Re-submittal Form

Case Name/Number: PRC2019-00008/ North Side Gardens Center Land

Case Manager: Greg Barnes

Re-submitted Items:

☐ Development Plan/ Site Plan
☒ Plat
☐ Parking/ Landscape Plan
☐ Engineering Documents
☒ Subdivision Improvements Agreement
☒ Other: Response to Comments

* All re-submittals must have this cover sheet and a cover letter addressing review comments.

Please note the re-submittal review period is 21 days.
The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- Identify any additional changes made to the original document

For County Use Only:

Date Accepted:

Staff (accepting intake):

Resubmittal Active: Addressing, Building Safety, Neighborhood Services, Engineering, Environmental, Parks, Planner, ROW, SIA - Finance, SIA - Attorney
INSTRUMENT THE FOLLOWING THREE (3) COURSES AND DISTANCES: THENCE 1) NORTH 89°34'22" EAST A
INSTRUMENT NO. 20060613000602650, ADAMS COUNTY RECORDS; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE
LIENHOLDER’S CERTIFICATE:
KENNETH R. LOMBARDI, MANAGER
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING THE OWNER(S) OF LOT 3, NORTH SIDE
RIGHT-OF-WAY LINE OF GILPIN WAY, ALSO BEING ON A NON-TANGENT CURVE TO THE RIGHT, THE DELTA OF
SURVEYOR'S CERTIFICATE:
RAYMOND W. BAYER, CHAIR
SURVEY NOTES:
BASIS FOR BEARINGS: THE WEST LINE OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, AS DESCRIBED IN SAID
DEED, AS RECORDED AT INSTRUMENT NO. 20060613000602650, ADAMS COUNTY RECORDS, THENCE ALONG THE
ACR OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 36.32 FEET TO THE END OF SAID CURVE; THENCE THE NORTH 00°01'34" WEST, 10.00 FEET; THENCE 3) NORTH 89°34'22" EAST A DISTANCE OF 36.08 FEET; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST
RIGHT-OF-WAY LINE OF GILPIN WAY, ALSO BEING ON A NON-TANGENT CURVE TO THE RIGHT, THE DELTA OF
SOIL OF THE PROPERTY SHOWN AND DESCRIBED HEREIN TO
DO HEREBY CERTIFY THAT THERE ARE NO ROADS, PIPELINES, IRRIGATION DITCHES OR OTHER
EASEMENTS IN EVIDENCE OR KNOWN BY ME TO EXIST ON OR ACROSS THE HEREIN BEFORE DESCRIBED
PROPERTY, EXCEPT AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT THIS SURVEY WAS
EXECUTED THIS DAY OF 20
NORTH SIDE GARDENS, LLC, A COLORADO LIMITED LIABILITY COMPANY:
HELEN R. LOMBARDI, MANAGER
ACKNOWLEDGEMENT:
STATE OF COLORADO
COUNTY OF ADAMS
CITY OF COMMERCE CITY
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BY ME THIS DAY OF
ACKNOWLEDGMENT OF INSTRUMENT NUMBER 2018000100470, ADAMS COUNTY RECORDS.
NOTARY PUBLIC
BY COMMISSION EXPIRES:
ADDRESS IS:
LICIENDEE’S CERTIFICATE:
THE UNDERSIGNED HEREBY CONSENT TO THE DEDICATION AND EASEMENTS SHOWN ON THIS PLAT.
DOUG SChERRER, SENIOR VICE PRESIDENT, TBK BANK
ACKNOWLEDGEMENT:
STATE OF COLORADO
COUNTY OF ADAMS
THE FOREGOING LIENHOLDER’S CERTIFICATE HAS BEEN SIGNED AND GIVEN BEFORE ME
THIS DAY OF 20
NOTARY PUBLIC
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THIS DAY OF 20
NOTARY PUBLIC
BY COMMISSION EXPIRES:
ADDRESS IS:
The following comments were provided by reviewers of the North Side Gardens Center Land Subdivision land use applications *(in italics)*. Responses to comments are provided herein along with any reference to plans or attachments as part of this resubmittal.

Electronic and paper copies are provided as requested with additional files for the Subdivision Improvements Agreement and Legal Description, in Microsoft Word version.

