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**PLANNING COMMISSION AGENDA
IN-PERSON/VIRTUAL HYBRID MEETING
CITY HALL AUDITORIUM, 250 N 5th STREET
TUESDAY, AUGUST 8, 2023 - 5:30 PM
*Attend virtually: bit.ly/GJ-PC-8-8-23***

Call to Order - 5:30 PM

Consent Agenda

1. Minutes of Previous Meeting(s)
2. Consider a request by Situs GJ Industrial LLC to vacate a 15-foot multipurpose easement, to partially vacate a 20-foot multipurpose easement, and to partially vacate a 60-foot utility easement located at 630 S 7th Street.

Regular Agenda

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
July 25, 2023, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:30 p.m. by Commissioner Scissors.

Those present were Planning Commissioners; Shanon Secrest, Melanie Duyvejonck, Kim Herek, and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Tamra Allen (Community Development Director), Jessica Johnsen (Senior Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 12 members of the public in attendance, and 0 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from July 11, 2023.

REGULAR AGENDA

1. Knoll Ridge Rezone

RZN-2022-1895

Consider a request by Christopher and Patricia Jones, Property Owners, to rezone 1.54 acres from R-1 (Residential – 1 du/ac) to R-4 (Residential – 4 du/ac) located at 645 Knoll Ridge Lane. This item was continued from the June 27, 2023 Planning Commission hearing.

This item has been withdrawn by the applicant.

2. C ½ Road Gravel Pit CUP

CUP-2021-616

Consider a Request by M & D Enterprises for a Conditional Use Permit to Allow Sand and Gravel Extraction on a Total of 27.8 acres in a CSR (Community Services and Recreation) Zone District located at 2855 C 1/2 Road. This item was continued from the July 11, 2023 Planning Commission hearing.

Applicant requested item to be reheard in full on August 22, 2023

3. John H Hoffman Filing 4 Rezone

RZN-2023-230

Consider a request by Laurel Cole – Habitat for Humanity of Mesa County, property owner, to zone 1.22 acres from R-5 (Residential – 5 du/ac) to R-12 (Residential – 12 du/ac) located at 3041 D Road.

Staff Presentation

Jessica Johnsen, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Darah Galvin with Bray Real Estate was present and available for questions.

Questions for staff

Commissioner Herek asked about the difference in the approval criteria between the presentation and the staff report.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, July 18, 2023, via www.GJSpeaks.org.

Commissioner Ehlers asked about the density range for R-5 zones. He also asked if the City Housing Dept had any input on the requested rezone.

Commissioner Secrest asked why the request was for R-12 not R-8.

Darah Galvin responded to commissioner questions.

The public hearing was closed at 5:50 p.m. on July 25, 2023.

Discussion

Motion and Vote

Commissioner Secrest made the following motion “Mr. Chairman, on the John H Hoffman Filing 4 Rezone request from an R-5 (Residential - 5 du/ac) zone district to an R-12 (Residential - 12 du/ac) zone district for the 1.22 acre property located at 3041 D Rd., City File Number RZN-2023-230, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in this staff report.”

Commissioner Herek seconded; motion passed 5-0.

4. Western Slope Metropolitan District

SDS-2023-431

Consider a request by Goldberg Properties, Inc. for a Service Plan for the Western Slope Metropolitan District including 29.68 acres located at 766 24 Road and properties identified by Parcel Nos. 2701-332-00-028 and 2701-332-00-027.

Staff Presentation

Tamra Allen, Community Development Director, introduced exhibits into the record and provided a presentation regarding the request.

MaryAnn McGeady with McGeady Becher provided a presentation on the request and was available for questions.

Questions for staff

Commissioner Ehlers asked about fluctuations in the assessed costs associated with the project. He asked for clarification on what the city would be responsible for regarding infrastructure improvements per the service plan and IGA. He asked if the cost estimates accounted for changes in the requirements for road infrastructure and improvements.

MaryAnn McGeady and Mark Goldberg responded to commissioner questions.

Public Hearing

The public hearing was opened at 5:00 p.m. on Tuesday, July 18, 2023, via www.GJSpeaks.org.

Commissioner Ehlers asked about the timeline for implementation of the service plan given the proposed update to the municipal code.

Commissioner Secrest asked about the public safety requirements following development of the site.

Tamra Allen responded to commissioner questions and comments and provided an amendment to the conditions of approval.

The public hearing was closed at 6:43 p.m. on July 25, 2023.

Discussion

Motion and Vote

Commissioner Ehlers made the following motion “Mr. Chairman, on the request for review and approval of the Service Plan for the Western Slope Metropolitan District, metropolitan district intended to serve the proposed Western Slope development, SDS-2023-431, I move that the Planning Commission forward a recommendation of conditional approval with the following conditions:

Condition 1: Approval of the form of an Intergovernmental Agreement (IGA) describing the improvements and responsibilities of the City of Grand Junction and the Western Slope Metropolitan District.”

