December 24, 2019

Community & Economic Development Department
Development Services Division
Adams County
4430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8218

Re: PRC2019-00017
Flatiron

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes
Email: gjbarnes@adcogov.org

PLN01: Approval of the rezoning will be contingent upon approval of the plat. The cases will be scheduled in a manner that the final plat and rezoning components will be heard on the same day at the Board of County Commissioners.
Response: Noted.

PLN02: The rezoning request will likely comply with the criteria for approval of a rezoning, if the plat is approved.
Response: Noted.

PLN03: The preliminary plat appears to conform to the approved preliminary plat.
Response: Noted.

PLN04: Cash-in-lieu of public land dedication will be expected to support regional parks. I have included a spreadsheet, which provide the calculation. The payment must be made before the public hearing for approval. It is recommended not to pay these fees until the case has been scheduled.
Response: Noted.

PLN05: A payment will be expected for the collateral of the subdivision improvements agreement. It is recommended not to pay these fees until the case has been scheduled. It is also recommended that these payments be made in increments of 80% and 20%.
Response: Noted.
Commenting Division: Development Engineering Review

Name of Review: Matt Emmens

Email: MEmmens@adcogov.org

Comment: Resubmittal required. Construction plans need to be preliminarily approved and developer needs to obtain offsite easements and a federal 404 permit.

Response: Noted – we are pursuing a 404 permit. We would like to request that we be allowed to pull the building permit prior to finalizing the 404 permit. Since the release from the temp sediment basin will be less than the capacity of the existing outfall pipe, the current outfall will be sufficient while the temp sediment basin is in place.

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0604H), Federal Emergency Management Agency, January 20, 2016. According to the above reference, a portion of the project site is located within a delineated 100-year flood hazard zone; A floodplain use permit will be required for any construction activity within the 100 year floodplain.

Response: Noted. A floodplain use permit has already been processed.

ENG2: A portion of the project site is in the NRCO district. If development occurs in this area of the project site and more than an acre of land is being disturbed an environmental assessment will be required.

Response: Noted.

ENG3: The project site is within the County's MS4 Stormwater Permit area. The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. In the event that the disturbed area of the site exceeds 1 acre the applicant shall be responsible to prepare the SWMP plan using the Adams County ESC Template, and obtain both a County SWQ Permit and State Permit COR-030000.

Response: Noted.

ENG4: The applicant plans to subdivide the property. In a subdivision case, the developer should know that prior to scheduling the final plat/FDP BOCC hearing, the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall also enter into a Subdivision Improvement Agreement (SIA) with the County and provide a security bond for all public improvements. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents and the SIA. The development review fee for this project shall be in accordance to the schedule as described on the Adams County website.

Construction documents have been submitted to the County for review. The construction documents are currently under review and not yet approved.

Response: Noted.
ENG5: A traffic study, signed and stamped by a professional engineer with the state of Colorado is required to be submitted to the Adams County Community and Economic Department for review and approval. The developer is required to construct roadway improvements adjacent to the proposed site. Roadway improvements will consist of curb, gutter and sidewalk adjacent to the site and, any roadway improvements as required by the approved traffic impact study.

**Response: Noted.**

ENG6: No building permits will be issued until all public improvements have been constructed, inspected and preliminarily accepted by the County's Transportation Dept.

**Response: Noted. We would like to request that the building permits be issued prior to completion of all public improvements.**

ENG7: 74th Avenue is within CDOT's jurisdiction. All new and existing access points onto 74th Avenue must be permitted by CDOT. If applicant does not have permits for the existing access points, the applicant must obtain permits from CDOT.

**Response: Noted.**

ENG8: The developer is required to construct roadway improvements adjacent to the proposed site. Roadway improvements will consist of curb, gutter and sidewalk adjacent to the site and, any roadway improvements as required by the approved traffic impact study.

**Response: Noted.**

ENG9: Clayton Street is not currently a constructed roadway. Development of this site will require build out of at least the west half of the roadway, adjacent to the proposed site. In addition, the developer will be required to construct all improvements required by emergency services.