**Date:** 8/19/2019  
**Project Number:** PRC2019-00008  
**Project Name:** North Side Gardens Center Land Subdivision

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**Commenting Division:** Development Engineering Review  
**Name of Reviewer:** Greg Labrie  
**Date:** 08/19/2019  
**Email:** glabrie@adcogov.org

**Resubmittal Required**

a) *An Operations and Maintenance Manual for the drainage facilities on the site is required to be submitted to Adams County.*

**Response:** An Operations and Maintenance Manual for the drainage facilities on the site has been prepared and is provided in the Engineering Review resubmittal.

b) *The Operations and Maintenance Manual must be recorded at the Adams County Clerks and Recorder Office and the record number must be documented on the plat or an equivalent engineering document.*

**Response:** The Operations and Maintenance Manual will be recorded and noted on the final plat after engineering review is complete.

c) *To evaluate performance of an underground proprietary BMP, data should be provided to Adams County to demonstrate that anticipated BMP performance will be comparable to that of surface-based BMPs.*

**Response:** Please see the response provided in the Engineering Review resubmittal.

d) *Underground BMPs approved for standalone treatment is required to be capable, on an annual basis, of producing effluent quality with a median TSS concentration of no more than 30mg/L.*

**Response:** Please see the response provided in the Engineering Review resubmittal.
e) The applicant shall refer to the Urban Drainage Flood Control District’s criteria for Underground Detention systems to determine the type of acceptable data.

Response: Please see the response provided in the Engineering Review resubmittal.

d) The storm drainage improvements adjacent to 73rd Avenue are confusing. There does not appear to be any clearly defined connection from the underground detention system to the east end outfall structure.

Response: Please see the response and updated Site Plan provided in the Engineering Review resubmittal.

a) The detention pond and onsite drainage swales are required to be in drainage easements. Applicant must provide legal descriptions and exhibits for the drainage facilities on the site to Adams County.

Response: Please see the response provided in the Engineering Review resubmittal.

b) All necessary paperwork such as Commissioners Resolutions, Development Agreements, and Collateral Agreements will need to be on file with the Adams County Public Works Department / Construction Management section prior to the issuance of any building permits.

Response: Please see the response provided in the Engineering Review resubmittal.

c) Upon completion of review and approval of these drawings, the applicant will be required to obtain the necessary permits in order to construct the proposed improvements. This/these permit(s) will be obtained from the Adams County One Stop Permit Center. No Certificate of Occupancy will be issued for any new Building Construction, until all public and drainage improvements as required by these construction plans have been completed, in place and certified by the original design engineer.

Response: Acknowledged.

1.) A Development Agreement with appropriate collateral will be required for the improvements to 73rd Avenue and Gilpin Way. All Improvements will be completed prior to CO Issuance.

2). The public improvements constructed along 73rd Avenue and Gilpin Way shall be constructed in accordance to the approve design plans.

Response: Acknowledged.

A. All necessary Plats will be filed and recorded with the Adams County Clerk and Recorders office prior to the issuance of any Building Permit.

A. The contractor will be held responsible for the cleanliness and safety of all roadways adjacent to this site. If at any time, these roadways are found to be dangerous or not passable due to debris or mud, the Adams County Public Works Department will shut down the project, until the roadway conditions have improved and are deemed acceptable. If the contractor/applicant fails to keep the adjacent roadways clean and free from debris, the Public Works Department has the option to do the required clean up and bill the charges directly to the contractor/applicant.

Response: Acknowledged.
a) The traffic letter shall indicate the total trips per day for the proposed warehouse along with the trips per day with the existing traffic conditions from the entire development.

b) When a development generates over 20 vehicles per day a traffic analysis for the new development is required.

Response: The traffic letter is amended to include the study data collected for the entire development as submitted in Filing 2 of the North Side Gardens Business Park development. Please see the Engineering Review submittal for a complete copy of the traffic report.

1) If off-site fill material is required to support the grading plan, the fill source and quantity are required to be indicated on the drawings and it shall include the source and quantity of selected off-site material.

Response: Please see the response provided in the Engineering Review resubmittal.

Please document/explain compliance with minimum design standards are met (1.a and 1.b) on the Drainage Report. Clearly address any uncontrolled run-off and also any off-site public improvement runoff. Both flows must comply with the requirements shown above.

1) Update SWMP to incorporate the proposed changes as required.

Response: Please see the response provided in the Engineering Review resubmittal.

