Community & Economic
Development Department
www.adcogov.org

ADAMS COUNTY
COLORADO

4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Development Review Team Comments

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

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

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.

Noted & Included.

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.

Noted.

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.

The proposed Contech CDS Hydraulic Separator has been reviewed and approved on previous projects by Stormwater Administrator Juliana Archuleta to effectively treat stormwater runoff.

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.

The proposed Contech CDS Hydraulic Separator has been reviewed and approved on previous projects by Stormwater Administrator Juliana Archuleta to effectively treat stormwater runoff.

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.

The proposed Contech CDS Hydraulic Separator has been approved by UDFCD & Adams County on previous projects.

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.

WEC & Mr. Labrie reviewed the initial submitted plans & the proposed drainage concepts at the 08/26/19 meeting. All questions were resolved; however, additional detail has been added for further clarity.

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.

The detention pond and associated swales fall within a variable width drainage easement on the west, north, and east.

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.

Noted.

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.

Noted.

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.

Noted for Gilpin. Consistent with NSGBP Phase 2 – E 73rd public improvements funds will be escrowed.

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

Noted.

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.

Noted.

B. 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.

Noted.

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.

Noted. See attached LSC memo.

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

Noted. A complete analysis was provided with NSGBP Phase 2.

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.

Noted. The fill source and quantity now included in plans.

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.

The drainage report has been updated to address all on and off site runoff.

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

Noted. The SWMP has been updated to reflect changes.

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 08/12/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

Informational Comments - No response needed
PLN01: The requests are: 1. a minor subdivision final plat to create a lot of approximately 1.5 acres; a rezone to change the designation of 0.22 acres to the Industrial-1 zone district.
PLN02: The Adams County Comprehensive Plan has designated a future land use of Mixed-Use Employment. This designation indicates that the County would like to see the area develop as a clean industrial business park use. The request to rezone to I-1 is consistent with the County's Comprehensive Plan.
PLN03: The proposed lot does conform to the minimum I-1 standards for lot size and lot width. Therefore, the proposed subdivision is in conformance to the proposed zone district standards.

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.
Noted.
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.
Noted.
PLN06: Please submit documentation ensuring water supply as required by the Colorado Division of Water Resources.
Noted, please see attached. PLN07: Please submit a Microsoft Word version of the SIA for review with your resubmittal.
Noted.
PLN08: Please provide some documentation that North Washington Water & Sanitation will provide sewer service to the lot.
Noted, please see attached.
PLN09: As we discussed by telephone, the plat shall be renamed "North Side Gardens Center Land Subdivision" to avoid confusion.
Noted. The plat has been renamed.

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.

Property/Legal Descriptions have been revised as requested.

ROW2. Revise Signature lines to CHAIR- see redlines

Signature lines have been revised as requested.

ROW3. Add case # to top right of each page

Case number has been added to each sheet.

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.

The subdivision name has been updated to "North Side Gardens Center Land Subdivision".

ROW5. Revise sheet # on sheet 2- see redlines.

Noted. Sheet number on plat has been revised.

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.

The 10 foot pedestrian access easement is intended to be for the proposed pedestrian sidewalk along E 73rd Ave.

ROW7. Label Basis of Bearings on map.

The Basis of Bearing has been labeled.

ROW8. #10 on the title report is not shown- revise map

Noted. Map has been revised as requested.

ROW9. Add reception #/recording information for any easement that is dedicated previously.

Noted.

ROW10. See other redlines on plat attached.

Noted. Redline comments addressed separately.

Commenting Division: Addressing Review

Name of Reviewer: Marissa Hillje

Date: 08/09/2019

Email: mhillje@adcogov.org

Complete

Only one address will be assigned to the new lot. The County will keep 7280 Gilpin as main address due to access purposes.

Noted.