**Response: Noted.**

ENG10: The construction plans show the storm sewer outfall for this site will be directed to the East into an existing swale and pipe system that drains into the South Platte River. The existing swale and pipe systems is located on property owned by Public Service Company and Adams County. The existing swale and pipe systems is not currently sized to accept the flows from the proposed development. The developer will be required to improve the offsite channel and pipe system to accept the storm drainage from the proposed development. Improvement to the existing offsite swale and pipe system will require dedication of easements and/or an agreement with Public Service and Adams County to enter the properties and install the improvements.

**Response: Noted, an agreement has been executed with Xcel for the use and maintenance of this area.**

ENG11: The proposed storm sewer outfall, described in comment ENG10, will require improvements within the South Platt River basin that includes designated wetlands. If the improvements are proposed to disturb the wetlands, a federal 404 wetlands permit will be required from the Army Corps of Engineers to allow for the disturbance of wetlands.

**Response: Noted.**
Commenting Division: ROW Review
Name of Review: Marissa Hillje
Email. mhillje@adcogov.org

ROW1: See redlines on attached plat
Response: Redlines have been addressed.

Commenting Division: Adams County Fire Rescue
Name of Review: Whitney Even
Email. weven@acfpd.org

1. During all demolition and construction operations, fire and emergency access needs to be maintained or provided to the site at all times.
   
   Response: Noted.

2. Building and site demolition shall be in accordance with Chapter 33 of the 2018 International Fire Code. This can be accessed for free at https://codes.iccsafe.org/content/IFC2018/CHAPTER-33-FIRE-SAFETY-DURING-CONSTRUCTION-AND-DEMOLITION.
   
   Response: Noted.

3. Please be aware that utility plans have been electronically submitted to us for review. These plans along with the site development and eventually the building construction plans will need to be reviewed, and approved by us before associated work begins.
   
   Response: Noted.

4. The applicant has met with us in the past to discuss the project, however we always welcome additional meetings if requested to ensure all fire code requirements will be met.

   Response: Noted.
Name of Review: CDOT

Comment by Steve Loeffler

Email/Phone: steven.loeffler@state.co.us / 303-757-9891

Comment: I have reviewed the latest referral for the Project Flatiron. We have no objections to the final Plat or the rezone. Previous comments still apply.

Thank you for the opportunity to review this referral.

Response: Noted.

Comment by Joanna Williams

Phone: 303-866-3581 x8246

We have reviewed the above referenced second referral material received September 6, 2019 for the preliminary subdivision plat to combined seven parcels and one out lot, totaling a combined 33.712 acres, and rezone the 33.712 acres from Agriculture-1 (A-1) and Residential-1-C (R-1-C) to Industrial-1 (I-1). This project proposes to demolish the existing agricultural and residential buildings on the 33.712 acres and construct three warehouse industrial buildings totaling 639,070 square-feet. We have previously provided comments to this project by our letter dated July 9, 2019.

Water Supply Demand

The Water Supply Information Summary Sheet ("Summary Sheet") submitted in this second referral indicates that the water supply demands for this project are 7206 gallons/day or 3.45 acre-feet/year for irrigation use of 1.5 acres and 721 gallons/day or 0.81 acre-feet/year for indoor use for the industrial buildings, totaling 7927 gallons/day or 4.26 acre-feet/year for the entire project.

Source of Water Supply

As indicated in our previous letter, the project is located within the boundaries of the North Washington Street Water and Sanitation District ("District") and the District currently serves the property. A letter of service from the District dated April 3, 2019 was previously provided. The District receives water from Denver Water through master meter contract no. 192. We consider Denver Water a reliable water supplier. In our previous letter dated July 9, 2019, we indicated that a well operating under permit no. 276438 is located on the property that is subject to this development and indicated that the well must either be re-permitted pursuant to an augmentation plan approved by the water court or else be plugged and abandoned in accordance with the Water Well Construction Rules prior to subdivision approval. According to the information in this second referral well permit no. 276438 will be plug and abandon. The Applicant is hereby notified that a Well Abandonment Report form gws-09.pdf must be submitted to this office to demonstrate that the well was plugged and abandoned.

