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**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, FEBRUARY 12, 2019 @ 6:00 PM**

Call to Order - 6:00 PM

1. Minutes of Previous Meeting(s)

Action:

2. Consider a request to 1) vacate a four-foot portion of the public right-of-way, 2) vacate the existing 14-foot wide multi-purpose easement (MPE), and 3) dedicate a new multi-purpose easement with a minimum width of eight feet on the south side of the new right-of-way for properties at 1015 and 1101 Kimball Avenue. (VAC-2018-704)

3. Consider a request for an amendment to a Planning Development (PD) zone district concerning the North Seventh Street Historic Residential District Guidelines and Standards pertaining to vinyl fencing within the District (PLD-2019-14).

4. Consider a request by Western Slope Properties, LLC to Rezone two properties, 746 23 ½ Road and a contiguous unaddressed property to the north, totaling 20.2 acres, from M-U (Mixed Use) to C-2 (General Commercial). (RZN-2018-785)

5. A rehearing to consider a request to zone approximately 19.76-acres from County RSF-R (Residential Single Family – Rural) to a City R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac) for the South Twenty Annexation, located at 2335 H Road. (ANX-2018-659)

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
January 22, 2019 MINUTES
6:00 p.m. to 7:52p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece.

Those present were Planning Commissioners; Christian Reece, Kathy Deppe, Andrew Teske, and Steve Tolle.

Also present were Community Development Department staff–Tamra Allen, (Community Development Director), Andrew Gingerich, Associate Planner, Jace Hochwalt, Associate Planner, Scott Peterson, Senior Planner, Tom Dixon, Senior Planner.

Deputy City Attorney Jamie Beard and Secretary Lydia Reynolds.

There were approximately 16 citizens in attendance during the hearing.

1. Minutes of Previous Meetings

Action: Approve the minutes from the December 11, 2018

Chairman Reece asked for a motion to approve the minutes.

Commissioner Deppe moved to approve the minutes as presented.

Commissioner Tolle seconded the motion. The motion passed unanimously by a vote of 4-0.

Chairman Reece made clear the purpose of the meeting and outlined the order of the public hearing.

*** * * INDIVIDUAL CONSIDERATION * * ***

**2. Microgrid Solar Landscape Standards
Variance**

FILE # VAR-2018-763

Consider a request for a Variance from landscape standards in Zoning and Development Code section 21.06.040 for development of a solar garden on 13 acres in an I-1 zone district, located at 2169 River Road.

Action: Final Decision

Applicant:	Jon Fitzpatrick, Pivot Energy
Location:	2169 River Road
Staff Presentation:	Andrew Gingerich, Associate Planner

Staff Presentation

Andrew Gingerich, (Associate Planner) stated that this request is to consider a request for a Variance from landscape standards in Zoning and Development Code section 21.06.040 for development of a solar garden on 13 acres in an I-1 zone district, located at 2169 River Road.

Mr. Gingerich continued with a PowerPoint presentation.

Questions for Staff

Mr. Gingerich addressed concerns regarding glare from solar panels.

Applicants Presentation

The applicant Jon Fitzpatrick, Pivot Energy stated he feels the staff presentation was helpful. Mr. Fitzpatrick gave an overview of his company and their project. Mr. Fitzpatrick addressed concern regarding glare from the solar panels

Public Comment

Chairman Reece opened the public hearing for public comment, hearing none, the public comment period was closed.

Commissioner Discussion

Commissioner discussion included the appropriateness of a landscape variance for this project at this particular site and whether CDOT had reviewed the project.

Motion and Vote

Commissioner Teske moved to approve the Landscape Variance.

Commissioner Deppe seconded the motion. The motion carried 4-0.

Chairman Reece called for a 5-minute break at 6:19 for Commissioner Ehlers, who had just arrived, to take his seat among the Commissioners.

3. Cottonwood Easement Vacation / Sewer Variance

FILE # VAC-2018-646

Consider a request to vacate a public utility easement and a request for a sewer variance, located at 2626 Cottonwood Drive.

Action: Recommendation to City Council

Applicant:	Muddy Gap, LLC - Owner
Location:	2626 Cottonwood Drive
Staff Presentation:	Jace Hochwalt, Associate Planner

Staff Presentation

Jace Hochwalt, (Associate Planner) stated that this request is to consider a request to vacate a public utility easement and a request for a sewer variance, located at 2626 Cottonwood Drive

Mr. Hochwalt continued with a PowerPoint presentation.

Questions for Staff

None

Applicants Presentation

The applicant, Burt Hammond, questioned why it was so expensive, complex and time-consuming to build one building in that zone district. Mr. Hammond stated that everyone he has dealt with has been pleasant, however the process is cumbersome.

Public Comment

Chairman Reece opened the public hearing for public comment, hearing none, the public comment period was closed.

Commissioner Discussion

Commissioner discussion concluded that the project has met the criteria.

Motion and Vote

Commissioner Deppe moved to approve the vacation of a public utility easement and a request for a sewer variance.

Commissioner Tolle seconded the motion. The motion passed unanimously.

4. South Twenty Zone of Annexation

FILE # ANX-2018-659

Consider a request to zone approximately 20.18-acres from County RSF-R (Residential Single Family – Rural) to a City R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac) for the South Twenty Annexation, located at 2335 H Road.....

Action: Recommendation to City Council

Applicant:	South Twenty LLC, Owner
Location:	2335 H Rd
Staff Presentation:	Scott D. Peterson, Senior Planner

Staff Presentation

Scott D. Peterson, (Senior Planner) stated that this request is to consider a request to zone approximately 20.18-acres from County RSF-R (Residential Single Family – Rural) to a City R-4 (Residential – 4 du/ac) and R-8 a (Residential – 8 du/ac) for the South Twenty Annexation, located at 2335 H Road.

Mr. Peterson continued with a PowerPoint presentation.

Questions for Staff

Mr. Peterson addressed concerns regarding how the proposed zone meets the criteria of the Comprehensive Plan and the location of a future Fire Station.

Applicant Presentation

Mandy Rush, South Twenty LLC, Owner, explained why they chose the requested zone districts.

Public Comment

None

Commissioner Discussion

Commissioner discussion included the need for density in that area. Commissioner Ehlers felt that the densities proposed did not meet the intent of the Comprehensive Plan.

Motion and Vote

Commissioner Deppe moved to approve the zone request.

Commissioner Tolle seconded the motion. The motion failed with three votes Yea and Commissioners Teske and Ehlers voting Nay. Chairman Reece explained it would take a vote of four Yeas for the motion to move forward. Ms. Allan explained that the motion received a majority approval, however it did not pass and will be conveyed to City Council in that manner.

5. Stocker Suites Rezone

FILE # RZN-2018-724

Request to rezone 0.62 acre from a City R-16 (Residential 16 du/ac) to a City R-24 (Residential 24+ du/ac) zone district.

Action: Recommendation to City Council

Applicant:	Jeff Stocker
Location:	1213 N 15th St & 1420 Glenwood Ave
Staff Presentation:	Tom Dixon

Staff Presentation

Tom Dixon, (Senior Planner) stated that this request is to consider a request to rezone 0.62 acre from a City R-16 (Residential 16 du/ac) to a City R-24 (Residential 24+ du/ac) zone district.

Mr. Dixon continued with a PowerPoint presentation.

Questions for Staff

Mr. Dixon addressed concerns regarding the minimum density, road classifications, bulk standards, height limits and if there were existing examples of this density in the community.

Applicant Presentation

Lisa Cox, Vortex Engineering, stated she was representing the applicant. Ms. Cox gave a brief presentation of the project.

Public Comment

None

Commissioner Discussion

None

Motion and Vote

Commissioner Ehlers moved to approve the rezone request.

Commissioner Teske seconded the motion. The motion passed unanimously.

Other Business

None

Adjournment

The meeting was adjourned at 7:52p.m.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: February 12, 2019

Presented By: Tom Dixon, Planner

Department: Community Development

Submitted By:

Information

SUBJECT:

Consider a request to 1) vacate a four-foot portion of the public right-of-way, 2) vacate the existing 14-foot wide multi-purpose easement (MPE), and 3) dedicate a new multi-purpose easement with a minimum width of eight feet on the south side of the new right-of-way for properties at 1015 and 1101 Kimball Avenue. (VAC-2018-704)

RECOMMENDATION:

EXECUTIVE SUMMARY:

The right-of-way of Kimball Avenue consists of a 55-foot right-of-way (ROW) dedication. The property line that would be re-located is on the north side of the two lots that compose this site of which the westerly lot is currently undeveloped and addressed as 1015 Kimball Avenue and the easterly parcel being addressed as 1101 Kimball Avenue and contains the historic Sugar Beet Factory. The resulting vacation, as proposed, would create a 51-foot wide right-of-way and an 8-foot-wide MPE for approximately 1,177 feet of the length of the properties. Kimball Avenue is designated a local street.

BACKGROUND OR DETAILED INFORMATION:

The subject site adjoining this portion of Kimball Avenue is developed with a brick structure known as the Sugar Beet Factory building which was constructed in 1900. Its historic use has been a warehouse function of various types including its obvious past use to store, package, and ship out sugar beets when that crop was a major agricultural product in the Grand Valley. Although the building has endured periods of

vacancy or underutilization, it has recently been used for an active warehouse function.

The Applicant has requested the City to allow a partial right-of-way and easement vacation of its frontage along Kimball Avenue in order to increase the size of developable property. The existing right-of-way width and MPE are described to be more than what is needed to serve a public street purpose and utility easement in this area.

The north property line for the two parcels (1015 and 1101 Kimball Avenue) extends in a straight line for 1,177 feet at which point it makes a slight deviation for another 91.5 feet or so in a slightly southwesterly direction. This 91.5-foot portion of ROW deviates in width due to ROW adjustments and acquisitions needed for the alignment of the Riverside Parkway in or around 2010. This 91.5 feet length of right-of-way is not included in the request for vacation; the requested vacation for both the right of way and MPE are only for the linear 1,177-foot length. The parkway borders the two properties to the south.

Local street rights-of-way may be reduced when warranted based on volume of use, type of traffic, existing improvements, zoning designations, character of area, and other factors, pursuant to the Transportation Engineering Design Standards (TEDS) manual. The Applicant petitioned for consideration for an Alternate Street Standard in September, 2018. The Alternate Street Committee approved the request to reduce the street width from 55 feet to 51 feet and to vacate the entire 14-foot wide multi-purpose easement. However, comments came back after the committee decision from CenturyLink noting existing facilities in the MPE and the need to retain an 8-wide portion of the MPE but that the additional six feet of MPE was not needed (see attached letter). In addition, the Committee required that the asphalt road surface be extended one foot on the south side as a condition of the Alternative Streets approval; an improvement that will be required as part of any future development being reviewed under the City's Site Plan review process.

To date, CenturyLink's facility has not been located within the MPE. Staff recommends any vacation of the MPE be conditioned upon the location of the CenturyLink facility and assurance that the facility be located within the remaining portion of the MPE.

The result of these requested vacations, to summarize, is to: 1) vacate 4 feet of ROW, 2) vacate 14 feet of MPE, 3) create a new MPE of at least 8 feet abutting the new southern edge of Kimball Avenue ROW encompassing CenturyLink future utility needs, as illustrated in Exhibit A.

A Neighborhood Meeting was held on July 30, 2018 consistent with the requirements of

Section 21.02.080 (e) of the Zoning and Development Code. A representative for the property owner, a consultant, and a City of Grand Junction Community Development Department were present, however, no citizens attended the meeting.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. Mailed notice of the application submittal in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property and the subject property was posted with an application sign on January 21, 2019. The notice of this public hearing was published January 30, 2019 in the Grand Junction Daily Sentinel.

Pursuant to Section 21.02.100 of the Zoning and Development Code, the vacation of a public right-of-way or easement shall conform to the following:

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

The following Comprehensive Plan goal and policy is relevant to this request:

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

Policy A. In making land use and development decisions, the City and County will balance the needs of the community.

The requested right-of-way and easement vacations, which is a reduction rather than elimination of these dedications, was reviewed and approved by the Alternative Street Committee which approved an asphalt width of 33 feet and a right-of-way width of 51 feet. Granting the right-of-way vacation would not compromise public safety or circulation and could provide greater flexibility for future development on the affected properties resulting in a desirable outcome for both public and private sector needs. This flexibility promotes balancing the needs of both the City and the private property owner and is consistent with the Goal 6, Policy A of the Comprehensive Plan. As such, Staff finds the requested vacation of excess width for the street right-of-way supports this policy. However, the 14-foot MPE should only be reduced to eight (8) so that it can accommodate existing as well as future utilities.

The limited vacation of the right-of-way of four (4) feet and the reduction of the 14-foot MPE to 8 feet would be in satisfaction of this criterion.

2) No parcel shall be landlocked as a result of the vacation.

The request for a limited vacation will not compromise access to or landlock any

properties.

Staff finds this criterion has been met.

3) 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.

No restriction of access will result if this vacation request be granted
Staff finds this criterion has been met.

4) 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 vacation requests were referred to all of the potentially affected utility providers including Charter, Century Link, Grand Valley Power and Xcel Energy. All comments came back as either "No comments" or "No objections" except from Century Link. A letter dated 7/17/2018 states that Century Link needs to retain eight feet of the multi-purpose easement width for future needs. If granted, the 8-foot wide MPE would touch the new right-of-way line in the same manner as the two meet currently. The location of the CenturyLink facility has not been determined on-site and as such, staff recommends that the utility be located and that vacation of the MPE be premised upon reserving sufficient width of the MPE to encompass the location of the CenturyLink utility line.

In addition, planning, transportation, fire department and engineering staff reviewed the alternative streets request to vacate four feet of the right-of-way and narrow the street width from 55 to 51 feet and found this to be an acceptable situation that would not negatively impact the transportation needs of the community. The remaining right-of-way width can sufficiently accommodate two lanes of travel, sidewalk on both sides and on-street parking on one side of the street. Staff believes no adverse impacts on the health, safety, and/or welfare of the general community would occur with the granting of the right-of-way request and the MPE, as modified.

Staff finds that this criterion is satisfied with conditions as provided in the Staff recommendation.

5) 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.

With the preservation of eight feet of multi-purpose easement, future public and/or utility facilities will retain the ability to use the MPE. A sidewalk is located on the north

side of Kimball Avenue so that pedestrians will continue to have safe mobility in this area of Grand Junction and if and when the property to the south redevelops, sufficient width has been retained to allow for sidewalks on the south side of Kimball Avenue as well. Staff has not identified any deleterious impacts associated with the right-of-way and modified MPE vacation request.

Staff finds this criterion is satisfied.

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

The area around the Sugar Beet Factory building is general commercial and light industrial in nature and traffic in the area is used by large, slow-moving tractor trailers and other heavy transport vehicles. The granting of the reduction in the street right-of-way would allow a slight enlargement of the two properties flanking the south side of Kimball Avenue (approximately 4,708 square feet), would retain sufficient right-of-way width for the continued maneuvering of industrial traffic, and would allow a reduction, albeit by only a slight amount, the area of public street the City is responsible to maintain.

Staff finds that this criterion has been satisfied.

After reviewing VAC-2018-704, a request to 1) vacate a four-foot portion of the public right-of-way, 2) vacate the 14-foot wide multi-purpose easement (MPE), and 3) create a new multi-purpose easement with a minimum width of eight feet along the south side of the new edge of right-of-way for Kimball Avenue starting from the easterly edge of the South 12th Street alignment and extending 1,177 linear feet to its westerly terminus point, Staff recommends approval of the request with the following finds of fact and conditions:

1. The vacation requests conform with Section 21.02.100 (c) of the Grand Junction Zoning and Development Code.
2. The 14-foot wide multi-purpose easement shall be reduced to no less than eight feet and the remaining multi-purpose easement shall encompass the area currently containing any CenturyLink utility.

SUGGESTED MOTION:

Madam Chairman, on the request to 1) vacate a four-foot portion of the public right-of-way, 2) vacate the 14-foot multi-purpose easement, and 3) create a new multi-purpose

with a minimum width of eight feet on the south side of the new edge of right of way for Kimball Avenue starting from the easterly edge of the South 12th Street alignment and extending 1,177 feet to its westerly terminus point, as reviewed under case file VAC-2018-704, I move that the Planning Commission forward a recommendation of approval with the findings of fact and conditions as listed in the staff report.

Attachments

1. Kimball Ave vacation PC final- attachments

Attachments:

1. Site and Vicinity Map
2. Proposed Vacation Area Map
3. Exhibit A
4. Photo 1
5. Photo 2
6. Photo 3
7. Photo 4
8. Photo 5
9. Letter dated 7/17/2018 from Century Link
10. Letter from the Alternative Street Committee

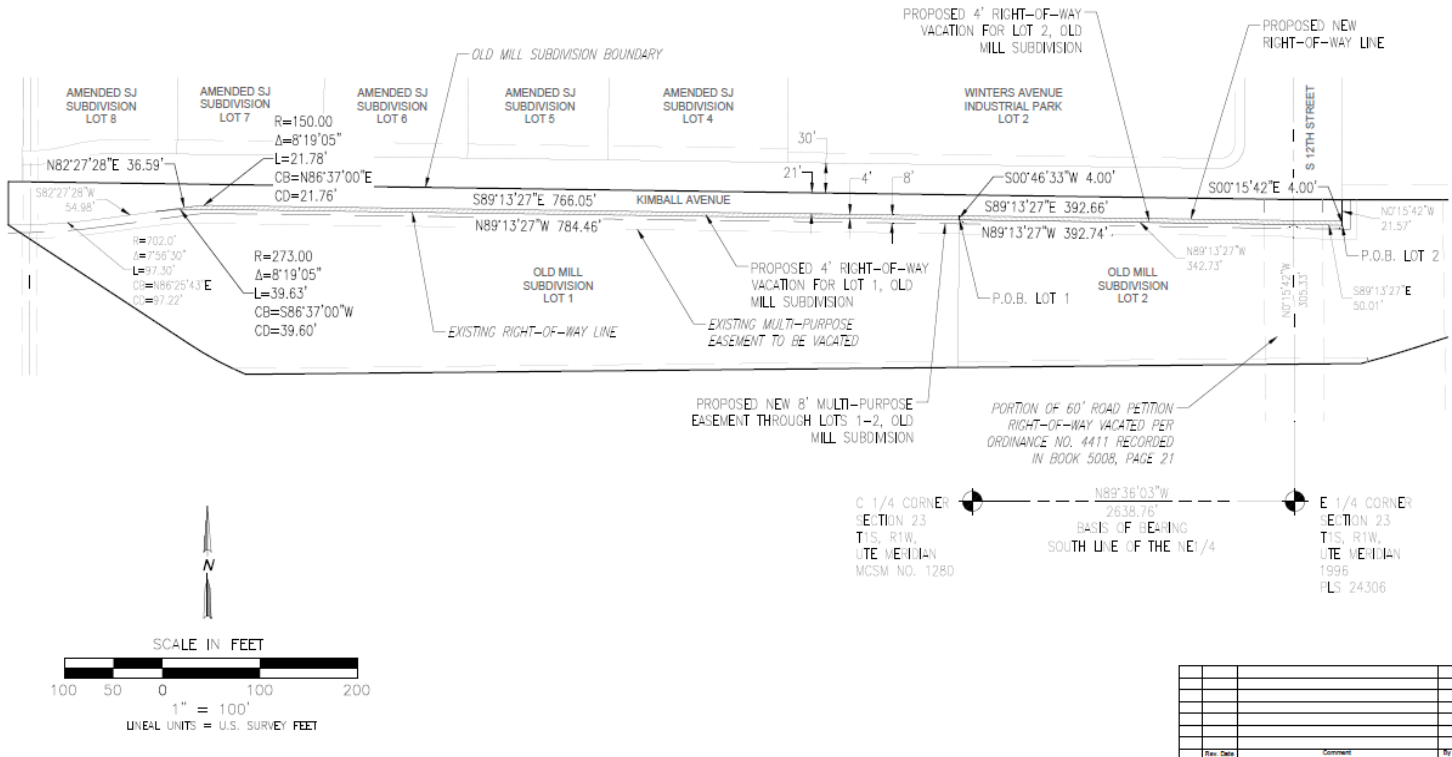
Site and Vicinity Map



Proposed Vacation Area Map



EXHIBIT A



VORTEX
 ENGINEERING, INC.
 10000 Highway 100, Suite 200
 Denver, Colorado 80231
 Phone (303) 440-4400
 Fax (303) 440-4401
 www.vortexeng.com

Alex B. Lheritier
 PROFESSIONAL
 LAND SURVEYOR
 LICENSE NO. 10000

EXHIBIT

Sugar Beet
 Kimball Avenue
 Grand Junction, CO

B



Photo 1 – Sugar Beet Factory building



Photo 2 – Right-of-way next to Sugar Beet building



Photo 3 – Sidewalk along north side of Kimball Avenue



Photo 4 – The right-of-way alignment deviation on Kimball Avenue



Photo 5 –Kimball Avenue looking east from South 9th Street

CenturyLink
Network Real Estate
5025 N. Black Canyon Hwy
Phoenix, AZ 85015



7/17/2018

STIPULATION

Joel Soronen
WESTERN LAND DEVELOPMENT LLC
706 South Ninth Street, Suite 1
Grand Junction, CO 81501

RE: Proposed release of Variable Width Multi-Purpose Easement along the northern portions of Lot 1 and Lot 2, Plat OLD MILL SUBDIVISION, recorded on May 5, 2010 at Reception No. 2532046, as it adjoins the southerly right-of-way of Kimball Avenue, terminating at the eastern portion of the vacated right-of-way of 12th Street at Lot 2, lying within the Southeast Quarter of the Northeast Quarter of Section 23, and the Southwest Quarter of the Northwest Quarter of Section 24, Township 1 South, Range 1 West, Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado
PROJECT ADDRESS: 1015 Kimball Avenue
APN: 2945-231-39-001

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the request for subject release and has determined that it can release the variable width multi-purpose easement proposed for vacation, as highlighted on the attached, as long as an 8' PUE is retained. This Public Utility Easement will serve CenturyLink's current and future needs.