Commissioner Secrest seconded; motion passed 5-0.

OTHER BUSINESS

ADJOURNMENT

Commissioner Ehlers moved to adjourn the meeting.

The vote to adjourn was 5-0.

The meeting adjourned at 6:44 p.m.



Grand Junction Planning Commission

Regular Session

Item #2.

Meeting Date: August 8, 2023
Presented By: Daniella Acosta, Senior Planner
Department: Community Development
Submitted By: Daniella Acosta, Senior Planner

Information

SUBJECT:

Consider a request by Situs GJ Industrial LLC to vacate a 15-foot multipurpose easement, to partially vacate a 20-foot multipurpose easement, and to partially vacate a 60-foot utility easement located at 630 S 7th Street.

RECOMMENDATION:

Staff recommends approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Situs GJ Industrial LLC, is requesting a full vacation of a 2,047-square foot 15-foot multipurpose easement (MPE) that runs north to south on the property, a partial vacation of a 20-foot MPE that runs east to west on the property and a partial vacation of a 60-foot utility easement that runs east to west. The existing 20-foot MPE is 381.4 feet long and the applicant is seeking to vacate 269.4 feet, while retaining 112 feet for the existing overheard utilities. The applicant is also requesting to narrow the 60-foot utility easement to 29.5 feet, vacating 12.5 feet and 18 feet from the northern and southern limits of the existing utility easement, respectively. The applicant is requesting the vacations to accommodate future redevelopment of the site.

BACKGROUND OR DETAILED INFORMATION:

The existing 15-foot and 20-foot MPEs were dedicated to the city in 2016 as identified on the Seventh & South Ave Subdivision by Reception No. 2757389. The 60-foot utility easement was originally a portion of the 1st Avenue right-of-way (ROW), which was vacated and retained as a utility easement in 1954 (Reception No. 607468). The parcel is within the Rail District as identified by the Greater Downtown Plan and is located east of S 7th Street and north of the Union Pacific Railroad. The majority of the property lies currently vacant with a large surface parking lot on the northern half and a warehouse building on the southwestern corner. While there has not been major redevelopment of

the parcel, the parcel has undergone two rezones, a Comprehensive Plan Amendment (CPA), a ROW vacation, and a simple subdivision for lot consolidation within the past eight years.

In 2015, there was a request for a CPA to change the 2010 Land Use Map designation from Commercial/Industrial to Commercial in anticipation of additional lot consolidation. This request was ultimately withdrawn since the then existing Commercial/Industrial land use designation could accommodate the desired C-2 (General Commercial) zoning. The property was rezoned from I-1 (Light Industrial) to C-2 (RZN-2015-410) and underwent a simple subdivision to consolidate seven lots (SSU-2015-337). That same year, a revocable permit was approved to legitimize the existing warehouse building encroachment by one foot in the S 7th Street ROW (RVP-244-1447).

In 2020, there was a request for a CPA to amend the 2010 Land Use Map designation from Commercial/Industrial to Downtown Mixed Use (CPA-2020-194) and to rezone the property from C-2 to R-24 (Residential – 24 du/ac). With the adoption of the 2020 Comprehensive Plan, the property has a land use designation of Mixed Use and is currently zoned R-24 and is within the Greater Downtown Commercial Corridor Overlay.

NOTIFICATION REQUIREMENTS

Per Section 21.02.100(e) of the Grand Junction Zoning and Development Code, a neighborhood meeting is not required prior to application for the vacation of an easement.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on March 20, 2023. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards were sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on July 27, 2023. The notice of the Planning Commission public hearing was published on July 30, 2023 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements. Per Section 21.02.100 (c), the vacation of the easement shall conform to the following:

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

The applicant is requesting the vacations to facilitate future mixed-use redevelopment of the site. Since the easements run through the middle of the property, both east to west and north to south, removing the MPEs and narrowing the utility easement maximizes the amount of land that can be used for the infill

redevelopment and provides additional flexibility for site configuration and building placement. The Comprehensive Plan identifies several goals that the vacation furthers by reducing the encumbrances on the property and facilitating a future highest and best use:

- Plan Principle 2.2.c – Urban Reinvestment: Continue efforts to revitalize Downtown and other mixed-use areas to create vibrant urban areas attractive to young professionals and other workers.
- Plan Principle 3.2 – Underutilized Properties: Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings including, but not limited to: i) adaptive reuse of existing buildings, ii) infill of existing surface parking lots.

Therefore, staff has found the request does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and therefore, this criterion has been met.

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

The request to vacate the MPEs and narrow the utility easement will not render the property landlocked. The parcel will continue to have direct access to S 7th Street, S 8th Street, 1st Avenue and South Avenue. Therefore, staff has found this criterion has been met.

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

As provided in (2) above, the parcel will maintain access to S 7th Street, S 8th Street, 1st Avenue, South Avenue, and the rest of the city street network since these easements do not align with any existing or planned street network. No access to any parcel will be restricted; therefore, this request conforms with this criterion.

