	1.609 Acres	8.56%
TOTAL	=	18.800 Acres	100.00%

SURVEYOR'S CERTIFICATION

I, Patrick R. Green, do hereby certify that the accompanying plat of Village Park, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of some. This plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and the applicable laws of the State of Colorado.

Date certified SEPTEMBER 24, 2002



**VILLAGE PARK
A REPLAT OF LOT 1
PATTERSON ROAD MINOR SUBDIVISION
CITY OF GRAND JUNCTION
MESA COUNTY, COLORADO**

LANDesign

ENGINEERS-SURVEYORS-PLANNERS

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

PROJECT	NO.	DATE	STATUS	DATE	STATUS
GRAND JUNCTION, COLORADO	21	2002	SURVEYED	2002	PLANNED
			DRAWN		CHECKED
			DATE		
			DATE		
			DATE		
			DATE		

NOTES:

The Declaration of Covenants and Restrictions are recorded at Book 3102, Pages 1 through 25, Mesa County Records.

Basis of bearings is the South line of the SW1/4 of Section 6 which bears South 90 degrees 00 minutes 00 seconds West, a distance of 1272.88 feet. Both monuments on this line are Mesa County Survey Markers, as shown on this plat.

Note: Property corners located during this survey that were within 0.25± feet of the calculated point were accepted as being "in position".

Easement and Title Information provided by Abstract & Title Company of Mesa County, Policy No. 00905728-02, dated June 28, 2001.

LEGEND

- ALLOT SURVEY MARKER, AS NOTED
- SET ALUMINUM CAP ON No. 5 REBAR, PLS 17485 PER CRS-38-51-105, IN CONCRETE
- FOUND REBAR, AS NOTED

ALUMINUM CAP ON No. 5 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-51-105

GRAND VALLEY WATER USERS ASSOCIATION/JUSA EASEMENT, AS RECORDED IN BOOK 3098 PAGES 421 THROUGH 427, MESA COUNTY RECORDS

NOTE REQUIRED BY COUNTY:

Pursuant to C.R.S. 24-68-101 et seq., and Chapter 1.10 of the Mesa County Land Development Code, a site specific development plan has been approved by Mesa County and shall result in a vested right for a period of three (3) years from Jan. 3, 2002.

NOTE: ACCORDING TO COLORADO LAW YOU MUST CONSIDER ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER THE FIRST PROVISION SURVEY DEFECT IS DISCOVERED. ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY IS CONSIDERED WAIVED FROM THE TIME OF DISCOVERY OF SUCH DEFECT.

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CITY OF GRAND JUNCTION

RESOLUTION NO. _____

**A RESOLUTION VACATING A PORTION OF AN EXISTING PUBLIC UTILITY,
IRRIGATION AND DRAINAGE EASEMENT LOCATED AT 615 28 1/4 ROAD**

RECITALS:

The applicant proposes to vacate a portion of a portion of a public utility, irrigation and drainage easement identified at Book 19 Page 125 located at 615 28 1/4 Road.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be conditionally approved.

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

The following described utility, irrigation and drainage easement is hereby vacated:

A tract of land situated in the Southwest Quarter of the Southwest Quarter of Section 6, Township 1 South, Range 1 East, of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

Commencing at the Southwest corner of said Section 6 from whence the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 6 bears N89°57'18"E a distance of 1272.82 feet for a basis of bearings with all bearings hereon related thereto, thence along the South line of the Southwest Quarter of the Southwest Quarter of said Section 6 N89°57'18"E a distance of 949.25 feet; thence N0°02'42"W a distance of 55.00 to the Southeast corner of Block 2 Village Park Subdivision as recorded in Plat Book 19 at Page 125 of the Mesa County Clerk and Recorder's Office; thence N0°02'42"W along the East line of said Block 2 a distance of 290.37 feet to the North line of an existing 30 foot Utility, Irrigation and Drainage Easement as recorded in Plat Book 19 at Page 125 of the Mesa County Clerk and Recorder's; thence along said North line N47°33'43"W a distance of 188.68 feet to the Point of Beginning; thence N47°33'15"W a distance of 55.17 feet; thence N89°56'08"E a distance of 40.69 feet; thence S0°01'58"E a distance of 37.28 feet to the Point of Beginning.

Said tract of land contains 758 square feet as described.