State Engineer's Office Opinion
Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C. R. S., the State Engineer’s office offers the opinion that with the District as the water supplier for this project, the proposed water supply can be provided without causing material injury to existing water rights and the supply is expected to be adequate, provided well permit no. 276438 is plugged and abandoned in accordance with the Water Well Construction Rules 2-CCR-402-2 prior to this project approval. Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581x8246.

Response: Noted. The existing well will be plugged in accordance with the above stated criteria.

Name of Review: Parks and Wildlife

Comment by Matt Martinez

Thank you for the opportunity to comment on the proposed final plat for a major subdivision to create one lot of 33.8 acres and the proposed rezoning of approximately 1 acre from Residential-1-C (R-1-C) to Industrial-1 (I-1). The various plots are bounded on the north and east by private properties, on the west by Clayton Street, and on the south by East 74th Avenue, vary in ownership and vary in size from 0.12736 acres to 21.5 acres.

The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado’s natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority. Current CPW policy directs our efforts towards proposals that will potentially have high impacts to wildlife and wildlife habitat. The emphasis of CPW’s concerns is on large acreages, critical habitats, wildlife diversity, and impacts to species of special concern, or those that are state or federally endangered. Due to the low availability of undeveloped habitat surrounding the site, impacts of the development, as proposed, may be characterized as minimal.

If you have any questions or concerns on this project, please feel free to contact District Wildlife Manager Jordan Likes at (303) 291-7135.

Response: Noted.

Name of Review: RTD
Comment by C. Scott Woodruff
Email/Phone: clayton.woodruff@rtd-denver.com / 303-299-2943
Comment: The RTD has no comments at this time on this project.

Response: Noted.

Name of Review: South Adams County Water and Sanitation District
Comment by Jeff Nelson
Email/Phone: jnelson@sacwsd.org / 720-206-0593
SACWSD has no comment on the project, the parcel is not located within current SACWSD boundaries or service area.

Response: Noted.
Name of Review: Tri-County Health Department
Comment by Kathy Boyer

Thank you for the opportunity to review and comment on the final plat and rezoning to combine 7 parcels and 1 outlot into 1 lot, located at 2761 East 74th Avenue. Tri-County Health Department (TCHD) staff previously reviewed the application for a preliminary plat and, in letters dated July 1, 2019, and September 17, 2019, responded with the comments included below. TCHD has no further comments.

**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

**Building Demolition**

*Fugitive Dust, Lead, and Asbestos*

The application indicates that the existing buildings on the site will be demolished.

The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. 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.

Buildings constructed prior to 1978 may contain lead paint. Environmental Protection Agency’s (EPA) 2008 Lead-Based Paint Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities. These activities can create hazardous lead dust when surfaces with lead paint, even from many decades ago, are disturbed. More information can be found here https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules and https://www.epa.gov/lead. The applicant may contact, and the Environmental Protection Agency EPA at 1-800-424-5323 for more information.

**Vector Control**

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

**On-Site Wastewater Treatment System (OWTS) – Abandonment**
Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. Our records indicate the presence of an On-Site Wastewater Treatment System (OWTS) on the subject property. The existing OWTS shall be abandoned in accordance with Regulation No. O-17, Section 6.8. TCHD must be notified in writing once the system has been properly abandoned. For more information, or to submit the notification, the applicant may contact the TCHD Commerce City Office, 4201 E 72nd Avenue, (303) 288-6816. More information is available at http://www.tchd.org/269/Septic-Systems.

The applicant responded to this comment in a letter dated September 6, 2019.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD’s comments.

Response: Noted.