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);

No adverse impacts on the health, safety, and/or welfare of the general community have been identified and the quality of public facilities and services provided to any parcel of land will not be reduced as a result of this vacation request; therefore, this request conforms with this criterion.

5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

The proposed MPE vacations will have no impact on public facilities or services because the sewer line in the alley alignment within the 20-foot MPE between S 7th

and S 8th Street has been abandoned. There are no utilities in the 15-foot MPE. Additionally, the developer will retain 112 feet of the 20-foot easement east of S 8th St for the existing overhead powerlines for those utility providers. There is a 6-inch water line and an 8-inch sanitary sewer pipe in the 60-foot utility easement. The requirement for this easement is to retain a minimum of 10 feet on the outside of each pipe either side. The request meets this requirement. As such, staff finds that this criterion has been met.

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

Although there is not an immediate measurable public benefit, there is a perceived future public benefit to the requested vacations. The vacations reduce encumbrances on the property and provide additionally flexibility for corridor infill in line with the 2020 Comprehensive Plan as aforementioned in criterion 1. At a macro-level, the vacation benefits the community by priming the currently vacant parcel for future urban renewal, particularly in an area identified by the Comprehensive Plan as a priority for urban infill.

As such, staff finds that this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Situs Easement Vacation request, VAC-2023-186, located on a 5.26-acre parcel located at 630 S 7th Street, the following findings of fact have been made:

The requests conform with Section 21.02.100 (c) of the Zoning and Development Code.

Therefore, staff recommends approval of the request.

SUGGESTED MOTION:

Mr. Chairman, on the Situs Easement Vacation located on a 5.26-acre parcel located at 630 S 7th Street, City file number VAC-2023-186, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.

Attachments

1. Exhibit 1. Development Application
2. Exhibit 2. Easement Extinguish

EXHIBIT A

All that Multi-purpose easement as platted and dedicated on Seventh & South Ave Subdivision as recorded at Reception Number 2757389 at the Mesa County Clerk and Records Office, situated in the South 1/2 of Section 14, and the North 1/2 of Section 23, Township 1 South, Range 1 West, of the Ute Meridian City of Grand Junction, County of Mesa, State of Colorado,
Except the east one hundred and twelve (112') feet thereof,

Together with the north twelve and one-half (12.5') feet and the south eighteen (18.0') feet of a utility easement as recorded at Reception Number 607468 at the Mesa County Clerk and Records Office, situated in the North 1/2 of Section 23, Township 1 South, Range 1 West, of the Ute Meridian City of Grand Junction, County of Mesa, State of Colorado,

Containing 19,053 square feet, more or less.

