

## Re-submittal Form

Case Name/ Number: \_\_\_\_\_

Case Manager: \_\_\_\_\_

### Re-submitted Items:

- Development Plan/ Site Plan
- Plat
- Parking/ Landscape Plan
- Engineering Documents
- 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~~



Todd G. Messenger  
(303) 894-4469  
tmessenger@fwlaw.com

February 25, 2020

**Sent via E-Mail and Personal Delivery**

Layla Bajelan  
Adams County Colorado  
4430 S. Adams County Parkway  
1st Floor, Suite W20000A  
Brighton, CO 80601

**Re: 7300 Broadway Billboard CUP (RCU2019-00042)**

Dear Ms. Bajelan:

We are in receipt of your letter dated January 13, 2020, in which you notified our client, StreetMedia Group, that the above-referenced file was inactive for more than 60 days, and that resubmittal responses were due. On February 18, 2020, we received an email from Ms. Fitch that the deadline for resubmittal would be extended to February 25, 2020. Please consider this letter and its attachments as resubmittal for RCU2019-00042.

The applicant proposes to revise the application in two ways. First, in order to comply with the County's 300 square foot per sign face rule, the applicant proposes to install 300 square foot sign faces at the end of the useful life of the existing sign faces, approximately five years from now (details are provided below). Second, the sign will be used for both "on-premises" and "off-premises" advertising, in that it will continue to advertise products and services available at Unser Racing, as well as other products, services, non-commercial messages, emergency alerts, and public service announcements.

**Responses to Staff Comments.** Responses to Staff comments are set out below. With the exception of PLN01 through PLN03, inclusive, Staff comments are provided verbatim in regular type. Responses are provided in [blue Calibri type](#).

I. Development Services (Layla Bajelan)

A. PLN01 through PLN03. [Comments PLN01 through PLN03, inclusive, are acknowledged.](#)

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B. PLN04: DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

1. 4-15-01; Maximum Number of Signs: Only one (1) two-faced off-premise sign shall be permitted per lot. Applicant is aware that only one off-premise sign will be permitted.

The applicant has withdrawn its application numbered RCU2019-00029 by letter dated February 20, 2020. The applicant's reasoning for that withdrawal is set out in the letter.

2. 4-15-02; Maximum Size: No off-premise sign shall exceed three hundred (300) square feet per face. Variances for oversized freestanding signs do not apply to off-premise signs (billboards).

The applicant estimates that the useful life of the existing sign faces is approximately five more years. The applicant submits that the existing panels are not re-useable at another location, and further, that it does not make environmental or economic sense to dispose of them five years prior to the end of their useful life. As such, the applicant proposes to enter into an agreement with the County to replace the existing sign faces with 300 square foot sign faces on or before February 28, 2025, with a condition that if the sign faces are not replaced by then, the County is empowered to remove the sign at the applicant's expense.

3. 4-15-03; Maximum Height and Minimum Clearance: No off-premise sign shall exceed forty (40) feet in height. Variances for oversized freestanding signs do not apply to off-premise signs (billboards).

The sign is targeted towards an elevated roadway, but its height is measured from the grade upon which it is installed. When the sign faces are replaced, they will be shorter than the current sign faces by approximately four feet.

The County's sign height calculation provisions anticipate that sign height could be measured from an adjacent roadway. The applicant requests that the County interpret its height measurement standard to allow for the calculation from the elevation of the centerline of U.S. 36 next to the subject property. Calculated in this way, the sign complies with the height requirement.

4. 4-15-15; Other limitations:

a. All off premise signs on the same side of the road or highway shall be separated by a minimum of two thousand (2,000) linear feet.

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The applicant acknowledges that this is the standard set out in Section 4-15-07.1. of the County's Development Standards and Regulations.

b. The minimum ROW and property line setback requirements shall be equal to the height of the billboard as measured from the leading edge of the base of the sign pole.

According to Section 4-15-07, "Variations in the setback requirement may be granted with the issuance of a Conditional Use Permit." Such a variation is requested here in order to allow the sign pole to remain in its current position, which provides for the most convenient and functional use of the Subject Property.

There are no standards articulated for the decision-maker under Section 4-15-07. However, granting a setback variation in this case would be consistent with the application of conditional use standard number 7 in Section 2-02-09-06, which provides, "The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting." Allowing the sign pole to remain in its existing location makes sense. Indeed, there is a compelling argument that they must be approved under Section 4-15-07 as a matter of law.<sup>1</sup>

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<sup>1</sup> The applicant submits that the County should enforce its regulations within the boundaries of the Constitution. If the existing sign pole setback is affirmed because it furthers the objective of Section 2-02-09-06, subsection 7, then the application of Section 4-15-07 to allow for the continuation of the existing setback creates no constitutional issue. However, if the County determines that the sign pole setback must be increased based on the fact that the sign content has changed from "on-premises" to "off-premises" (an activity that requires no physical modification of the sign), then the application of the regulation will fail as a matter of constitutional law "as-applied" to this case.

The "test" for a regulation that affects only "commercial speech" is set out in *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557, 566 (1980). Assuming that the commercial speech is lawful and not misleading, a court will consider whether there is a substantial governmental interest at stake and whether the regulation *directly advances* that interest. *See id.* at 566. The "directly advances" component requires that there be a "fit between the legislature's ends and the means chosen to accomplish those ends." *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 572 (2011) (internal citation omitted). Put another way, "a governmental body seeking to sustain a restriction on commercial speech must demonstrate that the harms it recites are real and that its restriction will in fact alleviate them to a material degree." *Edenfield v. Fane*, 507 U.S. 761, 770-71 (1993).

Ordering the relocation of an existing sign pole that fits within a site and has not presented a safety hazard simply because the message on the face of the sign is changed cannot satisfy the *Central Hudson* test as a matter of law. This

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C. PLN05: ELECTRONIC SIGN RESTRICTIONS

1. An electronic sign is subject to all the requirements in section 4-15-04-02.

This provision is now numbered 4-14-06-02. By email dated January 29, 2020, titled "RE: RCU2018-00006 and RCU2018-000018; Public Hearing dates," the applicant objected to Section 4-14-06-02.4. as unenforceable due to the application of the "inverse squares law" and the lack of controls for angles or ambient lighting.