Commenting Division: Planner Review
Name of Reviewer: Greg Barnes
Date: 08/12/2019
Email: gjbarnes@adcogov.org

Resubmittal Required
Comments Requiring a Response - Resubmittal Required
PLN04: The Certificate of Surface Development has not been provided. This must be provided at some point before the hearing.

Response: A notarized Certificate of Surface Development is included with this resubmittal.

PLN05: Please see the attached calculation of PLD fees. Cash-in-lieu of dedication is preferred. These fees must be paid prior to the first public hearing.

Response: The PLD fees will be paid prior to the first public hearing at the time recommended by the county planner.

PLN06: Please submit documentation ensuring water supply as required by the Colorado Division of Water Resources.

Response: A will serve letter from the Water District is provided with this resubmittal.
PLN07: Please submit a Microsoft Word version of the SIA for review with your resubmittal.

Response: A revised SIA is provided with this resubmittal and included in the Engineering Review resubmittal.

PLN08: Please provide some documentation that North Washington Water & Sanitation will provide sewer service to the lot.

Response: A will serve letter from the Water District is provided with this resubmittal.

PLN09: As we discussed by telephone, the plat shall be renamed "North Side Gardens Center Land Subdivision" to avoid confusion.

Response: The subdivision name has been updated on all resubmitted documents as noted above.

Commenting Division: ROW Review
Name of Reviewer: Marissa Hillje
Date: 08/09/2019
Email: mhillje@adcogov.org

Resubmittal Required

ROW1. Revise Property Description/ Legal Description:
   a. An accurate and clear property (legal) description of the overall boundary of the subdivision with the acreage of the subdivision. All courses in the property (legal) description shall be shown and labeled on the plat drawing, with all bearings having the same direction as called out in the legal description. The only exception being where more than one description is required, going a different direction over the same course. The direction shall then hold for the description having more weight (i.e., the overall boundary) for purposes of the plat. If both record and "as-measured" dimensions are being used, show both and clearly label on the plat drawing. Point of commencement and/or point of beginning shall be clearly labeled on the plat drawing.

ROW2. Revise Signature lines to CHAIR- see redlines

ROW3. Add case # to top right of each page

Response: A revised plat is provided in this resubmittal addressing these comments.

ROW4. The County highly recommends that the subdivision name is changed because the proposed name includes land that is outside of Lot 3 of the Northside Gardens Business Park.

Response: The subdivision name has been updated on all resubmitted documents as noted above.

ROW5. Revise sheet # on sheet 2- see redlines.
ROW6. The 10ft dry utility and pedestrian access easement – what is the pedestrian access for? (ie is there an existing sidewalk etc on the property) These types of easements are usually dedicated to the county on the plat for the benefit of the public and utility providers.
ROW7. Label Basis of Bearings on map.
ROW8. #10 on the title report is not shown- revise map
ROW9. Add reception #/recording information for any easement that is dedicated previously. ROW10. See other redlines on plat attached.
Response: A revised plat is provided in this resubmittal addressing these comments.

Commenting Division: Planner Review
Name of Reviewer: Greg Barnes
Date: 07/23/2019
Email: gjbarnes@adcogov.org
External Agencies Selected

July 29, 2019

Greg Barnes, Planner III
Adams County Community and Economic Development Department
Transmission via email: gjbarnes@adcogov.org

Re: North Side Gardens Business Park Lot 3 Subdivision Site
Case No. PRC2019-00008
Part of the SW ¼ of the SW ¼ of Section 35, T2S, R68 W, 6th P.M. Water Division 1, Water District 7

Dear Mr. Barnes:

We have reviewed the above referenced referral to combine two adjacent parcels, North Side Gardens Business Park Lot 3 (1.15 acres) and 1790 E. 73rd Ave (0.22 acres), into one 1.37 acre parcel. The parcel at 1790 E. 73rd Ave is proposed to be rezoned from agricultural to commercial. The proposed use for the new combined lot is commercial.

Water Supply Demand

Estimated water requirements for this development were not provided.
Source of Water Supply

The proposed water source for this development was not provided. According to the submitted material, water service is currently provided to 1790 E. 73rd Ave by the North Washington Street Water & Sanitation District (“District”), however it is not clear if the District will serve the property once combined. The District is contracted with the Denver Water Department (“Denver Water”). This office considers Denver Water to be a reliable water source.

