



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, May 7, 2024 - 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be [viewed online via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by [emailing the City](#) at least 3 days before the meeting.

- 1) City Council meeting called to order by Mayor J. David Reed
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) Municipal Clerks Week Proclamation
- 6) Mental Health Month Proclamation



7) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate.

Please refrain from any personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial, or gender-oriented slurs as they may be considered “disorderly conduct” which violates state or local law.

8) CONSENT AGENDA (5 minutes)

A) City Council consideration of the minutes of the April 16, 2024, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

B) City Council consideration of the rescheduling of the June 18, 2024, regular City Council meeting to Monday, June 17, 2024, at 6:00 pm in the City Council Chambers. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the consent agenda as presented.

9) NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Hotel and Restaurant liquor license at 1541 Oxbow Drive, 1000a, for Urban Hip-E, LLC, doing business as Urban Hip-E, for consumption on the licensed premises. *Staff: City Attorney Chris Dowsey*

Action: Hold a hearing. Consider making a motion to approve a new Hotel and Restaurant liquor license at 1541 Oxbow Drive, 1000a, for Urban Hip-E, LLC, doing business as Urban Hip-E, for consumption on the licensed premises.

10) BLOWERS ADDITION ANNEXATION (15 minutes)

A hearing will be held on the annexation of the Blowers Addition. *Staff: Planner II William Reis*



- A) Resolution 2024-07: City Council consideration of Resolution 2024-07, Findings of Fact for the Blowers Addition annexation.

Action: Accept public comment. Consider making a motion to adopt Resolution 2024-07 as presented.

- B) Ordinance 2663 - First Reading: City Council consideration of Ordinance 2663 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Blowers Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2663 on first reading as presented.

11) ORDINANCE 2664 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2664 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Blowers Addition as a "R-L," Rural Living District. *Staff: Planner II William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2664 on first reading as presented.

12) ORDINANCE 2661 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2661 on second reading, an Ordinance of the City of Montrose, Colorado, granting and authorizing the conveyance of an interest in City-owned real estate pursuant to § 1-9-2 of the official Code of the City of Montrose (West South First Street Right of Way). *Staff: City Attorney Chris Dowsey*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2661 on second reading as presented.

13) WOODGATE-EAST OAK GROVE ROUNDABOUT RIGHT OF WAY CLEANUP MEMORANDUM OF AGREEMENT (5 minutes)

City Council consideration of an agreement with RDMJK Woodgate Investments to facilitate cleanup of rights of way and easements along the southern side of the proposed roundabout at Woodgate and East Oak Grove Roads.

Action: Accept public comment. Consider making a motion to enter into a right of way cleanup agreement with RDMJK Woodgate Investments as presented.



14) ORDINANCE 2662 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2662 on first reading, an Ordinance of the City of Montrose, Colorado, granting and authorizing the conveyance of an interest in City-owned real estate pursuant to Section 1-9-2 of the Official Code of the City of Montrose. *Staff: City Engineer Scott Murphy*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2662 on first reading as presented.

15) STAFF REPORTS

16) YOUTH CITY COUNCIL COMMENTS

17) CITY COUNCIL COMMENTS

18) MOTION TO ADJOURN



PROCLAMATION

Municipal Clerks Week May 5 through May 11, 2024

WHEREAS, The role of the Municipal Clerk is a time honored and vital part of local government throughout the world; and

WHEREAS, The profession of Municipal Clerk is the oldest among public servants; and

WHEREAS, Municipal Clerks provide a professional link between the citizens, local government, and government agencies at other levels; and

WHEREAS, Municipal Clerks and Municipal Court Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Colorado Municipal Clerks and Municipal Court Clerks continually strive to improve by participating in educational opportunities and programs offered by regional, state, and international professional organizations.

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim the week of May 5 through May 11, 2024, as

Municipal Clerks Week

in the City of Montrose, hereby extend appreciation to Municipal Clerks and Municipal Court Clerks for the services they perform and their dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose, this 7th day of May, 2024.

J. David Reed, Mayor
City of Montrose



PROCLAMATION

Mental Health Month May 2024

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, according to Colorado Health Institute, Colorado has the nation’s sixth highest suicide rate; and

WHEREAS, all individuals face challenges in life that can impact their mental health, therefore it is our duty as a community to help reduce stigma in seeking professional help for mental health support; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, there are practical tools that all people can use to improve their mental health and increase resiliency; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, health care provider, organization and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention and treatment efforts; and

WHEREAS, organizations like Tri-County Health Network fight all year, not just in May, to bring mental health awareness to the forefront and offer programs and services to the community to address mental health needs.

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim the month of May 2024 as

Mental Health Month

in the City of Montrose, and we call upon the citizens, government agencies, public and private institutions to increase awareness and understanding of mental health, the steps our citizens can take to protect their mental health, reducing stigma around seeking help, and the need for appropriate and accessible services for all people with mental health conditions

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose, this 7th day of May 2024

J. David Reed, Mayor
City of Montrose

A regular meeting of the Montrose City Council was held on Tuesday, April 16, 2024, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Barbara Bynum, J. David Reed, Dave Frank, Doug Glaspell, Ed Ulibarri, Judy Ann Files, Ann Morgenthauer, Chris Dowsey, Greg Story, Lisa DelPiccolo, Briceida Ortega, William Reis, Scott Murphy, Tim Cox, Brandon Owens, Christine Aslakson, David Bries, Erin Maxwell, Jody Moreland, Rebeqah Love

GUESTS: Debbie Reed, Phoebe Benziger, Ralph Files, Kelly Bynum, Lori Sharp, Ellen Angeles, Karen Sherman Perez, Susie Brake, Evelyn Greenman Baird, John Brown, Rob McGovern, Ethel Brown, Ryan Sedgeley, Molly Benson, Amy Dickenson, Marisa Borchardt, Ron Smith, Eli Howe, Alli Howe, Sean Killeen

CALL TO ORDER

Mayor Barbara Bynum called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

EARTH WEEK PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed the week of April 22 through April 26, 2024, as Earth Week in the City of Montrose.

ARBOR DAY PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed April 26, 2024, as Arbor Day in the City of Montrose. Mayor Bynum presented the proclamation to Public Works Team Leader Brandon Owens.

PRIDE MONTH PROCLAMATION

Mayor Barbara Bynum proclaimed the month of June 2024 as Pride Month in the City of Montrose. Mayor Bynum presented the proclamation to Evelyn Greenman Baird.

CALL FOR PUBLIC COMMENT

Phoebe Benziger thanked the newly elected City Councilors and acknowledged Mayor Barbara Bynum for her service on many state and local boards as well as the city council.

John Brown spoke in support of a non-Sanctuary City declaration for the City of Montrose.

Ryan Sedgeley thanked the City leaders for making the City of Montrose a better city.

Ellen Angeles thanked all City Council for their public service and acknowledged Mayor Barbara Bynum for many accomplishments on multiple community boards. Ms. Angeles also spoke in support of diversity.

APPROVAL OF MINUTES

City Council considered the minutes of the April 1, 2024, regular City Council meeting.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the minutes of the April 1, 2024, regular City Council meeting as presented. All voted yes. Motion passed.

SWEARING IN OF NEWLY ELECTED OFFICIALS

City Clerk Lisa DePiccolo administered Oaths of Office to newly elected City Councilors J. David Reed, Dave Frank and Judy Ann Files.

ACKNOWLEDGEMENT OF OUTGOING CITY COUNCILOR

Mayor Pro Tem J. David Reed recognized Barbara Bynum for her contributions to the City of Montrose.

SELECTION OF MAYOR AND MAYOR PRO TEM

Mayor Pro Tem J. David Reed presided over the selection of Mayor and Mayor Pro Tem for the 2024-2025 mayoral term.

A motion was made by Dave Frank, seconded by Doug Glaspell, to nominate J. David Reed as mayor for the 2024-2025 term. All voted yes. Motion passed.

A motion was made by Doug Glaspell to nominate Ed Ulibarri as Mayor Pro Tem for the upcoming year. Mr. Ulibarri declined the nomination.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to nominate Dave Frank as Mayor Pro Tem for the 2024-2025 term. All voted yes. Motion passed.

PLANNING COMMISSION APPOINTMENT

City Council considered the appointment of Planning Commission Alternate Ron Cairns as a regular member of the City of Montrose Planning Commission.

Deputy City Manager Ann Morgenthaler reported that a recent resignation leaves one open voting seat on Planning Commission, and Ron Cairns has served as an alternate since July of 2022. Ms. Morgenthaler recommended the approval of Ron Cairns as a regular voting member of the Planning Commission with a subsequent recruitment of an alternate member.

A motion was made by Ed Ulibarri, seconded by Doug Glaspell, to appoint Planning Commission Alternate Ron Cairns as a regular member of the City of Montrose Planning Commission with a term that expires on December 31, 2024. All voted yes. Motion passed.

ORDINANCE 2661 – FIRST READING

City Council considered Ordinance 2661 on first reading, an Ordinance of the City of Montrose, Colorado, granting and authorizing the conveyance of an interest in City-owned real estate pursuant to § 1-9-2 of the official Code of the City of Montrose (West South First Street Right of Way). A hearing was held.

City Attorney Chris Dowsey reported that a parcel was recently sold and it was discovered that a building was constructed in the City right of way in the 1960s. This vacation of a portion of right of way will resolve any title issues with the parcel. Mr. Dowsey stated that the right of way is not needed for access or utility purposes and recommended approval.

Mayor J. David Reed opened the hearing.

Public comment was accepted. No comments were received.

Mayor Reed closed the hearing.

A motion was made by Dave Frank, seconded by Doug Glaspell, to pass Ordinance 2661 on first reading as presented. All voted yes. Motion passed.

THE GROVE FINAL PLANNED DEVELOPMENT

City Council considered The Grove Final Planned Development.

City Councilor Judy Ann Files recused herself from this agenda item and left the City Council Chambers at 6:38 p.m.

Planner II William Reis reviewed the location of the subdivision in southeastern Montrose on the east side of 6725 Road. Mr. Reis reported that the property is approximately 44.7 acres in size

and the applications are for a final plat to subdivide 53 new residential lots. Mr. Reis stated these are part of The Grove Preliminary Plat approved by City Council on March 21, 2023 and The Grove Preliminary Planned Development approved by City Council on September 5, 2023.

Mr. Reis reported that the property is zoned R-2, Low Density District. Mr. Reis reviewed final plat requirements and stated that setback deviations are requested in the Planned Development specific to open air porch structures.

Mr. Reis recommended approval with the standard condition of the Final Planned Development and Final Plat stating that the proposal is in compliance with subdivision regulations, pd regulations and the Comprehensive Plan and meets the intent of the R-2 Zoning Designation.

City Engineer Scott Murphy reviewed unique infrastructure requirements and said drainage will be handled by an infiltration pond with an adaptive management memorandum of agreement between the City and the developer. Mr. Murphy said the City is aware of issues with damaged irrigation for Brown Ranch Subdivision, and the owner, developer, and a representative of Brown Ranch are working to remedy the problem.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve The Grove Final Planned Development. All present voted yes. Motion passed.

THE GROVE SUBDIVISION FILING 1 FINAL PLAT

City Council considered The Grove Subdivision Filing 1 Final Plat to create 53 residential lots and associated easements, rights-of-way, and open space.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve The Grove Subdivision Filing 1 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

Public comment was accepted.

Sean Killeen spoke regarding the irrigation issues and damage to irrigation heads owned by Brown Ranch Subdivision as well as grading of earth work that appears to be too steep for landscaping. Mr. Killeen also questioned whether the reduction in setbacks could result in homeowners' insurance implications due to increased fire hazard.

City Engineer Scott Murphy reported that the building code addresses smaller setbacks and fire spread hazard on a permit-by-permit basis and structures would be built in compliance with codes adopted by the City.

Mr. Glaspell restated the motion, and Dave Frank seconded the restated motion. All present voted yes. Motion passed.

Judy Ann Files returned to the meeting at 6:55 pm

HOME OF THE BRAVE SUBDIVISION FILING 1 FINAL PLAT

City Council considered the Home of the Brave Subdivision Filing 1 Final Plat to create 27 residential lots and associated easements, rights-of-way, and open space.

Planner II William Reis reviewed the location of the parcel north of downtown along 6450 Road and said the preliminary plat was approved by City Council on March 1, 2022. Mr. Reis stated that the subdivision is 39.4 acres located within the R-3, Medium Density District, and this plat proposes 27 residential lots.

Mr. Reis said that the Final Plat dedicates new right of way that will become city streets.

Mr. Reis recommended approval with the standard condition stating that the proposal is in compliance with subdivision regulations and the Comprehensive Plan and meets the intent of the R-3 zoning designation.

City Engineer Scott Murphy reported that the infrastructure is complete, and he is ready to sign the Final Plat.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the Home of the Brave Subdivision Filing 1 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Sales Tax Accountant Leeanne Whittaker provided a sales, use, and excise tax report for the month of February 2024. Ms. Whittaker reported that total sales and use tax collections were up 7.6 percent with a positive budget variance of 8.1 percent. Year-to-date collections were up 7.2 percent with a positive budget variance of 7.7 percent.

CITY COUNCIL COMMENTS

Mayor Pro Tem Dave Frank reported that he attended the Chopped Montrose Style fundraiser at the Montrose Center for Arts.

City Councilor Judy Ann Files was welcomed back to the City Council. Ms. Files thanked the community and city staff for the welcome.