Name of Review: Xcel Energy

Comment by Donna George

Email/Phone: donna.l.george@xcelenergy.com / 303-571-3306

Public Service Company of Colorado’s (PSCo) Right of Way & Permits Referral Desk has reviewed the plat for Flatiron Filing No. 1 and advises the property owner/developer/contractor to continue working with Frank Grady (Right-of-Way Agent at 303-425-3874) on all necessary quitclaim deeds for PSCo easement documents.

The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to the existing electric distribution facilities throughout the subject property via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Response: Noted.

Should you have any questions or comments, please feel free to contact me at (303) 561-3333.

Best regards,

Ware Malcomb

Ted Swan, PE
Director of Civil Engineering
FLATIRON FILING NO. 1

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

PURPOSE STATEMENT:
The purpose of this plat is to eliminate the previous lot lines, and create one platted lot.

LEGAL DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS THAT SUNCAP PROPERTY GROUP, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, BEING THE SOLE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:

A PARCEL OF LAND BEING LOTS 1 AND 2, WEILBY GARDEN CENTER SUBDIVISION - AMENDED PLAT, ACCORDING TO THE PLAT RECORDED JUNE 22, 1989 IN PLAT BOOK F17 AT PAGE 383 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDERS OFFICE AND LOTS 2, 3, 4, 5, 6 AND OUTLOT OF A WEILBY GARDEN CENTER SUBDIVISION, ACCORDING TO THE PLAT RECORDED AUGUST 25, 1994 IN PLAT BOOK F17 AT PAGE 286 IN SAID RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36 AND CONSIDERING THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO BEARY NORTH 89° 32' 46" WEST, WITH ALL BEARINGS THEREIN RELATIVE THERETO, BEING MONUMENTED AS SHOWN HEREIN, THEREOF NORTH 89° 32' 46" EAST ALONG SAID NORTH LINE, A DISTANCE OF 30.30 FEET TO THE POINT OF BEGINNING,

THENCE NORTH 3° 50' 04" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1,075.75 FEET TO THE WESTERLY LINE OF A PUBLIC SERVICE COMPANY RIGHT-OF-WAY RECORDED AT RECEIPTION NUMBER 1980006870 IN THE RECORDS OF SAID OF OFFICIAL:

THENCE SOUTH 01°12'33" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 1,277.78 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 17 AT A DISTANCE OF 1,061.58 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 53° 22' 32" WEST ALONG SAID NON-TANGENCY, A DISTANCE OF 23.87 FEET TO THE CENTRE LINE OF A NON-TANGENT CURVE TO THE POINT OF BEGINNING,

THENCE SOUTH 00°04'33" WEST, A DISTANCE OF 372.80 FEET; THENCE NORTH 00°04'33" WEST, A DISTANCE OF 18.78 FEET TO NON-TANGENT CURVE TO THE RIGHT;

THENCE SOUTH 00°04'33" WEST, A DISTANCE OF 18.78 FEET TO NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 10° 32' 30", A RADIUS OF 3,972.54 FEET, AN ARC LENGTH OF 1,061.58 FEET AND A CHORD THAT BEARS SOUTH 19° 31' 54" WEST, A DISTANCE OF 1,075.75 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 89° 32' 46" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 23.87 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00°04'33" WEST, A DISTANCE OF 372.80 FEET; THENCE NORTH 00°04'33" WEST, A DISTANCE OF 18.78 FEET TO NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 10° 32' 30", A RADIUS OF 3,972.54 FEET, AN ARC LENGTH OF 1,061.58 FEET AND A CHORD THAT BEARS SOUTH 19° 31' 54" WEST, A DISTANCE OF 1,075.75 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH 00°04'33" WEST, A DISTANCE OF 372.80 FEET; THENCE NORTH 00°04'33" WEST, A DISTANCE OF 18.78 FEET TO NON-TANGENT CURVE TO THE RIGHT;