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 07/23/2019

Email: gjbarnes@adcogov.org External Agencies Selected

Community & Economic
Development Department
www.adcogov.org

ADAMS COUNTY
COLORADO

4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Re-submittal Form

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

Case Manager: Greg Barnes

Re-submitted Items:

- [ ] Development Plan/ Site Plan
- [x] Plat
- [ ] Parking/ Landscape Plan
- [ ] Engineering Documents
- [x] Subdivision Improvements Agreement
- [ ] Other: _____

*** 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

Development Team Review
Response to Comments Resubmittal

Date: 11/25/2019

Project Number: PRC2019-00008

Project Name: North Side Gardens Center Land Subdivision

Commenting Division: Development Engineering Review 2nd Review

Name of Reviewer: Greg Labrie

Date: 11/06/2019

Email: glabrie@adcogov.org

Resubmittal Required

1. *The name designation of "variable width drainage easement" within the design plans shall be changed to "variable width pedestrian access and drainage easement" on the design plans and plat.*

Response: addressed in the revised attached Plat

2. *Section 5 paragraph 2 of the SIA shall change "No Building permits shall be issued until...." to "No Certificate of Occupancy shall be issued until..."*
3. *Exhibit B show the unit cost for Saw Cutting Existing Asphalt, the installation of vertical curb, and the installation of 18"RCP pipe lower than the CDOT's cost data book. The applicant shall revise the estimated cost to the average cost in CDOT's cost data book or provide contractor quotes validating the current estimated cost.*

Response: all revisions to the SIA are addressed in the attached revised SIA.

Planner Review 2nd Review

Greg Barnes

11/06/2019

Email: gjbarnes@adcogov.org

Complete

PLN05: PLD fees must be paid prior to the first public hearing. This comment will remain until the fees are paid. I made an error in the previous calculation. The fees are attached.
PLN10: All collateral for the SIA must be provided prior to the first public hearing. It will be easier for everyone if collateral is paid in two installments of 80% and 20%. This comment will remain until SIA collateral is paid.
PLN11: Amendments to the Development Standards and Regulations are currently ongoing. You can view the proposed amendments for the I-1 zone district at http://www.adcogov.org/regulation-amendments . These amendments may have affect how the site develops in the future.

Commenting Division: ROW Review 2nd Review

Name of Reviewer: Marissa Hillje

Date: 11/06/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: See redlines on plat attached.

Response: the plat has been revised per the redlines and is attached with this submittal.

Commenting Division: SIA Review 1 - Attorney

Name of Reviewer: Christine Fitch

Date:
11/06/2019
Email:

Resubmittal Required

ATY01: Please see attached redline of the SIA.

Response: The SIA has been revised.

SIA Review 1 - Finance

Laura Garcia

10/22/2019

Email:

Resubmittal Required

FIN01: The total collateral amount in item number 5 should be $222,922.98. Please see my attached worksheet. Also this is assuming it will only take one year for construction completion since the construction completion date was not provided. If the construction completion date is more than one year additional an 5% of inflation would need to be added.

Response: Construction is expected to be completed within one year and was provided in Section 4 of the previous SIA. The collateral amount has been revised to reflect the work presented in Exhibit B1. Costs for Exhibit B2 are provided as cash-in-lieu.

Commenting Division: Application Intake 2nd Review

Name of Reviewer: Kevin Mills

Date:
10/17/2019
Email:

Complete

NORTH SIDE GARDENS CENTER LAND SUBDIVISION

A SUBDIVISION OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, AND A PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