According to the drainage report dated July 1, 2019 provided by Western Engineering Consultants, Inc., drainage structures (grass swales and a pond) have been developed on Lot 3. The applicant should be aware that, unless the structures meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structures may be subject to administration by this office. The applicant should review DWR’s Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use Colorado Stormwater Detention and Infiltration Facility Notification Portal, located at https://maperture.digitaldataservices.com/gvh/?viewer=cswdif, to meet the notification requirements.

State Engineer’s Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28136(1)(h)(II), C.R.S., the State Engineer’s Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. Prior to further review the following information must be provided:

1. A subdivision water supply plan that specifies the water requirements for the subdivision and the proposed source of water to meet those requirements.
2. If the proposed water source is the District then a letter of commitment for service from the District must be provided.

If you, or the applicant, have any questions please contact Wenli Dickinson at 303-866-3581 x8206.

Sincerely,

Joanna Williams, P.E.
Water Resources Engineer
**Response:** Please see the Engineering Review resubmittal for response details. Fixture counts will be provided to North Washington and Denver Water in accordance with their rules and regulations to determine the appropriate meter size.

A will serve letter from the Water District is provided with this resubmittal to address adequate water supply.
August 7, 2019

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: North Side Gardens Center Land Subdivision, PRC2019-00008
TCHD Case No. 5761

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the Minor Subdivision Final Plat to create one 1.34 acre lot and the Rezoning of 0.22 acres from Agricultural-1 to Industrial-1 located at 7280 Gilpin Way. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

**Historic Landfill**
According to TCHD’s records, there are historic landfills located within 1,000 feet of the subject property referenced as Landfill No. AD-041, AD-091, and AD-148. Flammable gas from decomposing organic matter in landfills may travel up to 1,000 feet from the source. Because construction is planned on this property, we recommend the following:

1. A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property. The plan for the investigation should be submitted to TCHD for review and approval.

2. TCHD will review the results of the investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required.

3. In lieu of the investigation, a flammable gas control system shall be designed and constructed to protect buildings and subsurface access to utilities, i.e. vaults, manholes, etc. from flammable gas. Health and safety practices shall be followed during construction to protect site workers. A copy of TCHD guidelines for safe construction in areas on or near former landfills has been attached.
Fugitive Dust – Building Demolition
Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. The application indicates that the existing residence on the site will be demolished. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at http://www.cdphe.state.co.us/ap/asbestos.

Vector Control – Building Demolition
Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, saliva, or through rodent bites. For example, Hantavirus Pulmonary Syndrome (HPS), a rare but potentially lethal viral infection, can be found in the droppings and urine of rodents commonly found in southwestern United States. When buildings are demolished, rodents can spread to surrounding properties and increase the risk of vector exposure to humans. The applicant should plan for vectors and eliminate any known infestations prior to demolition. Information on rodent control can be found at http://www.tchd.org/400/Rodent-Control.

Questions regarding this may be directed to Sheila Lynch at 720-200-1571 or slynch@tchd.org.

Vector Control - Storage
Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. Items stored on the floor, tightly packed, and rarely moved provide potential harborage for rodents. Due to the variety of items to be potentially stored at this site, TCHD recommends that the applicant create a plan for regular pest control. Information on rodent control can be found at http://www.tchd.org/400/Rodent-Control

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,

Annemarie Heinrich, MPH/MURP
Land Use and Built Environment Specialist

Response: Please see the Engineering Review resubmittal addressing these comments.
From: Lisa Gard
Sent: Tuesday, October 15, 2019 5:03 PM
To: Lisa Gard
Subject: RE: North Side Gardens Replat - final trip generation letter

From: Chris McGranahan <csmcgranahan@lsctrans.com>
Sent: Monday, September 23, 2019 2:47:14 PM
To: Lisa Gard <lisa.gard@outlook.com>
Subject: RE: North Side Gardens Replat - final trip generation letter

Lisa,

I think the attached study was for the existing development. Please include with the submitted report.

Let me know if we need us to update anything in our recent trip generation letter.

Christopher S. McGranahan, PE, PTOE
Principal
LSC Transportation Consultants, Inc.
1889 York Street
Denver, CO 80206
303-333-1106
csmcgranahan@lsctrans.com
lsctrans.com

From: Lisa Gard <lisa.gard@outlook.com>
Sent: Monday, September 23, 2019 2:41 PM
To: Chris McGranahan <csmcgranahan@lsctrans.com>
Subject: RE: North Side Gardens Replat - final trip generation letter

What they conveyed during the meeting was that if you provide the trip analysis you had done on the previous study to show the trips per day for existing traffic conditions that will suffice. Maybe we can just include the previous study as an attachment and reference it in this current report.