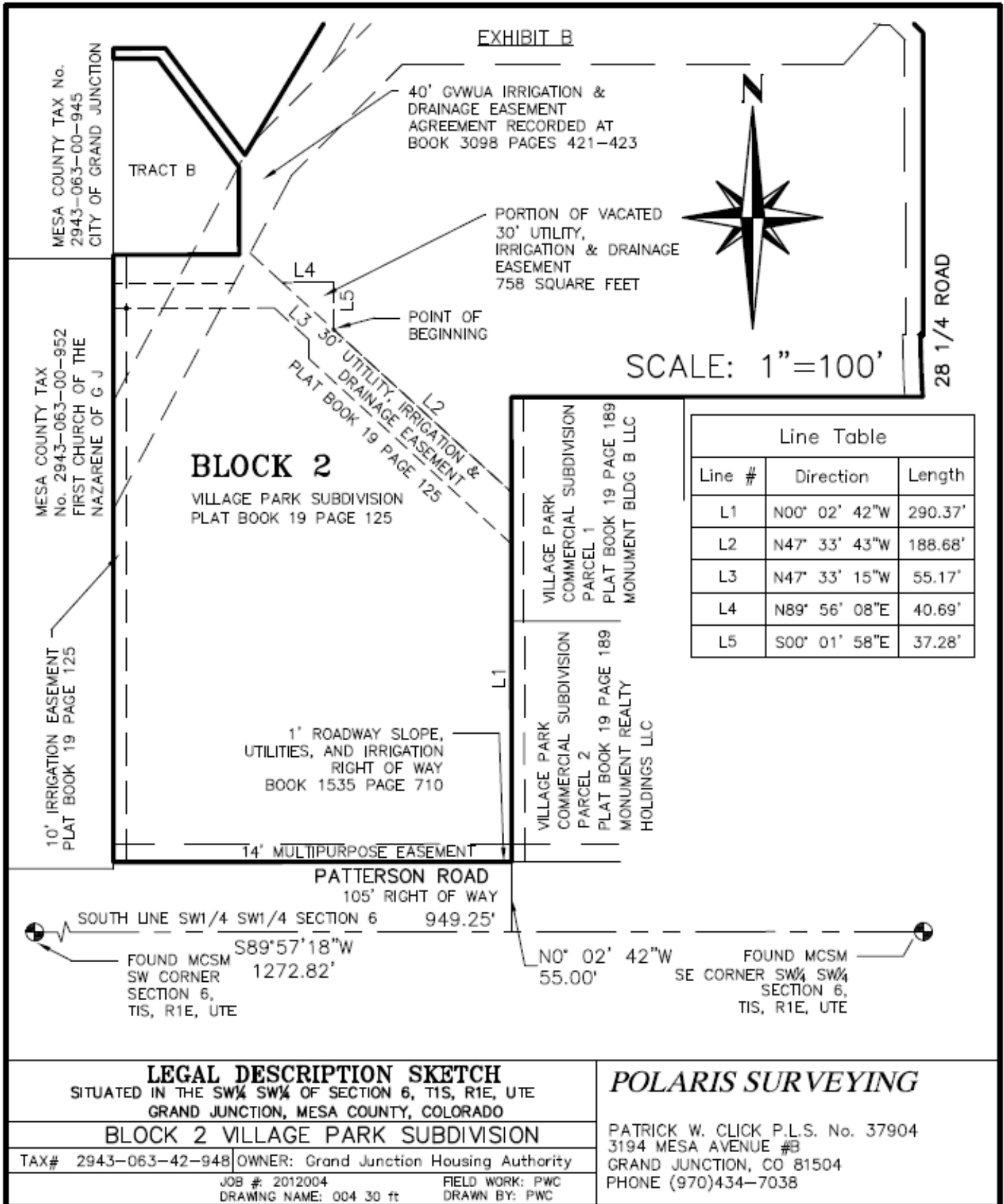
ADOPTED this day of , 2013.

ATTEST:

President of City Council

City Clerk

Exhibit A



LEGAL DESCRIPTION SKETCH

SITUATED IN THE SW1/4 SW1/4 OF SECTION 6, T1S, R1E, UTE
GRAND JUNCTION, MESA COUNTY, COLORADO

BLOCK 2 VILLAGE PARK SUBDIVISION

TAX# 2943-063-42-948 OWNER: Grand Junction Housing Authority

JOB #: 2012004 FIELD WORK: PWC
DRAWING NAME: 004 30 ft DRAWN BY: PWC

POLARIS SURVEYING

PATRICK W. CLICK P.L.S. No. 37904
3194 MESA AVENUE #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038