Mayor J. David Reed congratulated Dave Frank for his selection as Mayor Pro Tem and thanked fellow Councilors for selecting him as mayor.

ADJOURNMENT

At 7:08 p.m., a motion was made by Judy Ann Files, seconded by Ed Ulibarri, to adjourn the meeting with no further action taken.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

Colorado Liquor Retail License Application

* Note that the Division will not accept cash ☐ Paid by check ☐ Paid online

Uploaded to ☐ Movelt on ☐ Date

☐ New License ☒ New-Concurrent ☐ Transfer of Ownership ☐ State Property Only ☐ Master file			
- All answers must be printed in black ink or typewritten - Applicant must check the appropriate box(es) - Applicant should obtain a copy of the Colorado Liquor, Beer and Wine Code: SBG.Colorado.gov/Liquor			
1. Applicant is applying as a/an ☐ Individual ☒ Limited Liability Company ☐ Association or Other URBAN ☐ Corporation ☐ Partnership (includes Limited Liability and Husband and Wife Partnerships)			
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation URBAN HIP-E, LLC		FEIN Number 93-1505931	
2a. Trade Name of Establishment (DBA) URBAN HIP-E		State Sales Tax Number Business Telephone	
3. Address of Premises (specify exact location of premises, include suite/unit numbers) 1541 OXBOW DR. 1000a			
City montrose		County MONTROSE	State CO
4. Mailing Address (Number and Street) P.O. Box 2223		City or Town Telluride	ZIP Code 81401
5. Email Address gorraiz@g6culinary.com			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA)		Present State License Number	Present Class of License
Present Expiration Date			
Section A Nonrefundable Application Fees*		Section B (Cont.) Liquor License Fees*	
☐ Application Fee for New License\$1,100.00		☐ Liquor-Licensed Drugstore (County)\$312.50	
☒ Application Fee for New License w/Concurrent Review\$1,200.00		☐ Lodging & Entertainment - L&E (City)\$500.00	
☐ Application Fee for Transfer\$1,100.00		☐ Lodging & Entertainment - L&E (County)\$500.00	
Section B Liquor License Fees*		☐ Manager Registration - H & R\$30.00	
☐ Add Optional Premises to H & R\$100.00 X Total		☐ Manager Registration - Tavern\$30.00	
☐ Add Related Facility to Resort Complex \$75.00 X Total		☐ Manager Registration - Lodging & Entertainment\$30.00	
☐ Add Sidewalk Service Area\$75.00		☐ Manager Registration - Campus Liquor Complex\$30.00	
☐ Arts License (City)\$308.75		☐ Optional Premises License (City)\$500.00	
☐ Arts License (County)\$308.75		☐ Optional Premises License (County)\$500.00	
☐ Beer and Wine License (City)\$351.25		☐ Racetrack License (City)\$500.00	
☐ Beer and Wine License (County)\$436.25		☐ Racetrack License (County)\$500.00	
☐ Brew Pub License (City)\$750.00		☐ Resort Complex License (City)\$500.00	
☐ Brew Pub License (County)\$750.00		☐ Resort Complex License (County)\$500.00	
☐ Campus Liquor Complex (City)\$500.00		☐ Related Facility - Campus Liquor Complex (City)\$160.00	
☐ Campus Liquor Complex (County)\$500.00		☐ Related Facility - Campus Liquor Complex (County)\$160.00	
☐ Campus Liquor Complex (State)\$500.00		☐ Related Facility - Campus Liquor Complex (State)\$160.00	
☐ Club License (City)\$308.75		☐ Retail Gaming Tavern License (City)\$500.00	
☐ Club License (County)\$308.75		☐ Retail Gaming Tavern License (County)\$500.00	
☐ Distillery Pub License (City)\$750.00		☐ Retail Liquor Store License-Additional (City)\$227.50	
☐ Distillery Pub License (County)\$750.00		☐ Retail Liquor Store License-Additional (County)\$312.50	
☒ Hotel and Restaurant License (City)\$500.00		☐ Retail Liquor Store (City)\$227.50	
☐ Hotel and Restaurant License (County)\$500.00		☐ Retail Liquor Store (County)\$312.50	
☐ Hotel and Restaurant License w/one opt premises (City)\$600.00		☐ Tavern License (City)\$500.00	
☐ Hotel and Restaurant License w/one opt premises (County)\$600.00		☐ Tavern License (County)\$500.00	
☐ Liquor-Licensed Drugstore (City)\$227.50		☐ Vintners Restaurant License (City)\$750.00	
		☐ Vintners Restaurant License (County)\$750.00	
Questions? Visit: SBG.Colorado.gov/Liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Name	Type of License	Account Number
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7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes ☐ No ☒

8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):

a. Been denied an alcohol beverage license? ☐ ☒

b. Had an alcohol beverage license suspended or revoked? ☐ ☒

c. Had interest in another entity that had an alcohol beverage license suspended or revoked? ☐ ☒

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. ☐ ☒

10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? ☐ ☒ or

Waiver by local ordinance? ☐ ☐

Other: _____

11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☒

12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☒

13. a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? ☐ ☒

b. Are you a Colorado resident? ☐ ☐

14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. ☒ ☐

STEAMIES BURGER BAR

15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by **ownership**, lease or other arrangement? ☒ ☐

☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, **exactly** as they appear on the lease:

Landlord	Tenant	Expires
Five Rivers Property, LLC	URBAN HIP-E, LLC	7-31-2026

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. ☐ ☒

c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8½" X 11".

16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: ☐ ☒

Has a local ordinance or resolution authorizing optional premises been adopted? ☐ ☒

Number of additional Optional Premise areas requested. (See license fee chart) _____

18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

Name	Type of License	Account Number		
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? ☐ ☒ If "yes" a copy of license must be attached.				
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?	Yes ☐	No ☒		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?	☐	☒		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?	☐	☒		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) ☐ ☒				
22. Campus Liquor Complex applicants answer the following: a. Is the applicant an institution of higher education? ☐ ☒ b. Is the applicant a person who contracts with the institution of higher education to provide food services? ☐ ☒ If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				
23. For all on-premises applicants. a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager	First Name of Manager			
GORRAIZ	James			
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.				
Yes ☒ No ☐				
25. Related Facility - Campus Liquor Complex applicants answer the following: ☐ ☒ a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex. b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager	First Name of Manager			
26. Tax Information.				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	Yes ☐	No ☒		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	☐	☒		
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name	Home Address, City & State	DOB	Position	%Owned
James Gorraiz	[Redacted] Telluride CO	81435	owner	50
Name	Home Address, City & State	DOB	Position	%Owned
Stanya Gorraiz	[Redacted] Telluride CO	81435	owner	50
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

Name	Type of License	Account Number
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☐ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.		
Oath Of Applicant		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.		
Authorized Signature 	Printed Name and Title	Date 2-14-24
Report and Approval of Local Licensing Authority (City/County)		
Date application filed with local authority March 6, 2024	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) May 7, 2024	
For Transfer Applications Only - Is the license being transferred valid? Yes No ☐ ☐		
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been: ☒ Fingerprinted ☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license (Check One) ☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority		
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? Yes No ☐ ☐ ☐ Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? ☐ ☐ NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? ☐ ☐		
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.		
Local Licensing Authority for		Telephone Number ☐ Town, City ☐ County
Signature	Print	Title
Signature	Print	Title
		Date



*Urban Hip-E, LLC d/b/a
Urban Hip-E*

**1541 Oxbow Drive, 1000a.
Montrose, CO 81401**

**Hotel and Restaurant
Liquor License**



PETITION SURVEYS

**Liquor Licensing
Marijuana Licensing**

April 29, 2024

Liquor Licensing Authority
Montrose, Colorado

Re: Petition/Opinion Poll to Determine Needs and Desires
of the Defined Neighborhood in the Application of:

Urban Hip-E, LLC d/b/a Urban Hip-E

1541 Oxbow Drive, 1000a, Montrose, CO 81401

Hotel and Restaurant Liquor License

PETITION/OPINION POLL PROCEDURE

1. Under the direction and control of Oedipus Petitioning LLC management, the Oedipus Petitioning LLC contractors were briefed on the application.
2. The contractors carried a clipboard with the following:
 - A. Maps and cover pages of the area denoting the proposed location of the license and the boundaries of the defined neighborhood;
 - B. Petition signature pages allowing individuals contacted to indicate their opinion; and
 - C. A statistics sheet to record the opinion of those not signing and not-at-homes.
3. Business and residential petitioning was conducted on April 26th and 27th, 2024 within the designated area prescribed by the City of Montrose (see maps). The circulation packets have cover maps, and the areas in which each petition circulation/polling took place are outlined in highlighter. Included in this Report is a master circulation map outlining all areas where circulation/polling was conducted.
4. Individuals who were available in areas not posted as "No Soliciting, Private Property/No Trespassing" were contacted on a random sampling basis, were screened to identify them as parties in interest, and were asked their opinion after they had been informed of the applicant, site location, and type of license being applied for. Their opinion was either recorded on the petition format or on the statistics sheet.

5. Two (2) petition packets (one packet representing businesses and one packet representing residences) were pre-filed electronically and mailed with this Report on April 29, 2024 to Lisa DelPiccolo, City Clerk, to comply with the pre-filing deadline.

PETITION/OPINION POLL RESULTS

1.	<u>Total Doorknocks:</u>		
	Not-at-Homes and/or Business Owners/Managers Not Available	115	
	Not Qualified to Sign	17	
	Neutral to Outcome	1	
	Preferred to Not Participate	16	
	Parties in Interest that Participated	122	
	Deleted Signatures	<u>0</u>	
	Total Base Figure	271	
2.	<u>Qualified Contacts:</u>		
A.	<u>Signatures</u>		
	Signatures Favoring Issuance	122	
	Businesses	62	
	Residences	60	
	Signatures Opposing Issuance	0	
	Businesses	0	
	Residences	0	
	Total Contacts	122	
B.	<u>Breakdown of Reasons of Signatures in Opposition:</u>		
	Not Needed or Desired	0	
	Abhorrence of Alcohol	0	
	Religious Objections	0	
	Usage Objections	0	
	Miscellaneous Reasons	0	
	No Reason Given	<u>0</u>	
	Total Signatures	0	
C.	<u>Breakdown of Signatures Favoring and Opposing:</u>		
	Favoring Issuance (Based on Needs/Desires)	122	= 100.00%
	Opposing Issuance (Based on Needs/Desires)	0	= 0.00%
	Abhorrence of Alcohol	0	= 0.00%

Religious Objections	0	=	0.00%
Usage Objections	0	=	0.00%
Other Miscellaneous Reasons	0	=	0.00%
No Reason Given	<u>0</u>	=	<u>0.00%</u>
Total Base Figure	122	=	100.00%

3. Needs and Desires Signatures:

Signatures Favoring Issuance (Based on Needs/Desires)	122	=	100.00%
Signatures Opposing Issuance (Based on Needs/Desires)	<u>0</u>	=	<u>0.00%</u>
Total Base Figure	122	=	100.00%

The petition packets are presented as follows: Cover maps, petitions, and affidavit.

#1 & #2 / Erin McCullough / Businesses & Residences

CATEGORIES OF SIGNATURES IN OPPOSITION

NN NEEDS & DESIRES CRITERIA:

Individuals opposed to the license application based on needs and desires criteria per the Colorado Liquor/Beer Codes (currently existing licensed establishments of a same or similar type of license now located within the defined neighborhood are meeting the reasonable requirements of the adult inhabitants of the defined neighborhood at this time).

N/A NON-USAGE OF ALCOHOL / ABHORRENCE OF ALCOHOL:

Individuals opposed to the license application because they do not drink alcohol beverages, do not approve of alcohol consumption, and/or abhor alcohol.

RO RELIGIOUS OBJECTIONS:

Individuals opposed to the license application based on religious beliefs/reasons.