SHEET 1 OF 2

CASE NO.: PRC2019-00008

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING THE OWNER(S) OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, AS RECORDED AT INSTRUMENT NO. 20060613000602650 ADAMS COUNTY RECORDS, AND
A PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NO. 2018000100470 FURTHER DESCRIBED AS FOLLOWS: THE EAST 85 FEET OF THE SOUTH 110 FEET OF THE NORTH 130 FEET, OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO.
TOGETHER BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, AS RECORDED AT INSTRUMENT NO. 20060613000602650, ADAMS COUNTY RECORDS; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF EAST 73RD AVE AS SHOWN IN SAID NORTH SIDE GARDENS BUSINESS PARK AND AS DESCRIBED IN SAID INSTRUMENT THE FOLLOWING THREE (3) COURSES AND DISTANCES: THENCE 1) NORTH 89°34'22" EAST A DISTANCE OF 187.96 FEET; THENCE 2) NORTH 00°01'34" WEST A DISTANCE OF 10.00 FEET; THENCE 3) NORTH 89°34'22" EAST A DISTANCE OF 85.00 FEET TO THE NORTHEAST CORNER OF THE PARCEL OF LAND AS DESCRIBED IN RECEPTION NO. 2018000100470, ADAMS COUNTY RECORDS; THENCE SOUTH 00°01'46 EAST ALONG THE EAST LINE OF SAID PARCEL OF LAND AND THE EAST LINE OF SAID LOT 3, A DISTANCE OF 225.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 270.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 AND TO THE EAST RIGHT-OF-WAY LINE OF GILPIN WAY, ALSO BEING ON A NON-TANGENT CURVE TO THE RIGHT, THE DELTA OF SAID CURVE IS 08°30'57", THE RADIUS OF SAID CURVE IS 243.00 FEET, THE CHORD OF SAID CURVE BEARS NORTH 04°15'29" WEST, 36.08 FEET; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 36.12 FEET TO THE END OF SAID CURVE; THENCE THE NORTH 00°00'00" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 177.10 FEET TO THE POINT OF BEGINNING.
CONTAINS 59,269 SQUARE FEET OR 1.361 ACRES MORE OR LESS.

HAS BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO A LOT AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF NORTH SIDE GARDENS CENTER LAND SUBDIVISION, AND DO HEREBY GRANT TO THE COUNTY OF ADAMS, STATE OF COLORADO, FOR THE USE OF THE PUBLIC, THE STREETS, AND OTHER PUBLIC WAYS AND LANDS HEREON SHOWN, FOR PUBLIC UTILITY, CABLE TV AND DETENTION POND AREAS, FLOODWAY AND FLOOD PLAIN LIMITS, DRAINAGE AND OTHER PUBLIC PURPOSES AS DETERMINED BY ADAMS COUNTY.

EXECUTED THIS _____ DAY OF _____, 20_____.

NORTH SIDE GARDENS, LLC, A COLORADO LIMITED LIABILITY COMPANY:

_____
KENNETH R. LOMBARDI, MANAGER

ACKNOWLEDGEMENT:

STATE OF COLORADO)
COUNTY OF _____) SS
CITY OF _____)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BY ME THIS _____ DAY OF _____, 20_____,
BY KENNETH R. LOMBARDI, MANAGER, NORTH SIDE GARDENS, LLC, A COLORADO LIMITED LIABILITY COMPANY.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES:_____
MY ADDRESS IS: _____
_____

LIENHOLDER'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 WAS SUBCRIBED AND SWORN BEFORE ME
THIS _____ DAY OF _____, 20_____, BY DOUG SCHERRER, SENIOR VICE PRESIDENT, TBK BANK

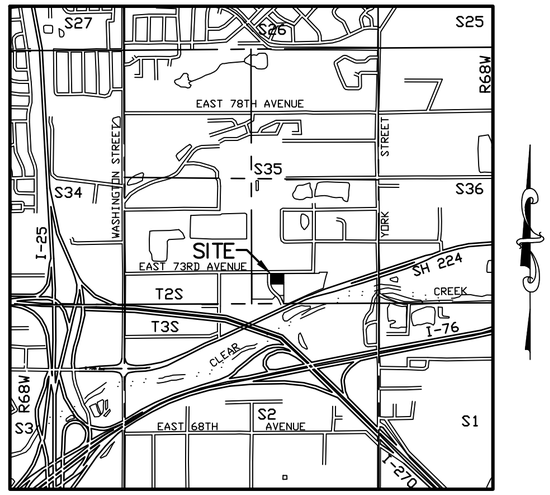
_____
NOTARY PUBLIC
MY COMMISSION EXPIRES:_____
MY ADDRESS IS: _____
_____

PREPARED BY:
R.W. BAYER & ASSOCIATES, INC.
12170 TEJON STREET, UNIT 700
WESTMINSTER, CO 80234
303-452-4433 RWBSURVEYING@HOTMAIL.COM
CAD FILE: L18236A/L18236A.DWG

DATE PREPARED: JULY 04, 2019
09-26-2019 ADDED EASEMENTS
11-25-2019 REV COUNTY COMMENTS

VICINITY MAP

SCALE: 1"=2000'



SURVEY NOTES:

BASIS FOR BEARINGS: THE WEST LINE OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, BEING A PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, AND THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO IS ASSUMED TO BEAR N00°00'00"E. ALL OTHER BEARINGS ARE RELATIVE THERETO. ALL MONUMENTS EXIST AS SHOWN HEREON.