Enclosed with this resubmittal is a photometric analysis that shows that the existing sign does comply and the future sign will comply with the spirit of Section 4-14-06-02.4.

2. Each message displayed shall remain static for a minimum of four (4) seconds. (Proposed sign meets requirement)

Acknowledged.

D. PLN06: CONDITIONS OF APPROVAL

1. The CUP requires two public hearings: one before the Planning Commission and the other before the Board of County Commissioners. Section 2-01 and 2-02-08-05 of the Adams County Development Standards and Regulations outlines the entire CUP process and criteria for approval in detail.

Acknowledged. General criteria for CUP approval are set out in Section 2-02-09-06.

2. Billboard must meet all Conditions of Approval for a Conditional Use Permit in addition to the performance standards for an Off-Premise sign outlined in section 4-15.

The application complies with the Standards in Section 2-02-09-06, as follows:

1. The sign is allowed as a conditional use in the underlying C-5 zoning district.
2. The sign is consistent with the purposes of the standards and regulations, which are articulated as to "Off-Premise Advertising Devices (Billboards)" in Section 4-15-01 because approval of this application will utilize an existing 14 ft. x 48 ft. sign, and within five years, shrink it to a 10 ft. x 30 ft. sign.

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conclusion is underscored by the fact that no permit is required by the County to change the message on the face of the sign from one "on-premises" commercial message to another "on-premises" commercial message.

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3. The proposal will result in the replacement of an existing 14 ft. x 48 ft. sign with a 10 ft. x 30 ft. sign that complies with all County regulations, including provisions that offer flexibility in terms of setbacks and the points of measurement used for determinations of sign height.
4. The proposal is compatible in several ways. First, there is an existing 14 ft. x 48 ft. sign. Changing the message on the sign does not change its physical compatibility at all. Second, the proposal is to ultimately replace the 14 ft. x 48 ft. sign with a 10 ft. by 30 ft. sign, which is smaller. Third, the sign is located in a heavy commercial / industrial area where outdoor advertising is expected.
5. The proposal addresses all off-site impacts. The off-site impacts are not different from those created by the existing signage.
6. The site is suitable for the proposed sign. The proposal is to display a wider variety of messages on the sign, and ultimately to replace the sign faces with smaller sign faces.
7. The site plan provides for the most convenient and functional use of the lot. The proposed sign pole is already in place and the existing 14 ft. x 48 ft. sign faces have been in place for several years.
8. All public services that are necessary to serve the sign are in place. The sign has been functioning for several years. Changing its message has no impact on public services.

E. PLN07: RESUBMITTAL DOCUMENTS

1. Applicant did not provide a site plan in their submittal. Applicant should submit site plan with property boundaries. Location of proposed sign should be clearly indicated with setback distances from property lines.

A site plan is enclosed with this letter.

2. Applicant did not provide any information regarding the sign and its compliance with Adams County Development Standards and Regulations. Please resubmit with documentation that shows compliance with all the Development Standards and Regulations. (height, size, setbacks)

This letter and the enclosed site plan demonstrates compliance with Adams County Development Standards and Regulations. The applicant proposes a development agreement to phase in full compliance in order to avoid premature waste of the existing LED sign faces.

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F. PLN08: CDOT

1. Applicant must receive a Roadside Advertising Permit from the Colorado Department of Transportation. CDOT denied an application for this billboard. CDOT has indicated that “denial of these permits has been appealed by the applicant and is scheduled to go to court later this year.”

A hearing on the CDOT denial is pending before an administrative judge (State of Colorado Office of Administrative Courts Case No. HW 2019-0001). The hearing date is set for April 22, 2020. In the meantime, the applicant working with CDOT to resolve the issues amicably.

The pending CUP application is the first step in the process from concept to construction, and StreetMedia Group accepts that it cannot construct the proposed billboard until it obtains all required approvals. The County’s Conditional Use Permit (“CUP”) process is relevant to the CDOT process (as a local jurisdiction approval), but not vice-versa.

That is, under Section 4-17, Adams County Development Standards and Regulations (“ADCO STANDARDS”), there is a straight-line four-step process for billboard permitting:

1. The applicant applies to the County for a CUP;
2. If the application is approved by the Board of County Commissioners, the applicant submits a sign permit application and a Roadside Sign Permit Application (a CDOT form) to the County;
3. The County reviews the sign permit application, and upon approval of that application, executes the local jurisdiction approval section of the Roadside Sign Permit Application; and
4. Once CDOT issues the Roadside Advertising Permit, the applicant returns the sign permit and Roadside Advertising Permit to the County for review, approval, and issuance of a building permit.

CDOT is involved at the end of the process (Step 4)—after the applicant submits required forms to the County (Step 2) and the County provides the local jurisdiction approval (certification of the CUP approval) (Step 3). CDOT review and approval is thereafter based on CDOT standards. CDOT standards (or the application of CDOT standards to this particular site) could change between now and the time that CDOT processes the application, or CDOT could approve a permit as part of a comprehensive litigation settlement.

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In sum, nothing in the ADCO Standards conditions the processing of a CUP for a billboard on prior consent or permitting by CDOT. Instead, the ADCO Standards condition the issuance of the building permit on CDOT's issuance of a Roadside Advertising Permit. The CUP application is well-timed with respect to hearing date in the dispute between StreetMedia Group and CDOT.

2. Rules Governing Outdoor Advertising in Colorado, 2 CCR 601-3, Rule 7.00(D)(2). Rule 7.00(D)(2) applies along interstates and freeways and provides: Outside of incorporated villages and cities, no Advertising Device may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety Rest Area. The 500 feet is to be measured along the Interstate or Freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. Applicant must provide an update on this application and explain to staff how this issue would be addressed if a Conditional Use Permit for an off-premise sign (billboard) was approved by the Board of County Commissioners.