Lisa Gard  Planner Analyst
970-214-9610
LinkedIn profile

From: Chris McGranahan <csmcgranahan@lsctrans.com>
Sent: Friday, June 7, 2019 10:43:41 AM
To: Lisa Gard <lisa.gard@outlook.com>
Cc: Waltraud Carter <lsc@lscdenver.com>
Subject: North Side Gardens Replat - final trip generation letter
APPLICANT'S CERTIFICATION CONCERNING QUALIFYING SURFACE DEVELOPMENT,
PURSUANT TO C.R.S. §24-65.5-103.3 (1)(b)

I/We, Ken R. Lombardi, (the "Applicant") by signing below, hereby declare and certify as follows:

Concerning the property located at:
Physical Address: 7280 Gilpin Way & 1790 E. 73rd Avenue, Denver, CO 80229
Legal Description: Lot 3 North Side Gardens Business Park & SECT,TWN,RNG:35-2-68 DESC: E 85 FT of S 110 FT of N 130 FT of SW4 SW4 SE4 0/22A
Parcel #s: 01719350407003 & 017193500035

With respect to qualifying surface developments, that (PLEASE CHECK ONE):

X  No mineral estate owner has entered an appearance or filed an objection to the proposed application for development within thirty days after the initial public hearing on the application; or

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The Applicant and any mineral estate owners who have filed an objection to the proposed application for development or have otherwise filed an entry of appearance in the initial public hearing regarding such application no later than thirty days following the initial public hearing on the application have executed a surface use agreement related to the property included in the application for development, the provisions of which have been incorporated into the application for development or are evidenced by a memorandum or otherwise recorded in the records of the clerk and recorder of the county in which the property is located so as to provide notice to transferees of the Applicant, who shall be bound by such surface use agreements; or

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The application for development provides:
(i) Access to mineral operations, surface facilities, flowlines, and pipelines in support of such operations existing when the final public hearing on the application for development is held by means of public roads sufficient to withstand trucks and drilling equipment or thirty-foot-wide access easements;
(ii) An oil and gas operations area and existing well site locations in accordance with section 24-65.5-103.5 of the Colorado Revised Statutes; and
(iii) That the deposit for incremental drilling costs described in section 24-65.5-103.7 of the Colorado Revised Statutes has been made.

Date: 9/13/19
Applicant: Ken R. Lombardi, North Side Gardens, LLC

After Recording Return To:

PAULA CLARKE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 15974035822
COMMISSION EXPIRES NOVEMBER 12, 2021

By: Ken R. Lombardi
Print Name: Ken R. Lombardi
Address: 7280 Gilpin Way
Denver, CO 80229
August 22, 2019

To Whom It May Concern:

Dear Sirs:

The property located at 7280 Gilpin, is in the North Washington Street Water and Sanitation District service area boundaries.

The North Washington Street Water and Sanitation District will consider servicing said property with water and sewer service taps through the facilities of said District. Service is provided subject to the payment of fees and charges under the provisions and in accordance with the Rules and Regulations of the District, connector agreement with the Metropolitan Wastewater Reclamation District, and the Board of Water Commissioners of the City and County of Denver and the availability of water taps. Persons wanting to use the water and sewer system for Commercial, Industrial, Apartments, Mobile Homes or Condominium units and/or other purposes which could be expected to require large quantities of water and unusual amounts of sewage disposal shall be required to submit demand data for the industries water and sewage before a permit will be issued. Such permit may contain limitations as determined by the Board of Directors of the North Washington Street Water and Sanitation District.

Very truly yours,

[Signature]

James C. Jamsay,
District Manager
SUBDIVISION IMPROVEMENTS AGREEMENT

THIS AGREEMENT is made and entered into by and between the County of Adams, State of Colorado, hereinafter called “County,” and North Side Gardens LLC, located at 7280 Gilpin Way, Denver, CO 80229 hereinafter called “Developer.”

WITNESSETH:

WHEREAS, Developer is the owner of real property in the County of Adams, State of Colorado, as described in Exhibit “A” attached hereto, and by this reference made a part hereof.