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 LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY R.W. BAYER & ASSOCIATES, INC. OF THE PROPERTY SHOWN AND DESCRIBED HEREIN TO DETERMINE OWNERSHIP OF THE TRACT OF LAND, COMPATIBILITY OF THIS DESCRIPTION WITH THOSE OF ADJACENT TRACTS OF LAND OR RIGHTS-OF-WAY, EASEMENTS OR ENCUMBRANCES OF RECORD AFFECTING THIS TRACT OF LAND. R.W. BAYER & ASSOCIATES, INC. HAS RELIED UPON FIRST INTEGRITY TITLE COMPANY, COMMITMENT NO. 107-1911897-T, DATED JUNE 19, 2019, FOR OWNERSHIP AND FOR THE PURPOSE OF SHOWING RECORDED EASEMENTS AND RIGHT-OF-WAY ACROSS THESE PREMISES.

A PORTION OF THIS PARCEL LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOOD) F.E.M.A., FLOOD INSURANCE RATE MAP, MAP NUMBER 08001C0604H, REVISED MARCH 5, 2007.

THE LINEAL UNITS USED AND SHOWN HEREON IS U. S. SURVEY FOOT.

PLAT NOTES:

THIS PLAT DOES NOT ESTABLISH WATER AVAILABILITY FOR THE SUBJECT PROPERTY. WATER AND WASTEWATER SERVICE IS PROVIDED BY THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT. INVESTIGATION OF THE CURRENT WATER AVAILABILITY FOR THE PROPERTY AND ACQUISITION OF ANY ADDITIONAL WATER REQUIRED FOR DEVELOPMENT OF THE PROPERTY SHALL BE THE SOLE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSORS AND ASSIGNS. DEVELOPMENT APPROVALS WILL NOT BE GRANTED WITHOUT PROOF OF WATER AVAILABILITY.

THIS SITE IS SUBJECT TO AN UNDEFINED PSCO EASEMENT RECORDED IN RECEPTION NO. 20060601000560860, ADAMS COUNTY RECORDS.

PERMANENT STRUCTURES, IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, WATER METERS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS) SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS AND THE UTILITY PROVIDERS; AS GRANTEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEES, INCLUDING, WITHOUT LIMITATION, VEGETATION. PUBLIC SERVICE COMPANY OF COLORADO (PSCO) AND ITS SUCCESSORS RESERVE THE RIGHT TO REQUIRE ADDITIONAL EASEMENTS AND TO REQUIRE THE PROPERTY OWNER TO GRANT PSCO AN EASEMENT ON ITS STANDARD FORM.

PLAT NOTES CONTINUED:

UTILITY EASEMENTS AS SHOWN HEREON ARE DEDICATED TO ADAMS COUNTY FOR THE BENEFIT OF THE APPLICABLE UTILITY PROVIDERS FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION, CABLE, AND TELECOMMUNICATIONS FACILITIES (DRY UTILITIES). UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES, IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, WATER METERS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS) SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS AND THE UTILITY PROVIDERS, AS GRANTEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEES, INCLUDING, WITHOUT LIMITATION, VEGETATION. PUBLIC SERVICE COMPANY OF COLORADO (PSCO) AND ITS SUCCESSORS RESERVE THE RIGHT TO REQUIRE ADDITIONAL EASEMENTS AND TO REQUIRE THE PROPERTY OWNER TO GRANT PSCO AN EASEMENT ON ITS STANDARD FORM.