[See response to the immediately preceding comment \(I.F.1.\).](#)

II. Development Services, Engineering (Greg Labrie)

A. ENG1: If an additional load is proposed to be added to the billboard as a result of this modification, the applicant shall submit a structural certification document from a registered professional engineer stating that the support structure is designed to handle the additional load.

[Acknowledged. As this does not relate to the standards for the conditional use permit application, the applicant assumes that this requirement applies to a subsequent building permit.](#)

III. Development Services, Right-of-Way (Marissa Hillje)

A. ROW1: A site plan was not submitted. Applicant should submit site plan with property boundaries. Location of proposed sign should be clearly indicated with setback distances from property lines.

[The updated site plan is enclosed.](#)

**Outside Referral Comments**

I. Colorado Department of Transportation (Steven Loeffler).

[CDOT's comments are addressed in the responses to comment PLN08, above.](#)

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## II. Colorado Outdoor Advertising Association (Cole Finegan)

COAA objects to the sign, noting that it does not take issue with use of the sign for the display of “on-premises” messages, but it does take issue with the use of the sign for the display of “off-premises” messages. The Sixth Circuit laid bare such arguments in the recent case of *Thomas v. Bright*, 937 F.3d 721 (6th Cir. 2019). The applicant submits that the visual and physical impacts of the sign do not depend upon whether the sign is “on-premises” or “off-premises.” Still, by this letter, the applicant amends the application to propose to “use-up” the existing LED panels over a five-year period and then replace them with 300 square foot panels.

COAA objects to the height of the sign. The sign is targeted towards an elevated roadway, but its height is measured from the surface below. The County’s sign height calculation provisions anticipate that sign height could be measured from an adjacent roadway. Measured in this manner, the sign is compliant with County height limitations.

COAA objects on the basis of noncompliance with CDOT regulations. The applicant is involved in administrative proceedings against CDOT (detailed above) with respect to the application of those regulations. Section 4-15-09 of the County’s Development Standards and Regulations refers to the process for CDOT review, which is independent of County review. The applicant submits that CDOT’s standards are content-based and unconstitutional (just like Tennessee’s regulations), and that the County should not bind itself to enforce sign regulations that it does not promulgate.

COAA purports to be a trade association. Yet its objections show little interest in the expansion of the outdoor advertising industry in Colorado, and even less interest in the protection of the First Amendment rights of outdoor advertisers and their audiences. Instead, COAA appears to be more interested in restricting the market and manipulating it for the benefit of its most prominent members by advancing arguments that would be untoward and hypocritical for their individual members to advance themselves. This is not hypothetical or speculative. It is particularly egregious when it comes to COAA’s final objection—that granting the requested approval would set a precedent that would “subvert existing local and state law.”

At best, the applicant suggests that COAA’s able counsel was not informed by his client regarding pertinent context. At worst, COAA’s letter is rank manipulation by deceit. The attached “Stipulation and Settlement Agreement” identifies a number of billboards (owned by COAA members) that are located in Adams County, that do not strictly comply COAA’s interpretation of the letter of the CDOT regulations, and that year after year are allowed to stand. In some cases they were allowed to be constructed and then immediately designated “nonconforming” to the



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applicable CDOT rules. COAA insists on a specific interpretation of the CDOT rules for StreetMedia Group, but to the applicant's knowledge, COAA has never protested these approvals or the annual renewal of these CDOT permits for any reason, let alone as a "subversion" of existing local or state law.

### **"No Comment" Responses**

The applicant acknowledges that Tri-County Health Department, Xcel Energy / Public Service Company, Adams County Environmental Analyst (Katie Keefe), Adams County Development Services Building and Safety (Justin Blair), and Adams County Parks Division (Aaron Clark) have no comments on the proposal.

We look forward to working with you on completing the processing of RCU2019-00042. If you would like to discuss any of these items, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Todd Messenger', with a long horizontal line extending to the right.

Todd Messenger  
Fairfield and Woods, P.C.

TM:dps

cc: Christine Fitch, Esq. (via email)

enclosures (resubmittal form; site plan; photometrics)