If it is necessary to relocate any of the facilities, please contact CenturyLink field engineer, Chris Johnson at Chris.Johnson5@CenturyLink.com or 970-244-4311. The Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector.

This release of easement response is submitted with the 8' PUE STIPULATION.

It is the intent and understanding of CenturyLink that this vacation shall not reduce our rights to any other existing easement or rights we have on these sites.

If you have questions or concerns, please call Pamela Haines at 206-714-6291.

Sincerely yours,

Karen Caime

Karen Caime
Right of Way Agent
Qwest Corporation d/b/a CENTURYLINK QC

APN: 2945-231-39-001; LeaseNet No. P801633
WC: Grand Junction; WCE: Chris Johnson

Attachment 9 – Letter from Century Link



September 12, 2018

Bryan Wiman
Southside Leasing, LLC
1101 Kimball
Grand Junction, CO 81501

Re: 1101 Kimball Alternative Street Request

The Alternative Street Committee has approved the request with the condition the asphalt and right of way be widened by 1', to 33' and 51' respectively, to allow parking on both sides of the street.

If you have any questions, please feel free to contact me at 256-4034.

Sincerely,

Rick Dorris

Digitally signed by Rick Dorris
DN: cn=Rick Dorris, o=City of
Grand Junction, CO, ou=Public
Works, email=rickdo@gjcity.org,
c=US
Date: 2018.09.12 08:39:59 -06'00'

Rick Dorris, PE, CFM
Development Engineer

Cc: Kathy Portner
Brian Rusche
David Chase



Grand Junction Planning Commission

Regular Session

Item #3.

Meeting Date: February 12, 2019

Presented By: Kristen Ashbeck, Senior Planner/ CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Senior Planner

Information

SUBJECT:

Consider a request for an amendment to a Planning Development (PD) zone district concerning the North Seventh Street Historic Residential District Guidelines and Standards pertaining to vinyl fencing within the District (PLD-2019-14).

RECOMMENDATION:

The Historic Preservation Board unanimously recommended approval of the amendment at its December 4, 2018 meeting.

EXECUTIVE SUMMARY:

Initiated by the Historic Preservation Board in conjunction with input from property owners within the North Seventh Street Historic Residential District, this request is to amend Planned Development Ordinance 4508 which established the Guidelines and Standards for the North Seventh Street District. The proposed amendment will clarify language in the Guidelines and Standards, expressly disallowing the use of vinyl fencing on properties within the District.

BACKGROUND OR DETAILED INFORMATION:

By adoption of Ordinance 4508 in March 2012, the North Seventh Street Historic Residential District Guidelines and Standards became effective. The Guidelines and Standards dictate that the Historic Preservation Board shall hear and decide applications for alteration/construction on properties within the District.

In mid-2018, the Board heard a proposal from a property owner to replace an existing 6-foot privacy wooden fence with a 6-foot vinyl privacy fence in areas of the yard that

are visible from North 7th Street. This proposal brought to light the fencing section of the Guidelines and Standards that is somewhat vague as to the allowance of vinyl fencing within the District. There is no outright prohibition regarding vinyl fencing but a statement in the guidelines (not standards) that vinyl is “not an appropriate fencing material.”

The Guidelines and Standards currently state:

26.20.090 Fencing.

*(a) **Guideline.** Fencing materials and styles should complement the character of the District. Fence styles, particularly in front yards, should be similar to those from the restoration era of the buildings on site. Modern or artificial materials, such as plastic and vinyl, are not appropriate fencing materials. In addition to the regulations for fences applicable to the R-8 zone, fences in the District shall adhere to the requirements of this section.*

The Historic Preservation Board approved the application for vinyl fencing in a side yard, but discussed the desire to have further clarity in the regulations regarding vinyl fencing as many board members felt that vinyl fencing should not be permitted. In late 2018, the Historic Preservation Board sought input from property owners within the District as to whether vinyl should be strictly disallowed or whether it is an appropriate material acceptable to property owners. The survey letter and the results of the poll are included in the attachments. In summary, 65 percent of the surveys were returned. Of those, 50 percent preferred the option of not allowing the use of vinyl fencing in the District at all, and 23 percent preferred the option of only allowing vinyl fencing in portions of the yard that could not be seen from 7th Street or any of the side streets. The Board interpreted these results as the majority of property owners preferred that vinyl fencing not be allowed within the District. As such, the Historic Preservation Board recommended the following revision to the Guidelines and Standards as follows:

26.20.090 Fencing. – Delete the sentence with strikethrough below

*(a) **Guideline.** Fencing materials and styles should complement the character of the District. Fence styles, particularly in front yards, should be similar to those from the restoration era of the buildings on site. ~~Modern or artificial materials, such as plastic and vinyl, are not appropriate fencing materials.~~ In addition to the regulations for fences applicable to the R-8 zone, fences in the District shall adhere to the requirements of this section.*

Add the standard listed below:

*(b) **Standard.** Vinyl or plastic fencing is not appropriate on any part of a property within the North Seventh Street Historic Residential District and use of such fencing is*

not allowed.

NOTIFICATION REQUIREMENTS

The property owners within the North Seventh Street Historic Residential District were notified of the proposed change via letters that summarized the results of their input as well as the proposed language. The letter was sent to property owners twice – once in December 2018 and again in January 2019. The second letter included the proposed dates, times and locations of the public hearings for both Planning Commission and City Council.

ANALYSIS

In accordance with Section 21.02.150(e), a proposed amendment to an approved Final Development Plan for a PD zone district shall address the same process and criteria used for outline development plan review and approval as listed below. However, many of these criteria are not relevant to a change such as that proposed for the North Seventh Street Historic Residential District Guidelines and Standards regarding the use of vinyl fencing on properties within the District. The change is generally inconsequential to adopted plans and policies since it is only applicable to the properties within the District. The change will improve the aesthetics of the historic character of the neighborhood.

(i) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies;

The proposed amendment will reinforce Goal 6 of the Comprehensive Plan which states: Land use decisions will encourage preservation of existing buildings and their appropriate reuse. Staff finds this criterion has been met.

(ii) The rezoning criteria provided in GJMC 21.02.140(a) as stated below;

(1) Subsequent events have invalidated the original premises and findings; and/or

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The proposed amendment to the PD zone district is not relevant to the rezone criteria with the exception of (3) and (5) above. The existing neighborhood is served by adequate public and community facilities that will not be impacted by the proposed change. The neighborhood and the community in general will derive benefit from the amendment as it will reinforce and enhance the character of the historic district. Staff finds this criterion has been met.

(iii) The planned development requirements of Chapter 21.05 GJMC listed below;

21.05.020 Default standards.

The use, bulk, development, improvement and other standards for each planned development shall be derived from the underlying zoning, as defined in Chapter 21.03 GJMC.

21.05.030 Establishment of uses.

(a) Uses Allowed. At the time of zoning a parcel to PD, the City Council shall determine the allowed uses. Only uses consistent in type and density with the Comprehensive Plan may be allowed within a PD. The type and density of allowed uses should generally be limited to uses allowed in the default zoning.

(b) Adoption and Modification of Authorized Uses. The City Council, at the time of establishing a PD zone, shall list uses that are authorized by right or by conditional use permit. All uses, whether by right or conditional use permit, shall be subject to all applicable permit and approval processes established in this code.

21.05.040 Development standards.

(a) Generally. Planned development shall minimally comply with the development standards of the default zone and all other applicable code provisions, except when the City Council specifically finds that a standard or standards should not be applied. Planned development shall comply with GJMC 21.02.150.

(b) Residential Density. Dwelling unit densities in planned development shall comply with the maximum and minimum densities of the Comprehensive Plan or default zone.

(c) Nonresidential Intensity. A maximum floor area shall be established at the time of planned development approval. In determining the maximum floor area, the Planning Commission and City Council shall consider:

(1) The intensity of adjacent development;

(2) The demand for and/or mix of residential and nonresidential development in the proposed PD and in the vicinity of the proposed PD;

(3) The availability of transportation facilities, including streets, parking, transit facilities and bicycle/pedestrian facilities;

(4) The adequacy of utilities and public services.

(d) Mixed Use Intensity.

(1) In mixed use developments in areas designated for residential development in the Comprehensive Plan, no more than 10 percent of the land area may be dedicated to nonresidential uses.

(2) The maximum residential densities within mixed use developments designated for nonresidential development in the Comprehensive Plan shall not exceed 24 dwelling units per acre. In such developments, residential uses shall not constitute more than 75 percent of total floor area.

(e) Minimum District Size. A minimum of five acres is recommended for a planned development unless the Planning Commission recommends and the City Council finds that a smaller site is appropriate for the development or redevelopment as a PD.

(f) Development Standards. Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this section.

(1) Setback Standards. Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:

(i) Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the International Fire Code and any other applicable life, health or safety codes;

(ii) Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;

(iii) Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.

(2) Open Space. All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.

(3) Fencing/Screening. Fencing shall comply with GJMC 21.04.040(i).

(4) Landscaping. Landscaping shall meet or exceed the requirements of GJMC

21.06.040.

(5) *Parking. Off-street parking shall be provided in accordance with GJMC 21.06.050.*

(6) *Street Development Standards. Streets, alleys and easements shall be designed and constructed in accordance with TEDS (GJMC Title 29) and applicable portions of GJMC 21.06.060.*

(g) *Deviation from Development Default Standards. The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below.*

(1) *Transportation amenities including, but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;*

(2) *Open space, agricultural land reservation or land dedication of 20 percent or greater;*

(3) *Community facilities for provision of public services beyond those required for development within the PD;*

(4) *The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; and*

(5) *Other amenities, in excess of minimum standards required by this code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.*

The proposed amendment does not impact the Planned Development (PD) zone district and plan as it was originally established via Ordinance 4508 except for the clarification of the use of vinyl fencing on properties within the district. The existing Guidelines and Standards that form the PD Plan already include some deviations from the underlying zone district of R-8. This revision to the standards is another deviation from what would typically be allowed by the Code but it is intended to be more restrictive in order to clarify the standards and contribute to the preservation of the character of the historic district. Staff finds this criterion has been met.

(iv) *The applicable corridor guidelines and other overlay districts in GJMC Titles 23, 24 and 25;*

There are no other corridor or other overlay districts that apply to the North Seventh Street Historic Residential District thus, this criterion does not apply to this proposed

change.

(v) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

The proposed amendment is not relevant to this criterion.

(vi) Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

The proposed amendment is not relevant to this criterion.

(vii) Appropriate screening and buffering of adjacent property and uses shall be provided;

The proposed amendment is not relevant to this criterion.

(viii) An appropriate range of density for the entire property or for each development pod/area to be developed;

The proposed amendment is not relevant to this criterion.

(ix) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed; and

The proposed amendment is not relevant to this criterion.

(x) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The proposed amendment is not relevant to this criterion.

STAFF RECOMMENDATION AND FINDINGS OF FACT

Staff finds that the proposed amendment to the Planned Development zone district for the North Seventh Street Historic Residential District is an appropriate revision to clarify the Standards and Guidelines regarding the use of vinyl fencing on properties in the District and thus, meets the criteria of Section 21.02.150(e) of the Zoning and Development Code.

SUGGESTED MOTION:

Madam Chairman, on the proposed amendment to the Planned Development (PD) ordinance for the North Seventh Street Historic Residential District regarding the use of vinyl fencing on properties within the District (PLD-2019-14), I move to recommend approval of the amended ordinance to City Council.

Attachments

1. Attachment 1 - Original Poll Letter Sent to Property Owners
2. Attachment 2 - Summary of Poll Results
3. Attachment 3 - Letters Notifying Property Owners of Proposed Change
4. Attachment 4 - Proposed Ordinance to Amend the PD District



September 17, 2018

Dear North Seventh Street Historic District Property Owners:

As you are aware, the Grand Junction Historic Preservation Board reviews and approves Certificate of Appropriateness applications within the North Seventh Street Historic Residential District according to the adopted Guidelines and Standards for the District.

Recent reviews by the Board of fencing proposals have brought to light the fencing section of the Guidelines and Standards that is somewhat vague as to the allowance of vinyl fencing within the District. There is no clear direction as to whether vinyl is allowed or disallowed, just a statement that vinyl is not an appropriate fencing material. The Guidelines and Standards currently state:

26.20.090 Fencing.

*(a) **Guideline.** Fencing materials and styles should complement the character of the District. Fence styles, particularly in front yards, should be similar to those from the restoration era of the buildings on site. Modern or artificial materials, such as plastic and vinyl, are not appropriate fencing materials. In addition to the regulations for fences applicable to the R-8 zone, fences in the District shall adhere to the requirements of this section.*

The Historic Preservation Board is seeking input from property owners as to whether vinyl should be strictly disallowed or whether it is an appropriate material acceptable to property owners. Please take a moment to review the poll on the back of this letter, provide your input and return this letter in the self-addressed stamped envelope provided by October 12, 2018.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Chris Endreson".

Chris Endreson, Chair

Grand Junction Historic Preservation Board

North Seventh Street Guidelines and Standards Property Owner Poll – Vinyl Fencing

- 1** – Do nothing, leave the Guidelines and Standards as is – vinyl may be allowed as elsewhere in residential areas in the city.
- 2** – Vinyl is not an appropriate fencing material - revise the Guidelines and Standards so that vinyl fencing is expressly disallowed within the North Seventh Street Historic Residential District.
- 3** – Revise the Guidelines and Standards to allow vinyl fencing but it should be neutral in color.
- 4** – Revise the Guidelines and Standards to allow vinyl fencing in a neutral color and the top 1 foot shall be partially open (e.g. lattice).
- 5** – Revise the Guidelines and Standards to allow vinyl fencing in a neutral color only in areas of a yard that are not visible from the 7th Street right-of-way or from the side street rights-of-way within the District.

NAME(S) OF PROPERTY OWNER (S) _____

FIRST CHOICE OF OPTIONS ABOVE (circle one): 1 2 3 4 5

North Seventh Street Guidelines and Standards Property Owner Poll – Vinyl Fencing

22 of 35 letters returned
% based on 22 returned

- 1** – Do nothing, leave the Guidelines and Standards as is – vinyl may be allowed as elsewhere in residential areas in the city. **3 votes – 14%**
- 2** – Vinyl is not an appropriate fencing material - revise the Guidelines and Standards so that vinyl fencing is expressly disallowed within the North Seventh Street Historic Residential District. **11 votes – 50%**
- 3** – Revise the Guidelines and Standards to allow vinyl fencing but it should be neutral in color. **2 votes – 9%**
- 4** – Revise the Guidelines and Standards to allow vinyl fencing in a neutral color and the top 1 foot shall be partially open (e.g. lattice). **1 vote – 4%**
- 5** – Revise the Guidelines and Standards to allow vinyl fencing in a neutral color only in areas of a yard that are not visible from the 7th Street right-of-way or from the side street rights-of-way within the District. **5 votes – 23%**

NAME(S) OF PROPERTY OWNER (S) _____

FIRST CHOICE OF OPTIONS ABOVE (circle one): 1 2 3 4 5

December 12, 2018

FIRST NOTICE

Dear North Seventh Street Historic District Property Owners:

The Historic Preservation Board appreciates the timely and informative feedback received on its last correspondence to you regarding the use of vinyl fencing within the North Seventh Street Historic Residential District. A good majority of you (65%) responded to the survey. Of the responses received, 50% favored revising the Guidelines and Standards such that vinyl fencing would be expressly disallowed in the District. Another 23% of respondents favored use of vinyl fencing only in areas of the yard that cannot be viewed from adjacent streets. The Board felt that, since the yard area not seen from the street is a very limited area on most properties in the District, this response effectively suggests not allowing use of vinyl in the District.

Therefore, unless there is further opposition, the Board will recommend to the City Planning Commission and City Council an amendment to Section 26.20.090 of the Guidelines and Standards that will expressly disallow the use of vinyl fencing in the District. The proposed language will be as stated below.

26.20.090 Fencing. – *Delete the sentence with strikethrough below*

*(a) **Guideline.** Fencing materials and styles should complement the character of the District. Fence styles, particularly in front yards, should be similar to those from the restoration era of the buildings on site. ~~Modern or artificial materials, such as plastic and vinyl, are not appropriate fencing materials.~~ In addition to the regulations for fences applicable to the R-8 zone, fences in the District shall adhere to the requirements of this section.*

Add the standard listed below

*(b) **Standard.** Vinyl or plastic fencing is not appropriate on any part of a property within the North Seventh Street Historic Residential District and use of such fencing is not allowed.*

Please contact City staff to the Historic Preservation Board, Kristen Ashbeck at 970-244-1491 or kristena@gjcity.org if you have questions or concerns with this proposal. Otherwise, the Board intends to move forward on this revision to the Guidelines and Standards in the near future. As property owners within the North Seventh Street

Historic Residential District, you will be notified of the public hearings on the item and are welcome to attend those meetings.



Thank you again for your responses thus far and time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Chris Endreson".

Chris Endreson, Chair
Grand Junction Historic Preservation Board



January 11, 2019

FINAL NOTICE

Dear North Seventh Street Historic District Property Owners:

In the event the December first mailing of this letter was not received during the holidays, the Historic Preservation Board is providing this information to you again. The Board appreciates the timely and informative feedback received on its last correspondence to you regarding the use of vinyl fencing within the North Seventh Street Historic Residential District. A good majority of you (65%) responded to the survey. Of the responses received, 50% favored revising the Guidelines and Standards such that vinyl fencing would be expressly disallowed in the District. Another 23% of respondents favored use of vinyl fencing only in areas of the yard that cannot be viewed from adjacent streets. The Board felt that, since the yard area not seen from the street is a very limited area on most properties in the District, this response effectively suggests not allowing use of vinyl in the District.

Therefore, unless there is further opposition, the Board will recommend to the City Planning Commission and City Council an amendment to Section 26.20.090 of the Guidelines and Standards that will expressly disallow the use of vinyl fencing in the District. The proposed language will be as stated below.