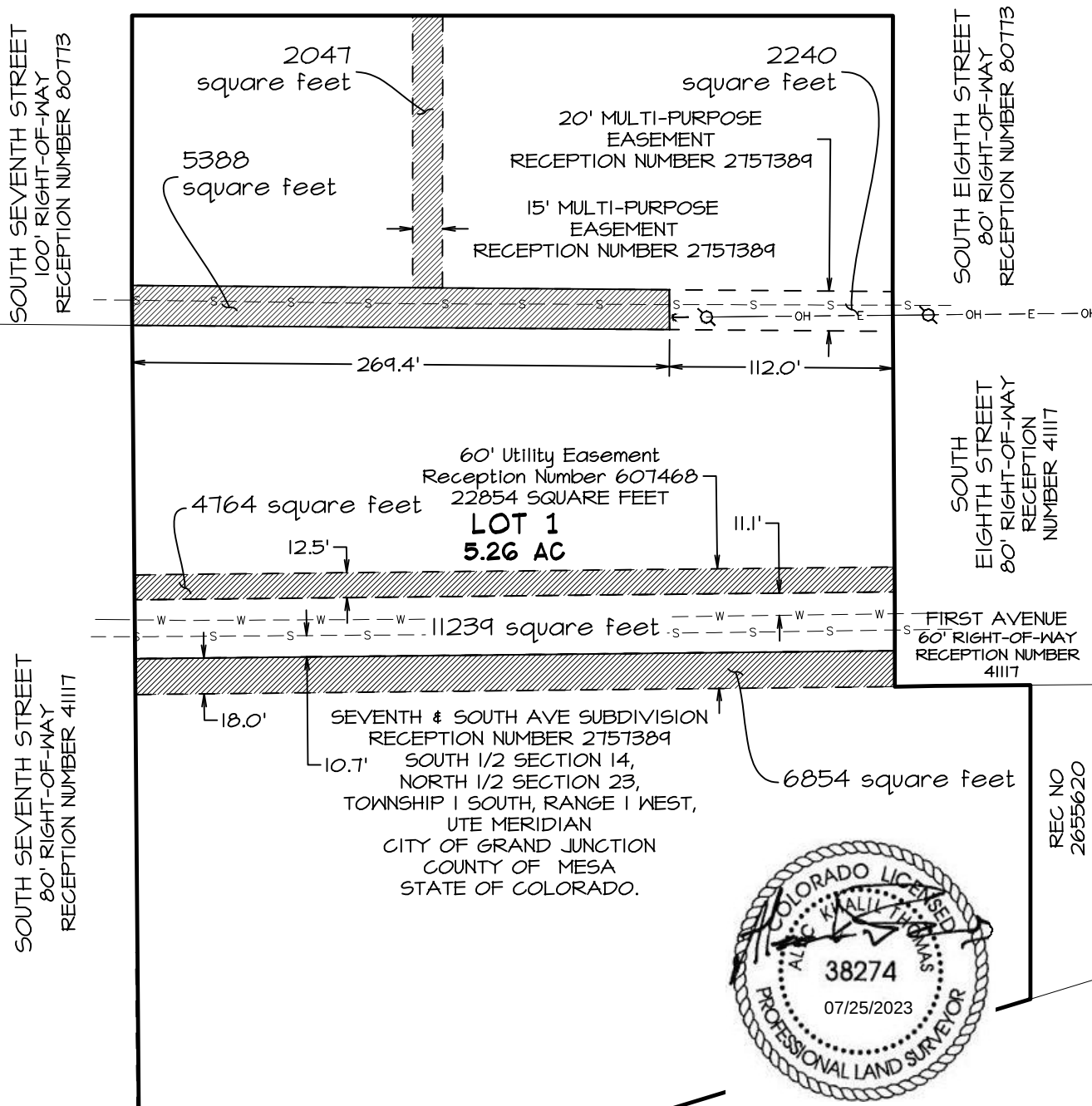


This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B

SOUTH AVENUE
RIGHT-OF-WAY WIDTH VARIES RECEPTION NUMBER 80773



1" = 80'
0 80
U.S. Survey feet



EASEMENT EXTINGUISH

THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



RIVER CITY
CONSULTANTS

215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rccwest.com

Drawn: AKT	Checked: NA	5/31/23	Job No. 2038-003
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5/PROJECTS/2038 Jason Fish/003 630 S 7th Street Simple Subdivision Plat Survey/003-003 extinguishing

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:

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

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description: Vacate MPE easements not in use.

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

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

Date

Signature of Legal Property Owner

Date

Parcel No. 2945-231-43-001

630 S. 7th Street, Grand Junction, CO

Vacation of Easements

General Project Report

March 10, 2023

Prepared for:

City of Grand Junction
Grand Junction, CO 81501

Prepared by:



215 PITKIN AVE. #201, GRAND JUNCTION, CO 81501

Phone: (970) 241-4722

info@rccwest.com

A. Project Description

1. A request for a Vacation of Easements, previously platted on the Seventh & South Ave Subdivision (Reception No. 2757839) in 2016. More specifically the 15' and 20' multi-purpose easements as shown on that plat. There are no existing utilities located within these easements.

It is also proposed to reduce the existing 60' utility easement as discussed with City Staff, preserving 10' on each side of the outside pipe for all pipes in the existing easement. Utilities were located by 811 and the proposed reduction in easement is included with this submittal.

2. The site contains 5.26 acres.
3. The project consists of a single lot that is proposed to be split into two lots. There is an existing 48,628 SF warehouse/office building and associated parking that will be contained within one lot. The newly created lot with the Simple Subdivision submittal will be for future development and will be addressed through a separate site plan submittal.

B. Public Benefit

There is no public benefit associated with the vacation/reduction in easements.

C. Neighborhood Meeting

A Neighborhood Meeting was not required for this submittal, and none was held.

D. Project Compliance, Compatibility, and Impact

1. **Adopted plans and/or policies:**
The vacation/reduction request complies with the adopted codes and zoning requirements for this property. The property is zoned R-24. Depending on the proposed use(s) moving forward, a rezone of the property may be required. The future land use is Mixed Use.
2. **Land use in the surrounding area:** The uses contained within the surrounding area are various commercial and industrial uses.
3. **Site access and traffic patterns:** The parcel has access from S. 7th and S 8th Street(s). Site access and traffic patterns will be determined with future development. The easement vacation/reduction requests will have no effect on

existing traffic patterns. S. 7th Street provides direct access to Main Street Downtown to the north and Riverside Parkway to the south.

4. Availability of utilities, including proximity of fire hydrants

City of Grand Junction Water
City of Grand Junction Sewer
City of Grand Junction Storm Sewer
Grand Valley Drainage District
Grand Valley Irrigation Company
Xcel Energy
Charter/Spectrum (Cable)
Century Link/Lumen (Phone)
City of Grand Junction Fire- Station 1

A fire flow form will be provided with the Simple Subdivision submittal.