THENCE SOUTH 00°04'33" WEST, A DISTANCE OF 372.80 FEET; THENCE NORTH 00°04'33" WEST, A DISTANCE OF 18.78 FEET TO NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 10° 32' 30", A RADIUS OF 3,972.54 FEET, AN ARC LENGTH OF 1,061.58 FEET AND A CHORD THAT BEARS SOUTH 19° 31' 54" WEST, A DISTANCE OF 1,075.75 FEET TO A POINT OF NON-TANGENCY;

THENCE SOUTH 00°04'33" WEST, A DISTANCE OF 372.80 FEET; THENCE NORTH 00°04'33" WEST, A DISTANCE OF 18.78 FEET TO NON-TANGENT CURVE TO THE RIGHT;

THENCE SOUTH 00°04'33" WEST, A DISTANCE OF 372.80 FEET; THENCE NORTH 00°04'33" WEST, A DISTANCE OF 18.78 FEET TO NON-TANGENT CURVE TO THE LEFT;

AND OUTLOT OF A WEILBY GARDEN CENTER SUBDIVISION, ACCORDING TO THE PLAT RECORDED AUGUST 25, 1994 IN PLAT BOOK F17 AT PAGE 286 IN SAID RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

THE PURPOSE OF THIS PLAT IS TO ELIMINATE THE PREVIOUS LOT LINES, AND CREATE ONE PLATTED LOT.

STORM DRAINAGE FACILITIES STATEMENT:

THE POLICY OF THE COUNTY REQUIRES THAT MAINTENANCE ACCESS SHALL BE PROVIDED TO ALL STORM DRAINAGE FACILITIES TO ASSURE THE OPERATIONAL CAPACITY 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 THE COUNTY OR DEVELOPED BY THE OWNER. THE OWNER SHALL MAINTAIN SAID FACILITIES. THE COUNTY SHALL HAVE THE RIGHT TO ENTER SAID LAND FOR THE SOLE PURPOSE OF OPERATIONS AND MAINTENANCE. ALL SUCH MAINTENANCE COST WILL BE ASSESSED TO THE PROPERTY OWNER.
FLATIRON FILING NO. 1
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 68 WEST
OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

MATCHLINE SEE SHEET 3

FOUND NO. 4 REBAR W/ 1" YELLOW PLASTIC CAP STAMPED "LS 6973 BAYER" 0.2' BELOW GRADE

SET 18" NO. 5 REBAR WITH YELLOW PLASTIC CAP PLS 25965 FLUSH WITH GROUND

FOUNDATION AS DESCRIBED AS SHOWN

FOUND SECTION CORNER AS DESCRIBED AS SHOWN

FOUND MONUMENT AS DESCRIBED

30.00' METROPOLITAN DENVER SEWAGE DISPOSAL DISTRICT NO. 1 EASEMENT
BOOK 153, PAGE 205

ZONE X
MAP IS001C0604H
EFFECTIVE 03/05/2007

ZONE D
MAP IS001C0604H
EFFECTIVE 03/05/2007

ZONE AE
MAP IS001C0604H
EFFECTIVE 03/05/2007

ZONE E
MAP IS001C0604H
EFFECTIVE 03/05/2007

SCALE: 1" = 100'
FLATIRON FILING NO. 1
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 68 WEST
OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO
THIS AGREEMENT is made and entered into by and between the County of Adams, State of Colorado, hereinafter called “County,” and 74th Avenue Clayton Street Denver, a Delaware limited liability company, 1125 17th Street, Suite 800, Denver, Colorado 80202 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 “B” 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 Exhibit “B” 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 “B”.

4. Time for Completion. Improvements shall be completed according to the terms of this agreement within “construction completion date” appearing in Exhibit “B”. 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 “B”. Any extension greater than 180 days is within the sole discretion of the Board of County Commissioners. All extensions of time must be in writing.