WHEREAS, it is provided by resolution of the Board of County Commissioners, County of Adams, that where designated the Developer shall have entered into a written agreement with the County to install public and/or private improvements, and to deed land for public purposes or right-of-way.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows:

1. Engineering Services. Developer shall furnish, at its own expense, all engineering and other services in connection with the design and construction of the improvements described and detailed on Exhibit B1 and B2 attached hereto, and by this reference made a part hereof.

2. Drawings and Estimates. The Developer shall furnish drawings and cost estimates for all improvements described and detailed on Exhibits B1 and B2 for approval by the County. Upon request, the Developer shall furnish one set of reproducible “as built” drawings and a final statement of construction costs to the County.

3. Construction. Developer shall furnish and construct, at its own expense and in accordance with drawings and materials approved by the County, the improvements described and detailed on Exhibit B1. Exhibit B2 improvements will be provided in escrow in-lieu.

4. Time for Completion. Improvements shall be completed according to the terms of this agreement within expected “construction completion date” of December 31, 2020. The Director of Community and Economic Development Department may for good cause grant extension of time for completion of any part or all of improvements appearing on said Exhibit B1. Any extension greater than 180 days shall only be approved by the Board of County Commissioners. All extensions of time shall be granted in written form only.

5. Guarantee of Compliance. Developer shall furnish to the County a cash escrow deposit or other acceptable collateral, releasable only by the County, to guarantee compliance with this agreement. Said collateral shall be in the amount of $172,000, including twenty percent (20%) to cover administration and five percent (5%) per year for the term of the Agreement to cover inflation. Upon approval of the final plat, completion of said improvements constructed according to the terms of this agreement, and preliminary acceptance by the Director of Public Works in accordance with Section 5-02-05-01 of the County’s Development Standards and Regulations, the collateral shall be released. Completion of said improvements shall be determined solely by the County, and a reasonable part of said collateral, up to 20%, may be retained to guarantee maintenance of public improvements for a period of one year from the date of completion.

No building permits shall be issued until said collateral is furnished in the amount required and in a form acceptable to the Board of County Commissioners, and until the final plat has been approved and the improvements described in Exhibits B1 and B2 have been preliminarily accepted by the Department of Public Works.

6. Acceptance and Maintenance of Public Improvements. All improvements designated “public” on Exhibits B1 and B2 shall be public facilities and become the property of the County or other public agencies upon acceptance. During the period of one year from and after the acceptance of public improvements, the Developer shall, at its own expense, make all needed repairs or replacement due to defective materials or workmanship which, in the opinion of the County, becomes necessary. If, within ten days of written notice to the Developer from the

Page 1 of 4
County requesting such repairs or replacements, the Developer has not undertaken with due diligence to make the same, the County may make such repairs or replacements at the Developer’s expense. In the case of an emergency such written notice may be waived.

7. **Successors and Assigns.** This agreement shall be binding upon the heirs, executors, personal representatives, successors, and assigns of the Developer, and shall be deemed a covenant running with the real property as described in Exhibit A attached hereto.

8. **Improvements and Dedication.** The undersigned Developer hereby agrees to provide the following improvements, and to dedicate described property.

A. **Improvements.**

Public Improvements:

Gilpin Way and Lot 1 Public Improvements include saw cut of existing Gilpin north of Lot 4 and along the west boundary of Lot 1 to the East 73rd Avenue Intersection. A variable widening of asphalt (6.5 ft to 9.5 ft) from existing edge of asphalt to the County Local Industrial section geometry of 20 feet from centerline to curb lip plus concrete curb gutter and walk (7.5 feet) will occur along Gilpin. A complete curb return with ADA ramps will occur at the southeast corner of the intersection of East 73rd Avenue and Gilpin as well an asphalt widening transition along the south side of East 73rd that extends approximately 74 feet east of the curb return. A 5-foot CDOT Type R inlet is required at the curb return and will drain through a Contech CDS hydraulic separator to provide water quality treatment prior to draining into the Lot 1 storm pond. In addition to the Gilpin Way widening there will also be a 5-foot-wide concrete pedestrian walk along the interior of the Lot 1 north property line similar to North Side Garden Business Park (NSGBP) Filing 2. These improvements will be built as part of North Side Gardens Business Park Center Land Subdivision.