OBJ USAGE OBJECTIONS:

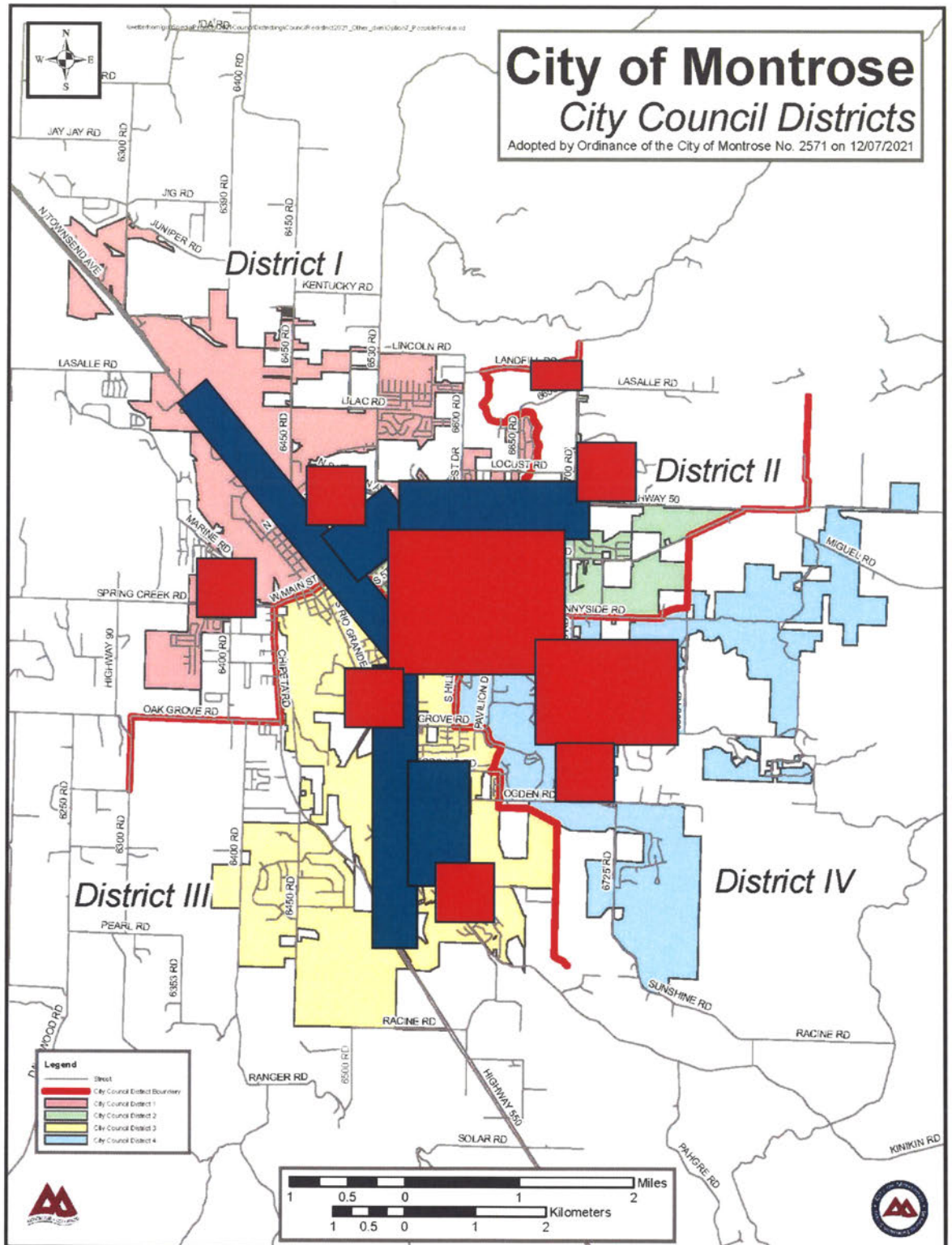
Individuals opposed to the license application because of their fear or concern for the potential of parking problems, traffic problems, crime, noise, littering, undesirable people drawn to the area, loss of property value; or individuals who opposed this type of business or applicant, any type of commercial usage in the neighborhood, any new growth in the neighborhood; or, individuals who think this type of business (if issued a liquor/beer license) should not be located near a residential neighborhood, church, or school, etc.; or, individuals who opposed because they are against any alcohol service at this type of facility, location, or atmosphere; or, individuals who favor the service of beer and wine but oppose the service of distilled spirits (on H&R applications).

MS MISCELLANEOUS OBJECTIONS:

Individuals opposed to the license application for other miscellaneous reasons to include: fear or concern for the possibility of drunk drivers in the area, fear or concern of resulting behavioral problems, individuals who would purchase alcohol beverages then drink and drive, sales to minors/underaged drinking, the location becoming a teen hang-out and the problems that can arise from this, and the effect it could have on family values or their family in general because they have young children or teens; or, individuals who opposed because competition is not desired or how said business may affect the livelihood of existing businesses; or, individuals who compared the “needs and desires” criteria to existing licensed outlets other than the type of license applied for.

NR NO REASON GIVEN:

Individuals who preferred to not state a reason for opposing.



- BUSINESSES **- RESIDENCES**



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: May 7, 2024
RE: Blowers Addition Annexation
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

City Council Consideration:

City Council is considering this annexation application and the associated zoning, which is done by considering approval of an annexation ordinance and a zoning ordinance at a first and second reading. City Council will consider all of the information in this memo in making a decision.

Proposed schedule:

October 16:	Council Work Session Overview
March 19:	Council Resolution to set a hearing date
April 10:	Planning Commission zoning hearing
May 7:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
May 21:	2nd reading of annexation and zoning ordinances

Application Background:

The Blowers Addition is a proposed annexation approximately 12.94 acres in size. The annexation consists of three parcels located on the west side of 6450 Road, south of its intersection with Lincoln Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and City of Montrose Water Service Area. Annexation of this property will allow for connection to City utilities. An Annexation Agreement is required.



Proposed Zoning: “RL” Rural Living District

Applicant: Donnie D. Blowers, Barbara A. Blowers

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. The zoning of addition for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner’s representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission’s decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan; or
 1. Such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.
 - b. Municipal Code, Section 11-7-5: The "RL" Rural Living District is intended to provide for farms, ranches, and clustered development with open space, and is designed to dovetail with allowed County residential densities.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “RL” Rural Living District, “R-6” Medium Density/Manufactured Housing District, “I-1” Light Industrial District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Blowers Addition as Residential Mixed Density Low and Employment Center. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City. The Employment Center district is intended to encourage the



development of planned light industrial, office, and business parks, as well as to identify locations for medium industrial uses such as manufacturing, warehousing and distributing, and indoor and outdoor storage. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, childcare, and housing.

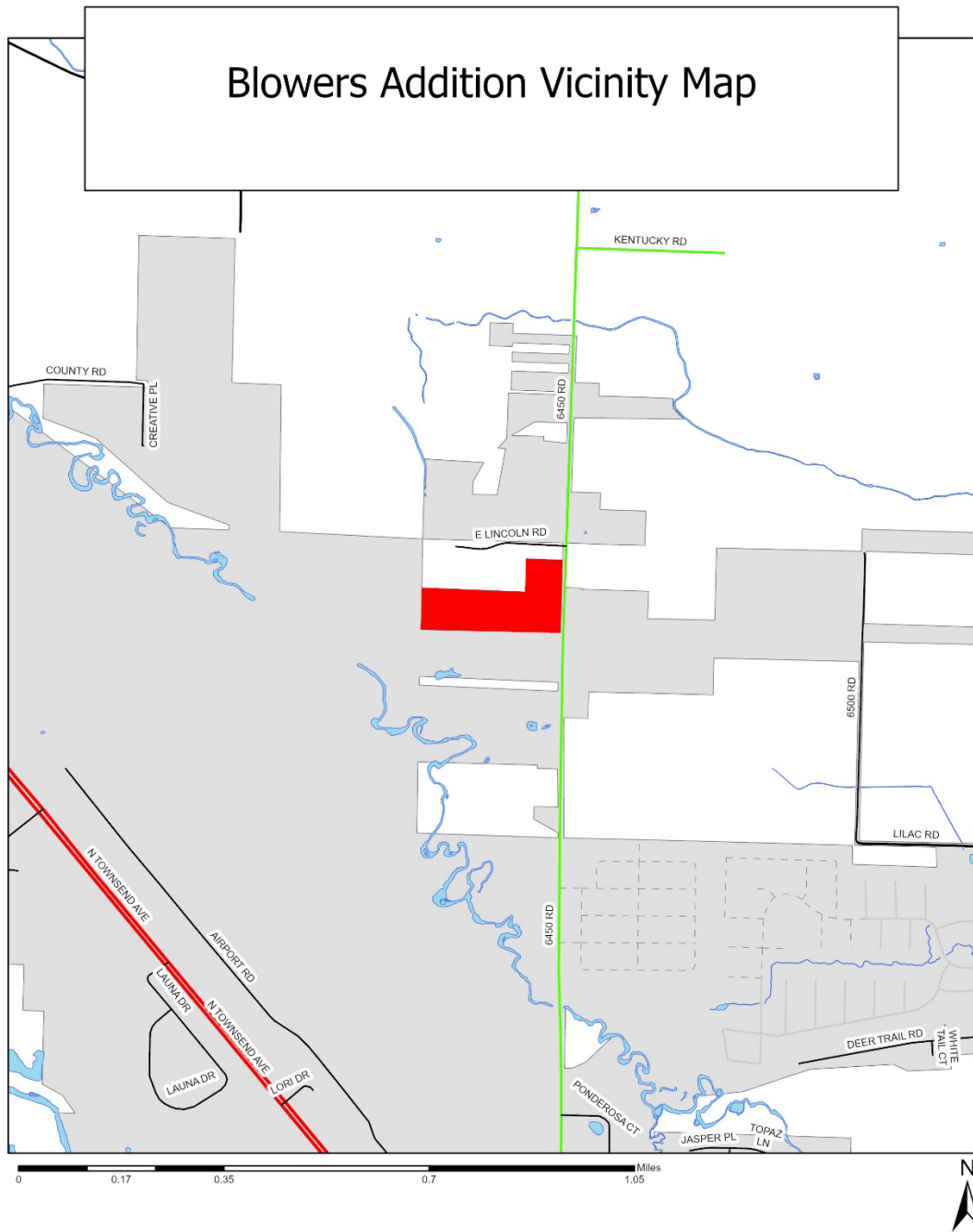
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. "RL" zoning requires a minimum lot size as a condition of zoning. The applicant has requested a minimum lot size of 1 acre.
7. The "RL" zoning does not appear to be adverse to the public health, safety and welfare.
8. The Planning Commission made a unanimous recommendation to approve the "RL" Rural Living District with a minimum lot size of 1 acre.

Staff Recommendation:

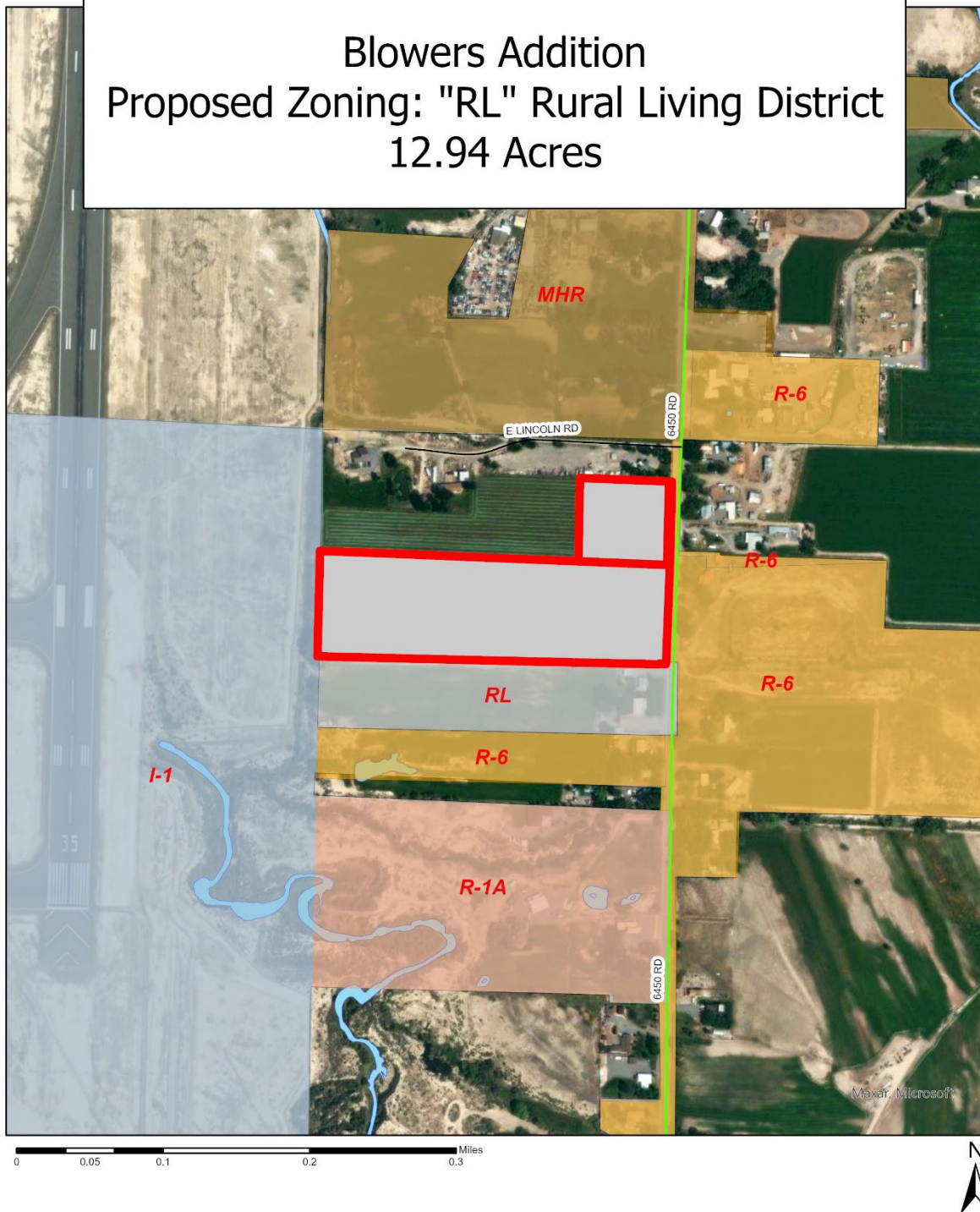
Staff recommends approval of the annexation and the "RL" Rural Living District zoning designation, with a minimum lot size of 1 acre.