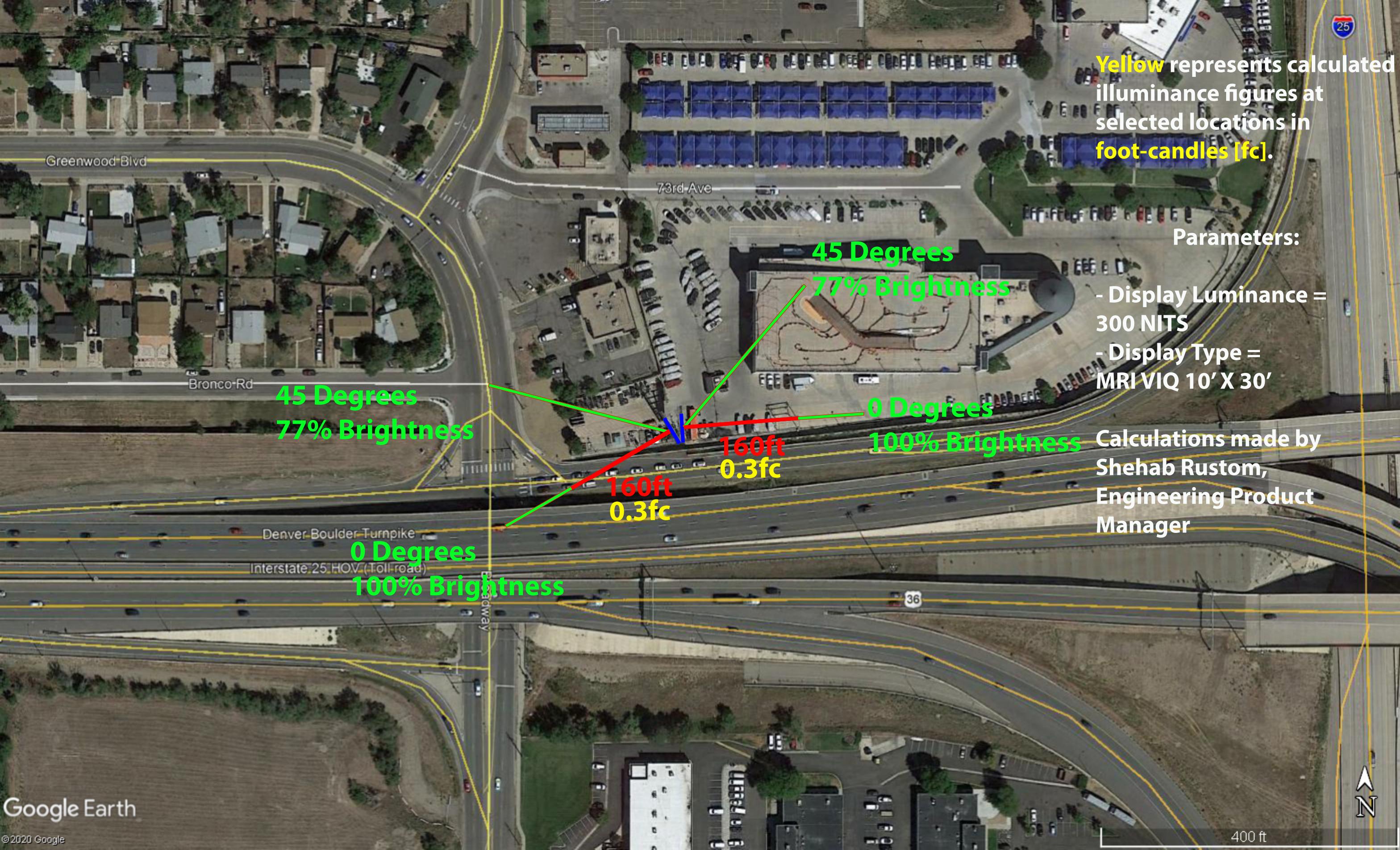


**Yellow** represents calculated illuminance figures at selected locations in **foot-candles [fc]**.

Parameters:

- Display Luminance = 300 NITS
- Display Type = MRI VIQ 10' X 30'

Calculations made by Shehab Rustom, Engineering Product Manager



45 Degrees  
77% Brightness

45 Degrees  
77% Brightness

0 Degrees  
100% Brightness

160ft  
0.3fc

160ft  
0.3fc

0 Degrees  
100% Brightness

Greenwood Blvd

Bronco Rd

Denver Boulder Turnpike

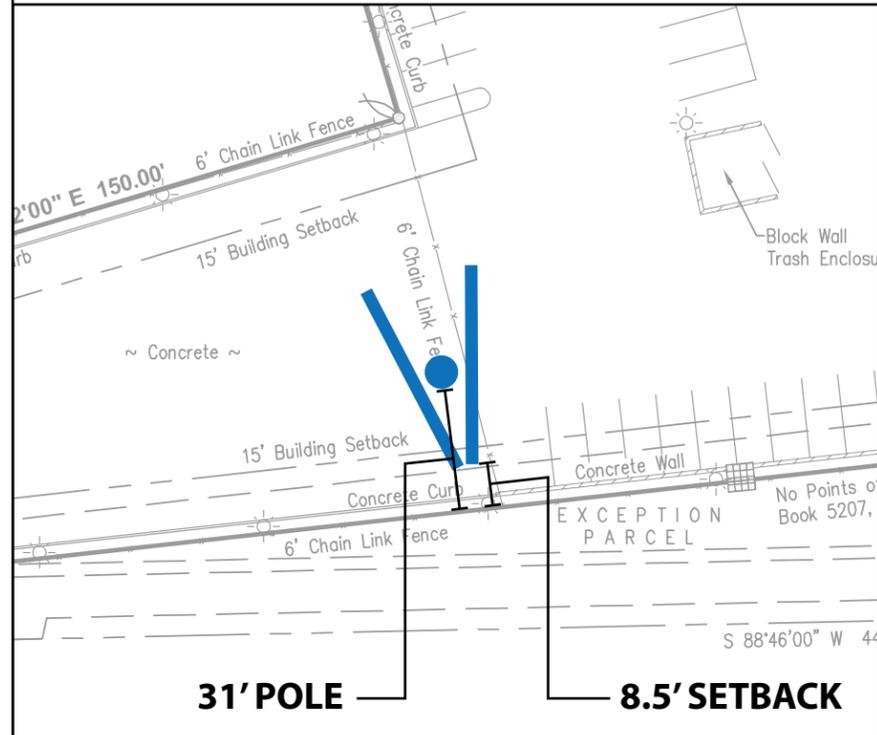
Interstate 25 HOV (Toll road)