THE POLICY OF THE COUNTY REQUIRES THAT MAINTENANCE ACCESS BE PROVIDED TO ALL STORM DRAINAGE FACILITIES TO ASSURE CONTINUOUS OPERATIONAL CAPABILITY OF THE SYSTEM. THE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE FACILITIES INCLUDING INLETS, PIPES, CULVERTS, CHANNELS, DITCHES, HYDRAULIC STRUCTURES, AND DETENTION BASINS LOCATED ON THEIR LAND UNLESS MODIFIED BY SUBDIVISION DEVELOPMENT AGREEMENT. SHOULD THE OWNER FAIL TO ADEQUATELY MAINTAIN SAID FACILITIES, THE COUNTY SHALL HAVE THE RIGHT TO ENTER SAID LAND FOR THE SOLE PURPOSE OF OPERATIONS AND MAINTENANCE. ALL SUCH MAINTENANCE COSTS WILL BE ASSESSED TO THE PROPERTY OWNER.

SURVEYOR'S CERTIFICATE:

I, RAYMOND W. BAYER, A REGISTERED LAND SURVEYOR, REGISTERED IN THE STATE OF COLORADO, 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 PERFORMED BY ME OR UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING, AND THAT THIS PLAT ACCURATELY REPRESENTS SAID SURVEY, AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON.

RAYMOND W. BAYER,
REG P.L.S. NO. 6973

APPROVALS:

PLANNING COMMISSION APPROVAL:

APPROVED BY THE ADAMS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 20 _____ .

_____
CHAIR

BOARD OF COUNTY COMMISSIONERS APPROVAL:

APPROVED BY THE ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS THIS _____ DAY OF _____ , 20 _____ .

_____
CHAIR

CERTIFICATE OF THE CLERK AND RECORDER:

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER, IN THE STATE OF COLORADO, AT _____ : _____ _____ .M., ON THE _____ DAY OF _____ , A.D., 20 _____.

BY:_____ _____
DEPUTY COUNTY CLERK AND RECORDER

RECEPTION NO.: _____

NORTH SIDE GARDENS CENTER LAND SUBDIVISION

A SUBDIVISION OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, AND A PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