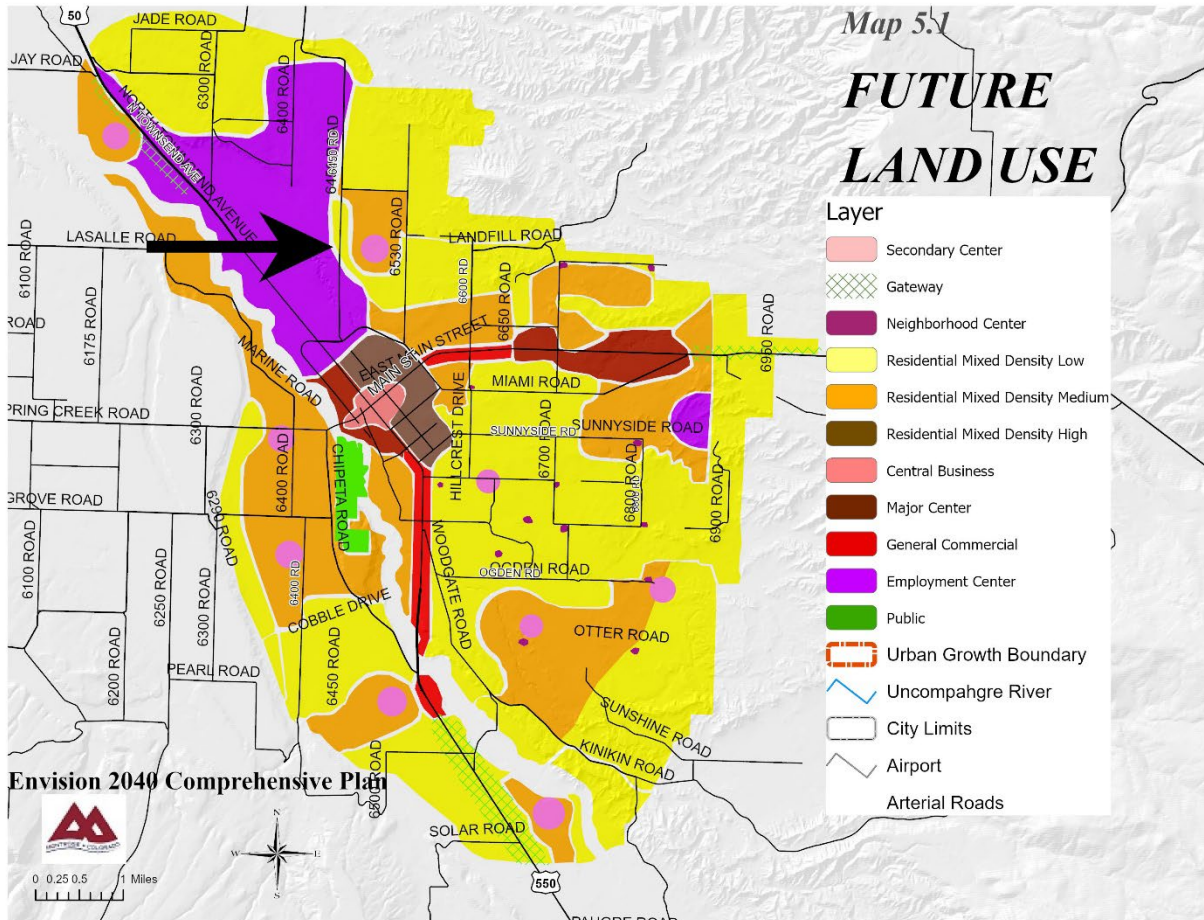
EXHIBIT A: Maps



Blowers Addition
Proposed Zoning: "RL" Rural Living District
12.94 Acres

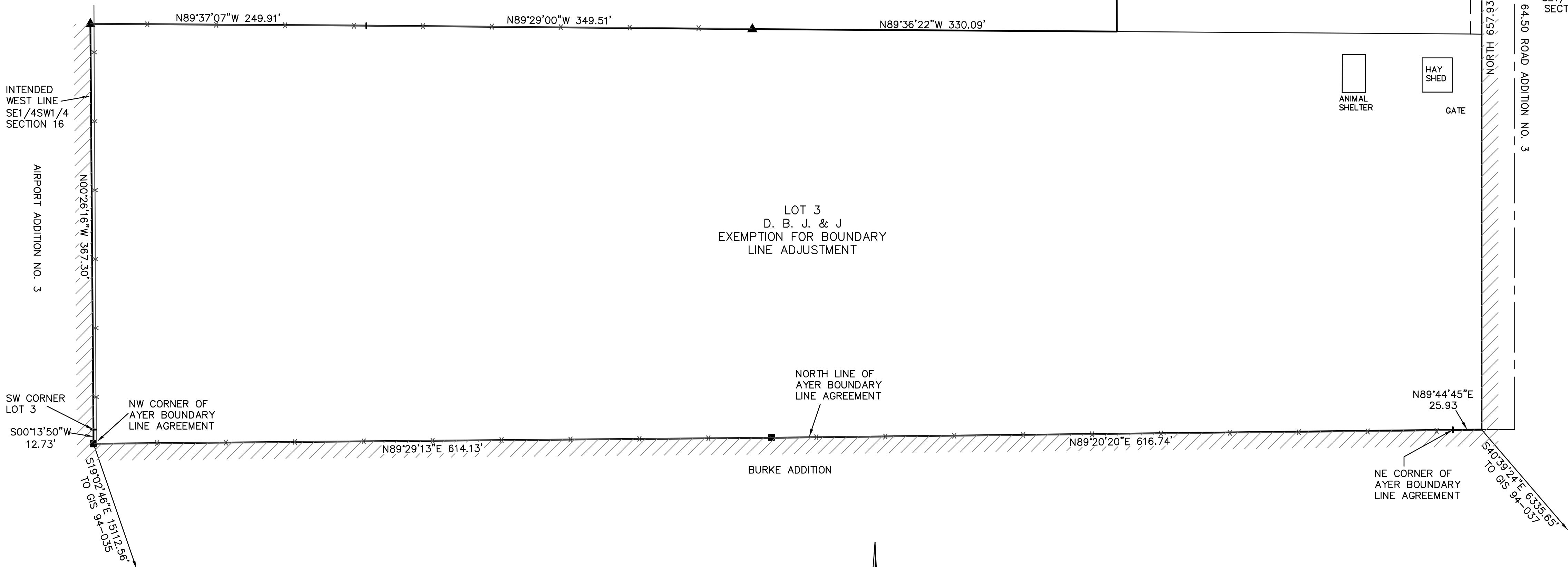
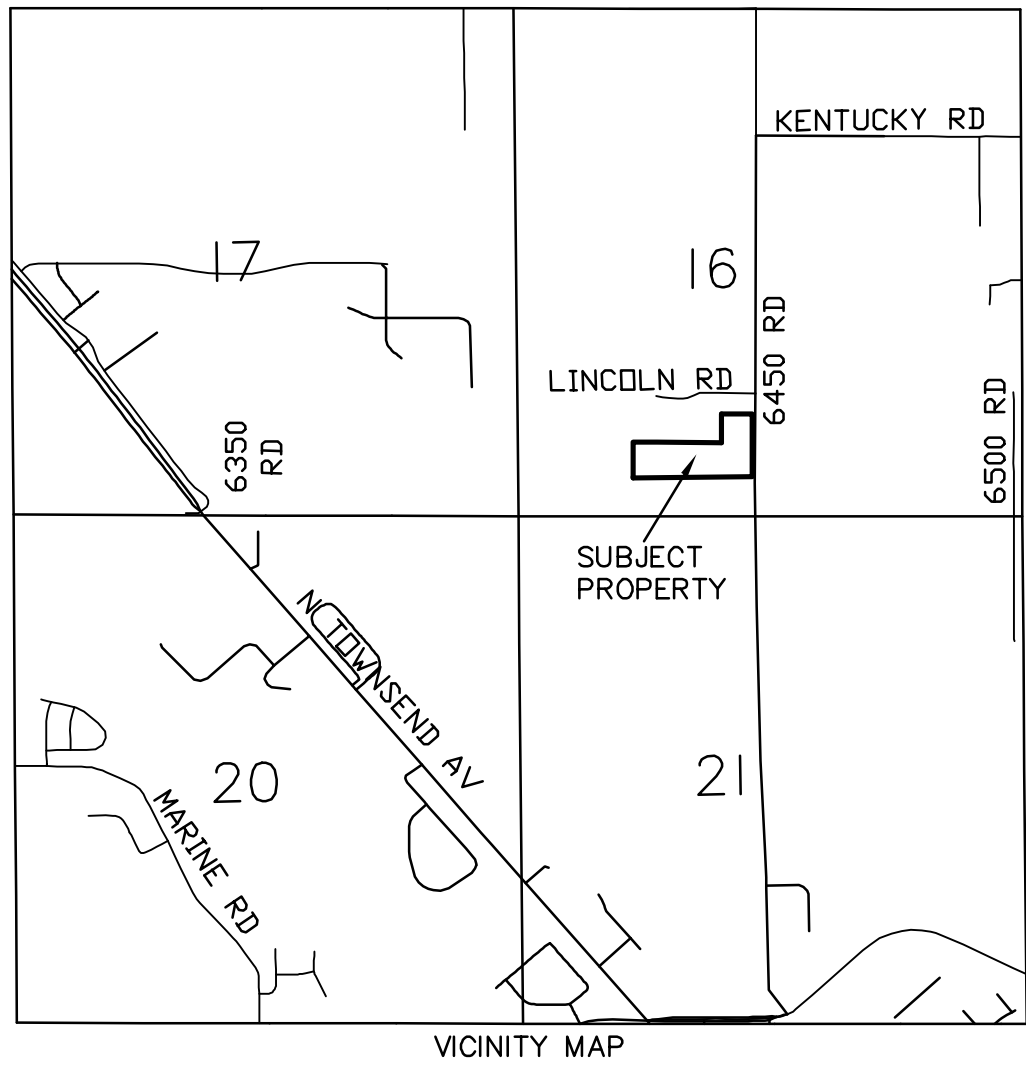


Comprehensive Plan Future Land Use Map



BLOWERS ADDITION

TO THE CITY OF MONTROSE, MONTROSE COUNTY, COLORADO
SITUATED IN THE SE1/4SW1/4, SECTION 16, T49N, R9W, N.M.P.M.,



BLOWERS ADDITION PROPERTY DESCRIPTION

A tract of land situated in the SE1/4SW1/4, Section 16, Township 49 North, Range 9 West, N.M.P.M., and being more particularly described as follows: Commencing at the northeast corner of said SE1/4SW1/4, Section 16; thence South along the east line of said SE1/4SW1/4, a distance of 150.00 ft.; thence N89°36'38"W, 30.00 ft. to a point on the westerly line of the 64.50 Addition No. 3 to the City of Montrose and the true point of beginning; thence leaving said westerly line N89°36'38"W, 10.00 ft. to the northeast corner of Lot 2, J.L.B. Minor Subdivision; thence N89°36'38"W, 321.98 ft. to the northwest corner of Lot 2, said J.L.B. Minor Subdivision; thence S00°21'33"E, 299.99 ft. to the southwest corner of said Lot 2 also being a point on the north line of Lot 3, D.B.J. & J. Exemption for Boundary Line Adjustment; thence the following three courses along said north line: N89°36'22"W, 330.09 ft.; N89°29'00"W, 349.51 ft.; N89°37'07"W, 249.91 ft. to the northwest corner of said Lot 3, D.B.J. & J. Exemption for Boundary Line Adjustment; thence S00°26'16"E, 367.30 ft. to the southwest corner of said Lot 3; thence S00°13'50"W, 12.73 ft. to the northwest corner of the Ayer Boundary Line Agreement; thence the following two courses along the north line of said Ayer Boundary Line Agreement: N89°29'13"E, 614.13 ft.; N89°20'20"E, 616.74 ft. to the northeast corner of said Ayer Boundary Line Agreement; thence leaving said Boundary Agreement Line N89°44'45"E, 25.93 ft. to the southeast corner of the aforementioned Lot 3, D.B.J. & J. Exemption for Boundary Line Adjustment, being a point on the westerly right-of-way line 6450 Road, as shown on said Exemption Plat, also being a point on the westerly line of said 64.50 Road Addition No. 3; thence North, 657.93 ft. to the true point of beginning containing 12.94 acres.

SURVEYOR'S CERTIFICATE

I, William D. Wiley a Registered Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that this Annexation map of Blowers Addition was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief.

William D. Wiley
Colorado Registered Land Surveyor
Registration No. 12180

Date

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado, has by its Ordinance No. _____ adopted on this _____ day of _____, 20____, A.D. annexed the property described hereon to the City of Montrose.

Mayor, City of Montrose

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado,

at the time of _____ on the _____ day of _____, 20____,

under Reception No. _____

_____, by _____
Clerk & Recorder Deputy
Montrose County, Colorado

NOTE: All apparent or recorded rights of way and easements which may burden this property are not shown.

***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 hereon.*

CP: 23-69 BLOWERS ADD
Plot Scale 1" = 60'
Book 783 Page 25

DATE 8/9/23

REVISIONS:
1/17/24 revise addition

BLOWERS ADDITION

TO THE CITY OF MONTROSE,
MONTROSE COUNTY, COLORADO
SITUATED IN THE SE1/4SW1/4,
SECTION 16, T49N, R9W, N.M.P.M.,

FOR: DON BLOWERS

MESA SURVEYING INC.