73rd Ave

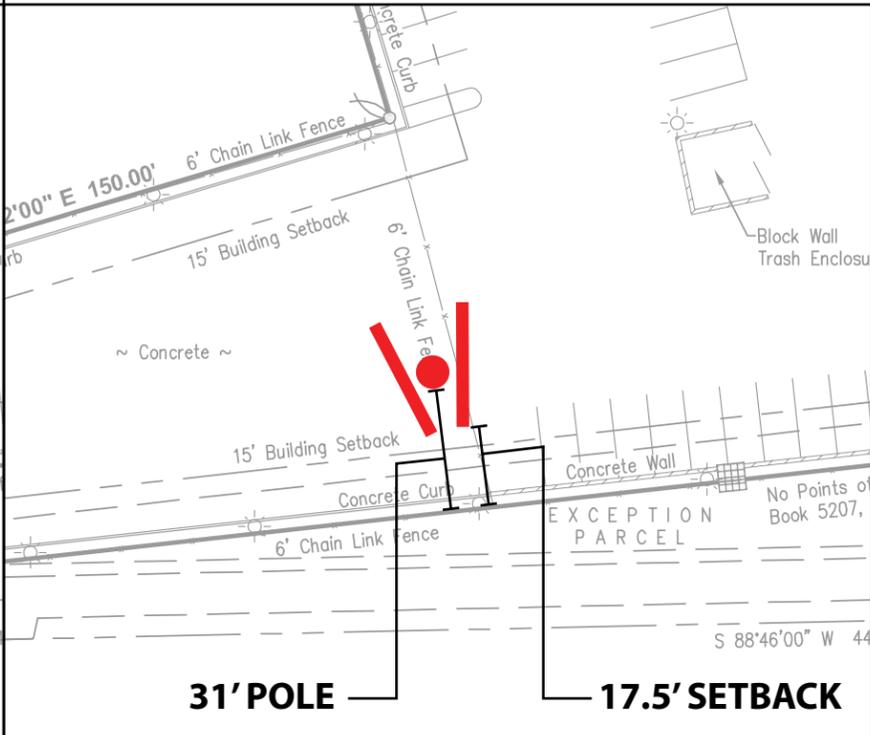
36



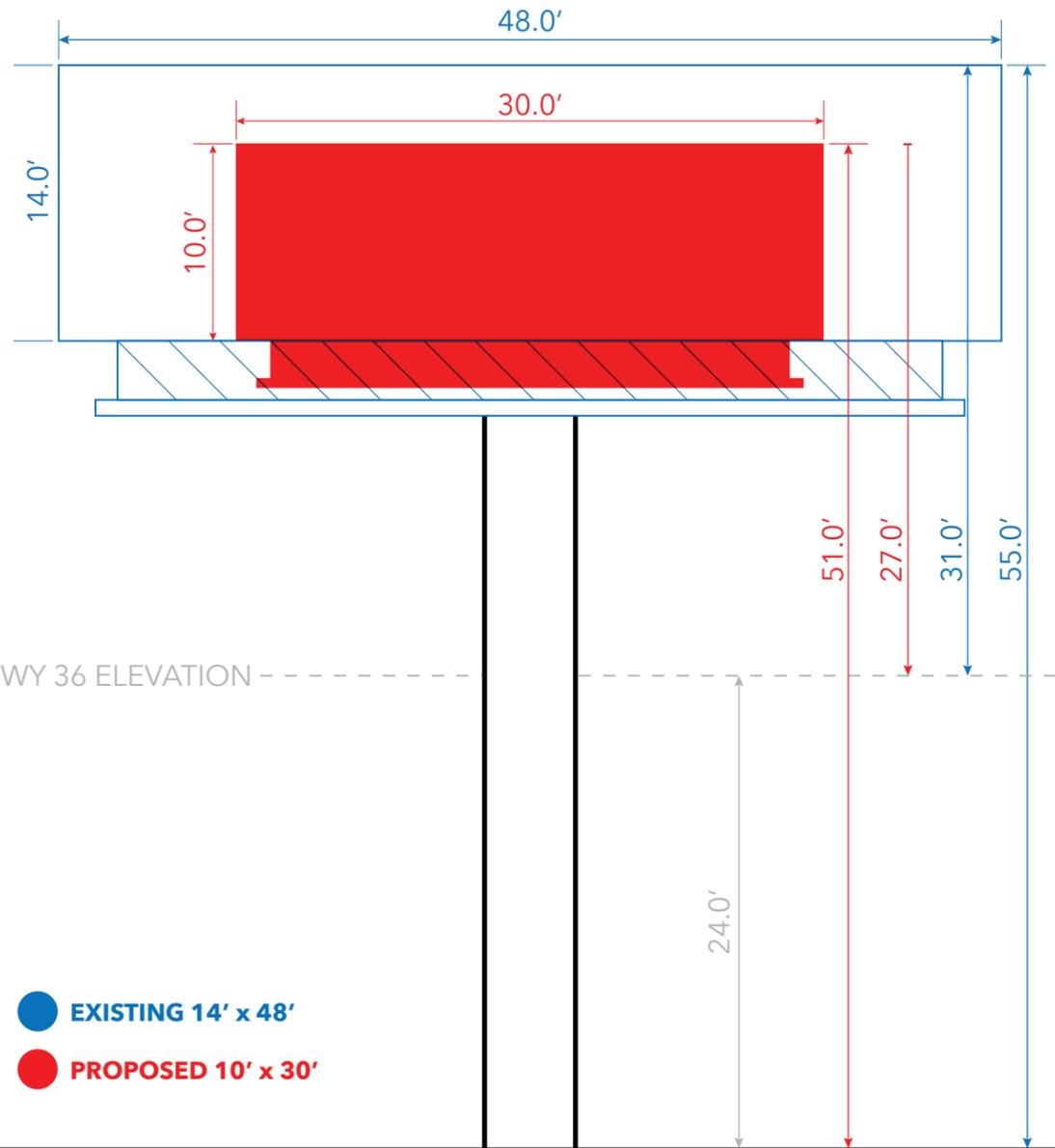
**EXISTING PLACEMENT**



**PROPOSED PLACEMENT**



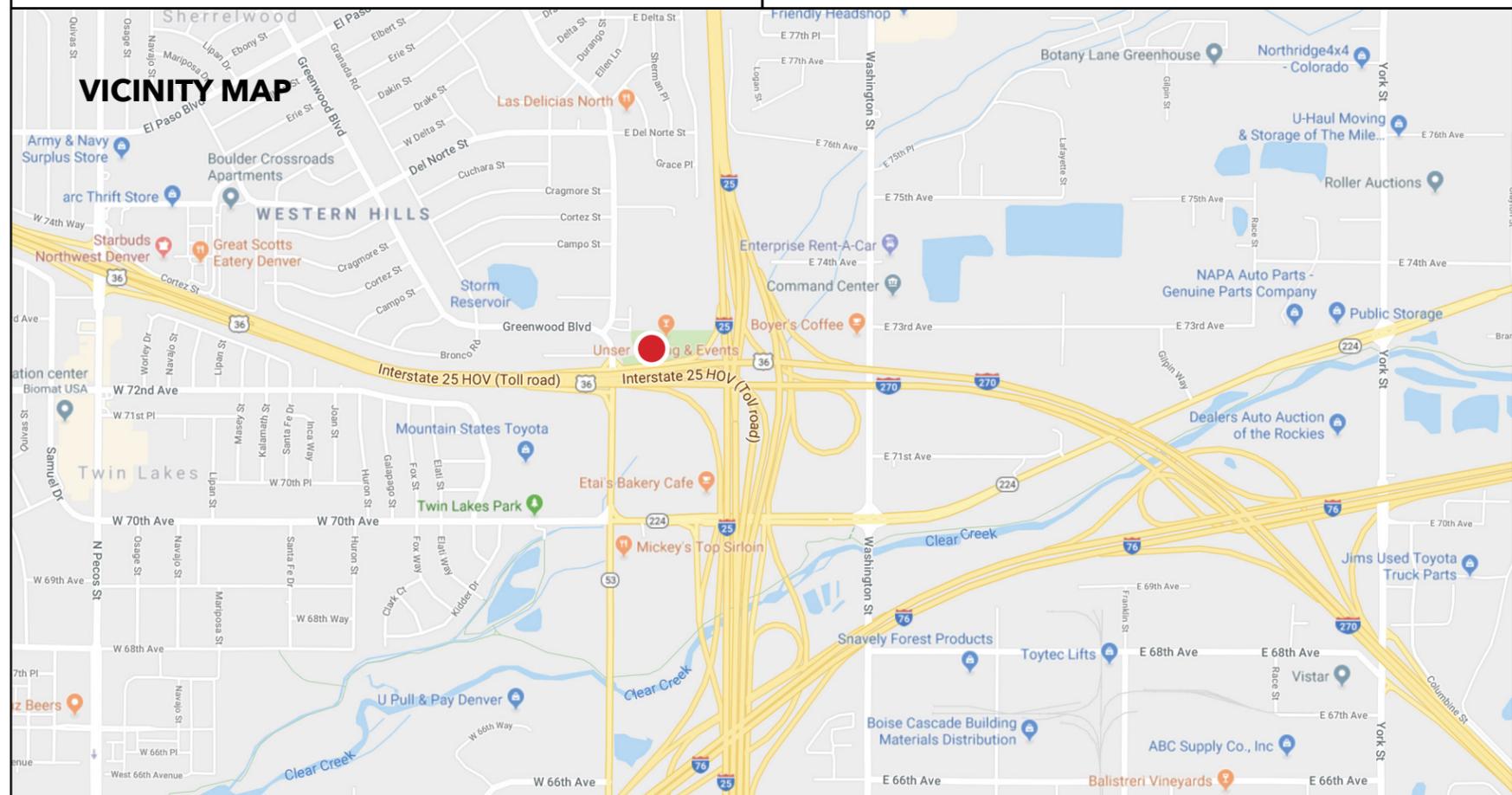