- 5. **Special or unusual demands on utilities (high water or sewage quantities, grease, or sediment contribution, pre-treatment needs, etc.):** Not applicable for this submittal.
- 6. **Effects on public facilities (fire, police, sanitation, roads, parks, schools, irrigation, etc.):** Not applicable for this submittal.
- 7. **Hours of operations:** Not applicable for this submittal.
- 8. **Number of employees:** Not applicable for this submittal.
- 9. **Signage:** Not applicable for this submittal.
- 10. **Site Soils Geology (such as per SCS soils mapping):** Not applicable for this submittal.
- 11. **Impact of project on site geology and geological hazards:** Not applicable for this submittal.

E. Must address the review criteria contained in the Zoning and Development Code for the type of application being submitted.

Section 21.02.070(6) General Approval Criteria

(6) General Approval Criteria. No permit may be approved by the Director unless all of the following criteria are satisfied:

- (i) Compliance with the Comprehensive Plan and any applicable adopted plan.
This vacation/reduction of easements requests are in compliance with the Comprehensive Plan as it does not change the existing or future land uses.
- (ii) Compliance with this zoning and development code.
This vacation/reduction of easements requests are in compliance with the zoning and development code.
- (iii) Conditions of any prior approvals.
There are no prior approval conditions for this submittal.
- (iv) Public facilities and utilities shall be available concurrent with the development.
Public facilities and utilities will be available concurrent with the vacation/reduction of easement process.
- (v) Received all applicable local, State and federal permits.
Not applicable for this submittal.

21.02.100 Vacation of public right-of-way or easement

(c) Approval Criteria. The vacation of the 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 proposed vacation/reduction in easements requests will conform to the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

- (2) No parcel shall be landlocked as a result of the vacation;

This vacation/reduction of easements will not result in landlock parcels.

- (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;

Access is not affected by the vacation/reduction of easement requests and is reasonable, economically viable, and does not reduce or devalue the property affected.

- (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);

There will be no major impacts on the health, safety, and/or welfare of the community or quality of public facilities and services as a result of the vacation/reduction of easements.

- (5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

There will be adequate public facilities available to this property and parcels within vicinity.

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

The proposed vacation/reduction of easement requests won't result in maintenance requirements from the City.

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) Situs GJ Industrial LLC ("Entity") is the owner of the following property:

(b) 630 S. 7th Street

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) Manager for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☒ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) Vacation - Easement

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) None

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

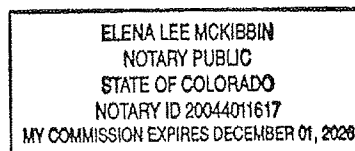
I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: Hugo Weinberger

Printed name of person signing: Hugo Weinberger, Manager

State of Colorado)

County of Arapahoe) ss.



Subscribed and sworn to before me on this 6th day of March, 20 23

by Hugo Weinberger

Witness my hand and seal.

My Notary Commission expires on 12-01-2026

Elena Lee McKibbin
Notary Public Signature



State Documentary Fee
Date: December 23, 2021
\$335.00

General Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(a))

Grantor(s), **EN-SIM PARTNERSHIP, L.L.P., A COLORADO LIMITED LIABILITY PARTNERSHIP**, whose street address is **630 S 7TH ST, GRAND JUNCTION, CO 81501**, City or Town of **GRAND JUNCTION**, County of **Mesa** and State of **Colorado**, for the consideration of **(\$3,350,000.00) ***Three Million Three Hundred Fifty Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **SITUS GJ INDUSTRIAL LLC, A COLORADO LIMITED LIABILITY COMPANY**, whose street address is **3333 SOUTH BANNOCK ST SUITE 300, Englewood, CO 80110**, City or Town of **Englewood**, County of **Arapahoe** and State of **Colorado**, the following real property in the County of **Mesa** and State of **Colorado**, to wit:

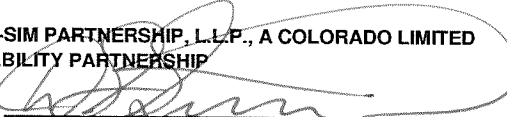
LOT 1 OF SEVENTH & SOUTH AVE SUBDIVISION, COUNTY OF MESA, STATE OF COLORADO.

also known by street and number as: **630 S 7TH ST, GRAND JUNCTION, CO 81501**

with all its appurtenances and warrant(s) the title to the same, subject to those matters set out in the Exhibit A, attached hereto.

Signed this day of **December 23, 2021**.

EN-SIM PARTNERSHIP, L.L.P., A COLORADO LIMITED LIABILITY PARTNERSHIP

By: 

DOUGLAS S. SIMONS AS PARTNER

By: 

JAMEE E. SIMONS AS PARTNER

State of **Colorado**

)

)ss.