26.20.090 Fencing. – *Delete the sentence with strikethrough below*

*(a) **Guideline.** Fencing materials and styles should complement the character of the District. Fence styles, particularly in front yards, should be similar to those from the restoration era of the buildings on site. ~~Modern or artificial materials, such as plastic and vinyl, are not appropriate fencing materials.~~ In addition to the regulations for fences applicable to the R-8 zone, fences in the District shall adhere to the requirements of this section.*

Add the standard listed below

*(b) **Standard.** Vinyl or plastic fencing is not appropriate on any part of a property within the North Seventh Street Historic Residential District and use of such fencing is not allowed.*

Please contact City staff to the Historic Preservation Board, Kristen Ashbeck at 970-244-1491 or kristena@gjcity.org if you have questions or concerns with this proposal. Otherwise, the Board intends to move forward on this revision to the Guidelines and Standards at the following upcoming meetings:

City Planning Commission – February 12, 2019
City Council Public Hearing – March 6, 2019

Thank you again for your responses and time and attention to this matter.

Sincerely,

Grand Junction Historic Preservation Board

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE No. 4508 FOR THE PLANNED RESIDENTIAL DEVELOPMENT – NORTH 7TH STREET CONSISTING OF GUIDELINES AND STANDARDS BY WHICH NEW CONSTRUCTION OR ALTERATIONS WITHIN THE ZONE ARE DETERMINED TO DISALLOW THE USE OF VINYL FENCING ON PROPERTIES WITHIN THE DISTRICT

Recitals:

In March 2012, the City Council of the City of Grand Junction found that it was in the interest of the public to adopt the *North Seventh Street Historic Residential District Guidelines and Standards* as the new Plan for the *Planned Residential Development-North 7th Street* zone district.

Furthermore, the City Council has determined that the Plan achieves long-term community benefits by establishing a process and guidelines and standards for review of development in a unique, nationally recognized historic neighborhood in the City.

The bulk, development, improvement, architectural and design standards are derived from the *North Seventh Street Historic Residential District Guidelines and Standards*. The City Council finds that the proposed amendment regarding the use of vinyl fencing on properties within the District clarifies this concern and will contribute to maintaining the overall historic character of the North Seventh Street Historic Residential District.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendment to the North Seventh Street Historic Residential District Guidelines and Standards.

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

The North Seventh Street Historic Residential Guidelines and Standards are amended as follows (additions underlined, deletions struck through):

26.20.090 Fencing.

(a) **Guideline.** *Fencing materials and styles should complement the character of the District. Fence styles, particularly in front yards, should be similar to those from the restoration era of the buildings on site. ~~Modern or artificial materials, such as plastic and vinyl, are not appropriate fencing materials.~~ In addition to the regulations for fences applicable to the R-8 zone, fences in the District shall adhere to the requirements of this section.*

(b) **Standard.** Vinyl or plastic fencing is not appropriate on any part of a property within the North Seventh Street Historic Residential District and use of such fencing is not allowed.

Introduced on first reading this 20th day of February 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction Planning Commission

Regular Session

Item #4.

Meeting Date: February 12, 2019

Presented By: Andrew Gingerich, Associate Planner

Department: Community Development

Submitted By: Andrew Gingerich, Associate Planner

Information

SUBJECT:

Consider a request by Western Slope Properties, LLC to Rezone two properties, 746 23 ½ Road and a contiguous unaddressed property to the north, totaling 20.2 acres, from M-U (Mixed Use) to C-2 (General Commercial). (RZN-2018-785)

RECOMMENDATION:

Staff recommends approval of the request to Rezone the properties located at 746 23 ½ Road and the unaddressed contiguous parcel to the north from the M-U (Mixed Use) zone district to the C-2 (General Commercial) zone district.

EXECUTIVE SUMMARY:

The Applicant, Western Slope Properties, LLC, is requesting the Rezone of two properties totaling 20.2 acres. The properties include an 18.673-acre property at 746 23 ½ Road and a contiguous unaddressed parcel to the north at 1.533 acres. The Applicant is proposing to Rezone the properties from M-U (Mixed Use) to C-2 (General Commercial) in anticipation of future development of an RV resort. The requested C-2 zone district is consistent with the Comprehensive Plan Future Land Use designation of Commercial/Industrial.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The subject properties are located at 746 23 ½ Rd. The second property, located to the north, does not currently have an address. There is currently one structure onsite; an older stock single-family residence. The Applicant is intending to develop the site for use as an RV resort, provided that the Rezone request is granted.

The site is located directly south of Interstate 70, north of which are properties with heavy commercial uses currently within C-2 and County PUD zone districts. The properties to the west are also currently heavy commercial uses and are located in I-1 zone districts. The properties to the east and south of the site are currently agricultural and single family uses within an M-U zone district.

The site is also located at the northwest corner of the 24 Road Design Overlay. The intent of the overlay is to create a multimodal transportation network, coordinate development around natural open spaces, accommodate a mix of development, provide usable common open space, and establish a pattern and character for the long term development for the region (see ZDC Title 25). The 24 Road Design Overlay standards would apply regardless of zone district designation.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting was held on Tuesday, November 27, 2018 at 5:30 pm at the Double Tree Inn, located at 743 Horizon Drive, Grand Junction. The Applicant's representative provided an overview of the Rezone request from the M-U (Mixed Use) zone district to the C-2 (General Commercial) zone district. 12 citizens, along with the Applicant's representative and City planning staff were in attendance. Attendees were concerned primarily about drainage, traffic, the difference between the M-U and C-2 zones, and how they could provide public comment for the proposed Rezone.

Public notice for this application was provided in accordance with Sec. 21.02.080(g) of the Code, including posting notification signs on the subject property on all public rights-of-way.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Zoning and Development Code, the City may Rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following criteria:

(1) Subsequent events have invalidated the original premise and findings; and/or

Both the proposed C-2 zone and the existing M-U zone district are consistent with the Comprehensive Plan Future Land Use Designation of Commercial/Industrial. Both staff and the Applicant have not identified a subsequent event that would invalidate the existing M-U zoning. Therefore, Staff finds this criterion has not been satisfied by the proposed Rezone.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The area is within the 24 Road Corridor Overlay. The greater area within the overlay, especially east and south of the site, has been transitioning from vacant and agricultural uses to primarily heavy commercial and service-oriented uses. Staff agrees with the Applicant that the proposed Rezone to the C-2 zone district is made in anticipation of future development that is consistent with the trend toward service businesses. The C-2 zone district allows for development that is consistent with the 24 Road Corridor Overlay, as there are many other properties located within the overlay that are zoned C-2.

Properties to the north and east have developed as heavy commercial uses and are allowed to be developed as industrial uses. A C-2 zone district may assist in creating a desirable transition between these areas and the properties to the east located in an M-U zone district, which are intended to develop as a mix of light manufacturing office park employment centers, retail, service, and multifamily residential uses in accordance with the Code. This transition from more intensive industrial type uses to generally less intensive business and service oriented uses is the intention of the Comprehensive plan, which shows the larger area transitioning west to east from Industrial to Commercial/Industrial to Village Center designations. It is staff's finding that creating a C-2 zoning in this area would further the intent of the plan and be consistent with the changing conditions and character of the area. Staff finds this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

The properties can be served by Ute water, City sewer, Xcel Energy electricity and natural gas, and cable network links. The property will also have access to water, sewer and storm drainage infrastructure.

The site is well situated between Community Hospital and Canyon View Park, which both attract visitors of overnight stays. These would be supportive uses should the site develop as a campground/RV park use.

The site is located near the I-70 and 24 Road interchange. Direct access to the site is somewhat limited with 23 ½ Road as the only current access. However, the same limitations would apply to development that is currently allowed in the existing M-U zone district as these two zone districts share similar allowed uses.

The subject properties are within the City of Grand Junction and adequate public and community facilities and services are available and sufficient to serve the anticipated re-development. Therefore, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as

defined by the presiding body, to accommodate the proposed land use; and/or

An RV park is not an allowable use in an M-U zone district and there are not C-2 zone properties in the immediate vicinity of the site. However, there are several other developable sites in the wider area, that are zoned C-1 or C-2 that would allow for a campground/RV Resort use. These include areas northwest of the I-70 and 24 Road interchange and areas south of 24 ½ Road.

Because there are other properties zoned C-1 and C-2 in the general area, which would currently allow a campground/RV park use, staff finds this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community will derive benefits from the proposed Rezone by creating an opportunity for the land to be developed in manner that is consistent with recent commercial development in the area. Though uses in the M-U District would allow for similar benefits, the allowable uses in the C-2 zone district will also serve as an appropriate transition from higher intensity uses from the west to the intended village center and mixed-use developments to the east. The Future Land Use designation of Commercial/Industrial contemplates this transition.

Therefore, staff finds that this criterion has been met.

This Rezone request is consistent with the Future Land Use Map designation of Commercial/Industrial as well as the following vision, goals and/or policies of the Comprehensive Plan:

Goal 1 – Policy A:

City and County land use decision will be consistent with the Future Land Use Map.

Goal 3:

The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the region.

Goal 12 – Policy A:

The City and County will improve as a regional center of commerce, culture and tourism.

Goal 12 – Policy B:

The City and County will provide appropriate commercial and industrial development

opportunities.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing RZN-2018-785, a request to Rezone properties totaling 20.2 acres from the M-U (Mixed Use) zone district to the C-2 (General Commercial) zone district, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan;
2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, Staff recommends approval of the request to Rezone the properties located at 746 23 ½ Road and the unaddressed contiguous parcel to the north from the M-U (Mixed Use) zone district to the C-2 (General Commercial) zone district.

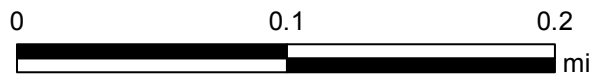
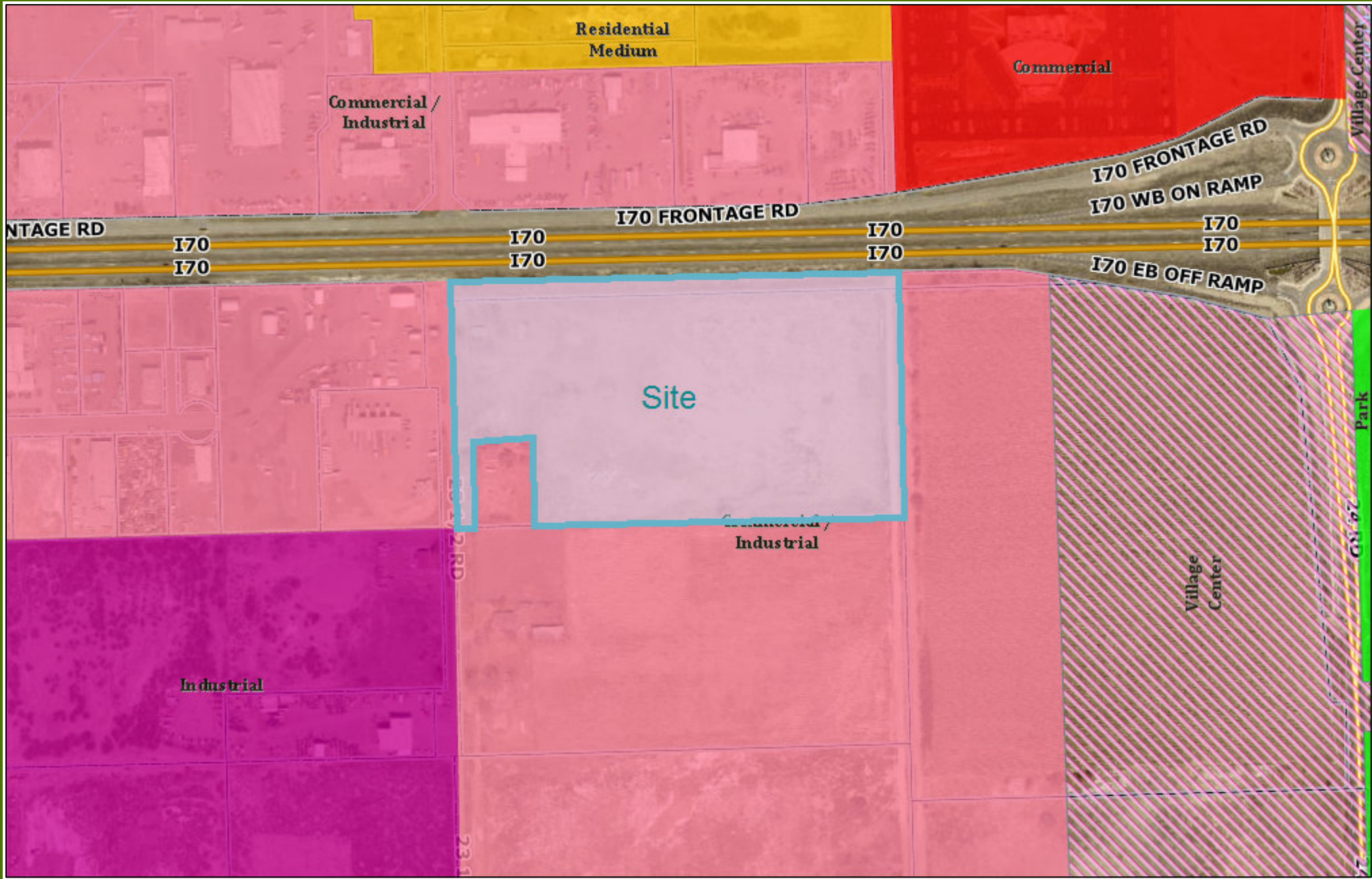
SUGGESTED MOTION:

Madam Chairman, on the Rezone request RZN-2018-785, I move that the Planning Commission forward a recommendation of approval for the Rezone of the 20.2-acre properties located at 746 23 ½ Road and the unaddressed contiguous parcel to the north from the M-U (Mixed Use) zone district the C-2 (General Commercial) zone district, with the findings of fact listed in the staff report.

Attachments

1. Site Future Land Use Map
2. Site Vicinity Map
3. Site Zoning Map

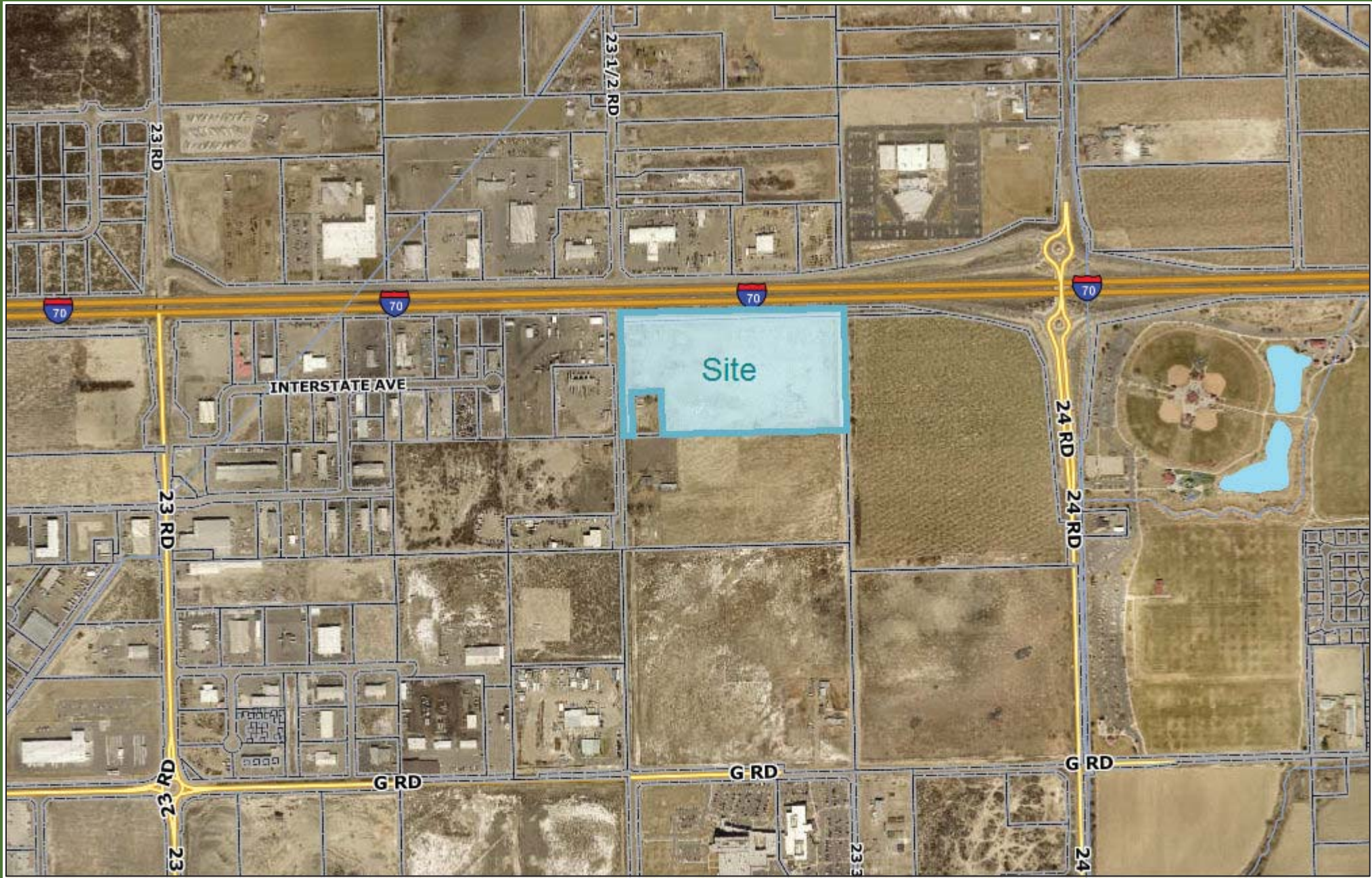
Site Future Land Use Map



Printed: 1/23/2019

1 inch = 376 feet

Site Vicinity Map

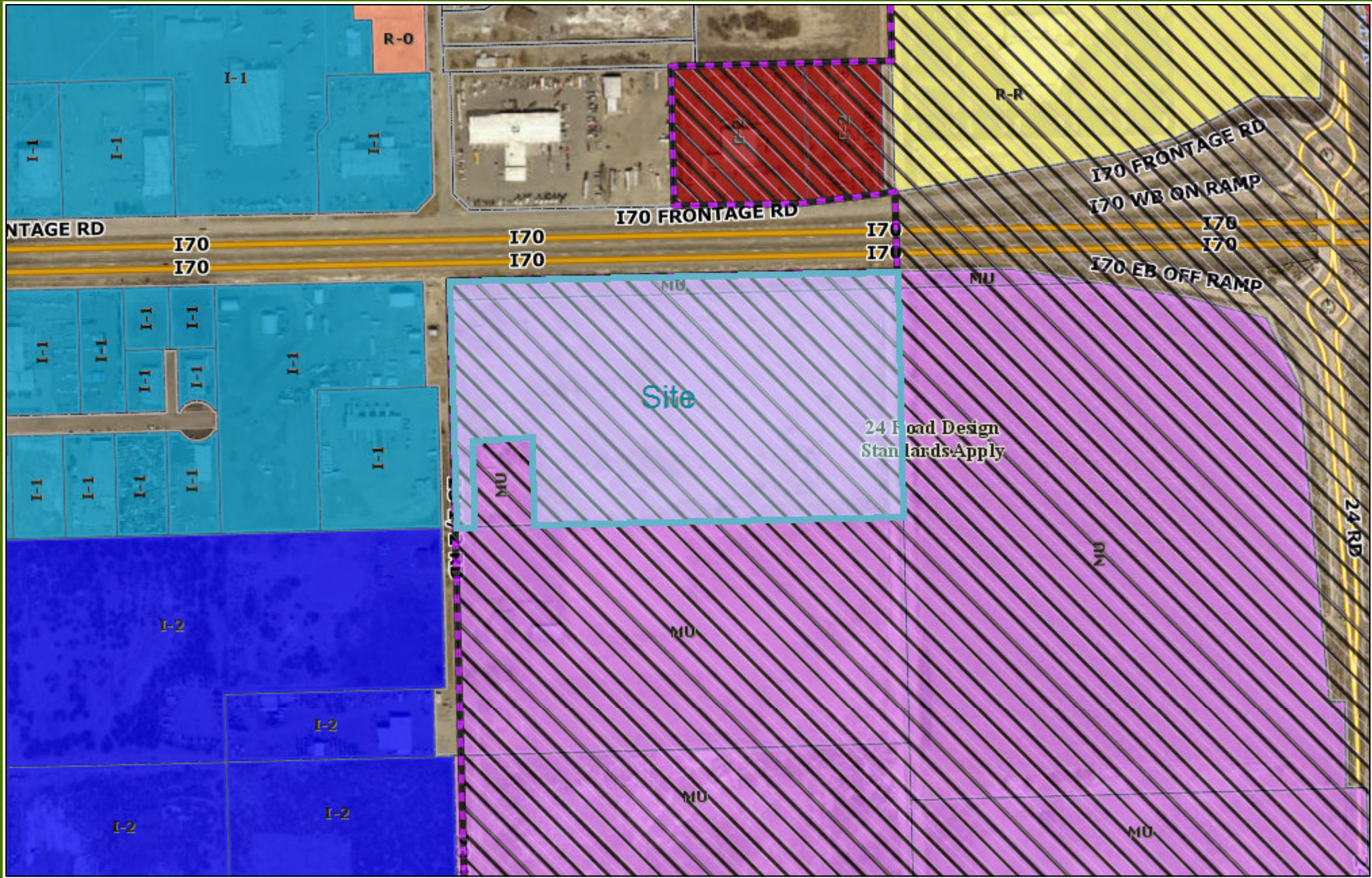


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Printed: 1/23/2019

1 inch = 752 feet

Site Zoning Map



Printed: 1/23/2019

1 inch = 376 feet



Grand Junction Planning Commission

Regular Session

Item #5.