**ELEVATION**



- EXISTING 14' x 48'
- PROPOSED 10' x 30'

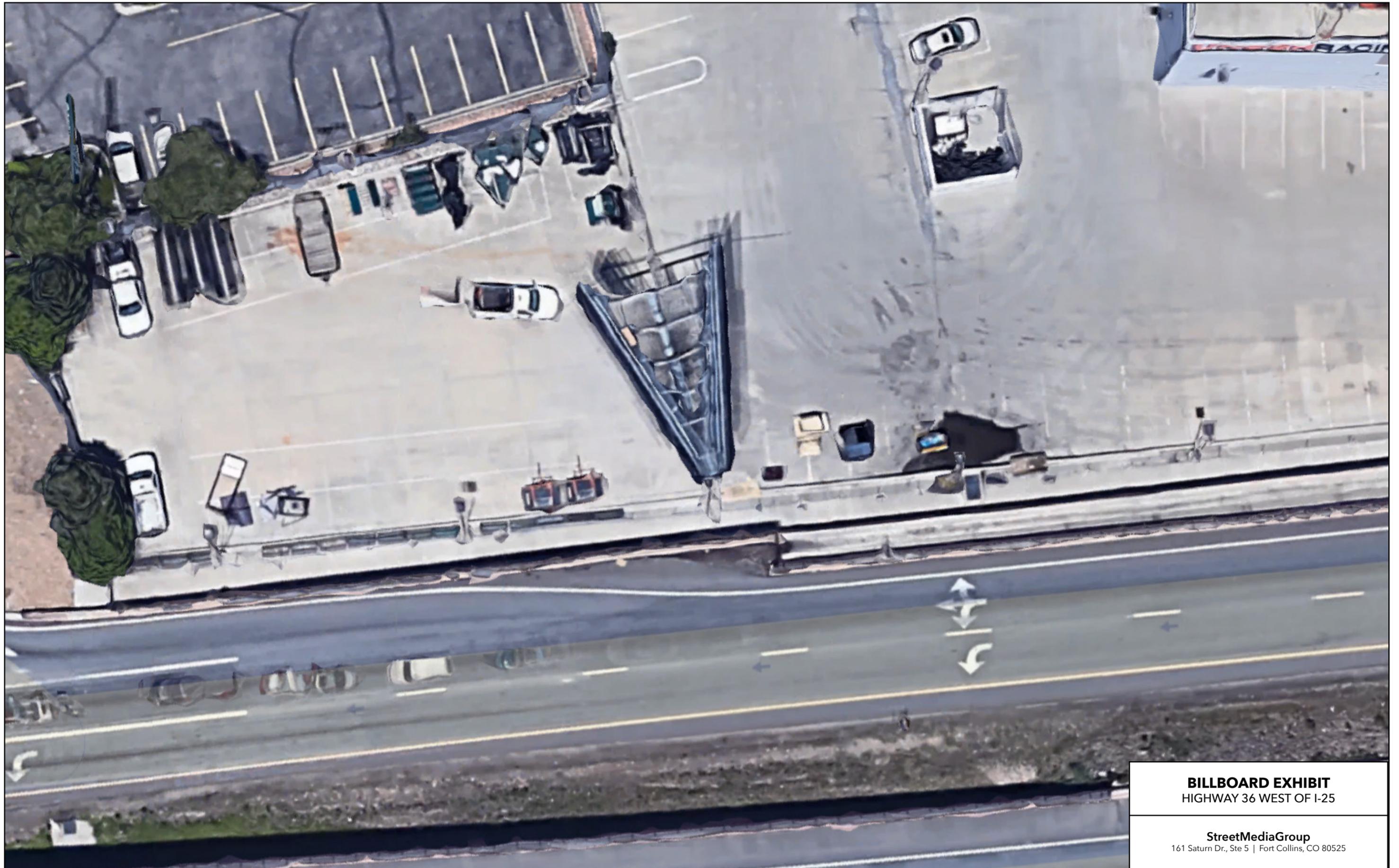
Existing signs will continue to be used for on-premise messaging, in addition to our request for off-premise use.