County of **MESA**

)



County of **Mesa**

The foregoing instrument was acknowledged before me on this day of **December 23rd, 2021** by **DOUGLAS S. SIMONS AND JAMEE E. SIMONS, AS PARTNERS OF EN-SIM PARTNERSHIP, L.L.P., A COLORADO LIMITED LIABILITY PARTNERSHIP**

Witness my hand and official seal

My Commission expires: 2/5/22


Notary Public

When recorded return to: **SITUS GJ INDUSTRIAL LLC, A COLORADO LIMITED LIABILITY COMPANY**
3333 SOUTH BANNOCK ST SUITE 300, Englewood, CO 80110



Exhibit A

1. THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO INTERSECT SAID PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JUNE 12, 1891 IN BOOK 11 AT PAGE 105 AT RECEPTION NO. 11808.
2. ALL THE RIGHT, TITLE AND INTEREST OF THE GRANTOR BY VIRTUE OF ANY CONTRACTS OR DEEDS HERETOFORE MADE WITH AND TO SAID GRANTOR OR ITS GRANTORS BY THE GRAND RIVER DITCH COMPANY, THE MESA COUNTY DITCH COMPANY, THE PIONEER EXTENSION DITCH COMPANY, THE INDEPENDENT RANCHMEN'S DITCH ASSOCIATION, OR THE GRAND VALLEY CANAL COMPANY, TO CLAIM, OBTAIN OR USE WATER, FROM THE CANAL OR CANALS OF SAID COMPANIES, FOR THE PURPOSE OF IRRIGATING OR USING WATER ON THE SUBJECT PROPERTY; TOGETHER WITH ALL THE WATER RIGHTS, PRIVILEGES OR EASEMENTS CONVEYED BY SAID CONTRACTS OR DEEDS TO SAID GRANTOR OR ITS GRANTORS, AS CONVEYED BY CHARLES B. RICH AND MONROE L. ALLISON, TRUSTEES OF THE ESTATE OF GEORGE A. CRAWFORD, DECEASED, TO THE GRAND VALLEY IRRIGATION COMPANY, ITS SUCCESSORS OR ASSIGNS, IN INSTRUMENT RECORDED FEBRUARY 16, 1894 IN BOOK 48 AT PAGE 9 UNDER RECEPTION NO. 17849.
3. RIGHT-OF-WAY, AND RIGHTS INCIDENTAL THERETO, GRANTED TO THE RIO GRANDE JUNCTION RAILWAY COMPANY, ITS SUCCESSORS AND ASSIGNS, IN DEED RECORDED AUGUST 5, 1899 IN BOOK 64 AT PAGE 83 UNDER RECEPTION NO. 29806.
4. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF MILLDALE SUBDIVISION RECORDED JULY 13, 1903 UNDER RECEPTION NO. 45120.
5. THE RIGHT TO CONSTRUCT, MAINTAIN, AND REMOVE SEWERS, WATER MAINS, AND GAS MAINS, AND APPURTENANCES, AND TO AUTHORIZE THE CONSTRUCTION, MAINTENANCE, AND REMOVAL OF THE SAME THEREIN AND THEREFROM, AND SUBJECT TO THE CONTINUED RIGHT OF OWNERS TO MAINTAIN AND OPERATE EXISTING WATER, SEWER AND GAS MAINS AND PIPES, AND RIGHTS INCIDENTAL THERETO, AS RESERVED IN ORDINANCE NO. 692, RECORDED JULY 20, 1954 IN BOOK 611 AT PAGE 201 UNDER RECEPTION NO. 607468.
6. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF UTILITY EASEMENT, GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, RECORDED MAY 21, 1986, IN BOOK 1588 AT PAGE 416 UNDER RECEPTION NO. 1421496.
7. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF GRANT OF STORM SEWER EASEMENT, GRANTED TO THE CITY OF GRAND JUNCTION, A COLORADO HOME RULE MUNICIPALITY, RECORDED JUNE 20, 2003 IN BOOK 3393 AT PAGE 416 UNDER RECEPTION NO. 2128889.
8. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF ORDINANCE NO. 2914, ORDINANCE CONSIDERING A SUBSTANTIAL MODIFICATION OF AN APPROVED PLAN OF DEVELOPMENT BY EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY AND TAX INCREMENT FINANCING DISTRICT, RECORDED MARCH 29, 2011 IN BOOK 5140 AT PAGE 343 UNDER RECEPTION NO. 2567456.
9. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF ORDINANCE NO. 2475, AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, RECORDED JULY 28, 2011 IN BOOK 5181 AT PAGE 622 AT RECEPTION NO. 2579705.
10. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF ORDINANCE NO. 2382, INCLUDING PROPERTY WITHIN THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, RECORDED JULY 28, 2011 IN BOOK 5181 AT PAGE 636 AT RECEPTION NO. 2579707.
11. AN EASEMENT FOR INGRESS AND EGRESS AND RIGHTS INCIDENTAL THERETO, AS RESERVED IN INSTRUMENT RECORDED MARCH 22, 2013 IN BOOK 5448 AT PAGE 881 UNDER RECEPTION NO. 2648681.
12. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION, RECORDED JUNE 05, 2013 IN BOOK 5483 AT PAGE 905 UNDER RECEPTION NO. 2657295.
13. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SEVENTH & SOUTH AVE SUBDIVISION RECORDED APRIL 19, 2016 UNDER RECEPTION NO. 2757389.
14. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF CITY OF GRAND JUNCTION ORDINANCE NO. 4682, AN ORDINANCE VACATING ALLEY RIGHTS-OF-WAY BETWEEN S. 7TH STREET AND S. 8TH STREET ON THE SOUTH SIDE OF SOUTH AVENUE LOCATED AT 630 S. 7TH STREET AND 735, 737, 741, AND 749 SOUTH AVENUE, RECORDED APRIL 19, 2016 UNDER RECEPTION NO. 2757390.

15. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF RESOLUTION NO. 03-16, A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO LOJO PARTNERSHIP, LLP LOCATED AT 630 S. 7TH STREET, RECORDED APRIL 19, 2016 UNDER RECEPTION NO. 2757391.
16. TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF ORDINANCE NO. 4701, AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY TO INCLUDE 735 SOUTH AVENUE, 737 SOUTH AVENUE, 749 SOUTH AVENUE, AND 821 FIRST AVENUE, RECORDED JUNE 10, 2016 UNDER RECEPTION NO. 2763186.

WHEN RECORDED SITUS GJ INDUSTRIAL LLC, A COLORADO LIMITED LIABILITY COMPANY
 RETURN TO: 3333 SOUTH BANNOCK ST SUITE 300
 Englewood, CO 80110



STATEMENT OF AUTHORITY

(\$38-30-172, C.R.S.)

- This Statement of Authority relates to an entity¹ named
SITUS GJ INDUSTRIAL LLC, A COLORADO LIMITED LIABILITY COMPANY
- The type of entity is a:

☐ Corporation	☐ Registered Limited Liability Partnership
☐ Nonprofit Corporation	☐ Registered Limited Liability Limited Partnership
☒ Limited Liability Company	☐ Limited Partnership Association
☐ General Partnership	☐ Government or Governmental Subdivision or Agency
☐ Limited Partnership	☐ Trust
☐	
- The entity is formed under the laws of **Colorado**
- The mailing address for the entity is **3333 SOUTH BANNOCK ST SUITE 300, Englewood, CO 80110**
- The ☒ name ☒ position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is **HUGO WEINBERGER, AS MANAGER OF SITUS GRAND JUNCTION LLC AS MANAGER**
- The authority of the foregoing person(s) to bind the entity: ☐ is² not limited ☐ is limited as follows:
- Other matters concerning the manner in which the entity deals with interests in real property:
- This Statement of Authority is executed on behalf of the entity pursuant to the provisions of §38-30-172, C.R.S. ³
- This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this day of December 23rd, 2021

SITUS GJ INDUSTRIAL LLC, A COLORADO LIMITED LIABILITY COMPANY, BY: SITUS GRAND JUNCTION LLC, A COLORADO LIMITED LIABILITY COMPANY, ITS MANAGER BY: SITUS GRAND JUNCTION MANAGERS LLC, A COLORADO LIMITED LIABILITY COMPANY, ITS MANAGER

By: Hugo Weinberger

HUGO WEINBERGER, MANAGER

State of Colorado)

)ss.

County of

Arapahoe)

The foregoing instrument was acknowledged before me on this day of **December 23rd, 2021** by **HUGO WEINBERGER AS MANAGER OF SITUS GRAND JUNCTION MANAGERS LLC, MANAGER SITUS GRAND JUNCTION LLC, MANAGER OF OF SITUS GJ INDUSTRIAL LLC, A COLORADO LIMITED LIABILITY COMPANY**

Witness my hand and official seal

My Commission expires: Oct. 21, 2024

Notary Public

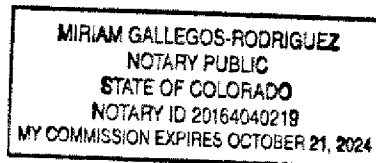


EXHIBIT A

All that Multi-purpose easement as platted and dedicated on Seventh & South Ave Subdivision as recorded at Reception Number 2757389 at the Mesa County Clerk and Records Office, situated in the South 1/2 of Section 14, and the North 1/2 of Section 23, Township 1 South, Range 1 West, of the Ute Meridian City of Grand Junction, County of Mesa, State of Colorado,
Except the east one hundred and twelve (112') feet thereof,

Together with the north twelve and one-half (12.5') feet and the south eighteen (18.0') feet of a utility easement as recorded at Reception Number 607468 at the Mesa County Clerk and Records Office, situated in the North 1/2 of Section 23, Township 1 South, Range 1 West, of the Ute Meridian City of Grand Junction, County of Mesa, State of Colorado,

Containing 19,053 square feet, more or less.