Meeting Date: February 12, 2019

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

A rehearing to consider a request to zone approximately 19.76-acres from County RSF-R (Residential Single Family – Rural) to a City R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac) for the South Twenty Annexation, located at 2335 H Road. (ANX-2018-659)

RECOMMENDATION:

After reviewing the South Twenty Annexation, ANX-2018-659, for a Zone of Annexation from County RSF-R (Residential Single Family – Rural) to a City R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac), the following findings of fact have been made:

1. In accordance with Section 21.02.140 (a) of the Zoning and Development Code, the application meets one or more of the rezone criteria.
2. In accordance with Section 21.02.160 (f) of the Zoning and Development Code, the application is consistent with the adopted Comprehensive Plan.

Therefore, Staff recommends approval of the requested Zone of Annexation.

EXECUTIVE SUMMARY:

The Applicant, South Twenty LLC, is requesting a split zone of annexation to R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac) for the South Twenty Annexation. The approximately 19.76-acre parcel is located on the south side of H Road and has split Comprehensive Plan Future Land Use Map designations of Residential Medium (4 – 8 du/ac) and Residential High Mixed Use (16 – 24 du/ac). The property is currently vacant.

The proposed split zoning designations of R-4 and R-8 meets with the intent of achieving the desired overall density for the property as a compromise between the two land use categories. Section 21.02.130 (d) of the Zoning and Development Code allows for the consideration of zoning without a plan amendment when the property is adjacent to the land use designation that would support the requested zone district. In this case, the applicant is proposing zone districts at the low and high end of the Residential Medium land use designation. The Applicant is requesting annexation into the City limits per the Persigo Agreement between Mesa County and the City of Grand Junction in order to develop a residential subdivision in the near future, in conformance with the requested R-4 and R-8 zone districts. The request for annexation will be considered separately by the City Council.

The Planning Commission previously heard this request at their January 22, 2019 meeting and voted in favor of the request by a 3 to 2 vote. However in order for a motion to pass, at least four members of the Planning Commission must vote in the affirmative which resulted in a failure of this motion to approve the Zone of Annexation request. An affirmative vote of five members of the City Council is required to approve zoning recommended for denial by the Planning Commission. The City Council at their February 6, 2019 meeting remanded the request back to Planning Commission for the full Commission to hear the request and provide a recommendation with all members of the Planning Commission in attendance or to provide a recommendation through a successful motion.

BACKGROUND OR DETAILED INFORMATION:

The Applicant, South Twenty LLC, has requested annexation of land into the City limits, located at 2335 H Road, in anticipation of future residential development. The property is approximately 19.76-acres in size. The Applicant is requesting a zone of annexation to R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac).

The property is currently in the County and retains a County zoning of RSF-R (Residential Single Family - Rural) and surrounding properties are also zoned RSF-R in the County, ranging in size from 4.66 acres to 26.9 acres. The subject property has split Future Land Use designations of Residential Medium (4 – 8 du/ac) and Residential High Mixed Use (16 – 24 du/ac). The Applicant's proposed split zoning designations of R-4 and R-8 meets with the intent of achieving the desired overall density for the property as a compromise between these two land use categories in order for a portion of the property to be developed at the high end of the Residential Medium category.

As reference, the existing Future Land Use Map categories that divide the property are not legal descriptions, but rather serve as guidance in determining the proper zone district. When a Future Land Use designation splits a property, either or both land use categories can be used to determine the appropriate zoning district. Section

21.02.130(d) (v) of the Zoning and Development Code allows for consideration of zoning without a Plan amendment when the property is adjacent to the land use designation that would support the requested zone district.

The surrounding area is largely undeveloped, rural in nature and zoned RSF-R in Mesa County. Properties that have been annexed into the City include Apple Glen Subdivision (2366 H Road) which is zoned R-4 (Residential – 4 du/ac) and the Mosaic property located at the intersection of H Road and 23 Road which is zoned Planned Development with an overall average residential density between 7 to 9 dwelling units an acre.

The Applicant is requesting the R-4 zone district for the south 14.3 acres and the R-8 zone district for the north 5.46 acres adjacent to H Road. See attached map exhibits for additional information.

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed Annexation and Zoning was held on June 28, 2018 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant's and City staff were in attendance along with nine (9) citizens. Comments and concerns expressed by the attendees centered on the proposed higher density and the desire to see larger acreage lots of at least a-half acre or more. Concerns were also expressed about the increase in traffic in the area. The application for annexation and zoning was submitted on October 11, 2018.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. The subject property was posted with an application sign on October 29, 2018. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on January 11, 2019 & February 1, 2019. The notice of this public hearing was published January 15, 2019 & February 5, 2019 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review is set forth in Section 21.02.140 (a) and includes that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

- (1) Subsequent events have invalidated the original premises and findings; and/or

The property owners have petitioned for annexation into the City limits with a requested zoning district of R-4 and R-8 which is compatible with the existing Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac), in accordance with Section 21.02.130 (d) (1) (iii) & (v) of the Zoning & Development Code. Since the property is currently in the County, the annexation of the property is a subsequent event that has invalidated the original premise. The requested annexation and zoning is also in accordance with the Persigo Agreement between Mesa County and the City of Grand Junction, which states that all new development shall be annexed into the City limits. Therefore, Staff has found this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The adoption of the Comprehensive Plan in 2010, designated this property as split Future Land Use designations of Residential Medium (4 – 8 du/ac) and Residential High Mixed Use (16 – 24 du/ac). The character and/or condition of the area has not changed in recent years as the adjacent residential properties are currently large acreage and have not yet fully developed with the exception of the new Apple Glen development. Nearby, the Mosaic development has received project entitlements but has not yet begun construction. The subject property is underutilized in terms of the residential development potential anticipated by the Comprehensive Plan designation of Residential Medium (4 -8 du/ac) that would allow for densities up to 8 units per acre. The Applicant is requesting a split zone of R-4 and R-8 which furthers the goals and policies of the Comprehensive Plan by providing for density in the mid-range of the Residential Medium (4 – 8 du/ac) land use classification. Because there has been no apparent change of character and/or condition and the area has not significantly changed, Staff finds that this criterion has not been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the R-4 and R-8 zone districts. Ute Water is presently available within the H Road right-of-way and the applicant has represented they have an easement across adjacent properties to the south to connect into City sanitary sewer that is available in the I-70 Frontage Road. Property can also be served by Xcel Energy natural gas and both Xcel Energy and Grand Valley Power electric. A short distance away is Appleton Elementary School and further to the southeast along 24 Road is Canyon View Park. Further to the south along Patterson Road are commercial retail centers that includes Mesa Mall, offices, convenience stores and gas islands, restaurants, commercial businesses and a grocery store. Community Hospital is also nearby on G Road.

Grand Junction Fire Department finds the public and community facilities regarding fire and emergency medical services are adequate to serve the type and scope of the residential land use proposed. Primary response is from Fire Station 3 located at 582 25 ½ Road and response time are longer than other areas due to the distance from existing fire stations. Evaluating the last two years of fire and EMS incident data, shows an average response time to this area of H Road as being 12 minutes and 33 seconds, which is significantly longer than National Fire Protection Association response time standards. This response time is also approximately 8 minutes and 5 seconds longer than for the core area of the City. However, the City has been working to address the current and future fire and EMS coverage demands of this area and is planning for a new Fire Station immediately adjacent to this property on the west side of 23 and H Road with the Mosaic development.

The public and community facilities are adequate to serve the type and scope of the residential land use proposed, therefore, staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The property and surrounding area has split Comprehensive Plan Future Land Use Map designations of Residential Medium (4 – 8 du/ac) and Residential High Mixed Use (16 – 24 du/ac). The property is currently vacant. The proposed split zoning designations of R-4 and R-8 meets with the intent of achieving the desired overall density for the property as a compromise between the two categories in order for a portion of the property to be developed at the high end of the Residential Medium category. This area of the community currently has no R-8 zoning. The lack of supply for this zone type impedes the ability to provide a diverse supply of housing types; a key principle in the Comprehensive Plan. Staff finds that there is an inadequate supply of the requested zoning designations in the area and, therefore, has found this criterion to have been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community and area will benefit from this proposed request. Annexation and zoning of the property will create consistent land use jurisdiction within the City consistent with an Intergovernmental Agreement with the County. The requested zones will also provide an opportunity for a variety of housing within a range of densities that are consistent with the Comprehensive plan in this area to meet the needs of the growing community. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting a diverse supply of housing types; a key principle in the Comprehensive Plan. Therefore, Staff finds that this criterion has been met.

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code provides that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district. Though other zone districts could also be considered, these zone districts comport with the recommendations of the Plan's Future Land Use Map.

Further, the zoning request is consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A: Land use decisions will be consistent with Future Land Use Map.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Goal 5: To Provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

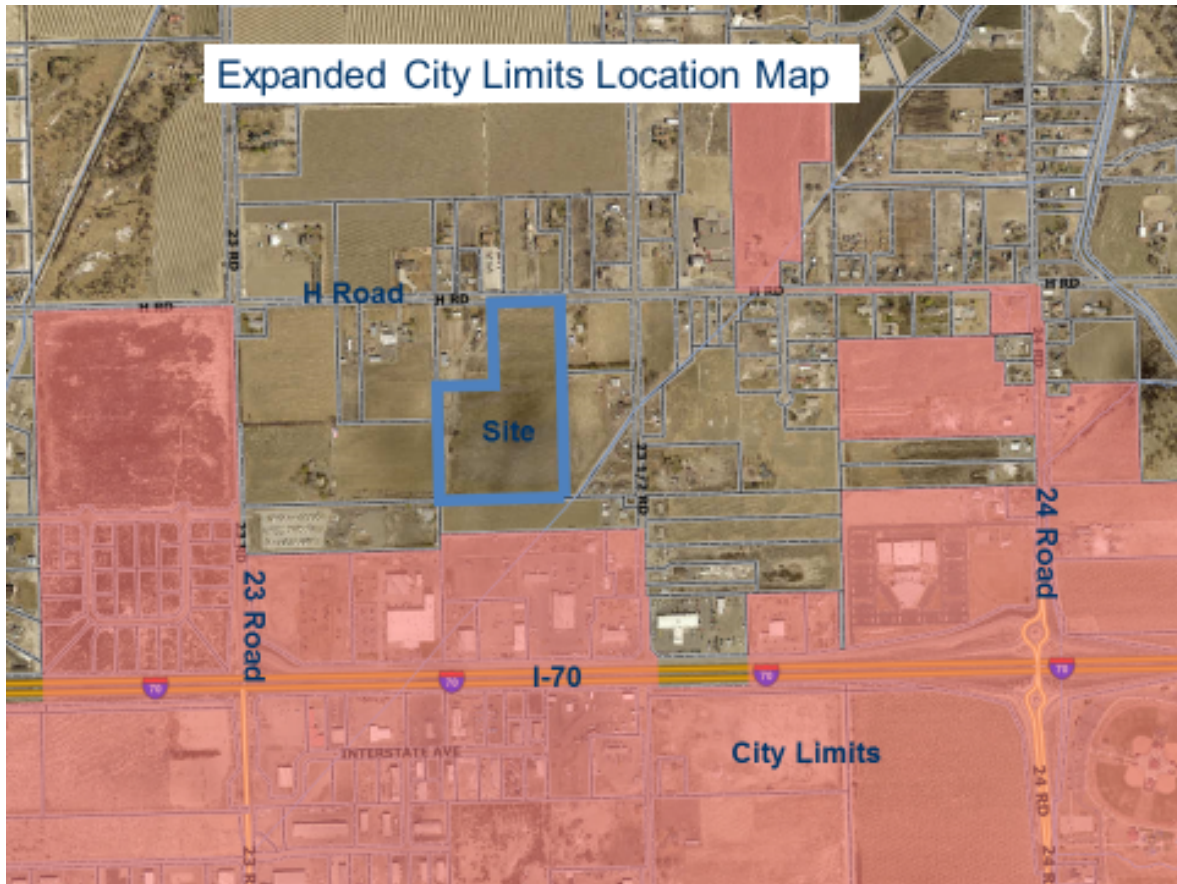
SUGGESTED MOTION:

Madam Chairman, on the Zone of Annexation for the South Twenty Annexation to R-4 (Residential – 4 du/ac) & R-8 (Residential – 8 du/ac) zone district, file number ANX-2018-659, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.

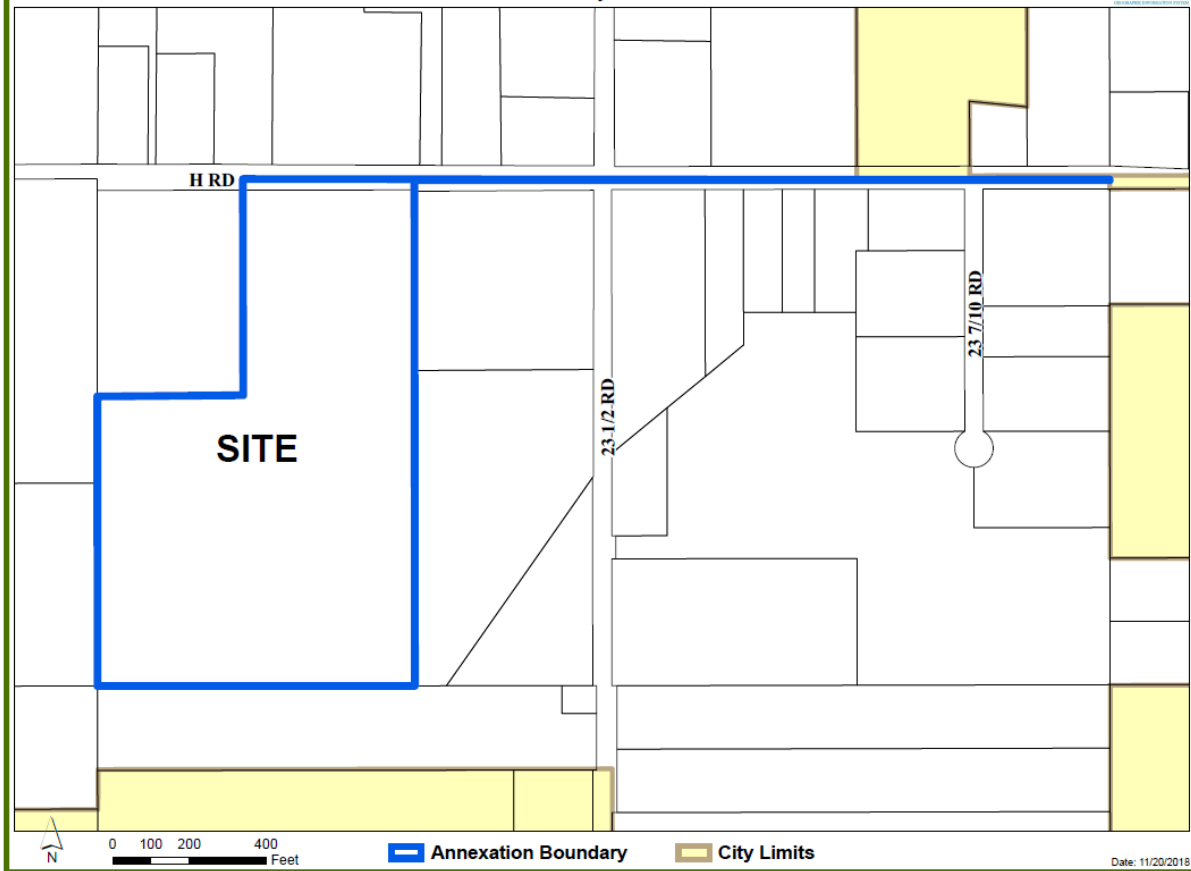
Attachments

1. Exhibit List - South Twenty Annexation Zoning
2. Maps
3. Exhibit 3 - Development Application dated September 24, 2018
4. Zoning Ordinance