**VICINITY MAP**



**SITE PLAN**  
HIGHWAY 36 WEST OF I-25

**StreetMediaGroup**  
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525



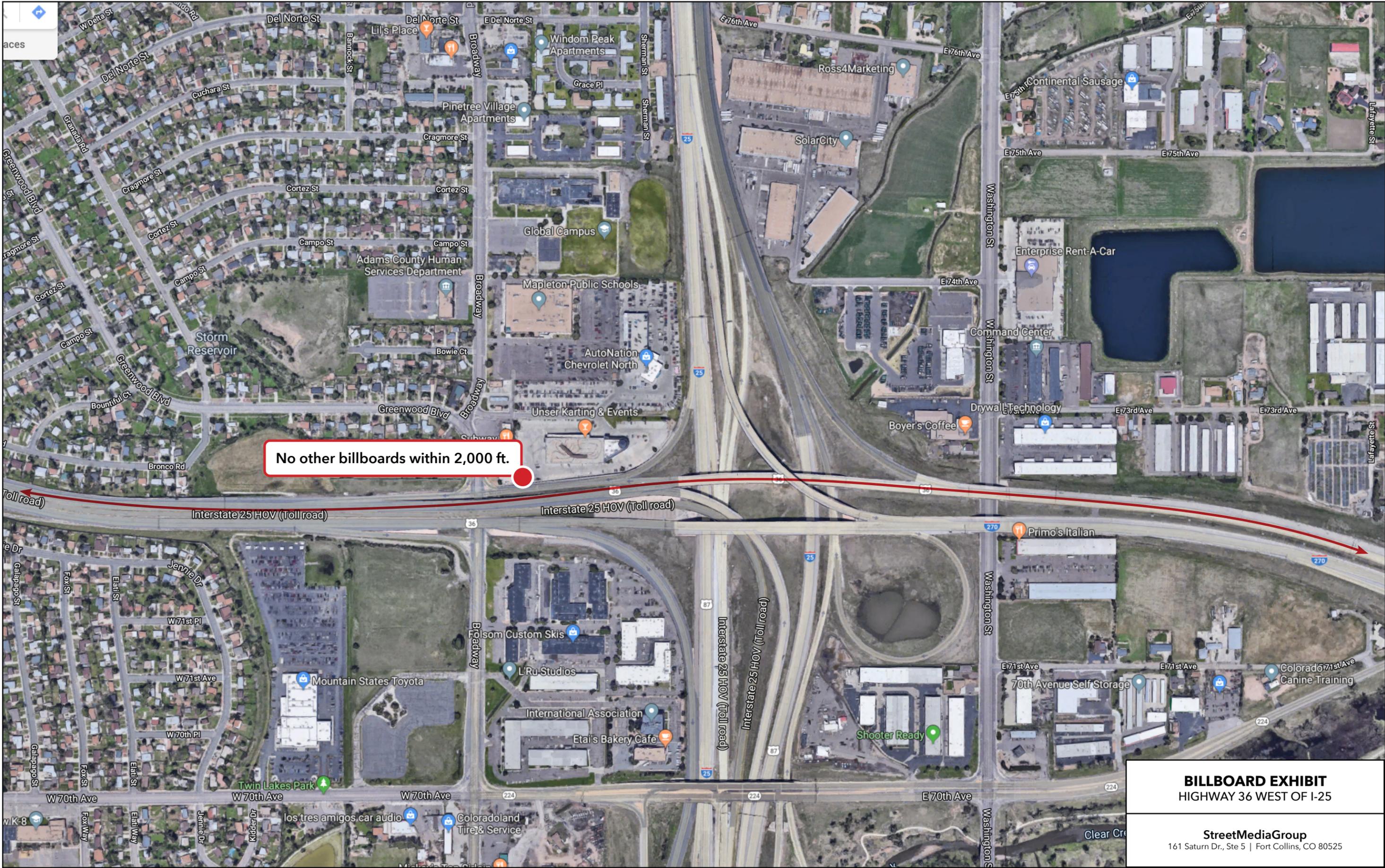
**BILLBOARD EXHIBIT**  
HIGHWAY 36 WEST OF I-25

**StreetMediaGroup**  
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525

No other billboards within 2,000 ft.