P.O. Box 1287

(970)-240-9994

Montrose, CO 81402

Sheet 1 of 1

File No. 23-69

LEGEND
■ = FOUND REBAR AND SURVEY CAP LS #37690
▲ = FOUND REBAR AND SURVEY CAP LS #12180
— = FENCE LINE
⊕ = CENTERLINE
POB = POINT OF BEGINNING

LINEAL UNITS: U.S. SURVEY FOOT
SCALE: 1" = 60'
60' 30' 0 60'

MONTROSE CITY LIMITS

CONTIGUOUS CITY LIMITS = 2,294.76 FT.
TOTAL PERIMETER = 3,856.24 FT.
ACRES ANNEXED = 12.94 ACRES

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
 - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
 - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) *Schedule of Residential Zone District Uses.*

Land Use	R L	R- 1	R- 1A/B	R- 2	R- 3	R- 3A	R- 4	R- 5	R- 6	MH R
<i>COMMERCIAL USES</i>										
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									
Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
<i>INSTITUTIONAL USES</i>										
Assisted living facilities					C	C	C		C	C



Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
<i>RESIDENTIAL USES</i>										
Duplex					P	P	P		P	
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				1				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
<i>OTHER USES</i>										
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))		T	T	T	T	T	T	T	T	T

Legend: Use Type

P: Permitted Use

C: Conditional Use

A: Accessory Use

T: Temporary Use

¹ Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.



(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



RESOLUTION NO. 2024-07

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **Blowers Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on May 7, 2024.

FINDINGS OF FACT

1. The requirements of the applicable parts of C.R.S. §§ 31-12-104, 105 have been met including the following:
 - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City as can be seen from the annexation map.
 - B. A community of interest exists between the area proposed to be annexed and the City, due to the proximity of the area to the City, the desire the owners to annex and existing City services in the area.
 - C. The area is urban or will be urbanized in the near future and the area is already substantially integrated with, and is capable of being fully integrated with the City.
 - D. It is practical to extend City services to the area on the same terms and conditions on which services are available to City citizens generally.
 - E. No land held in identical ownership has been divided into separate parts. No tract over 20 acres with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.
 - F. This annexation will not result in any detachment of area from the Montrose School District No. RE-IJ. No part of the area to be annexed extends any more than three miles from the existing City boundaries. The City has in place a plan for that area as required by C.R.S. § 31-12-105.
 - G. The entire width of any streets to be annexed are included within the annexation.
 - H. Access shall be allowed to annexed portions of the street to the owners of unincorporated property adjoining annexed streets on a reasonable basis.
2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2).

3. The City Council has determined that additional terms and conditions are to be imposed through an annexation agreement concerning this property.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Proper notice of this hearing was published and mailed as required by C.R.S. § 31-12-108.
6. An Annexation Impact Report has been produced, and filed with Montrose County.

CONCLUSIONS

1. The area proposed for annexation as the **Blowers Addition** is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
3. Said Addition may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without election.

ADOPTED this 7th day of May, 2024, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By _____
J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2663

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF THE **BLOWERS ADDITION**.

WHEREAS, a petition for the annexation of a tract of land known as the **Blowers Addition** has been submitted to the City of Montrose and has been found by the City Council to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, said petition has been signed by the owners of 100% of the area proposed to be annexed exclusive of streets and alleys; and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

SECTION 1:

The property described in **Exhibit A**, known as the **BLOWERS ADDITION**, is hereby annexed to the City of Montrose, Colorado.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of May, 2024, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks Building, Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of May, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21st day of May, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description

A tract of land situated in the SE1/4SW1/4, Section 16, Township 49 North, Range 9 West, N.M.P.M., and being more particularly described as follows: Commencing at the northeast corner of said SE1/4SW1/4, Section 16; thence South along the east line of said SE1/4SW1/4, a distance of 150.00 ft.; thence N89°36'38"W, 30.00 ft. to a point on the westerly line of the 64.50 Addition No. 3 to the City of Montrose and the true point of beginning; thence leaving said westerly line N89°36'38"W, 10.00 ft. to the northeast corner of Lot 2, J.L.B. Minor Subdivision; thence N89°36'38"W, 321.98 ft. to the northwest corner of Lot 2, said J.L.B. Minor Subdivision; thence S00°21'33"E, 299.99 ft. to the southwest corner of said Lot 2 also being a point on the north line of Lot 3, D.B.J. & J. Exemption for Boundary Line Adjustment; thence the following three courses along said north line: N89°36'22"W, 330.09 ft.; N89°29'00"W, 349.51 ft.; N89°37'07"W, 249.91 ft. to the northwest corner of said Lot 3, D.B.J. & J. Exemption for Boundary Line Adjustment; thence S00°26'16"E, 367.30 ft. to the southwest corner of said Lot 3; thence S00°13'50"W, 12.73 ft. to the northwest corner of the Ayer Boundary Line Agreement; thence the following two courses along the north line of said Ayer Boundary Line Agreement: N89°29'13"E, 614.13 ft; N89°20'20"E, 616.74 ft. to the northeast corner of said Ayer Boundary Line Agreement; thence leaving said Boundary Agreement Line N89°44'45"E, 25.93 ft. to the southeast corner of the aforementioned Lot 3, D.B.J. & J. Exemption for Boundary Line Adjustment, being a point on the westerly right-of-way line 6450 Road, as shown on said Exemption Plat, also being a point on the westerly line of said 64.50 Road Addition No. 3; thence North, 657.93 ft. to the true point of beginning containing 12.94 acres.

ORDINANCE NO. 2664

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE **BLOWERS ADDITION** AS AN "R-L," RURAL LIVING DISTRICT.

WHEREAS, the **Blowers Addition** has been recently annexed to the City of Montrose, Colorado; and

WHEREAS, the owners of such property have requested zoning which the Planning Commission has reviewed and recommended in accordance with the requirements of the City Code, and with the requirement of a minimum lot size of one (1) acre; and

WHEREAS, the proposed recommendation is substantially in accord with the City's Master Plan, is compatible with existing zoning in nearby or adjoining properties, and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that

The Official Zoning Map is hereby amended to designate the **Blowers Addition**, according to the Official Annexation Map thereof, as an "R-L," Rural Living District with a minimum lot size of one (1) acre.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of May, 2024, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of May, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21st day of May, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2661

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, GRANTING AND AUTHORIZING THE CONVEYANCE OF AN INTEREST IN CITY-OWNED REAL ESTATE PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City of Montrose owns property along the southern side of West South 1st Street, between South Water Avenue and South Grand Avenue; and

WHEREAS, a portion of this property is obsolete and does not serve a public need or benefit to the City of Montrose; and

WHEREAS, the City wishes to dispose of this obsolete portion of property described in **Exhibit A** hereto and convey to the adjacent property owner, VNR Holdings, LLC .

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

SECTION 1: Disposal of Property

The portion of property particularly described on **Exhibit A**, attached hereto and incorporated herein, is hereby disposed of by the City of Montrose and shall be conveyed to the adjacent property owner, VNR Holdings, LLC.

SECTION 2: City Council Findings

The City Council hereby finds, determines, and declares that this Ordinance is necessary and proper to serve the best interest of the citizens of Montrose.

SECTION 3: Power to Adopt

The City Council hereby finds, determines, and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter, and pursuant to Section 1-9-2 of the Official Municipal Code of the City of Montrose.

SECTION 4: Effective as Provided by City of Montrose Charter

The Ordinance shall be published and shall become effective as provided by the City Charter of the City of Montrose.

The City Council hereby authorizes the Mayor and City Staff to execute all documents required to consummate said conveyance to the adjacent property owner, VNR Holdings, LLC.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and its passage on first reading on Tuesday, the 16th day of April, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ, and PASSED on first reading this 16th day of April, 2024.

ATTEST:

Lisa DelPiccolo
Lisa DelPiccolo, City Clerk



J. David Reed
J. David Reed, Mayor

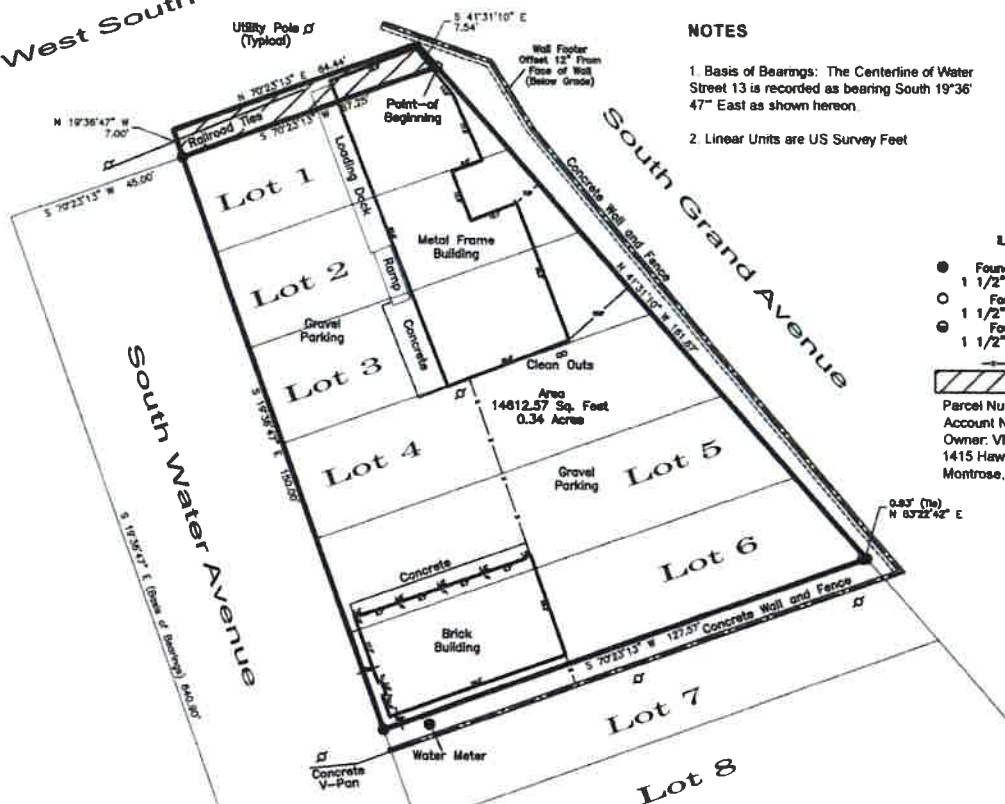
INTRODUCED, READ, and ADOPTED on second reading this 7th day of May, 2024.

ATTEST:

Lisa DelPiccolo
Lisa DelPiccolo, City Clerk

J. David Reed, Mayor

City of Montrose Vacated Right-of-Way Description



1. Basis of Bearings: The Centerline of Water Street 13 is recorded as bearing South 19°36' 47" East as shown hereon.

2. Linear Units are US Survey Feet



- Found 18" No. 5 Rebar and
1 1/2" Aluminum Cap LS 38135
- Found No. 5 Rebar and
1 1/2" Aluminum Cap LS 12180
- ⊖ Found No. 5 Rebar and
1 1/2" Aluminum Cap LS 33845

Parcel Number: 3767-284-34-001
Account Number: R0650859
Owner: VNR Holdings LLC
1415 Hawk Parkway
Montrose, CO 81401-6440

Beginning at the Northeast Corner of Lot 1, Block 13, Willerup's Subdivision, Found a No. 5 Rebar and 1 1/2" Aluminum Cap Ls 120238, Thence along the Northern most line of said Lot 1, Block 13, Willerup's Subdivision S 70°23'13" W, 67.25 feet to the Northwest Corner of Said Lot 1, Block 13, Willerup's Subdivision, Found a 18" No. 5 Rebar and 1 1/2" Aluminum Cap Ls 38135; Thence the following three (3) courses within the said Right-of-Way of West South First Street:

- 1) N 19°38'47" W, 7.00 feet;
- 2) Thence N 70°23'13" E, 84.44 feet;
- 3) Thence S 41°31'10" East, 7.54 feet to the POINT OF BEGINNING

Containing 460.90 Square Feet as Described

City of Montrose, County of Montrose, State of Colorado



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.

PROJECT MANAGER: PETER SAUER	REVISIONS	DATE	DESCRIPTION	BY
CADD TECH: PETER SAUER	1			
CHECKED BY: PETER SAUER	2			
START DATE: 2/27/24	3			
	4			
	5			

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: April 4, 2024
RE: Woodgate/East Oak Grove Southern ROW Cleanup City Council Actions
CC: William Bell, Chris Dowsey

The purpose of this memo is to summarize City Council considerations relating to cleanup of the southern rights of way for the planned Woodgate and East Oak Grove Road (WEOG) Roundabout. As part of the original Woodgate Realignment project in 2021, the City acquired rights of way from RDMJK Woodgate Investments for the realignment project and the anticipated WEOG Roundabout through an Official Act of the City plat action. The WEOG Roundabout ROW was dedicated based on a preliminary design and layout for the roundabout; now that detailed traffic analyses and designs have been performed for the roundabout, the right of way areas are being “cleaned” up to match the final roundabout footprint. This will include entering into a memorandum of agreement to provide framework for the cleanup actions, vacation of obsolete rights of way through ordinance, and dedication of new rights of way and easements through an amendment to the project plat.