Expanded City Limits Location Map



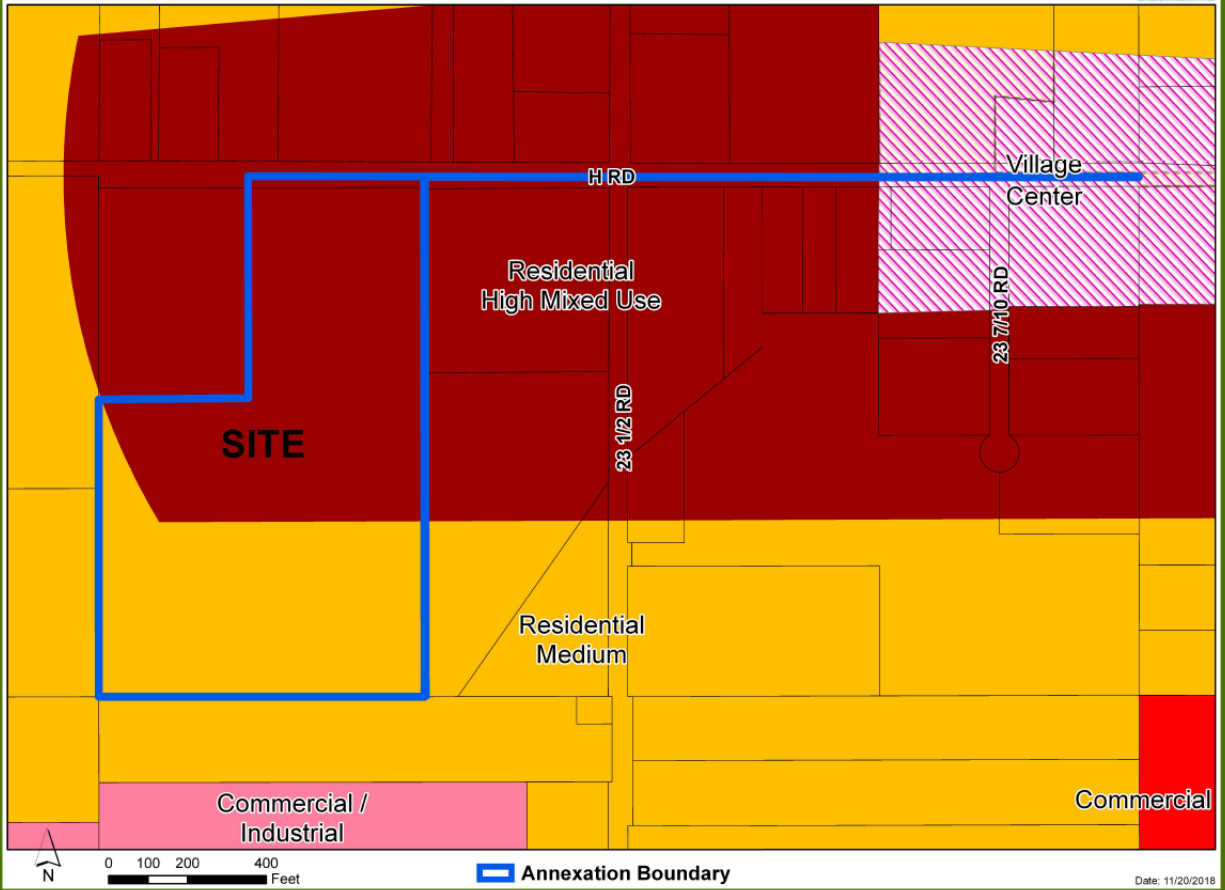
South Twenty Annexation



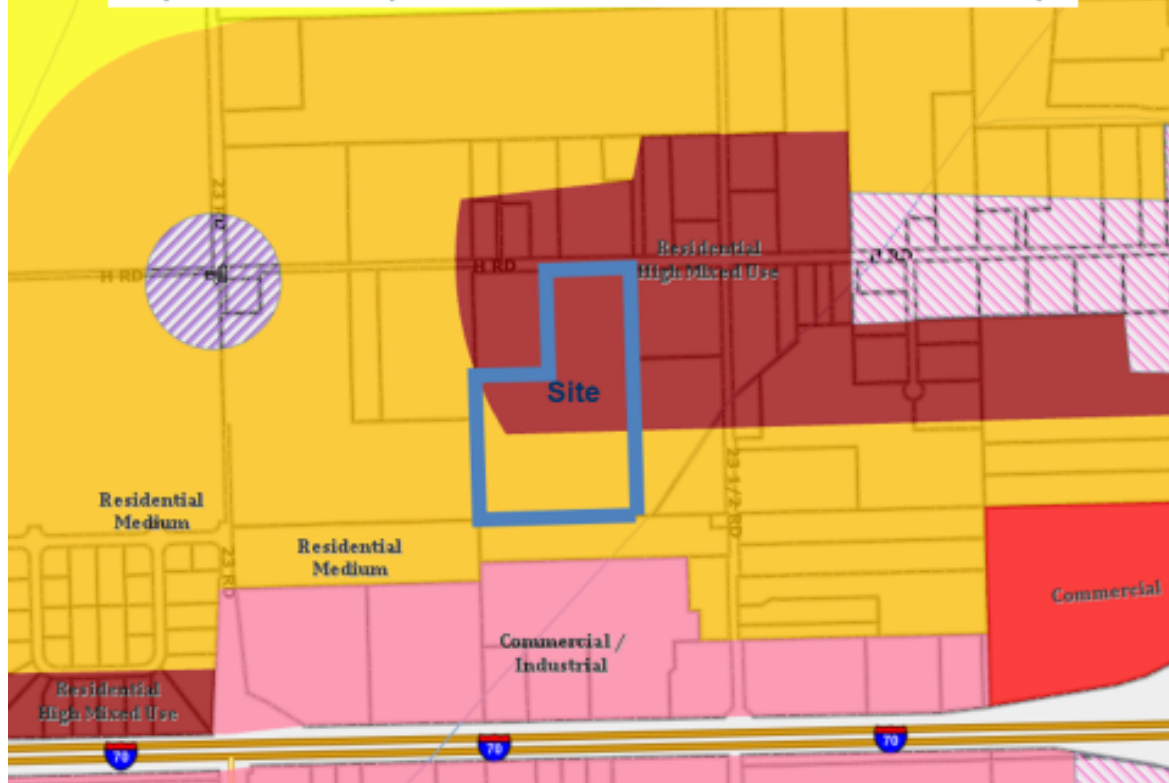
South Twenty Annexation



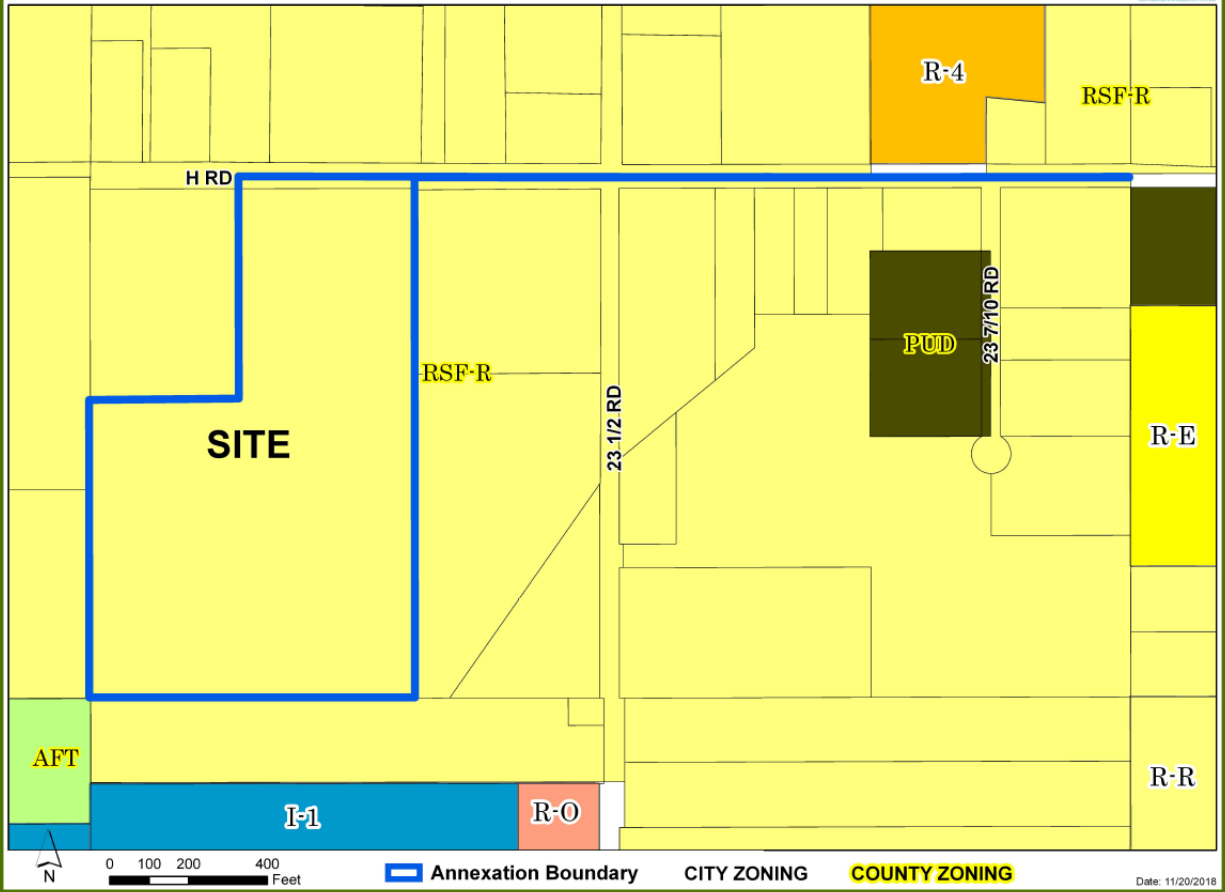
South Twenty Annexation - Future Land Use

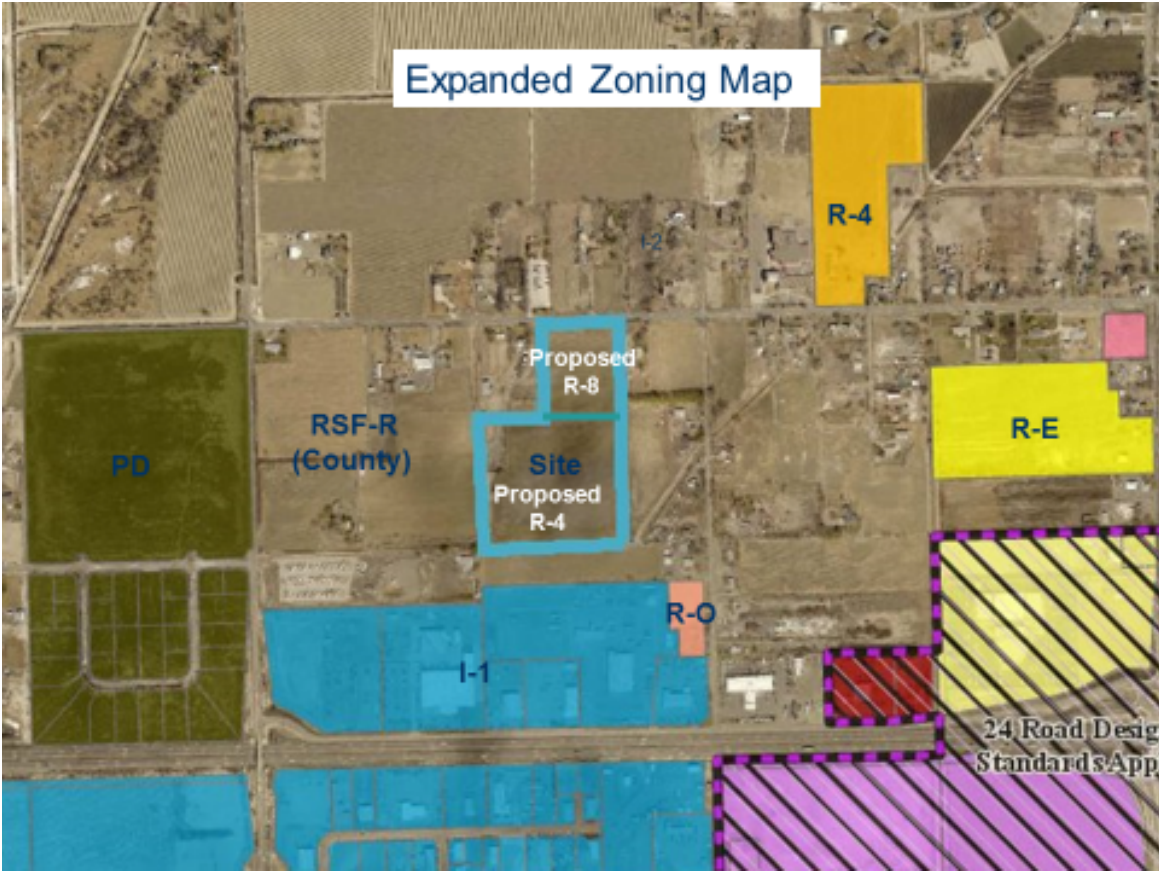


Expanded Comprehensive Plan Future Land Use Map



South Twenty Annexation - Zoning







View of property from H Road

South Twenty ANNEXATION
PETITION FOR ANNEXATION

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described parcels to the said City:

GENERAL LOCATION: 2335 H Road
Tax ID # 2701-322-00-103

PARCEL 1

MULLER SIMPLE LAND DIVISION

COUNTY OF MESA, STATE OF COLORADO

This foregoing description describes the parcel; the perimeter boundary description, for purposes of the Annexation Act, is shown on the attached "Perimeter Boundary Legal Description, South Twenty Annexation."

As grounds therefore, the petitioner respectfully state that annexation to the City of Grand Junction, Colorado is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of the signer and the date of signature are set forth hereafter opposite the name of the signer, and that the legal description of the property owned by the signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance. These petitioners by his/her/their signature(s) acknowledge, understand and agree that if any development application concerning the property which is the subject hereof is denied, discontinued or disapproved, in whole or in part, that the annexation of the property to the City of Grand Junction shall proceed.

Mandy Rush
South Twenty LLC

2306 H. Road, Grand Junction, CO 81505
ADDRESS

Mandy Rush
SIGNATURE

8/13/2018
DATE

N/A
NAME

N/A
ADDRESS

n/a
SIGNATURE

n/a
DATE

( Annexation Petition)

STATE OF COLORADO

SS

AFFIDAVIT

COUNTY OF MESA

Mandy Rush, of lawful age, being first duly sworn, upon oath, deposes and says:

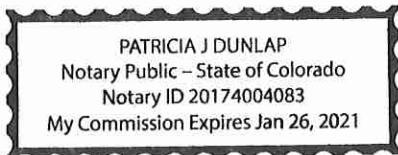
That he is the circulator of the forgoing petition:

That each signature on the said petition is the signature of the person whose name it purports to be.

Mandy Rush

Subscribed and sworn to before me this 13th day of August, 2018.

Witness my hand and official seal.



Patricia J Dunlap
Notary Public

250 N 5th St, Grand Junction, CO 81501
Address

My commission expires: Jan. 26, 2021

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For: Annexation + Rezone

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation Ag

Existing Zoning AFT

Proposed Land Use Designation Residential

Proposed Zoning RSF.8 / RSF.4

Property Information

Site Location: 2335 H. Road, Grand Junction, CO 81505

Site Acreage: 19.76 Acres

Site Tax No(s): 2701.322.00.103

Site Zoning: AFT

Project Description: Rezone + Annexation

Property Owner Information

Name: South Twenty, LLC

Street Address: 2306 H. Rd

City/State/Zip: Grand Jct., CO 81505

Business Phone #: 970.260.1310

E-Mail: mandy@mandyrush.com

Fax #: 970.241.4015

Contact Person: Mandy Rush

Contact Phone #: 970.260.1310

Applicant Information

Name: Mandy Rush

Street Address: 2306 H. Road

City/State/Zip: Grand Jct., CO 81505

Business Phone #: 970.260.1310

E-Mail: mandy@mandyrush.com

Fax #: 970.241.4015

Contact Person: Mandy Rush

Contact Phone #: 970.260.1310

Representative Information

Name: Mandy Rush

Street Address: 2306 H. Road

City/State/Zip: Grand Junction, CO

Business Phone #: 970.260.1310

E-Mail: mandy@mandyrush.com

Fax #: 970.260.1310

Contact Person: Mandy Rush

Contact Phone #: 970.260.1310

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 may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application Mandy Rush

Date 9.24.2018

Signature of Legal Property Owner Mandy Rush

Date 9.24.2018

OWNERSHIP STATEMENT - NATURAL PERSON

I, (a) Mandy Rush with South Twenty, LLC am the owner of the following real property:

(b) 2335 H. Road
Grand Junction, CO 81505

A copy of the deed evidencing my interest in the property is attached. All documents, if any, conveying any interest in the property to someone else by the owner, are also attached.

☒ I am the sole owner of the property.

☒ I own the property with other(s). The other owners of the property are (c):

Eric Noblitt + Kyle Rush, managing members of
South Twenty, LLC

I have reviewed the application for the (d) Annexation + Rezone pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) n/a

I understand that I have a continuing duty to inform the City planner of any changes in interest, including ownership, easement, right-of-way, encroachment, lienholder and any other interest in the property.

I swear under penalty of perjury that the information contained in this Ownership Statement is true, complete and correct.

Owner signature as it appears on deed: Mandy Rush

Printed name of owner: MANDY RUSH w/ SOUTH TWENTY, LLC

State of Colorado)

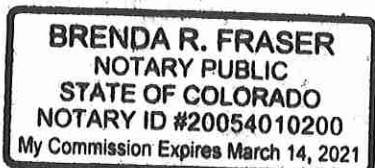
County of Mesa) ss.

Subscribed and sworn to before me on this 9th day of October, 20 18

by Mandy Rush

Witness my hand and seal.

My Notary Commission expires on 3/14/21



Brenda R Fraser
Notary Public Signature

PERSONAL REPRESENTATIVE'S DEED
(Sale)

THIS DEED is dated 6/6/18, and is made between BECKY ANN DELK, Personal Representative of the estate of MAVIS D. MCNEW, a/k/a MAVIS DELETHA MCNEW, deceased, the "Grantor," and SOUTH TWENTY, LLC, a Colorado limited liability company, the "Grantee," whose legal address is 2306 H Road, Grand Junction, CO 81505 of the County of Mesa, State of Colorado.

WHEREAS, the decedent died on the date of December 16, 2017 and Grantor was duly appointed Personal Representative of said estate by the District Court in and for the County of Mesa, State of Colorado, Probate No. 2017PR30388, on the date of January 3, 2018, and is now qualified and acting in said capacity.

NOW THEREFORE, pursuant to the powers conferred upon Grantor by the Colorado Probate Code, Grantor does hereby sell and convey unto Grantee for and in consideration of Four Hundred Thirty Five Thousand and no/100 Dollars, (\$435,000.00), the following described real property situate in the County of Mesa, State of Colorado:

PARCEL 1 OF MULLER SIMPLE LAND DIVISION,
COUNTY OF MESA,
STATE OF COLORADO,

also known by street address as: 2335 H Road, Grand Junction, CO 81505.
and assessor's schedule or parcel number: 2701-322-00-103

With all appurtenances.

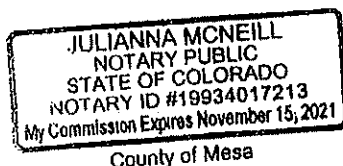
IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Becky Ann Delk, Personal Representative
Becky Ann Delk, Personal Representative of the estate of
Mavis D. McNew, a/k/a Mavis Deletha McNew, Deceased

STATE OF COLORADO)
) SS.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 6th day of June, 2018, by Becky Ann Delk as Personal Representative of the estate of Mavis D. McNew, a/k/a Mavis Deletha McNew, Deceased.

Witness my hand and official seal.
My commission expires: 11-15-21



Notary Public

MESA COUNTY CERTIFICATE OF TAXES DUE

Account Number R017675
Parcel 270132200103

Certificate Number 67866
Acres 19.760
Order Number 35650

Assessed To
MCNEW MAVIS D
631 29 1/2 RD APT B
GRAND JUNCTION, CO 81504-7203

Vendor ID LAND
LAND TITLE GUARANTEE CO
2454 PATTERSON RD., STE 100
GRAND JUNCTION, CO 81505

Legal Description				Situs Address	
PARCEL 1 MULLER SIMPLE LAND DIVISION SEC 32 1N 1W - 19.76AC				2335 H RD	
Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2017	\$480.52	\$0.00	\$0.00	\$0.00	\$480.52
Total Tax Charge					\$480.52
Grand Total Due as of 04/27/2018					\$480.52

Tax Billed at 2017 Rates for Tax Area 10800 - 10800

Authority	Mill Levy	Amount	Values	Actual	Assessed
COLORADO RIVER WATER CONSER	0.2540000	\$1.77	IRRIGATED LAND -	\$24,010	\$6,960
GRAND JUNCTION RURAL FIRE	5.9380000	\$41.39	AG		
GRAND RIVER MOSQUITO CTRL	1.4520000	\$10.12	GRAZING LAND - AG	\$10	\$10
GRAND VALLEY DRAINAGE DIST	1.7440000	\$12.16	Total	\$24,020	\$6,970
LIBRARY DISTRICT	3.0210000	\$21.06			
MESA COUNTY	11.8030000	\$82.26			
COUNTY ROAD & BRIDGE-FULL L	0.4430000	\$3.09			
SCHOOL DIST #51 GEN	29.7630000	\$207.45			
SCHOOL DIST# 51 BOND	10.1400000	\$70.68			
SCHOOL DIST# 51 2017 OVERRI	3.8810000	\$27.05			
UTE WATER CONSERVANCY	0.5000000	\$3.49			
Taxes Billed 2017	68.9390000	\$480.52			

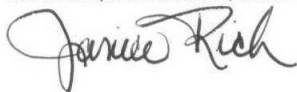
All tax lien sale amounts are subject to change due to endorsement of current taxes by the lienholder or to advertising and distraint warrant fees. Changes may occur and the Treasurer's office will need to be contacted prior to remittance after the following dates: Personal Property and Mobile Homes, Real Property - September 1. Tax lien sale redemption amounts must be paid by cash or cashiers check.