This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

EXHIBIT B

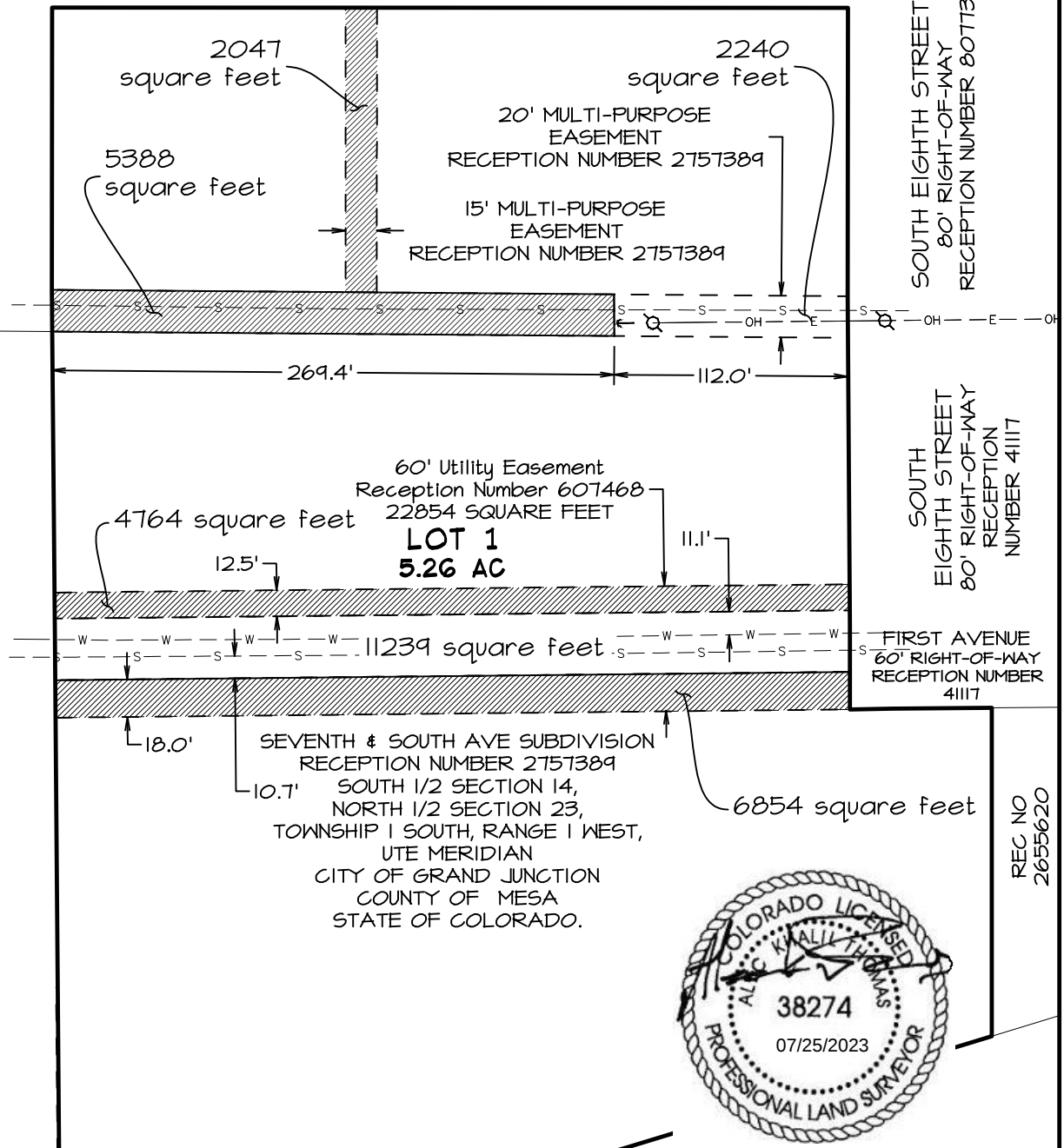
SOUTH AVENUE
RIGHT-OF-WAY WIDTH VARIES RECEPTION NUMBER 80773

SOUTH SEVENTH STREET
100' RIGHT-OF-WAY
RECEPTION NUMBER 80773

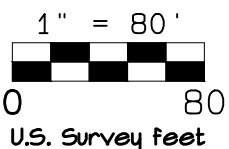
SOUTH EIGHTH STREET
80' RIGHT-OF-WAY
RECEPTION NUMBER 80773

SOUTH SEVENTH STREET
80' RIGHT-OF-WAY
RECEPTION NUMBER 4117

SOUTH EIGHTH STREET
80' RIGHT-OF-WAY
RECEPTION NUMBER 4117



REC NO
2655620



EASEMENT EXTINGUISH

THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY



RIVER CITY
CONSULTANTS

215 Pitkin Avenue, Unit 201
Grand Junction, CO 81501
Phone: 970.241.4722
Fax: 970.241.8841
www.rccwest.com

Drawn: AKT | Checked: NA | 5/31/23 | Job No. 2038-003

5/PROJECTS/2038 Jason Fish/003 630 S 7th Street Simple Subdivision Plat Survey/003-003 extinguishing