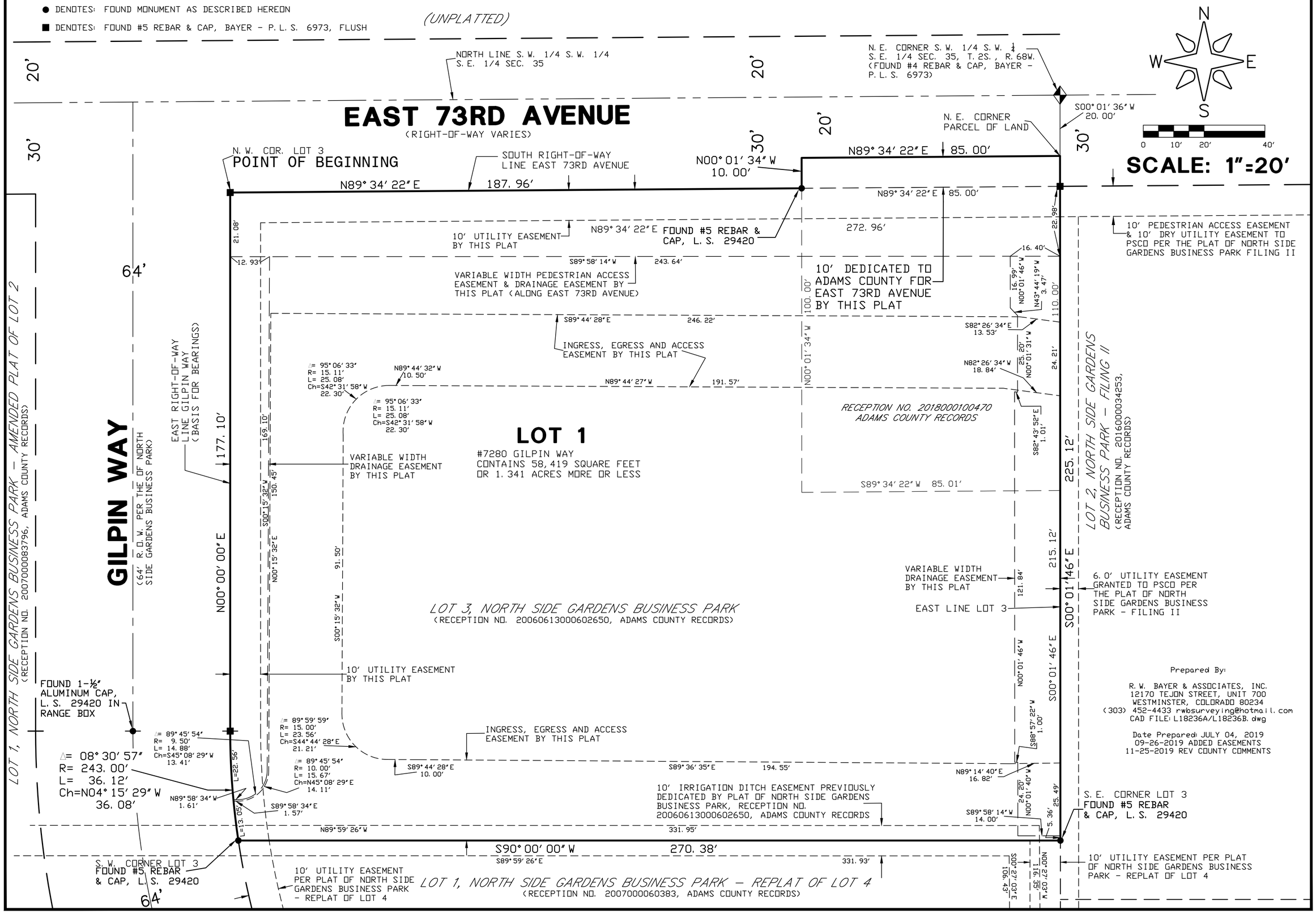
SHEET 2 OF 2

CASE NO.: PRC2019-00008

LEGEND

● DENOTES: FOUND MONUMENT AS DESCRIBED HEREON

■ DENOTES: FOUND #5 REBAR & CAP, BAYER - P. L. S. 6973, FLUSH



Prepared By:

R. W. BAYER & ASSOCIATES, INC.
12170 TEJON STREET, UNIT 700
WESTMINSTER, COLORADO 80234
(303) 452-4433 rwbsurveying@hotmail.com
CAD FILE: L18236A/L18236B.dwg

Date Prepared: JULY 04, 2019
09-26-2019 ADDED EASEMENTS
11-25-2019 REV COUNTY COMMENTS

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.

WHEREAS, Developer shall provide the County cash-in-lieu rather than construct certain improvements as described in Exhibit B2.

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. The improvements described and detailed on Exhibit B2 will be provided in escrow as cash-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 $93,000, 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 Certificate of Occupancy 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. **Cash in Lieu.** Developer shall furnish to the County a cash escrow deposit in the amount of $167,000 to cover the cost of the improvements described and detailed in Exhibit B2. Developer shall furnish evidence of such cash escrow deposit to the County.

7. **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 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.

8. **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.

9. **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. 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 $93,000.00 . 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:

A REPLAT OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, AND A PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

EXHIBIT B1 & B2

Attached below.

Construction Completion Date:

Initials or signature of Developer:_____

_____

EXHIBIT B1 - GILPIN WAY & LOT 3 PUBLIC IMPROVEMENTS

North Side Gardens Center Land Subdivision

ENGINEERS ESTIMATE - SITE CIVIL RELATED PUBLIC IMPROVEMENTS - GILPIN WAY & LOT 3 PUBLIC IMPROVEMENTS - for SIA COLLATERAL
December 19, 2019