Special taxing districts and the boundaries of such districts may be on file with the board of County Commissioners, the County Clerk, or the County Assessor.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.

TREASURER, MESA COUNTY, JANICE RICH




Mesa County Treasurer
Dept. 5027 – PO Box 20,000
544 Rood Ave, Room 100
Grand Junction CO 81502-5001



Land Title Guarantee Company Customer Distribution



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **GJR65035650-5**

Date: **06/05/2018**

Property Address: **2335 H RD, GRAND JUNCTION, CO 81505**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Juli McNeill
2454 PATTERSON RD #100
GRAND JUNCTION, CO 81505
(970) 248-3881 (Work)
(800) 320-4211 (Work Fax)
jmcneill@ltgc.com
Contact License: CO337875
Company License: CO68747

Closer's Assistant

Rebecka Temmer
2454 PATTERSON RD #100
GRAND JUNCTION, CO 81505
(970) 248-3884 (Work)
(800) 322-4072 (Work Fax)
btemmer@ltgc.com
Contact License: CO472208
Company License: CO68747

For Title Assistance

Mesa County Title Team
2454 PATTERSON RD #100
GRAND JUNCTION, CO 81505
(970) 245-0550 (Work)
(970) 245-0089 (Work Fax)
gjresponse@ltgc.com

Agent for Buyer

RE/MAX 4000 INC
Attention: MANDY RUSH
120 W PARK DRIVE #200
GRAND JUNCTION, CO 81505
(970) 241-4000 (Work)
(970) 260-1310 (Home)
(970) 241-4015 (Work Fax)
mandy@mandyrush.com
Delivered via: Electronic Mail

Agent for Seller

HILL & HOMES
Attention: DARREN DAVIDSON
1204 N 7TH STREET #100
GRAND JUNCTION, CO 81501
(970) 241-7653 (Work)
(970) 242-7304 (Work Fax)
darren5515@aol.com
kbowen52@juno.com
Delivered via: Electronic Mail

html>



Land Title Guarantee Company Estimate of Title Fees

Order Number: **GJR65035650-5**

Date: **06/05/2018**

Property Address: **2335 H RD, GRAND JUNCTION, CO 81505**

Parties: **SOUTH TWENTY, LLC, A COLORADO LIMITED LIABILITY COMPANY**

BECKY ANN DELK AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MAVIS D. MCNEW

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"ALTA" Owner's Policy 06-17-06	\$1,440.00
Deletion of Standard Exception(s)	\$65.00
Tax Certificate	\$26.00
	Total \$1,531.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Mesa county recorded 01/08/2018 under reception no. 2826700](#)

[Mesa county recorded 01/13/2017 under reception no. 2787159](#)

[Mesa county recorded 12/30/1999 under reception no. 1933924](#)

Plat Map(s):

[Mesa county recorded 12/28/1999 under reception no. 1933582](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: GJR65035650-5

Property Address:

2335 H RD, GRAND JUNCTION, CO 81505

1. Effective Date:

05/15/2018 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06

\$435,000.00

Proposed Insured:

SOUTH TWENTY, LLC, A COLORADO LIMITED LIABILITY
COMPANY

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A Fee Simple

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

BECKY ANN DELK AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MAVIS D. MCNEW

5. The Land referred to in this Commitment is described as follows:

PARCEL 1 OF MULLER SIMPLE LAND DIVISION , COUNTY OF MESA, STATE OF COLORADO.

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**AMERICAN
LAND TITLE
ASSOCIATION**



ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part I
(Requirements)

Order Number: GJR65035650-5

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

NOTE: NO IMPROVEMENT LOCATION CERTIFICATE REQUIRED

1. SUPPLEMENTARY AFFIDAVIT WITH RESPECT TO PAUL D. MCNEW, DECEASED, WHICH SHALL BE PROPERLY SWORN TO OR AFFIRMED BY A PERSON OF LEGAL AGE HAVING PERSONAL KNOWLEDGE OF THE FACTS, AND WHICH INCLUDES THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY AND A STATEMENT THAT PAUL D. MCNEW, THE PERSON REFERRED TO IN THE CERTIFICATE OF DEATH, OR VERIFICATION OF DEATH DOCUMENT IS THE SAME PERSON WHO IS NAMED IN THE DEED OR SIMILAR INSTRUMENT RECORDED JANUARY 13, 2017 UNDER RECEPTION NO. [2787159](#) AS PAUL D. MCNEW.

NOTE: LETTERS CERTIFIED BY A COLORADO COURT EVIDENCING THE APPOINTMENT OF A PERSONAL REPRESENTATIVE IN THE ESTATE OF MAVIS D. MCNEW, DECEASED, APPOINTING BECKY ANN DELK, AS PERSONAL REPRESENTATIVE, WERE RECORDED JANUARY 8, 2018 UNDER RECEPTION NO. [2826700](#).

2. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF SOUTH TWENTY, LLC, A COLORADO LIMITED LIABILITY COMPANY AS A COLORADO LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.

3. PERSONAL REPRESENTATIVE'S DEED TO SOUTH TWENTY, LLC, A COLORADO LIMITED LIABILITY COMPANY IN THE ESTATE OF MAVIS D. MCNEW, DECEASED.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part I
(Requirements)

Order Number: GJR65035650-5

All of the following Requirements must be met:

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. UPON RECEIPT BY THE COMPANY OF A SATISFACTORY FINAL AFFIDAVIT AND AGREEMENT FROM THE SELLER AND PROPOSED INSURED, ITEMS 1-4 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED. ANY ADVERSE MATTERS DISCLOSED BY THE FINAL AFFIDAVIT AND AGREEMENT WILL BE ADDED AS EXCEPTIONS.

B. IF LAND TITLE GUARANTEE CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTIONS AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH, ITEM NO. 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED.

C. UPON RECEIPT OF PROOF OF PAYMENT OF ALL PRIOR YEARS' TAXES AND ASSESSMENTS, ITEM NO. 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2018 AND SUBSEQUENT YEARS.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GJR65035650-5

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JULY 13, 1892 IN BOOK 11 AT PAGE [205](#)
9. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT AND DEED AGREEMENT , RECORDED DECEMBER 20, 1999, UNDER RECEPTION NO. [1932714](#).
10. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT AND DEED AGREEMENT , RECORDED DECEMBER 20, 1999, UNDER RECEPTION NO. [1932715](#).
11. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT AND DEED AGREEMENT , RECORDED DECEMBER 20, 1999, UNDER RECEPTION NO. [1932716](#).
12. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF MULLER SIMPLE LAND DIVISION RECORDED DECEMBER 28, 1999 UNDER RECEPTION NO. [1933582](#).

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GJR65035650-5

13. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF MESA COUNTY DEVELOPMENT PERMIT, RECORDED DECEMBER 28, 1999, IN BOOK 2666 AT PAGE [334](#).
14. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF UTE WATER CONSERVANCY DISTRICT AFFIDAVIT , RECORDED APRIL 19, 2000, IN BOOK 2700 AT PAGE [467](#).
15. ANY LEASE NOT OF RECORD BUT IN EXISTENCE, AND ANY AND ALL ASSIGNMENTS OF INTEREST THEREIN.



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company and Meridian Land Title, LLC, as agents for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Corporation

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

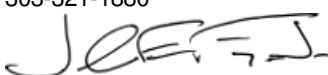
8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee
Company
3033 East First Avenue Suite
600
Denver, Colorado 80206
303-321-1880

President



Old Republic National Title Insurance Company, a Stock
Company
400 Second Avenue South
Minneapolis, Minnesota 55401
(612)371-1111



Mark Bilbrey, President



Rande Yeager, Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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LEGAL DESCRIPTION:

PARCEL 1

MULLER SIMPLE LAND DIVISION

COUNTY OF MESA, STATE OF COLORADO

General Project Report for Annexation and Rezone of 2335 H Road, Grand Junction, CO 81505

Owners of the property request annexation of the 19.76 acres currently zoned AFT in Mesa County into the City of Grand Junction and Re-zone of the North portion as described in Attached Legal Description to RSF-8 and the South portion as described in Attached Legal Description to RSF-4.

Future Land Use Plan calls for RSF 8-16 on the North portion and RSF 4-8 on the South portion.

Grand Junction Fire Department New Development Fire Flow Form

Instructions to process the application: Step 1) Applicant's engineer should first fill out all items in Section A. Step 2) Deliver/mail this form to the appropriate water purveyor.¹ The water supplier signs and provides the required information of Section B. Step 3) Deliver/mail the completed and fully signed form to the City or County Planning Department.²

SECTION A

Date: 8.14.2018
Project Name: South Twenty (REZONE + ANNEXATION)
Project Street Address: ~~20~~ 2335 H. Road, GT 81505
Assessor's Tax Parcel Number: 2701.322.00.103
Project Owner Name: South Twenty, LLC (Mandy Rush)
City or County project file #: _____
Name of Water Purveyor: Ute Water
Applicant Name/Phone Number: Mandy Rush / 970.260.1310
Applicant E-mail: mandyrush@remax.net or mandy@mandyrush.com

1. If the project includes one or more one or two-family dwelling(s):
 - a. The maximum fire area (see notes below) for each one or two family dwelling will be 3600 square feet.
 - b. All dwelling units will ☐, will not ☒ include an approved automatic sprinkler system.Comments: _____
2. If the project includes a building other than one and two-family dwelling(s):
 - a. List the fire area and type of construction (See International Building Code [IBC] for all buildings used to determine the minimum fire flow requirements:
n/a
 - b. List each building that will be provided with an approved fire sprinkler system:
n/a
3. List the minimum fire flow required for this project (based on Appendix B and C in the International Fire Code [IFC]):

Comments: _____

Note:

Fire Area: The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

Fire Flow Rule: The City's Fire Code³ sets minimum fire flows for all structures. In general, at least 1000 g.p.m. at 20 p.s.i. is required for residential one or two family dwellings up to 3,600 square feet (sf) of fire area. For dwellings greater than 3,600 sf of fire area or all commercial structures, the minimum fire flow is 1,500 gpm at 20 p.s.i. (See Fire Flow Guidance Packet⁴. Inadequate fire flows are normally due to water supply pipes that are too small or too little water pressure, or a combination of both.

Applicant/Project Engineer: Refer to City of Grand Junction most recently adopted IFC, Appendix B and C, [IFC 2012], to determine the minimum fire flow required for this project, based on the Water Purveyor's information (*i.e.*, location, looping and size of water lines; water pressure at the site, *etc.*) and the type, density and location of all structures. Base your professional judgment on the City approved utility plans and Water Provider information shown on this Form. Each time the utility plans/other information relating to treated water changes, resubmit this form just as you did the first time.

End of Section A. Section B continues on the next page

Grand Junction Fire Department New Development Fire Flow Form

SECTION B

[To be completed by the Water Supplier]

Attach fire flow test data for the hydrants

Failure to attach the fire flow test data and/or diagram may delay your project review.

1. Circle the name of the water supplier: Ute Clifton Grand Junction
2. List the approximate location, type and size of supply lines for this project, or attach a map with the same information:

See the attached map.

3. Attach the fire flow test data @ 20 p.s.i. for the fire hydrants nearest to the development/project that must be use to determine available fire flow. Test data is to be completed within the previous 12 months or year. Identify the fire hydrants used to determine the fire flow:

See the attached flow test results.

[Or: 1. attach a map or diagram with the same information, or 2. attach a map/diagram with flow modeling information.]

4. If new lines are needed (or if existing lines must be looped) to supply the required fire flows, or if more information is needed to state the available minimum g.p.m. @ 20 p.s.i. residual pressure, please list what the applicant/developer must do or obtain:

Print Name and Title of Water Supplier Employee completing this Form:

Robert Yates - Fire Hydrants Division

Date: September 10, 2018

Contact phone/E-mail of Water Supplier: hydrant@utewater.org (970) 256-2882

Note: Based on the facts and circumstances, the Fire Chief may require the applicant/developer to engage an engineer⁵ to verify/certify that the proposed water system improvements, as reflected in the approved utility plans submitted in support of the application/development, will provide the minimum fire flows to all structures in this project. If required, a State of Colorado Licensed Professional Engineer shall submit a complete stamped-seal report to the Grand Junction Fire Department. All necessary support documentation shall be included.

¹ There are three drinking water suppliers: Ute Water 970-242-7491, Clifton Water 970-434-7328 and City of Grand Junction water 970-244-1572.

² Address: City – 250 N 5th St, Grand Junction, CO 81501; County – PO Box 20000, Grand Junction, CO 81502

³ International Fire Code, 2012 Edition

⁴ <http://www.gjcity.org/residents/public-safety/fire-department/fire-prevention-and-contractors/>

⁵ City Code defines engineer as one who is licensed as a P.E. by the state of Colorado.

Fire Flow Hydrant Master With Graph

Report Generated by: IMS by Hurco Technologies Inc.

Page: 1



Company Name: Ute Water Conservancy District
Address: 2190 H 1/4 Rd
City: Grand Junction
State: Colorado
Zip: 81505

Test Date: 1/5/18 3:00 pm

NFPA Classification:

Blue AA
 5515.68

Work Order: 667
Operator: Robert/Dusty

Test did not reach recommended drop of 25% per NFPA 291

Test Hydrant: 4367
Address: 2395 H RD
Cross Street:
Location:
District:
Sub-Division:

Latitude:
Longitude:
Elevation:
State X / Y: /

Pumpers:

Nozzles:

Open Dir:

Manuf: Kennedy Valve
Model: Guardian

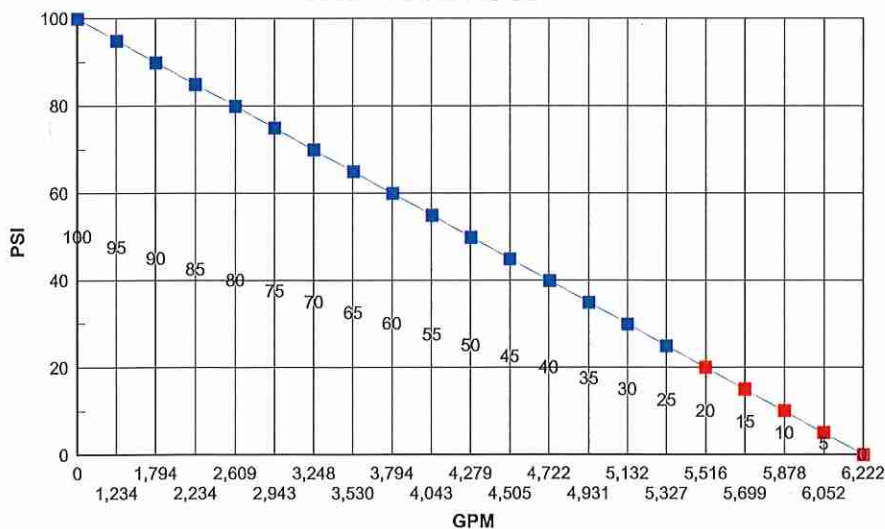
Installed: 01/01/2013
Main Size:

Vandal Proof:
Bury Depth:

	Flow Hydrant	Flow Device	Diameter	GPM	Gallon Used
1:	494	2.5" Hose Monster	2.50	1480.07	7400.37
2:					
3:					
4:					
5:					

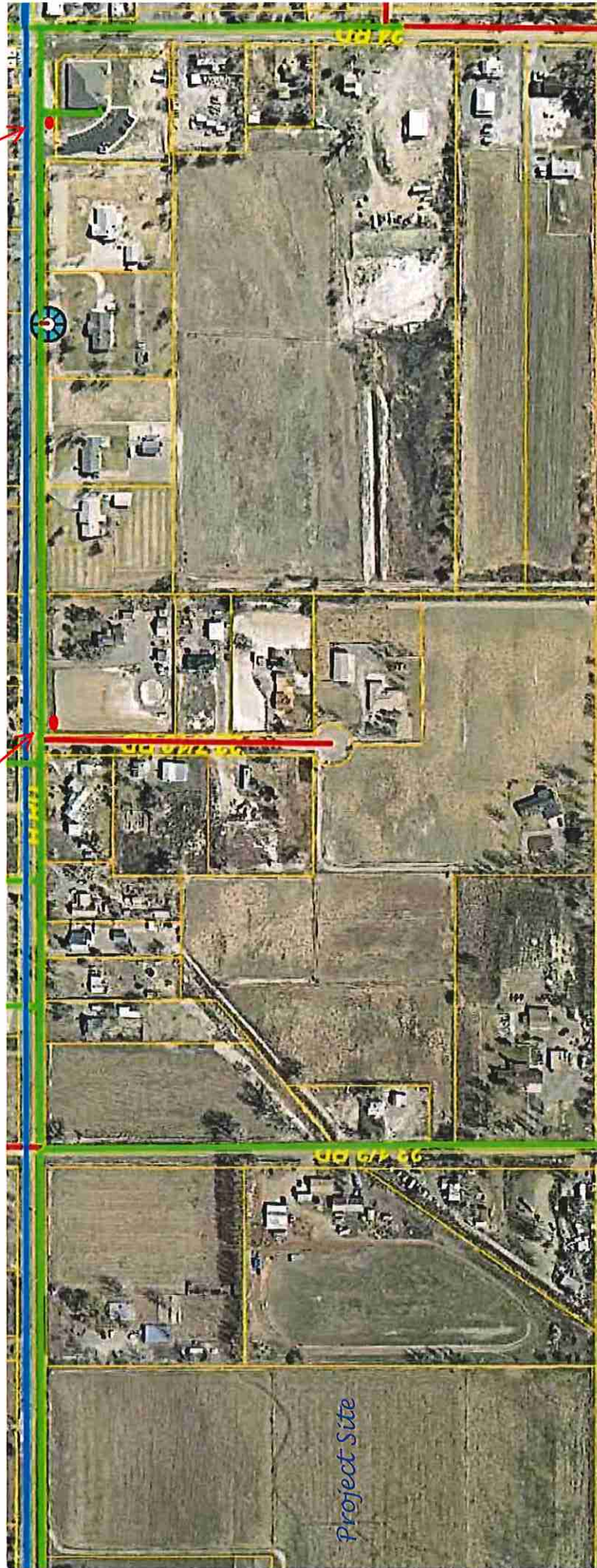
Pitot / Nozzle PSI: 77.00	Total Gallons Used: 7400.37
Static PSI: 100.00	Max GPM during test: 1,480.07
Residual PSI: 93.00	Elapsed Time Min:Sec: 5 : 0
Percent Drop: 7.00	Predicted GPM @ 20 PSI: 5515.68

4367 Flow GPM



GPM rounded to nearest gallon

Values inside grid below flow line are PSI @ predicted flow



SOUTH TWENTY ANNEXATION SCHEDULE

January 16, 2019	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
January 22, 2019	Planning Commission considers Zone of Annexation
February 6, 2019	Introduction of a Proposed Ordinance on Zoning by City Council
February 20, 2019	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 24, 2019	Effective date of Annexation

ANNEXATION SUMMARY

File Number:		ANX-2018-659
Location:		2335 H Road
Tax ID Numbers:		2701-322-00-103
# of Parcels:		1
Existing Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		20.18
Developable Acres Remaining:		19.74
Right-of-way in Annexation:		0.44 acres
Previous County Zoning:		RSF-R (Residential Single Family – Rural)
Proposed City Zoning:		R-8 (Residential – 8 du/ac) & R-4 (Residential – 4 du/ac)
Current Land Use:		Vacant land
Future Land Use:		Residential High Mixed Use (16 – 24 du/ac) & Residential Medium (4 – 8 du/ac)
Values:	Assessed:	\$6,970
	Actual:	\$24,020
Address Ranges:		2335 H Road
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	City of Grand Junction
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	GVIC/GVDD
	School:	Fruita Monument HS / Fruita Middle / Appleton Elementary
	Pest:	Grand River Mosquito Control District

City of Grand Junction

Review Comments

Date: November 21, 2018

Comment Round No. 1

Page No. 1 of 4

Project Name: South Twenty Annexation

File No: ANX-2018-659

Project Location: 2335 H Road

Check appropriate ☒ if comments were mailed, emailed, and/or picked up.