5. Guarantee of Compliance. Developer shall furnish to the County a cash escrow deposit, surety bond, letter of credit or other acceptable collateral, releasable only by the County, to guarantee compliance with this agreement. Said collateral shall be in the amount of $603,540, which amount includes twenty percent (20%) to cover administration and 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. Developer is not required to complete construction of said improvements described in Exhibit “B” or obtain preliminary acceptance of such improvements from the Department of Public Works in order to obtain, and so that the County will issue, building permits for Developer’s building improvements to be constructed on the real property, and Developer is permitted to construct Developer’s building improvements on the real property concurrently with the public improvements described in Exhibit “B”.

6. Acceptance and Maintenance of Public Improvements. All improvements designated “public” on Exhibit “B” 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.

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.** Designate separately each public and private improvement.

   Public Improvements:

   The eastern half of Clayton Street, including curb, gutter and sidewalk from the northern boundary of the Highway 224 right-of-way to the northern boundary line of the Property.

   See Exhibit “B” for description, estimated quantities and estimated construction costs.

   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 Exhibit “B”.

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: Not Applicable.

   Developer:

   74th Avenue Clayton Street Denver, LLC,
   a Delaware limited liability company

   By: 74th Avenue Clayton Street Investments, LLC,
   a Delaware limited liability company, its Manager

   By: ____________________________
   Name, Title

   The foregoing instrument was acknowledged before me this _____ day of ______, 2019, by ________, as _________ of 74th Avenue Clayton Street Investments, LLC, a Delaware limited liability company, as Manager of 74th Avenue Clayton Street Denver, LLC, a Delaware limited liability company.

   My commission expires:________________________

   Address: _____________________________
   Notary Public
APPROVED BY resolution at the meeting of ________________, 2019.

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

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Clerk of the Board

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Chair
EXHIBIT A

Legal Description:

PARCEL A:

Parcel One:
Lot 1, Welby Garden Center Subdivision – Amended Plat, according to the Plat recorded June 22, 1995 in Plat Book F17 at Page 383, County of Adams, State of Colorado.

Parcel Two:
Lot 2, Welby Garden Center Subdivision – Amended Plat, according to the Plat recorded June 22, 1995 in Plat Book F17 at Page 383, County of Adams, State of Colorado.

Parcel Three:
Lot 6, Welby Garden Center Subdivision, according to the Plat recorded August 25, 1994 in Plat Book F17 at Page 286, County of Adams, State of Colorado.

PARCEL B:
Lot 5, Welby Garden Center Subdivision, according to the Plat recorded August 25, 1994 in Plat Book F17 at Page 286, County of Adams, State of Colorado.

PARCEL C:
Lot 4, Welby Garden Center Subdivision, according to the Plat recorded August 25, 1994 in Plat Book F17 at Page 286, County of Adams, State of Colorado.

PARCEL D:
Lot 3, Welby Garden Center Subdivision, according to the Plat recorded August 25, 1994 in Plat Book F17 at Page 286, County of Adams, State of Colorado.

PARCEL E:
Lot 2, Welby Garden Center Subdivision, according to the Plat recorded August 25, 1994 in Plat Book F17 at Page 286, County of Adams, State of Colorado.

TO BE PLATTED AS: FLATIRON FILING NO. 1, COUNTY OF ADAMS, STATE OF COLORADO
Development Agreement  
Name  
BLANK SUBDIVISION  
Case No. XXX  

**EXHIBIT B**

**Public Improvements:** Street Name/s

<table>
<thead>
<tr>
<th>Description</th>
<th>Est. Quantity</th>
<th>Est. Unit Cost</th>
<th>Est. Construct. Cost</th>
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</thead>
</table>

**Construction Completion Date:**

Initials or signature of Developer:

________________________________________

________________________________________
Public Improvements: Clayton St.

<table>
<thead>
<tr>
<th>Description</th>
<th>Est Qty</th>
<th>Unit</th>
<th>Est Unit Cost</th>
<th>Est Cost</th>
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<tr>
<td><strong>TRANSPORTATION</strong></td>
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<td>LF</td>
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<td>5&quot; Sidewalk</td>
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<td>ADA Curb Ramps</td>
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<td><strong>UTILITIES</strong></td>
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<tr>
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