ITEM	UNIT	ESTIMATED QUANTITY	APPROXIMATE UNIT PRICE , $	TOTAL COST, $
MOBILIZATION AND DEMO				
Mobilization	ls	1	2,500	2,500
SUBTOTAL				**2,500**
EARTHWORK				
Strip Topsoil, stockpile and replace with finished grade (6" Depth)	cy	38	10	385
Surface to Surface Earthwork Cut and stockpile	cy	0	2	0
Surface to Surface Earthwork Fill (Assumed 10% shrink)	cy	167	25	4,167
SUBTOTAL				**4,551**
EROSION CONTROL				
Storm Water Management Plan & Site Erosion Control	ls	1	4,000	4,000
SUBTOTAL				**4,000**
GILPIN WAY IMPROVEMENTS				
ADA Ramp	ea	4	1,000	4,000
Saw Cut Existing Gilpin Way Edge of Asphalt	lf	330	10	3,300
Vertical Curb Walk	lf	232	40	9,280
Asphalt Widening of Gilpin Way - Assumed 6 inch full depth	sy	202	30	6,064
SUBTOTAL				**22,644**
LANDSCAPE / E 73rd PEDESTRIAN PATH				
Seeding	ac	1.0	500	500
5 ft Pedestrian Path along East 73rd Avenue	lf	360	25	9,000
Landscape - Shrubs & Ground Cover Adjacent to Path	ls	1	4,000	4,000
SUBTOTAL				**13,500**
NEW STORM SYSTEM				
18" RCP	lf	20	100	2,000
5 ft Type R Inlet	ea	1	6,000	6,000
Contech CDS 2015-4 Hydraulic Separator	ea	1	11,000	11,000
18" FES to Ex. Ditch	ea	1	1,500	1,500
SUBTOTAL				**20,500**

TOTAL ESTIMATED COST	(rounded)	**$68,000**
CONTINGENCY AND NON-ITEMIZED IMPROVEMENTS	10%	6,800
ADDITIONAL 20% for COUNTY ADMINISTRATION	20%	13,600
5% INFLATION AFTER ADD CONTINGENCY & COUNTY ADMIN	5%	4,420
GRAND TOTAL	(rounded)	**$93,000**

Approvals:

North Side Gardens Center Land Subdivision **Adams County**

EXHIBIT B2 - East 73rd AVE FUTURE PUBLIC IMPROVEMENTS

North Side Gardens Center Land Subdivision

ENGINEERS ESTIMATE - CIVIL RELATED PUBLIC IMPROVEMENTS for E. 73rd AVE FUTURE - for ESCROW OF FUNDS
December 19, 2019

ITEM	UNIT	ESTIMATED QUANTITY	APPROXIMATE UNIT PRICE , $	TOTAL COST, $
MOBILIZATION & DEMO				
Mobilzation	ls	1	2,500	2,500
Remove Ex. Power/Utility Poles (Already Completed)	ls	1	0	0
Saw Cut Existing 73rd Edge of Asphalt	lf	646	10	6,460
SUBTOTAL				**8,960**
EARTHWORK				
Strip Topsoil, stockpile and replace with finished grade (6" Depth)	cy	55	2	110
Surface to Surface Earthwork Cut and stockpile	cy	0	2	0
Surface to Surface Earthwork Fill (Assumed 10% shrink)	cy	770	20	15,400
SUBTOTAL				**15,510**
EROSION CONTROL				
Storm Water Management Plan & Site Erosion Control	ls	1	4,000	4,000
SUBTOTAL				**4,000**
E. 73rd AVE IMPROVEMENTS				
Vertical Curb Walk	lf	661	40	26,440
Asphalt Widening of E 73rd Ave - Assumed 6 inch full depth	sy	660	40	26,400
SUBTOTAL				**52,840**
LANDSCAPE				
Seeding	ac	1.0	500	500
SUBTOTAL				**500**
NEW STORM SYSTEM				
5' TYPE R Adjacent to Pond C Outfall Manhole	ls	1	6,000	6,000
Contech CDS 2015-4 Hydraulic Separator	ea	1	11,000	11,000
18" RCP	lf	5	100	500
CONNECT to EX. MH	LS	1	1,500	1,500
SUBTOTAL				**19,000**
ELECTRIC SYSTEM				
Bury OH System	lf	661	25	16,525
Connect to Existing System	ea	2	2,500	5,000
SUBTOTAL				**21,525**

TOTAL ESTIMATED COST	(rounded)		**$122,000**
CONTINGENCY AND NON-ITEMIZED IMPROVEMENTS	10%		12,200
ADDITIONAL 20% for COUNTY ADMINISTRATION	20%		24,400
5% INFLATION AFTER ADD CONTINGENCY & COUNTY ADMIN	5%		7,930
GRAND TOTAL	(rounded)	**	**$167,000**

** Funds to be Escrowed

Approvals:

North Side Gardens Center Land Subdivision **Adams County**