There are also future widening improvements to E. 73rd that match the approach approved in NSGBP Filing 2 – whereas monies were provided in Escrow for the overall construction of E. 73rd Avenue, since it was never designed or constructed in compliance with any previous or current county specification, and widening of said roadway presently would not meet any current standard without requiring future demolition and re-building. Said future improvements will include utility relocations (overhead utilities buried), ditch grubbing and backfilling, a future CDOT Type R inlet at the east extent of Lot 1 that will drain through a Contech CDS hydraulic separator for water quality treatment, sawcut of existing E. 73rd edge of asphalt, widening of E. 73rd Avenue asphalt to the same 20 foot of pavement from centerline to curb lip, and curb/gutter and walk from the curb return constructed as part of North Side Gardens Business Park Center Land Subdivision to the eastern extent of Lot 1.

Separate Engineer’s Estimates are included for both current (Gilpin & Lot 1) and future (cash-in-lieu) (E. 73rd Avenue) widening and are included as Exhibits B1 and B2.

The improvements shall be constructed in accordance with all County requirements and specifications in accordance with the approved plans and time schedule as indicated in Exhibits B1 and B2.

B. **Public dedication of land for right-of-way purposes or other public purpose.** Upon approval of this agreement by the Board of County Commissioners, the Developer hereby agrees to convey by warranty deed to the County of Adams the following described land for right-of-way or other public purposes:

A 10-foot right of way on the south side of E.73rd Avenue will be dedicated to Adams County (N89°34’22”E) for 85 feet for pedestrian access and drainage.
North Side Gardens LLC
Developer

By:__________________________
Ken R. Lombardi, Owner

The foregoing instrument was acknowledged before me this _____ day of ________________
20___, by ____________________________.

My commission expires: ____________________________

Address: ________________________________

______________________________ Notary Public

APPROVED BY resolution at the meeting of _____________________________. 20__.

Collateral to guarantee compliance with this agreement and construction of public improvements
shall be required in the amount of ________________. No building permits shall be issued until
said collateral is furnished in the amount required and in a form acceptable to the Board of County
Commissioners.

ATTEST:

______________________________ BOARD OF COUNTY COMMISSIONERS
______________________________ ADAMS COUNTY, COLORADO

______________________________ Clerk of the Board
______________________________ Chair
EXHIBIT A

Legal Description:


EXHIBIT B1 & B2

Attached below.

Construction Completion Date:

Initials or signature of Developer: ________________________________

_________________________
## EXHIBIT B1 - GILPIN WAY & LOT 3 PUBLIC IMPROVEMENTS

**North Side Gardens Business Park Lot 3 Subdivision**

**ENGINES ESTIMATE - SITE CIVIL RELATED PUBLIC IMPROVEMENTS - GILPIN WAY & LOT 3 PUBLIC IMPROVEMENTS**

**October 15, 2019**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL COST</th>
<th>$</th>
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<td>Mobilization</td>
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<td><strong>Earthwork</strong></td>
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<td>Urban Storm Management Plan &amp; Site Erosion Control</td>
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</tr>
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<td>800</td>
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<td>(rounded) $59,000</td>
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**Approvals:**

North Side Gardens Business Park Lot 3 Subdivision
Adams County
## EXHIBIT B2 - East 73rd AVE FUTURE PUBLIC IMPROVEMENTS

North Side Gardens Business Park Lot 3 Subdivision

**ENGINEER ESTIMATE - CIVIL RELATED PUBLIC IMPROVEMENTS for E 73rd AVE FUTURE**

**October 15, 2019**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>UNIT</th>
<th>ESTIMATED QUANTITY</th>
<th>APPROXIMATE UNIT PRICE, $</th>
<th>TOTAL COST, $</th>
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<td><strong>MOBILIZATION &amp; DEMO</strong></td>
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<td>Installation</td>
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<td>Remover Exc. Powder/Buy Poles (Already Completed)</td>
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<td><strong>EARTHWORK</strong></td>
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<tr>
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<td>110</td>
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<td><strong>E. 73rd AVE IMPROVEMENTS</strong></td>
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<tr>
<td>Vertical Curb/Walk</td>
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<td>2&quot; TYPE B Adjacent to Foll C Outfall Manhole</td>
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</tr>
<tr>
<td>6&quot; RCP</td>
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<td>CONNECT TO E. 7TH AVE</td>
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<td>Bus Df System</td>
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**Funds to be Encroached**

**Approvals:**

North Side Gardens Business Park Lot 3 Subdivision

Adams County