Current City Council Actions

- **Memorandum of Agreement.** This document creates the framework for actions needed to cleanup the WEOG roundabout ROW. Because this is only a cleanup project, no compensation is proposed for either party. Boundaries for the ROW vacations and the amended Official Act of the City Plat are included as attachments to the agreement.
- **Right of Way Vacation Ordinance (No. 2662).** This ordinance authorizes the City to vacate obsolete portions of right of way situated within the WEOG Roundabout project area. The portions of right of way being vacated are no longer needed by the City for the intersection. Combined with the project replat (next bullet), the obsolete rights of way are being replaced with those needed for the roundabout; thus effectively shifting the rights of way to match its final footprint.
- **Amended Project Plat.** In order to keep a single plat for the RDMJK parcels, this plat action will amend the original RDMJK Woodgate Official Act of the City Plat to reflect the vacated and newly-dedicated rights of way/easements. The project plat will be considered following adoption of the right of way vacation Ordinance 2662 on second reading.

The City is currently scheduled to close and record all documents related to the right of way cleanup within 30 calendar days of right of way vacation and plat approval.

Future City Council Actions

Construction of the WEOG Roundabout is scheduled to run from October 2024 to June of 2025. City Council is scheduled to consider contract approval in the fall of 2024 for construction of the project.

MEMORANDUM OF AGREEMENT
WOODGATE-EAST OAK GROVE ROUNDABOUT RIGHT OF WAY CLEANUP PROJECT

This MEMORANDUM OF AGREEMENT (the **“MOA”**) is entered into and effective as of _____, 2024 (the **“Effective Date”**) by and between the City of Montrose, a Colorado home rule municipal corporation, whose address is 400 East Main Street, P.O. Box 790, Montrose, Colorado 81402 (the **“City”**), and RDMJK Woodgate Investments, a Colorado limited liability company, whose address is 24849 Brook Drive, Nisswa, Minnesota 56468 (**“RDMJK”**) (each individually referenced herein as a **“Party”** and collectively as the **“Parties”**).

RECITALS

WHEREAS, the City and RDMJK entered into the Memorandum of Agreement - Woodgate Realignment Project (the **“Original Realignment MOA”**) on September 8, 2020 to facilitate the realignment of Woodgate Road from its intersection with Townsend Avenue over to its current configuration intersecting with East Oak Grove Road. All actions contemplated in the Original Realignment MOA were completed and the realigned Woodgate Road was opened to the public in July of 2022 as a T-intersection with East Oak Grove Road.

WHEREAS, as part of the Original Realignment MOA, the City and RDMJK envisioned the eventual construction of a roundabout at the intersection of the realigned Woodgate Road and East Oak Grove Road (the **“WEOG Roundabout”**).

WHEREAS, to facilitate eventual construction of the WEOG Roundabout, rights of way were dedicated at the intersection based on a preliminary design of the roundabout. Right of way dedications were made on the RDMJK Woodgate Division of Property – An Official Act of the City of Montrose plat recorded as Reception Number 934099 with the Montrose County Recorder (the **“Original RDMJK Plat”**) in April of 2021.

WHEREAS, the City has since finalized design of the WEOG Roundabout and the right of way and easement requirements for the updated design do not match those dedicated with the Original RDMJK Plat.

WHEREAS, the City and RDMJK wish to “cleanup” the rights of way along the southwestern and southeastern corners of the intersection by vacating rights of way and easements that will not be needed for the roundabout project and dedicating rights of way and utility easements where they will be needed (the **“WEOG Roundabout ROW Cleanup Project”**).

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual covenants, conditions and agreements of the Parties contained herein, the receipt and sufficiency of which hereby are acknowledged and accepted, the Parties hereby agree as follows:

1. **PURPOSE OF AGREEMENT.** The purpose of this Agreement is to provide an effective and reliable means for the Parties to jointly pursue the various steps necessary to accomplish the WEOG Roundabout ROW Cleanup Project, as further set forth below.

2. **PROJECT STEPS AND ACTIONS.** The Parties hereby acknowledge and confirm to and with each other that the following constitute the general steps and actions necessary by each party in order to complete the WEOG Roundabout ROW Cleanup Project.

City of Montrose

- a. **Vacate Unneeded Rights of Way.** The City shall prepare all necessary exhibits, vacation ordinances, and deeds associated with the vacation of unneeded rights of way in the vicinity of the proposed WEOG Roundabout and pursue the vacations with the Montrose City Council. Vacations shall be in general conformance with the land areas shown in Attachment A. It should be noted that City Staff do not have the authority to vacate unneeded rights of way; these will ultimately require approval by Montrose City Council through public processes.
- b. **Amend the Original RDMJK Plat.** The City shall prepare and seek council approval of an amendment to the Original RDMJK Plat to vacate unneeded utility easements, include rights of way vacated by ordinance, and dedicate new rights of way and utility easements needed for the WEOG Roundabout Project. The Amended RDMJK Plat shall be in general conformance with that included in Attachment B. It should be noted that City Staff do not have the authority to approve the amended plat; this will ultimately require approval by Montrose City Council through public processes.
- c. **Record Applicable Documents.** The City shall be responsible for recording all applicable ordinances, deeds, and plats within one week of final execution.

RDMJK

- a. **Closing Event.** Within 30 calendar days following vacation of unneeded rights of way and amendment/approval of the Original RDMJK Plat by the City, the Parties shall hold a closing event and shall execute and deliver such documents as shall be necessary to dedicate new rights of way/easements, affect the WEOG Roundabout ROW Cleanup Project, and to comply with the terms of this Agreement.
3. **COMPENSATION.** Given the mutual benefit of this project, no compensation is contemplated as part of this agreement.
4. **COVENANTS, REPRESENTATIONS AND WARRANTIES.**
- a. **RDMJK Covenants, Representations and Warranties.** RDMJK hereby covenants, represents and warrants to and with the City to proceed in a timely manner and reasonably cooperate in good faith with the City to take all actions necessary to comply with the terms of this Agreement and timely complete the WEOG Roundabout ROW Cleanup Project including, without limitation, perform, negotiate, provide, execute and/or deliver all documents, information and/or items and undertakings contemplated by, appropriate or needed to achieve the City Approvals and effect the project pursuant to this Agreement.

- b. **City Covenants, Representations and Warranties.** City hereby covenants, represents and warrants to and with RDMJK to proceed in a timely manner and reasonably cooperate in good faith with RDMJK to take all actions necessary to comply with the terms of this Agreement and timely complete the WEOG Roundabout ROW Cleanup Project including, without limitation, perform, negotiate, provide, execute and/or deliver all documents, information and/or items and undertakings contemplated by, appropriate or needed to achieve the City Approvals and effect the project pursuant to this Agreement.

5. GENERAL TERMS AND CONDITIONS

- a. **Counterparts; Electronic Execution.** This Agreement may be executed in two or more counterparts, all of which shall constitute a single instrument, and by one or more of the Parties by facsimile or e-mail transmitted signature and both Parties agree that the delivery of an executed counterpart hereby by facsimile or e-mail will have the same force and effect as the delivery of an original executed counterpart hereof.
- b. **No Waiver of Governmental Immunity.** Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the City, its officials, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.
- c. **Signature Authority; Successors and Assigns.** Signatory for each Party hereby confirm he or she is an authorized agent of the respective Party and has the full power and authority to execute and deliver this Agreement as a binding document of the Party. The promises made in this Agreement by RDMJK shall be deemed to have been made by any corporation or other business affiliated with RDMJK that acquires ownership or possession of all or any portion of affected property. This Agreement shall be binding upon the successors and assigns of the Parties.
- d. **Indemnification.** To the fullest extent permitted by law, RDMJK agrees to indemnify and hold harmless the City, its officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the performance of the services under this contract, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of RDMJK, or any officer, employee, or agent of RDMJK, or any other person for whom RDMJK is responsible. RDMJK shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims and demands, and to bear all other costs and expenses related thereto, including court costs and attorneys' fees. RDMJK's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.
- e. **Remedies.** The Parties waive entitlement to claim or receive any form of monetary damages, including but not limited to remedial, compensatory, punitive, liquidated or economic, including lost profits. The sole remedy available to the Parties shall be specific performance of this Agreement.
- f. **Waiver.** No waiver by the City or RDMJK of any term or condition of this Agreement shall be deemed to be construed as a waiver of any other term or condition, nor shall a waiver of any

breach be deemed to constitute a waiver of any subsequent breach of the same provision of this Agreement.

- g. **No Venture or Partnership.** No form of joint venture or partnership exists between the Parties and nothing contained in this Agreement shall be construed as making either the City or RDMJK joint venturers or partners of any kind.
- h. **Applicable Law/Severability.** This Agreement shall be construed and enforced in accordance with the laws of the State of Colorado. Jurisdiction and venue for any dispute concerning this Agreement shall be proper and exclusive in the district court for Montrose County, Colorado. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement or any application thereof to a particular situation shall be held invalid by a court of competent jurisdiction, such provision or application thereof shall be ineffective only to the extent of such invalidity without invalidating the remainder of such provision or any other provision of this Agreement.
- i. **No Waiver of Legislative Authority.** Nothing contained in this Agreement shall constitute or be interpreted as a repeal of the City's Charter, Code or ordinances or as a waiver of abnegation of the City's legislative, governmental, or police powers to promote and protect the health, safety, or general welfare of the municipality or its inhabitants; nor shall this Agreement prohibit the enactment by the City of any fee permitted under the law.
- j. **Term of Agreement.** The Parties' rights and obligations under this Agreement shall commence as of the Effective Date and shall remain in full force and effect for a period of two years from and after the Effective Date.
- k. **Article X, Section 20/TABOR.** The Parties understand and acknowledge that the City is subject to Article X, § 20 of the Colorado Constitution ("**TABOR**"). The Parties do not intend to violate the terms and requirements of TABOR by the execution of this Agreement. The Parties hereby acknowledge and agree that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore (notwithstanding anything in this Agreement to the contrary), all payment obligations of the City expressly are dependent and conditioned upon the continuing availability of funds beyond the term of the City's current fiscal period ending upon the next succeeding December 31. The Parties further acknowledge and agree that (i) the City's obligations to perform any obligations under this Agreement shall be subject to annual appropriation; and (ii) and any reduction of such appropriation, or failure to appropriate, by the City shall not constitute a default by the City under this Agreement.
- l. **Further Assurances.** The Parties hereto agree to cooperate in all reasonable respects necessary to consummate the transactions contemplated by this Agreement, and from time to time to do such acts and things and execute and deliver such documents and instruments as may reasonably be required in order to implement the transactions contemplated hereby. Each Party hereto agrees to cooperate in the execution of subsequent addenda, or to re-execute an amended version of this Agreement, in the event that a Party discovers: 1) a clerical error; or 2) a misinterpretation of law; or 3) an error as to form; when such error(s) obviate or hinder the consideration, performance or enforcement of this Agreement.

IN WITNESS WHEREOF, the Parties have executed and delivered this Agreement as of the Effective Date.

CITY OF MONTROSE, COLORADO

RDMJK WOODGATE INVESTMENTS, LLC

By: _____
William Bell, City Manager

By: _____
Robert D. Kohout, Manager

State of Colorado)
) ss.
County of Montrose)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by William Bell, City Manager of the City of Montrose, Colorado.

Witness my hand and official seal.
My commission expires: _____.

(Seal)

Notary

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Robert D. Kohout, Manager of RDMJK Woodgate Investments, LLC.

Witness my hand and official seal.
My commission expires: _____.

(Seal)

Notary

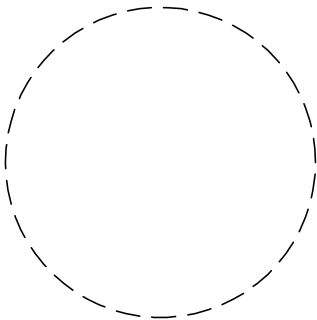
S1/4 SEC.34 T.49N, R.9W
FOUND 3-1/4" ALUMINUM
CAP L.S. 37662

NORTHWEST CORNER
SEC.4 T.48N, R9W
FOUND 3 1/4"
BRASS CAP

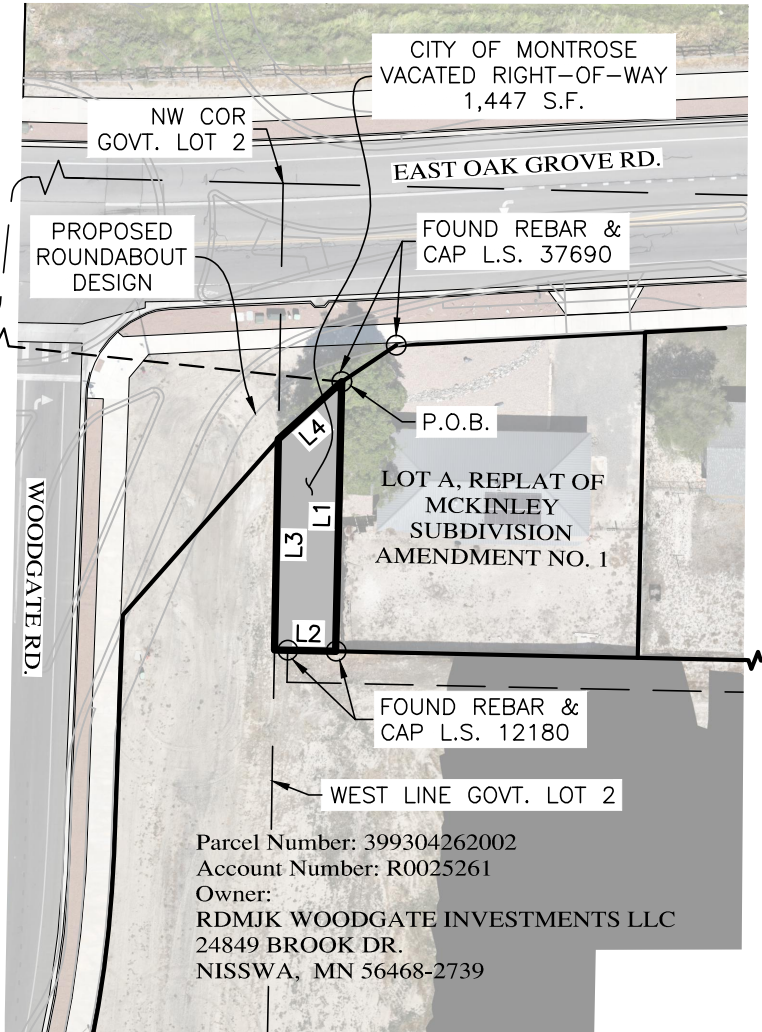
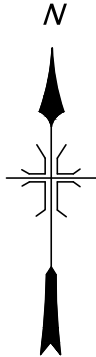
BASIS OF BEARINGS
N88°40'05"W