Property Owner(s): South Twenty LLC – Attn: Mandy Rush

Mailing Address: 2306 H Road, Grand Junction, CO 81505

☒ **Email:** mandy@mandyrush.com **Telephone:** (970) 260-1310

☐ **Date Picked Up:** _____ **Signature:** _____

Representative(s):

Mailing Address:

Email: _____ **Telephone:** _____

☐ **Date Picked Up:** _____ **Signature:** _____

Developer(s):

Mailing Address:

Email: _____ **Telephone:** _____

☐ **Date Picked Up:** _____ **Signature:** _____

CITY CONTACTS

Project Manager: Scott D. Peterson, Senior Planner

Email: scottp@gjcity.org **Telephone:** (970) 244-1447

Dev. Engineer: Jarrod Whelan

Email: jarrodw@gjcity.org **Telephone:** (970) 244-1443

City of Grand Junction

REQUIREMENTS

(with appropriate Code citations)

CITY PLANNING

1. Application is for Annexation into the City limits with a proposed split zoning designation of R-8 (Residential – 8 du/ac) & R-4 (Residential – 4 du/ac) zone district. Comprehensive Plan Future Land Use Map identifies the property as having a split designation of Residential High Mixed Use (16 – 24 du/ac) & Residential Medium (4 – 8 du/ac). Existing property is 19.77 +/- acres in size. No additional response required.

Applicant's Response:

Document Reference:

2. Planning Commission and City Council Public Hearings:

Planning Commission and City Council review and approval required for proposed Annexation and Zoning requests. City Project Manager will **tentatively** schedule application(s) for the following public hearing schedule:

- a. City Council Referral of Petition, Land Use Jurisdiction and 1st Reading of Annexation: **January 16, 2019** (Consent Agenda – no need to attend meeting).
- b. Planning Commission review of zoning designation to R-8 (Residential – 8 du/ac) & R-4 (Residential – 4 du/ac): **January 22, 2019** (Please plan on attending meeting in case the Planning Commission has any questions).
- c. City Council review of zoning designation to R-8 (Residential – 8 du/ac) & R-4 (Residential – 4 du/ac) (1st Reading): **February 6, 2019** (Consent Agenda – no need to attend meeting).
- d. City Council review of Annexation and R-8 & R-4 zoning designations (2nd Reading): **February 20, 2019** (Please plan on attending meeting in case the City Council has any questions).

Please plan on attending the January 22, 2019 Planning Commission meeting and the February 20, 2019 City Council meeting. The Consent Agenda meetings you do not need to attend as that is only scheduling the hearing date and the item is placed on the Consent Agenda with no public testimony taken. Both the Planning Commission and City Council meetings begin at 6:00 PM at City Hall in the City Council Chambers.

If applicant cannot make the above scheduled public hearing dates, please notify City Project Manager and we can reschedule for later meeting dates.

Code Reference: Sections 21.02.140 and 160 of the Zoning & Development Code.

Applicant's Response:

Document Reference:

CITY DEVELOPMENT ENGINEER

No exceptions taken.

Applicant's Response:

Document Reference:

CITY SURVEYOR – Peter Krick – peterk@gjcity.org (970) 256-4003

No comments at this time.

Applicant's Response:

Document Reference:

CITY FIRE DEPARTMENT – Mike Gazdak – mikega@gjcity.org (970) 549-5854

The fire department has no objections to the request for annexation/rezone.

Applicant's Response:

Document Reference:

CITY ADDRESSING – Pat Dunlap – patd@gjcity.org (970) 256-4030

1. South Twenty Annexation No. 1 is acceptable.

2. South Twenty Annexation No. 2 is acceptable.

Applicant's Response:

Document Reference:

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Mesa County Engineering

Contact Name: Dana Brosig

Email / Telephone Number: dana.brosig@mesacounty.us (970) 255-5035

No comments.

Applicant's Response:

Review Agency: Mesa County Building Department

Contact Name: Darrell Bay

Email / Telephone Number: Darrell.bay@mesacounty.us (970) 244-1651

MCBD has no objections.

Applicant's Response:

Review Agency: Grand Valley Drainage District

Contact Name: Tim Ryan

Email / Telephone Number: tim.admin@gvdd.org (970) 242-4343

The platted easement, R#1933582, circa 1999, is inadequate in its description. The District will prepare a current accurate description that we will provide to the project surveyor to be incorporated into the improvement survey plat.

Applicant's Response:

Review Agency: Ute Water Conservancy District

Contact Name: Jim Daugherty

Email / Telephone Number: jdaugherty@utewater.org (970) 242-7491

- No objection to rezone and annexation.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

Applicant's Response:

Review Agency: Xcel Energy

Contact Name: Brenda Boes

Email / Telephone Number: Brenda.k.boes@xcelenergy.com (970) 244-2698

Xcel has no objections at this time.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement.

Applicant's Response:

Review Agency: Grand Valley Power

Contact Name: Steve Don

Email / Telephone Number: sdon@gvp.org (970) 242-0040

1. The south half of the project is in the Grand Valley Power (GVP) service area.
2. Need GVP electric layout on FINAL Utility Composite Plan. Showing the locations of street lights, transformers, junction boxes, road crossings (number of conduits, type, size, depth & length) and any other needed equipment.
3. Please make application for service by calling 242-0040, to start the design process. A cost estimate will also be prepared.
4. Need Final Plat with addresses before going to Contract for Construction with Grand Valley Power.
5. Need 14' Multi-Purpose Easement along all Roads and streets.
6. No trees to be planted over utility portion of Multi-Purpose Easement.
7. Any Utility / Multi-Purpose Easement that is also used for landscaping will need to have underground power lines built in duct system.
8. Irrigation and drainage lines should not be in the utility portion of the Multi-Purpose Easement.
9. Any relocation of existing overhead power lines, poles, guy/anchors, underground lines, transformers or any other Grand Valley Power equipment is at the developer's expense.

Applicant's Response:

REVIEW AGENCIES

(Responding with "No Comment" or have not responded as of the due date)

The following Review Agencies have not responded as of the comment due date.

1. Mesa County Planning
2. Grand Valley Irrigation Company

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. **N/A. No further response required. See City Planning review comments for proposed public hearing schedule.**

Date due: N/A.

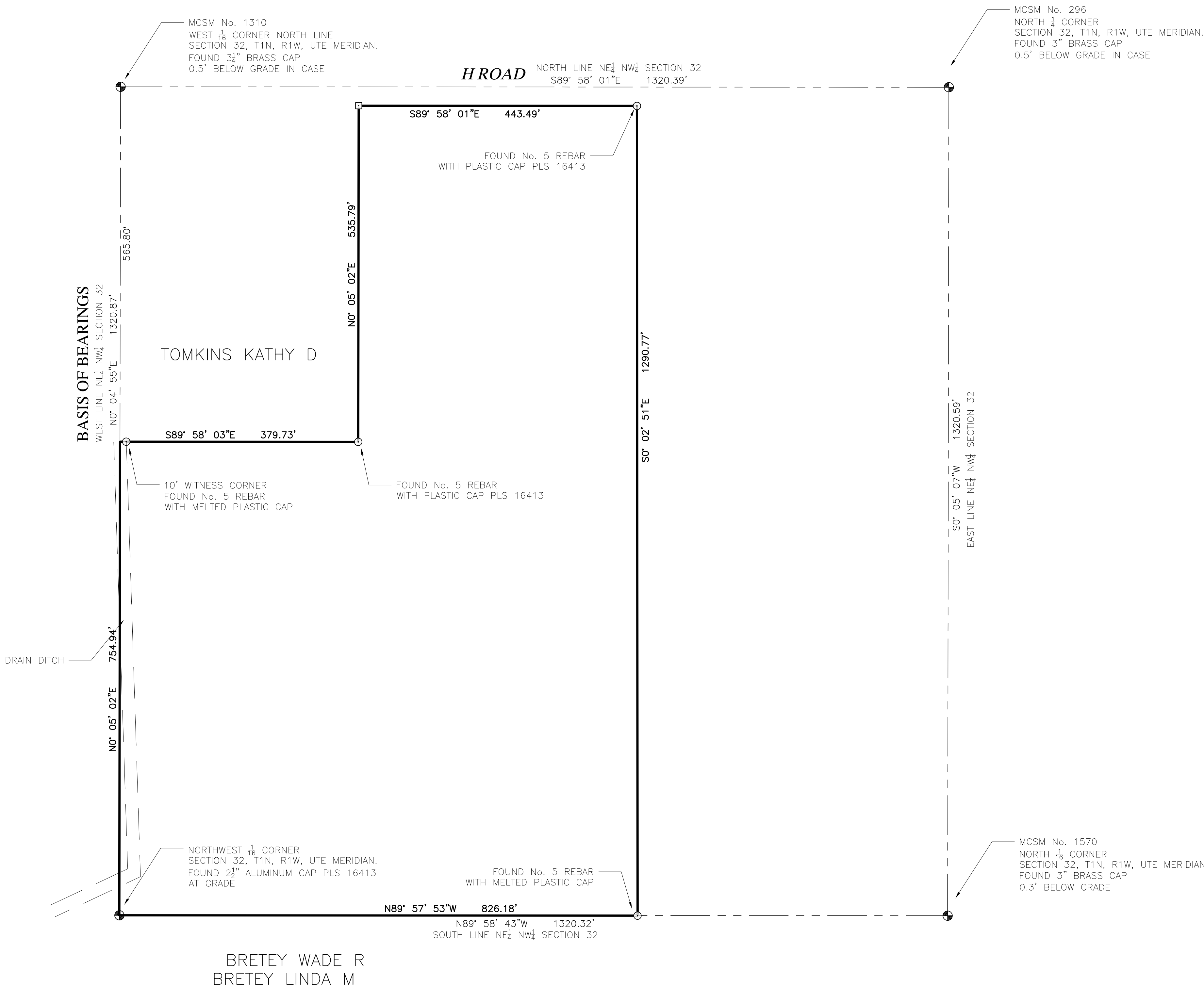
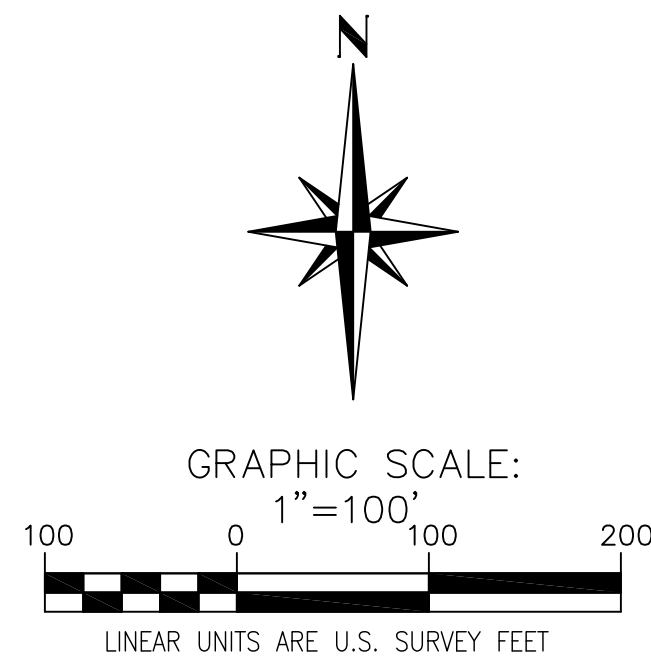
Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.

Applicant's Signature

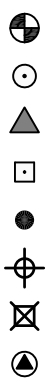
Date

BOUNDARY SURVEY
SITUATED IN THE NE¼ NW¼ SECTION 32
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
AND BEING A PART OF MULLER SIMPLE LAND DIVISION
COUNTY OF MESA, STATE OF COLORADO



LEGEND:

- FOUND CITY SURVEY MARKER AS DESCRIBED
SET MAGNETIC NAIL WITH 1-1/2 INCH BRASS DISC PLS 37904
SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
FOUND
FOUND
FOUND
FOUND



LEGAL DESCRIPTION:

PARCEL 1
MULLER SIMPLE LAND DIVISION
COUNTY OF MESA, STATE OF COLORADO

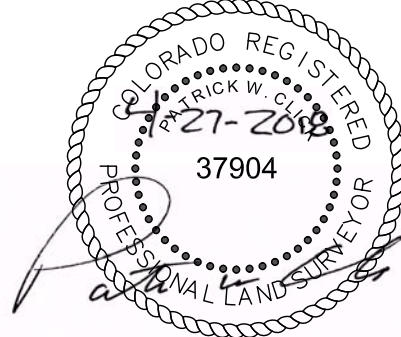
Said parcel contains 19.77 ACRES.

NOTES

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITHOUT USING A CURRENT TITLE POLICY.
- BEARINGS ARE BASED ON THE WEST LINE OF THE NE¼ NW¼ SECTION 32, T1N, R1W OF THE UTE MERIDIAN, MESA COUNTY, COLORADO. FOUND IN PLACE WERE A MESA COUNTY SURVEY MARKER AT THE NORTH END OF SAID LINE AND A ALUMINUM CAP PLS 16413 AT THE SOUTH OF SAID LINE AS SHOWN HEREON. THE BEARING USED S0°11'16"E IS BASED ON GPS OBSERVATIONS WHILE USING THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS BOUNDARY SURVEY IS BASED ON THE DEED AS RECORDED AT RECEPTION NUMBER 2787159, OF THE MESA COUNTY RECORDS.
- THE BEARINGS SHOWN HERON ARE BASED ON THE PLAT BEARINGS AS RECORDED AT RECEPTION NUMBER 1933582, ROTATED TO THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM.

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat represents a field survey completed by me and / or under my direct supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.



COLORADO REGISTERED LAND SURVEYOR PLS #37904

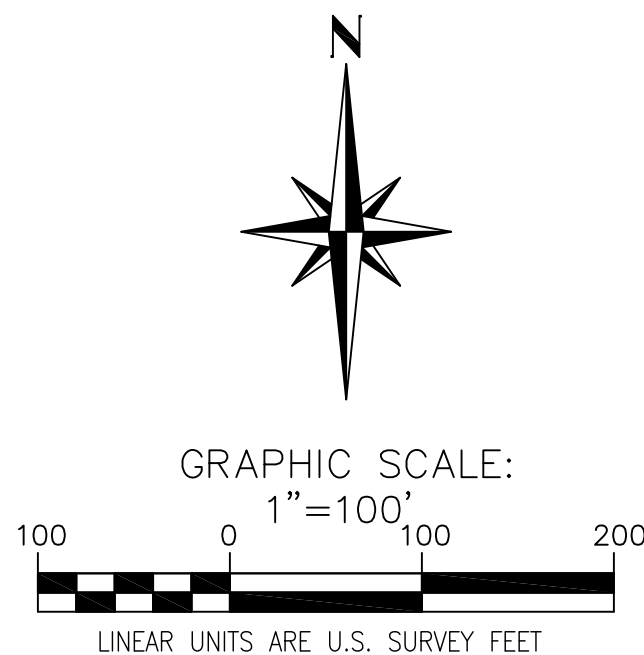
BOUNDARY SURVEY
2335 H ROAD
SITUATED IN THE NE¼ NW¼ SECTION 32
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

JOB #: 2018049 FIELD WORK: SL
DATE: 4/27/18 DRAWING NAME: 2335 H ROAD DRAWN BY: PC

POLARIS SURVEYING
PATRICK W. CLICK P.L.S.
3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE/FAX (970)434-7038

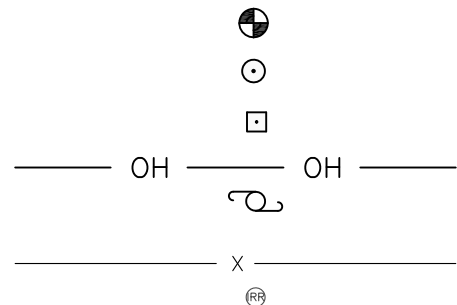
IMPROVEMENT SURVEY PLAT

SITUATED IN THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 32
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
AND BEING A PART OF MULLER SIMPLE LAND DIVISION
COUNTY OF MESA, STATE OF COLORADO



LEGEND:

- FOUND SURVEY MARKER AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED HEREON
- SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904
- EXISTING OVERHEAD UTILITY LINE
- EXISTING UTILITY POLE
- EXISTING FENCE LINE
- EXISTING IRRIGATION FEATURE



LEGAL DESCRIPTION:

PARCEL 1
MULLER SIMPLE LAND DIVISION
COUNTY OF MESA, STATE OF COLORADO

Said parcel contains 19.77 ACRES.

NOTES

- OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE USING A CURRENT TITLE POLICY BY LAND TITLE GUARANTEE COMPANY, ORDER NUMBER GJR65035650-5.
- BEARINGS ARE BASED ON THE WEST LINE OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 32, T1N, R1W OF THE UTE MERIDIAN, MESA COUNTY, COLORADO. FOUND IN PLACE WERE A MESA COUNTY SURVEY MARKER AT THE NORTH END OF SAID LINE AND A ALUMINUM CAP PLS 16413 AT THE SOUTH OF SAID LINE AS SHOWN HEREON. THE BEARING USED N0°04'55"E IS BASED ON GPS OBSERVATIONS WHILE USING THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY IS BASED ON THE DEED AS RECORDED AT RECEPTION NUMBER 2787159, OF THE MESA COUNTY RECORDS.
- THE BEARINGS SHOWN HERON ARE BASED ON THE PLAT BEARINGS AS RECORDED AT RECEPTION NUMBER 1933582, ROTATED TO THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM.

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat represents a field survey completed by me and / or under my direct supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.