BASIS OF BEARINGS

The line between the found
Rebar and Cap at the S1/4
Corner of Section 34, T.49N,
R.9W, N.M.P.M. and the found
BLM Brass Cap and Pipe at
the Northwest corner of Section
4, T.48N, R.9W, N.M.P.M. bears
N88°40'05"W. (Assumed)



Frederick Ballard, PLS 37690
for and on behalf of
Del-Mont Consultants, Inc.
125 Colorado Ave.
Montrose, CO 81401



LINE DATA		
LINE #	DIRECTION	LENGTH
L1	S01°18'28"W	84.15'
L2	N88°44'41"W	19.13'
L3	N01°02'51"E	65.85'
L4	N47°59'49"E	26.70'

EXHIBIT A

VACATED RIGHT-OF-WAY (VR-2)
IN GOVERNMENT LOT 2, SECTION 4, T.48N., R.9W., N.M.P.M.,
CITY AND COUNTY OF MONTROSE, STATE OF COLORADO

VACATED RIGHT-OF-WAY DESCRIPTION

A tract of land situated in Government Lot 2, Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, being a portion of an Alley Right-of-Way dedicated on the Replat of McKinley Subdivision, Book 12 Page 90, more particularly described as follows:

Beginning at a Northwest corner of Lot A Replat of McKinley Subdivision Amendment 1, Reception No. 947516, a rebar and survey cap L.S. 37690, from whence the South 1/4 corner of Section 34 bears N83°52'50"W 758.16 feet;
Thence S01°18'28"W 84.15 feet along the West line of said Lot A;
Thence N88°44'41"W 19.13 feet along the South line of said Alley Right-of-Way to the West line of said Government Lot 2;
Thence N01°02'51"E 65.85 feet along said West line of Government Lot 2;
Thence N47°59'49"E 26.70 feet to the POINT OF BEGINNING.
Said Vacated Right-of-Way contains 1,447 square feet as described.



DEL-MONT CONSULTANTS, INC.

ENGINEERING & SURVEYING

125 Colorado Ave. Montrose, CO 81401 (970) 249-2251

www.del-mont.com service@del-mont.com

DESIGNED BY:

PJI

SCALE:

1" = 60'

CHECKED BY:

FAB

FILE NAME:

23136V_ROW-ESMT

CITY OF MONTROSE

VACATED RIGHT-OF-WAY DESCRIPTION

RDMJK Woodgate Investments LLC

MONTROSE, COLORADO

D.M. JOB NO.:

23136

DATE ISSUED:

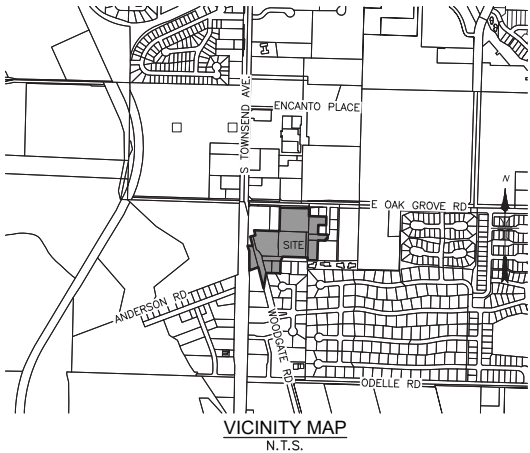
1/18/2024

SHEET:

1 of 1

RDMJK WOODGATE DIVISION OF PROPERTY AN OFFICIAL ACT OF THE CITY OF MONTROSE AMENDMENT NO.1

SITUATED IN SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL YE BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

Lot 1 and Lot 2 of RDMJK Woodgate Division of Property, an Official Act of the City of Montrose, according to the plat recorded April 1, 2021 at Reception No. 934099, County of Montrose, State of Colorado. Together with a City of Montrose Vacated Right-of-Ways at Reception No. _____.

Have by these presents laid out, platted and divided the same into lots, as shown on this plat, under the name and style of RDMJK Woodgate Division of Property, An Official Act of the City of Montrose, Amendment No. 1, hereafter "RDMJK Amendment No. 1 Plat", and do hereby dedicate, grant and convey to the City of Montrose, Colorado for the use of the public Woodgate Road right of way as hereon shown.

Public utility easements shown on this plat are dedicated, granted and conveyed to the City of Montrose, Colorado for public utilities, including but not limited to water, sewer, electrical, telephone, gas and CATV lines, drainage facilities, and drainage easements specifically labeled for dedication, together with perpetual right of ingress and egress for installation, maintenance and replacement of such facilities.

Executed this _____ day of _____, 2024.

Robert Kohout
RDMJK Woodgate Investments LLC

STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Certificate of Dedication and Ownership was acknowledged before me on this _____ day of _____, 2024, by RDMJK Woodgate Investments LLC.

Witness my hand and official seal.
My commission expires _____

Notary

PURPOSE OF THIS PLAT

The purpose of this RDMJK Amendment No. 1 Plat is to amend existing Lots 1 and 2 to incorporate obsolete rights of way vacated by the City of Montrose and to dedicate new rights of way and easements needed for the roundabout intersection at Woodgate and East Oak Grove Roads. The acreage summaries presented below are for the amended lots.

LOT ACREAGE SUMMARY OF RDMJK AMENDMENT NO. 1 PLAT

LOT 1	4.75 ACRES
LOT 2	3.02 ACRES
ROW DEDICATION	0.01 ACRES (509 S.F.)
TOTAL	7.78 ACRES

MISCELLANEOUS PLAT NOTES (PER CITY OF MONTROSE)

- Site development or future subdivision of lots within the RDMJK Amendment No. 1 Plat shall account for all drainage from adjacent lots currently and as may be developed in the future. Individual lots approved for construction through the City of Montrose Site Development process shall be required to demonstrate engineered solutions to historical and anticipated drainage from adjacent and/or up-gradient lots and properties, construct improvements, and dedicate easements as appropriate to maintain drainage functionality.
- Site development or future subdivision of lots within the RDMJK Amendment No. 1 Plat shall maintain utility and access easements and construct improvements as appropriate to ensure availability of utility connections and access (water, sewer, gas, electric, fiber, cable, phone, etc.) to neighboring lots within the RDMJK Amendment No. 1 Plat. Easement locations are subject to change through agreement between the City of Montrose and the developer as appropriate to maintain utility and access easement functionality.
- Site development of individual lots within the RDMJK Amendment No. 1 Plat shall account for all irrigation supply and return flows from adjacent lots currently and as may be developed in the future. Individual lots approved for construction through the City of Montrose site development or subdivision processes shall be required to demonstrate engineered solutions to maintain historical irrigation supply and return flows to and from adjacent properties, construct improvements, and dedicate easements as appropriate to maintain full functionality of irrigation systems.
- Each dwelling unit in the RDMJK Amendment No. 1 Plat, if any, shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to Section 11-5-9(C) of the Municipal Code. Payments shall be made to the City of Montrose, to be later disbursed to the RE-1J School District.
- Future subdivision and site development of any lots within the RDMJK Amendment No. 1 Plat which create common areas, tracts, open space, or outlots will require a Declaration of Covenants or equivalent document in accordance with Title XI of the Montrose Official Code.
- All easements shown within lots are subject to relocation through agreement between the City of Montrose and the developer as the lots are developed and amended in the future by formal plats and/or similar land use development applications through the City of Montrose site development and subdivision processes and/or as otherwise deemed appropriate by the parties.

BASIS OF BEARINGS:

The Basis of Bearings is between the found 3 1/4" aluminum cap L.S. 37662 at the S1/4 corner of Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, and the found 3 1/4" brass cap at the Northwest corner of Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian, which bears N88°40'05"W (ASSUMED)

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet

SURVEYOR'S CERTIFICATE

I, Frederick A. Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this RDMJK Amendment No. 1 Plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey. I further certify that all monuments shown hereon actually exist and their positions are as shown.

Section 38-51-106 Statement: this RDMJK Amendment No. 1 Plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this RDMJK Amendment No. 1 Plat may be found in the title Report issued by Fidelity National Title, dated November 21, 2023, bearing Title Report No: 210-F15315-23.

Frederick A. Ballard, P.L.S.
Registration No. 37690
Date: _____

ATTORNEY'S CERTIFICATE

I, Douglas R. Tueller, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined Pro-Forma Title Commitment No. _____ Issued by Fidelity National Title Insurance Company, dated _____, 20____ (the "Pro-Forma Title Commitment"), which commits to insure to RDMJK Woodgate Investments the title to the Land herein platted and described in the above Certificate of Dedication and Ownership, and that, based solely on my review of the Pro-Forma Title Commitment, title to such land is in the Owners and Dedicators; and that the title to the Land dedicated hereon, including the dedication for utility easements, is free and clear of all liens and encumbrances except as specifically set forth in the Pro-Forma Title Commitment and noted on this RDMJK Amendment No. 1 Plat.

Attorney
Registration No. _____
Date: _____

APPROVAL OF DEPUTY CITY MANAGER

Approved this _____ day of _____, 2024, by

_____, Deputy City Manager of the City of Montrose.

Deputy City Manager

APPROVAL OF CITY ENGINEER

Approved this _____ day of _____, 2024, by

_____, City Engineer of the City of Montrose.

City Engineer

APPROVAL OF CITY ATTORNEY

Approved for recording this _____ day of _____, 2024, by

_____, City Attorney of the City of Montrose.

City Attorney

APPROVAL OF CITY COUNCIL

Approved this _____ day of _____, 2024, by _____, Mayor of the City of Montrose; all conveyances of interests in real property made on this RDMJK Amendment No. 1 Plat are hereby accepted by the City.

Mayor, City of Montrose

APPROVAL OF VACATED EASEMENTS PER THIS PLAT

Mayor, City of Montrose

Date

RECORDER'S CERTIFICATE

This RDMJK Amendment No. 1 Plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the

time of _____, on the _____ day of _____, 2024 under

Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy

PRELIMINARY



DEL-MONT CONSULTANTS, INC.
ENGINEERING & SURVEYING
1235 Colorado Ave. W. Montrose, CO 81401 • (970) 249-2281 • (970) 249-2342 FAX
www.del-mont.com • service@del-mont.com

FIELD BOOK: 883C
DRAWN BY: PJI
DATE: 4/4/2024

SHEET: 1 of 2
FILE: 23136V_PLAT-DIVN
JOB NO.: 23136

CLIENT: CITY OF MONTROSE
ADDRESS & PHONE: 433 S. 1ST STREET
MONTROSE, CO 81402
TYPE: PLAT

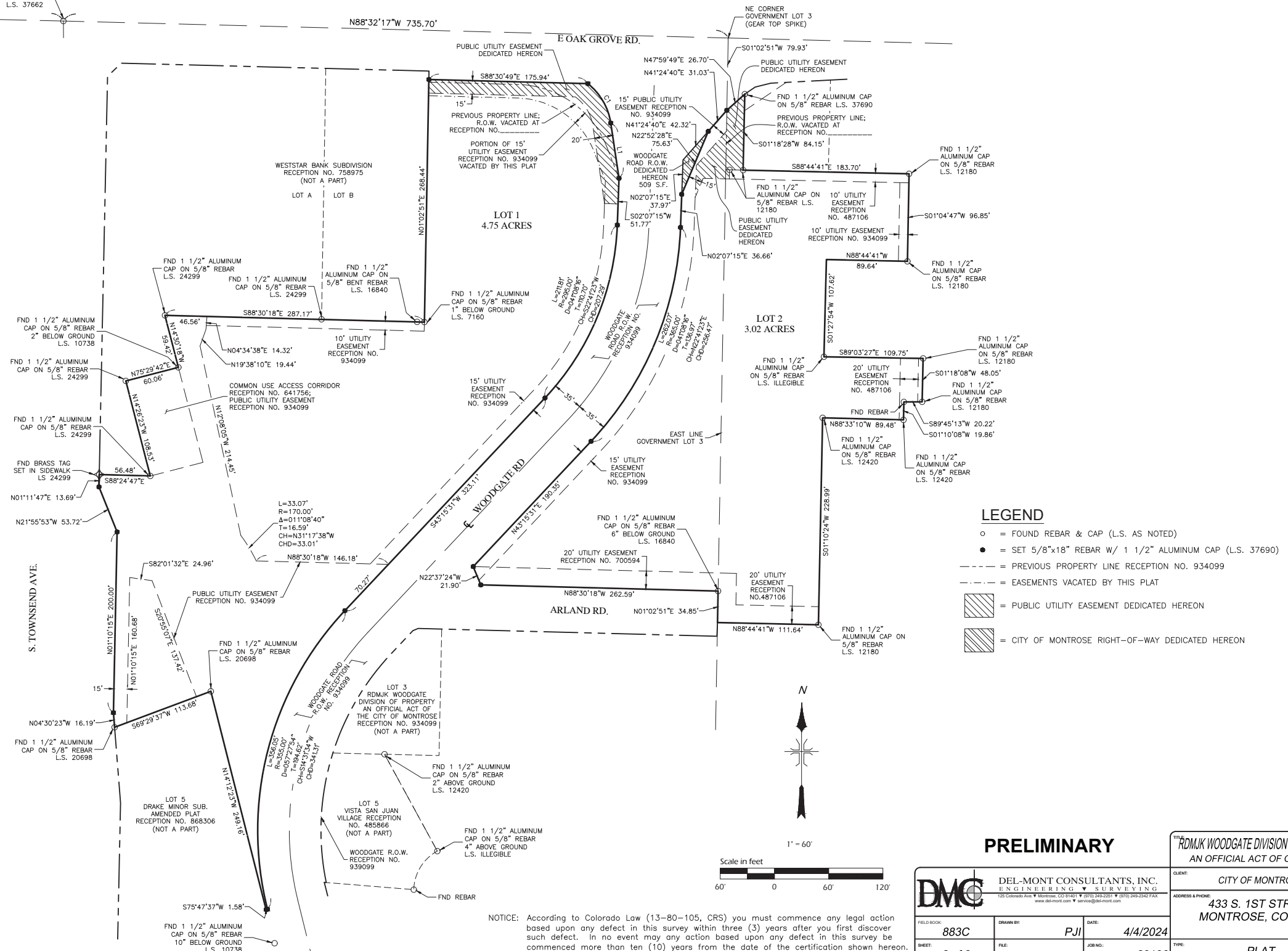
NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

RDMJK WOODGATE DIVISION OF PROPERTY
AN OFFICIAL ACT OF THE CITY OF MONTROSE
AMENDMENT NO.1

SITUATED IN SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

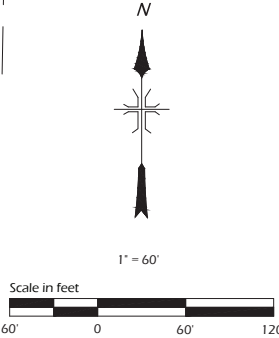
CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	51.70'	68.50'	043°14'38"	S30°09'21"E	50.48'

LINE DATA		
LINE #	DIRECTION	LENGTH
L1	S08°32'02"E	61.73'



LEGEND

- = FOUND REBAR & CAP (L.S. AS NOTED)
- = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (L.S. 37690)
- = PREVIOUS PROPERTY LINE RECEPTION NO. 934099
- - - = EASEMENTS VACATED BY THIS PLAT
- [Hatched Box] = PUBLIC UTILITY EASEMENT DEDICATED HEREON
- [Hatched Box] = CITY OF MONTROSE RIGHT-OF-WAY DEDICATED HEREON



NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) 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 (10) years from the date of the certification shown hereon.

PRELIMINARY		RDMJK WOODGATE DIVISION OF PROPERTY AN OFFICIAL ACT OF C.O.M. - A1	
DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 133 Colorado Ave. W. Montrose, CO 81401 • (970) 249-2251 • (970) 249-2342 FAX www.del-mont.com • service@del-mont.com		CLIENT:	CITY OF MONTROSE
FIELD BOOK:	883C	DATE:	4/4/2024
SHEET:	2 of 2	FILE:	23136V PLAT-DIVN
JOB NO.:	23136	TYPE:	PLAT

ORDINANCE NO. 2662

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, GRANTING AND AUTHORIZING THE CONVEYANCE OF AN INTEREST IN CITY OWNED REAL ESTATE PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City of Montrose and RDMJK Woodgate Investments, LLC desire to exchange real property within the City of Montrose for the purpose of realigning rights-of-way along the southwestern and southeastern corners of the intersection at Woodgate Road and East Oak Grove Road as shown in **Exhibit A** (the “**Division of Property Overview**”), attached hereto; and

WHEREAS, in order to facilitate eventual construction of the roundabout at Woodgate Road and East Oak Grove, the City of Montrose and RDMJK Woodgate Investments, LLC mutually desire to undertake a joint public/private project (the “**WEOG Roundabout ROW Cleanup Project**”) to clean up the rights-of-way along the southwestern and southeastern corners of the intersection by vacating rights-of-way and easements that will not be needed for the roundabout project and dedicating rights-of-way and utility easements where they will be needed, and have entered into a Memorandum of Agreement to facilitate this realignment; and

WHEREAS, the City of Montrose owns portions of existing rights-of-way adjacent to the WEOG Roundabout ROW Cleanup Project as shown in **Exhibit A** with detailed descriptions included as **Exhibit B** (the “**Vacated Right-of-Way West, VR-1**”), and **Exhibit C** (the “**Vacated Right-of-Way East, VR-2**”), attached hereto; and

WHEREAS, the City of Montrose desires to vacate portions of right-of-way shown in **Exhibits B and C**, and RDMJK Woodgate Investments, LLC desires, on an Official Replat of the project area, to grant right-of-way and utility easements for the WEOG Roundabout ROW Cleanup Project, thus effectively realigning the Woodgate Road and East Oak Grove Road rights-of-way to the configuration shown in **Exhibit A**; and

WHEREAS, the City of Montrose and RDMJK Woodgate Investments, LLC have agreed to terms that provide an equitable exchange of property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that the properties described in **Exhibits B and C** attached and incorporated hereto, may be granted and conveyed for reasonable consideration.

The City Council hereby authorizes the Mayor and City Staff to execute all documents required to consummate said conveyance to RDMJK Woodgate Investments, LLC.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and its passage on first reading on Tuesday, the 7th day of May, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ, and PASSED on first reading this 7th day of May, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ, and ADOPTED on second reading this 21st day of May, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A – Page 2

RDMJK Woodgate Division of Property, Amendment No. 1

RDMJK WOODGATE DIVISION OF PROPERTY AN OFFICIAL ACT OF THE CITY OF MONTROSE AMENDMENT NO. 1

SITUATED IN SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

CURVE DATA				
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	31.90'	68.00'	64.314754°	S.3720°12'16" E.
C2	25.40'	50.00'	53.07°45'00"	S.25°40'00" E.

LINE DATA	
LINE #	DIRECTION, LENGTH
1	S.3720°12'16" E. 31.90'

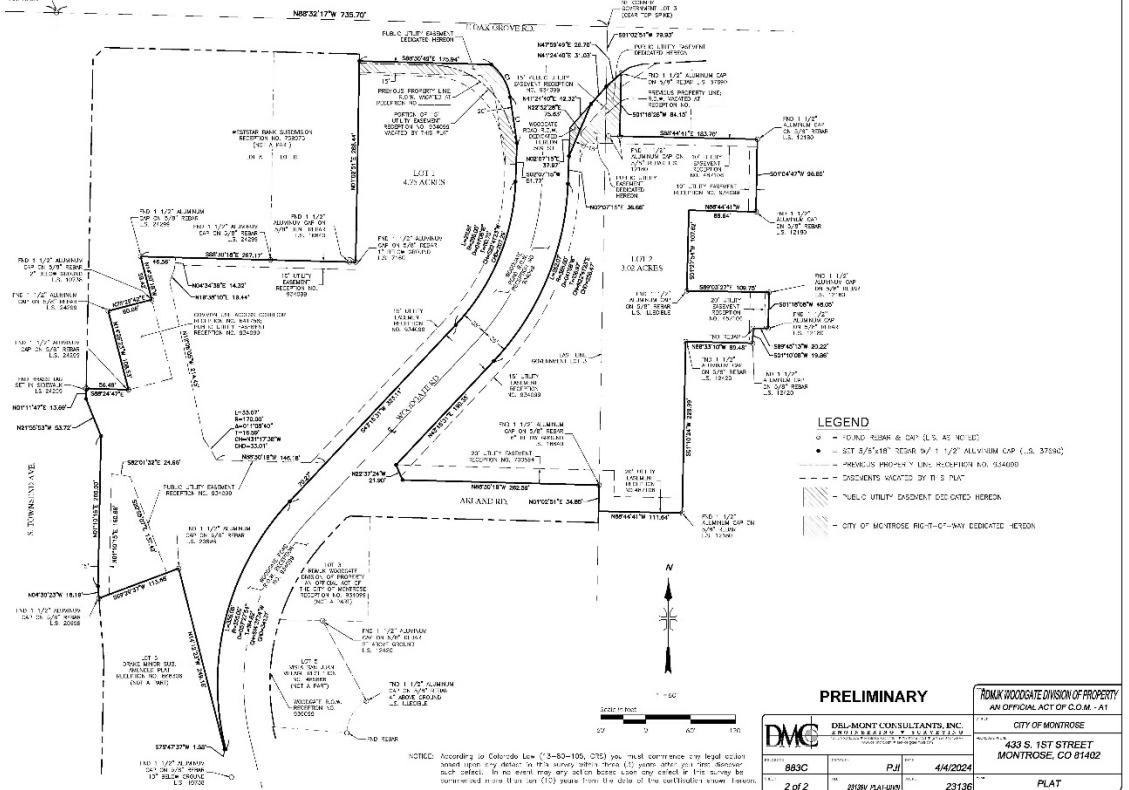


EXHIBIT B - Vacated Right-of-Way West (VR-1)

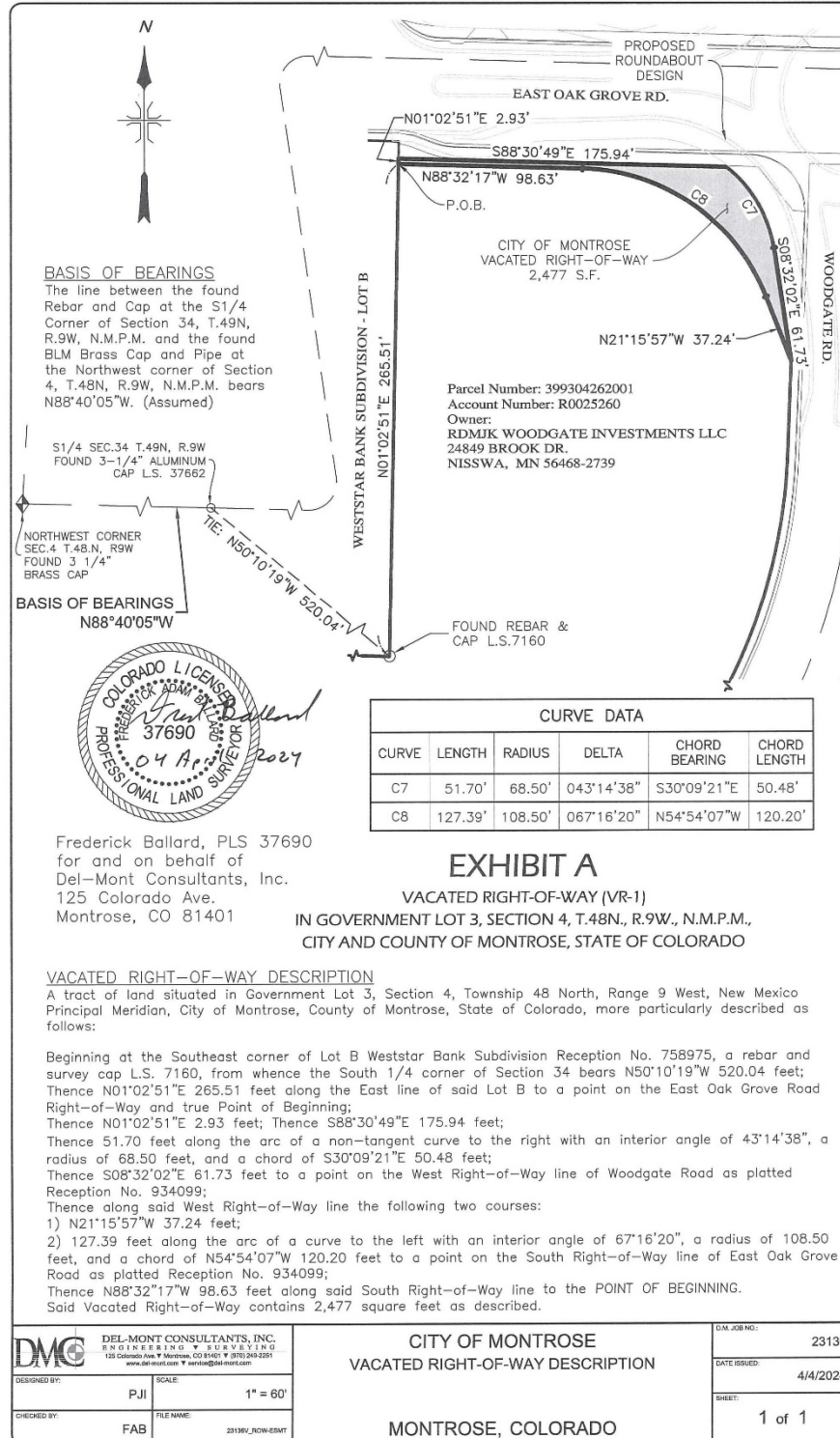


EXHIBIT C - Vacated Right-of-Way East (VR-2)