COLORADO REGISTERED LAND SURVEYOR PLS #37904

IMPROVEMENT SURVEY PLAT

2335 H ROAD
SITUATED IN THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 32
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

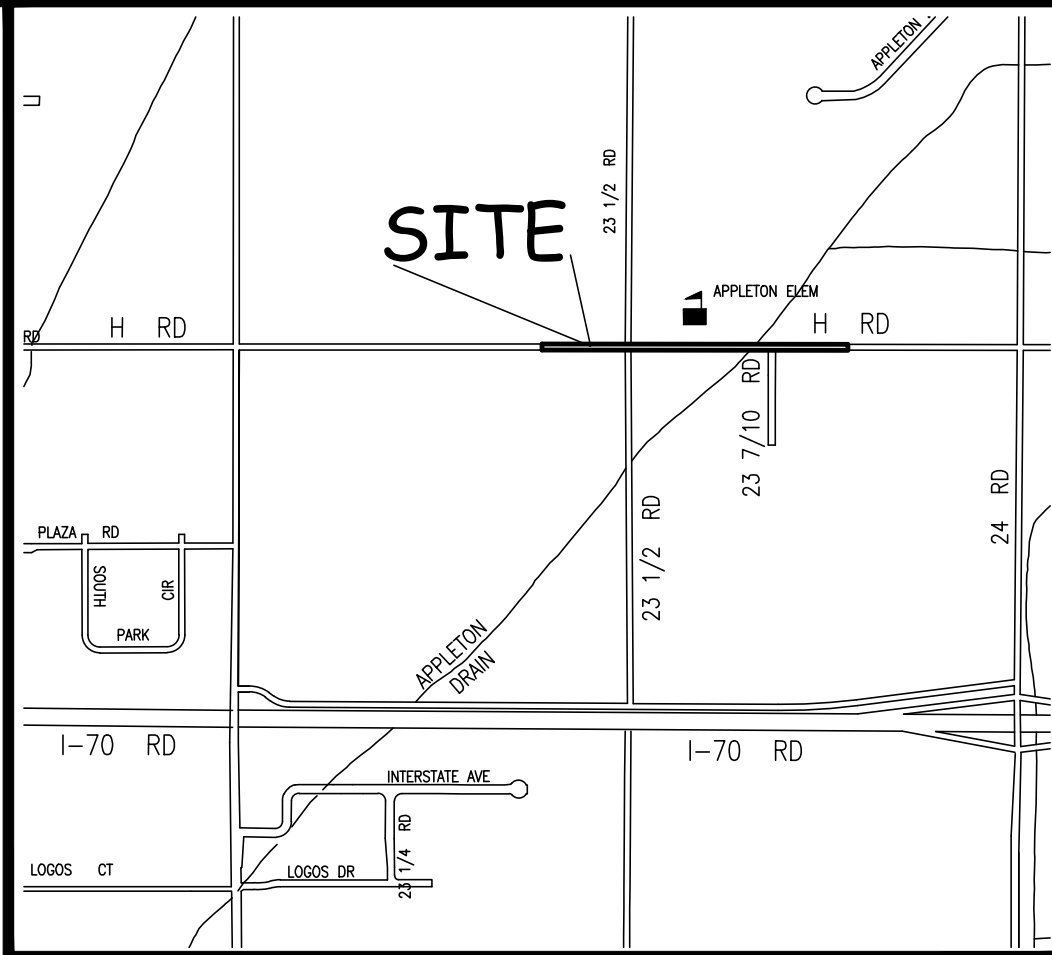
JOB #: 2018049 FIELD WORK: SL
DATE: 8/06/18 DRAWING NAME: 2335 H ROAD DRAWN BY: PC

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE/FAX (970)434-7038

SOUTH TWENTY ANNEXATION NO. 1
LYING IN THE NE 1/4 NW 1/4 AND NW 1/4 NE 1/4 OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 1 WEST
UTE PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO



LOCATION MAP: NOT-TO-SCALE

DESCRIPTION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4 and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 NE 1/4 of said Section 32 and assuming the North line of the NW 1/4 NE 1/4 of said Section 32 bears N 89°57'52" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'26" W, along the East line of the NW 1/4 NE 1/4 of said Section 32, a distance of 5.00 feet to a point on the South line of Apple Glen Annexation No. 2, Ordinance No. 4191 as same is recorded in Book 4637, Page 687, Public Records of Mesa County, Colorado, also being the POINT OF BEGINNING; thence from said Point of Beginning, S 00°03'26" W, along said East line, a distance of 2.00 feet; thence N 89°57'52" W along a line 7.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 660.88 feet; thence N 00°01'45" E, a distance of 5.00 feet; thence N 89°57'52" W along a line 2.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 656.88 feet, more or less, to a point on the East line of the NE 1/4 NW 1/4 of said Section 32; thence N 89°58'01" W along a line 2.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 497.19 feet, more or less, to a point on the Northerly projection of the East line of Parcel 1, Muller Simple Land Division, as same is recorded in Plat Book 17, Page 236, Public Records of Mesa County, Colorado; thence N 00°02'51" W, along said Northerly projection, a distance of 2.00 feet to a point on the North line of the NE 1/4 NW 1/4 of said Section 32; thence S 89°58'01" E, along said North line, a distance of 497.20 feet, more or less, to a point being the Northeast corner of the NE 1/4 NW 1/4 of said Section 32; thence S 89°57'52" E, along the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet to a point on the West line of Apple Glen Annexation No. 3, Ordinance No. 4192, as same is recorded in Book 4637, Page 691, Public records of Mesa County, Colorado; thence S 00°01'45" W, along said West line, a distance of 5.00 feet; thence S 89°57'52" E along a line 5.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 658.88 feet, more or less, to the Point of Beginning.

ABBREVIATIONS

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
R.O.W. RIGHT OF WAY
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
U.P.M. UTE PRINCIPAL MERIDIAN
NO. NUMBER
SQ. FT. SQUARE FEET
Δ= CENTRAL ANGLE
RAD. RADIUS
AL. ARC LENGTH
CHL. CHORD LENGTH
CHB. CHORD BEARING
BLK. BLOCK
PB. PLAT BOOK
BK. BOOK
PG. PAGE

The Sketch and Description contained herein have been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This plat does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

PREPARED BY

PETER T. KRICK, PLS No. 32824
Professional Land Surveyor for the
City of Grand Junction

DATE: _____



EFFECTIVE DATE

????

ORDINANCE NO.

????

THIS IS NOT A BOUNDARY SURVEY

AREA OF ANNEXATION

ANNEXATION PERIMETER 3,643.91 FT.
CONTIGUOUS PERIMETER 663.88 FT.
AREA IN SQUARE FEET 3,640***
AREA IN ACRES 0.083
*** (995 SQ. FT. LIES IN DEEDED R/W AND 2,645 SQ. FT. LIES IN R/W BY USE)

LEGEND

ANNEXATION BOUNDARY
EXISTING CITY LIMITS

GRAPHIC SCALE



(IN FEET)

1 inch = 200 FT.

LINEAL UNITS USED HEREIN = U.S. SURVEY FOOT, AS ESTABLISHED

DRAWN BY P.T.K. DATE 08-15-2018
DESIGNED BY DATE
CHECKED BY P.T.K. DATE
APPROVED BY DATE

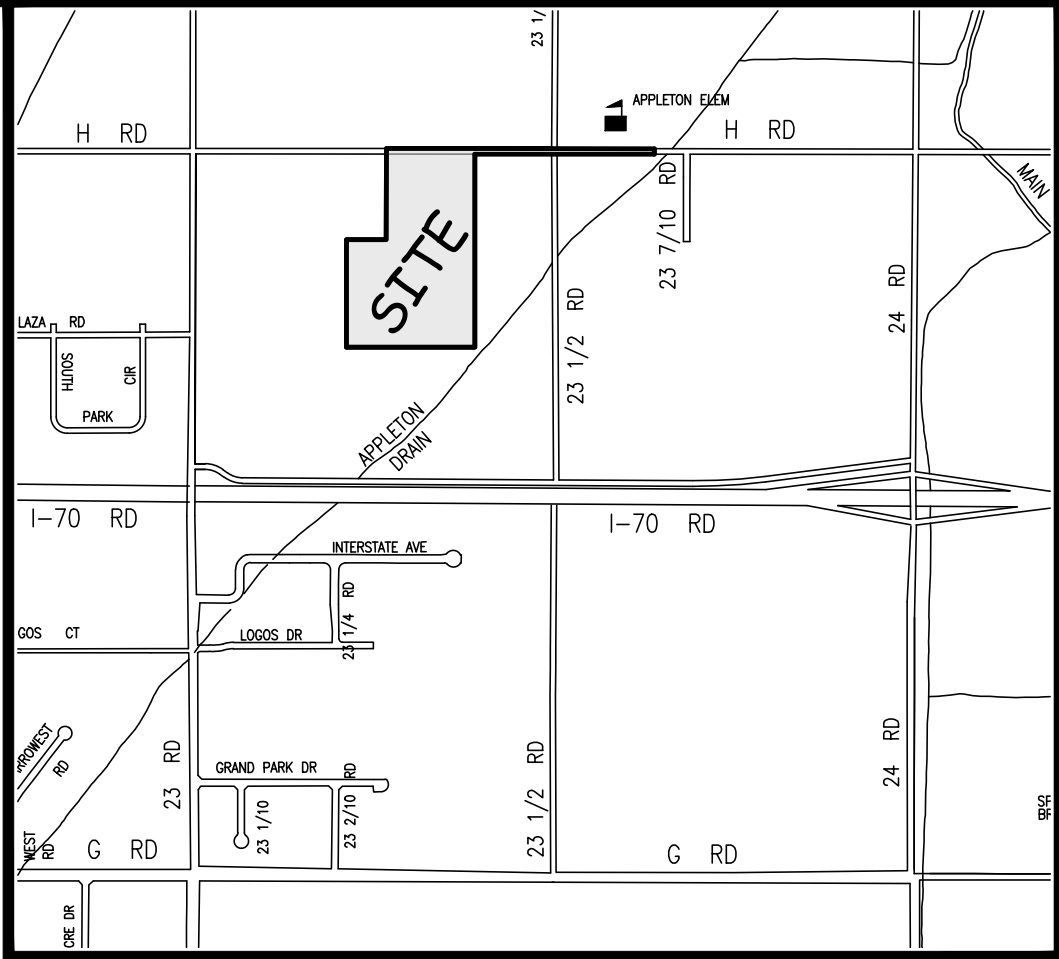
SCALE
1" = 200'

CITY OF
Grand Junction
COLORADO

PUBLIC WORKS
ENGINEERING DIVISION
SURVEY DEPARTMENT

SOUTH TWENTY
ANNEXATION NO. 1

SOUTH TWENTY ANNEXATION NO. 2
LYING IN THE NE 1/4 NW 1/4 AND NW 1/4 NE 1/4 OF SECTION 32 , TOWNSHIP 1 NORTH, RANGE 1 WEST
UTE PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO



LOCATION MAP: NOT-TO-SCALE

DESCRIPTION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4 and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 32, Township 1 North, Range 1 West of the Ute Principal Meridian and being more particularly described as follows:

BEGINNING at the Southwest corner of the NE 1/4 NW 1/4 of said Section 32, said point also being the Southwest corner of Parcel 1, Muller Simple Land Division, as same is recorded in Plat Book 17, Page 236, Public Records of Mesa County, Colorado and assuming the West line of the NE 1/4 NW 1/4 of said Section 32 bears N 00°04'55" E and all other bearings shown hereon are relative thereto; thence from said Point of Beginning, N 00°04'55" E along the West line of the NE 1/4 NW 1/4 of said Section 32, a distance of 754.94 feet, more or less, to a point being the Southwest corner of Parcel 2 of said Muller Simple Land Division; thence S 89°58'03" E, along the South line of said Parcel 2, a distance of 379.73 feet, more or less, to a point being the Southeast corner of said Parcel 2; thence N 00°05'02" E, along the East line of said Parcel 2 and the West line of said Parcel 1, a distance of 565.92 feet, more or less, to a point on the North line of the NE 1/4 NW 1/4 of said Section 32; thence S 89°58'01" E, along said North line, a distance of 443.45' to a point on the West line of South Twenty Annexation No. 1; thence S 00°02'51" E, along said West line, a distance of 2.00 feet; thence S 89°58'01" E along the South line of said South Twenty Annexation No. 1, a distance of 497.19 feet to a point on the East line of the NW 1/4 NE 1/4 of said Section 32; thence S 89°57'52" E, along the South line of said South Twenty Annexation No. 1, a distance of 656.88 feet; thence S 00°01'45" W, a distance of 5.00 feet; thence N 89°57'52" W, a distance of 2.00 feet; thence N 00°01'45" E, a distance of 3.00 feet; thence N 89°57'52" W, along a line 4.00 feet South of and parallel with, the North line of the NW 1/4 NE 1/4 of said Section 32, a distance of 654.89 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 32; thence N 89°58'01" W, along a line 4.00 feet South of and parallel with, the North line of the NE 1/4 NW 1/4 of said Section 32, a distance of 497.19 feet to a point on the Northerly projection of the East line of said Parcel 1; thence S 00°02'51" E, along the East line of said Parcel 1, a distance of 1316.70 feet, more or less, to a point on the South line of the NE 1/4 NW 1/4 of said Section 32, said point also being the Southeast corner of said Parcel 1; thence N 89°58'43" W, along the South line of the NE 1/4 NW 1/4 of said Section 32, a distance of 826.18 feet, more or less, to the Point of Beginning.

ABBREVIATIONS

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
R.O.W. RIGHT OF WAY
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
U.P.M. UTE PRINCIPAL MERIDIAN
NO. NUMBER
SQ. FT. SQUARE FEET
Δ= CENTRAL ANGLE
RAD. RADIUS
AL. ARC LENGTH
CHL. CHORD LENGTH
CHB. CHORD BEARING
BLK. BLOCK
PB. PLAT BOOK
BK. BOOK
PG. PAGE

The Sketch and Description contained herein have been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This plat does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

PREPARED BY

PETER T. KRICK, PLS No. 32824
Professional Land Surveyor for the
City of Grand Junction

DATE: _____



AREA OF ANNEXATION

ANNEXATION PERIMETER 5,285.30 FT.
CONTIGUOUS PERIMETER 1,161.07 FT.
AREA IN SQUARE FEET 875,322***
AREA IN ACRES 20.095

LEGEND

ANNEXATION BOUNDARY
EXISTING CITY LIMITS

***[PARCEL INCLUDES 14,298 SQ. FT. (0.328 ACRES) WITHIN PLATTED OR DEEDED ROAD R/W AND AN ADDITIONAL 1,320 SQ. FT. (0.030 ACRES) WITHIN RIGHT OF WAY BY USE]

Notice:

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

DRAWN BY P.T.K. DATE 08-24-2018
DESIGNED BY DATE
CHECKED BY P.T.K. DATE
APPROVED BY DATE

SCALE

1" = 200'



PUBLIC WORKS
ENGINEERING DIVISION
SURVEY DEPARTMENT

SOUTH TWENTY
ANNEXATION NO. 2

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING THE SOUTH TWENTY ANNEXATION
TO R-4 (RESIDENTIAL – 4 DU/AC) & R-8 (RESIDENTIAL – 8 DU/AC)**

LOCATED AT 2335 H ROAD

Recitals

The property owners have requested annexation of the 19.76-acre property into the City limits in anticipation of future residential subdivision development

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of zoning the South Twenty Annexation to the R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac) zone district respectfully, finding that it conforms with the split designation of Residential Medium (4 – 8 du/ac) and Residential High Mixed Use (16 - 24 du/ac) as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-4 (Residential – 4 du/ac) and R-8 (Residential – 8 du/ac) zone districts are in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code.

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

SOUTH TWENTY ANNEXATION

The following portion of the property be zoned R-4 (Residential – 4 du/ac). See Exhibit A.

A tract of land situated in the Northeast Quarter of Northwest Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian and being a part Parcel 1 Muller Simple Land Division as recorded at Reception Number 1933582 of the Mesa County Records, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northeast corner of said Parcel 1 thence S0°02'51"E along the East line of said Parcel 1a distance of 535.79 feet to the Point of Beginning; thence S0°02'51"E along the East line of said Parcel 1a distance of 754.98 feet to the Southeast corner of said Parcel 1; thence N89°58'25"W along the South line of said

Parcel 1 a distance of 826.14 feet to the Southwest corner of said parcel 1 and the Northwest Sixteenth Corner of said Section 32; thence N0°04'55"E along the West line of said Parcel 1 a distance of 755.07 to an angle point on the West line of said Parcel 1; thence S89°58'03"E a distance of 379.71 feet to an angle point on the West line of said Parcel 1; thence S89°58'01"E a distance of 444.72 feet to the Point of Beginning.

Said tract of land contains 14.30 acres as described.

The following portion of the property be zoned R-8 (Residential – 8 du/ac). See Exhibit B.

A tract of land situated in the Northeast Quarter of Northwest Quarter of Section 32, Township 1 North, Range 1 West of the Ute Meridian and being a part Parcel 1 Muller Simple Land Division as recorded at Reception Number 1933582 of the Mesa County Records, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Northeast corner of said Parcel 1 thence S0°02'51"E along the East line of said Parcel 1 a distance of 535.79 feet; thence N89°58'01"W a distance of 444.72 feet to an angle point on the West line of said Parcel 1; thence N0°05'02"E along the West line of said Parcel 1 a distance of 535.79 feet to the Northwest corner of said Parcel 1; thence S89°58'01"E along the North line of said Parcel 1 a distance of 443.49 feet to the Point of Beginning.

Said tract of land contains 5.46 acres as described.

INTRODUCED on first reading this ____ day of ____, 2019 and ordered published in pamphlet form.

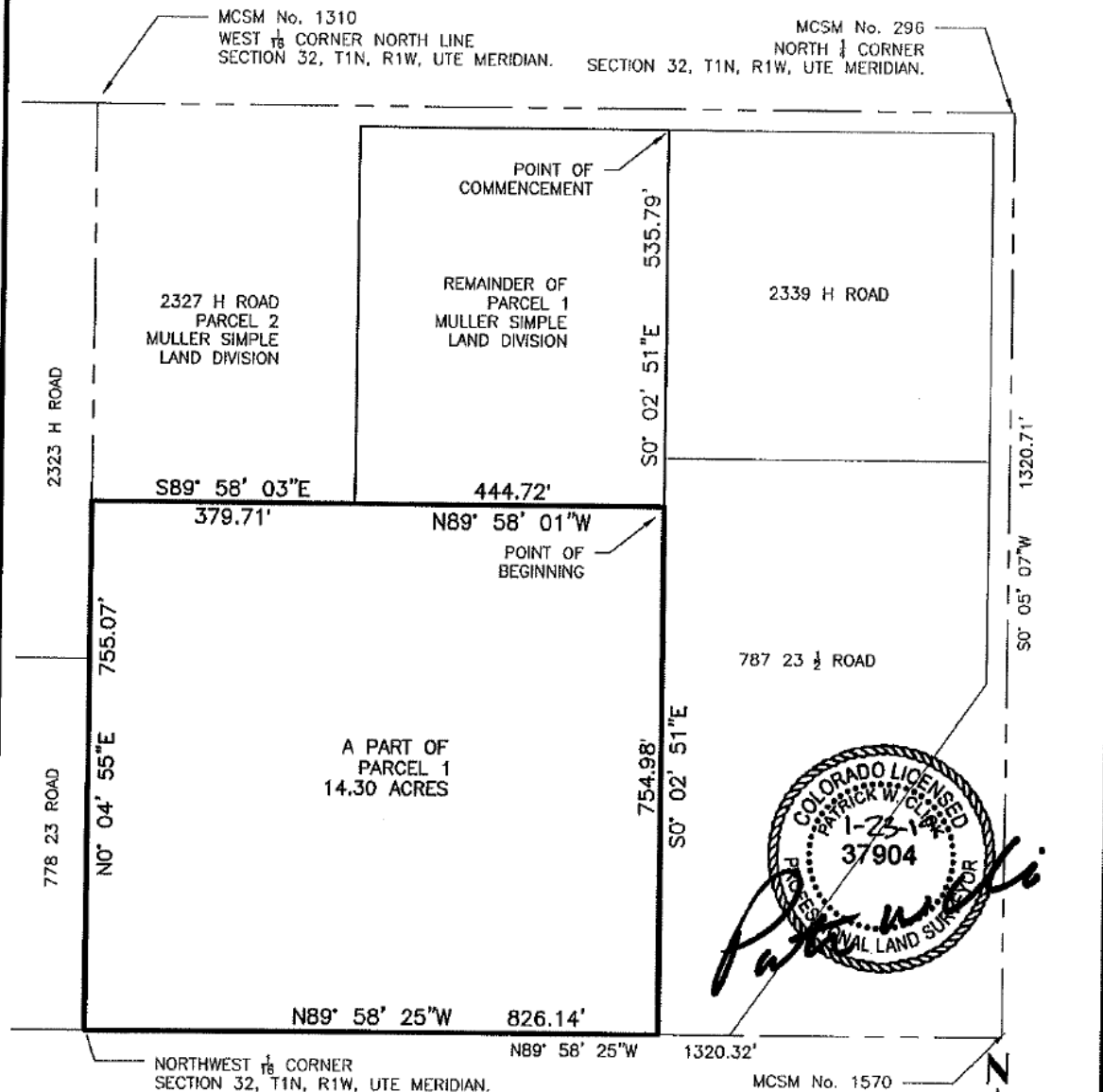
ADOPTED on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk

EXHIBIT A



LEGAL DESCRIPTION SKETCH

PARCEL 1
MULLER SIMPLE LAND DIVISION
SOUTH PORTION
SITUATED IN THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 32
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE (970)434-7038

GRAPHIC SCALE:

1"=200'



LINEAR UNITS ARE U.S. SURVEY FEET