**BILLBOARD EXHIBIT**  
HIGHWAY 36 WEST OF I-25

StreetMediaGroup  
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525





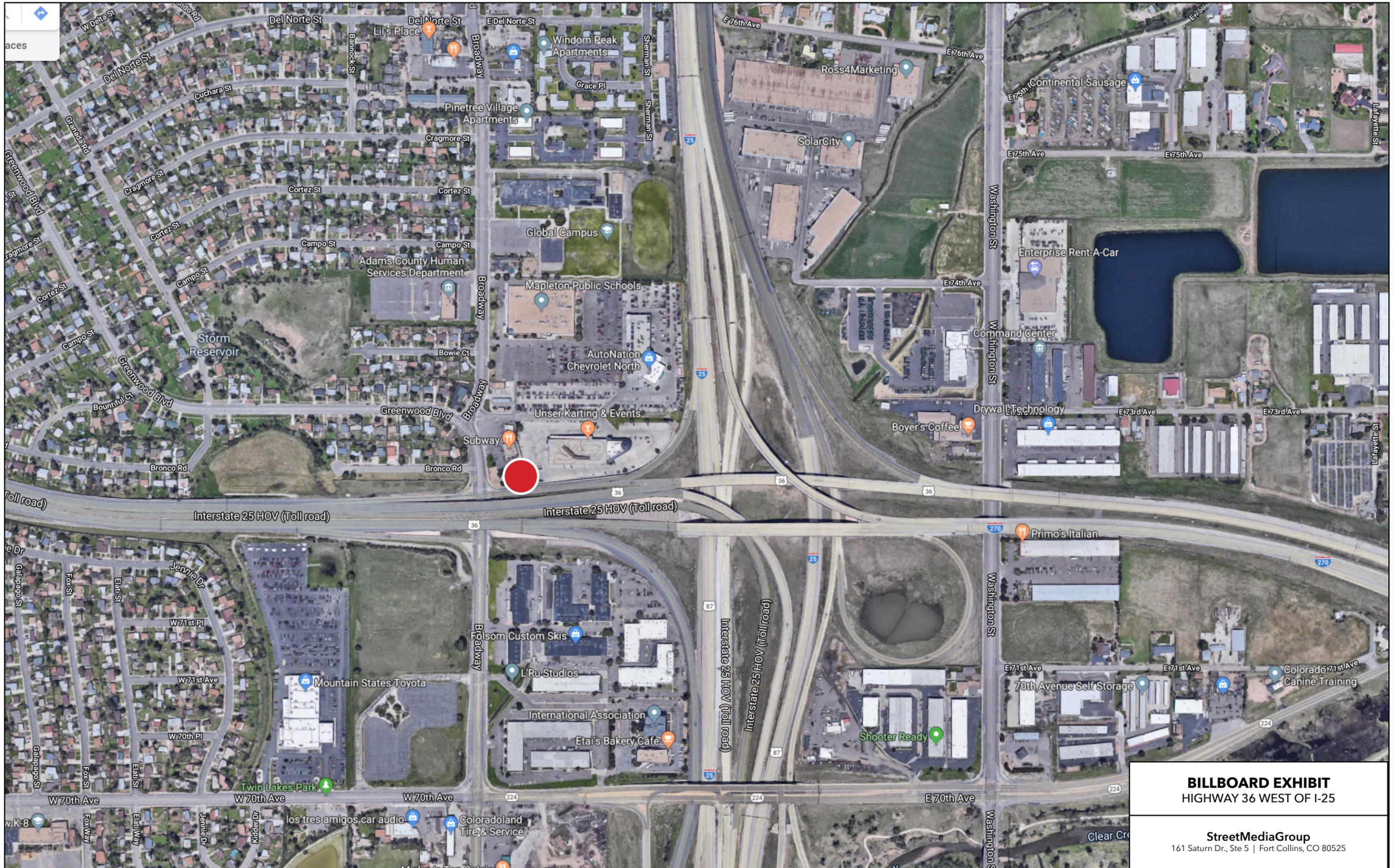
**BILLBOARD EXHIBIT**  
HIGHWAY 36 WEST OF I-25

**StreetMediaGroup**  
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525



**BILLBOARD EXHIBIT**  
HIGHWAY 36 WEST OF I-25

**StreetMediaGroup**  
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525



**BILLBOARD EXHIBIT**  
**HIGHWAY 36 WEST OF I-25**

**StreetMediaGroup**  
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525

RECEIVED BY  
DIVISION OF ADMINISTRATIVE HEARINGS

SEP 22 1997

STATE OF COLORADO  
DIVISION OF ADMINISTRATIVE HEARINGS

Case No. HW97-01

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STIPULATION AND SETTLEMENT AGREEMENT

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IN THE MATTER OF THE COMPLAINT AND REQUEST FOR HEARING ON SEVERAL ADVERSE DECISIONS OF THE ROADSIDE BEAUTIFICATION SECTION OF THE DEPARTMENT OF TRANSPORTATION OF:

OUTDOOR SYSTEMS, INC., and C & E COMMUNICATIONS, INC.

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COMPLAINANTS, Outdoor Systems, Inc. ("OSI") and C & E Communications, Inc. ("C & E"), and RESPONDENT, the Colorado Department of Transportation ("CDOT"), by and through their attorneys, in consideration of the mutual promises and undertakings set forth below, herewith agree to settlement of the issues in the above-captioned case as follows:

1. The parties hereto have determined that their interests and those of the People of the State of Colorado will be best served by agreements relating to the billboard decisions that are the subject of the appeals in the above-captioned administrative appeal proceeding.

2. The agreements set forth below shall be binding upon CDOT, OSI and C & E, their employees, agents, assigns, contractors, representatives, heirs and successors in interest.

3. The parties agree that no portion of this Stipulation and Settlement Agreement and the Final Agency Action entered pursuant thereto shall be considered as precedent or determinative of any issue framed by the pleadings and briefs filed in this case or any of the positions and arguments made by the parties in any of the proceedings in this case, including discovery, or any of the positions and arguments made in regard to the billboard decisions that were the basis of the administrative appeals involved in this proceeding. No party to this action shall be considered to have conceded any arguments made by the other parties in pleadings, briefs or any of the proceedings in this case, including discovery, by execution of this Stipulation and Settlement Agreement and entry of the Final Agency Action issued pursuant thereto. The Stipulation and Settlement Agreement, any of the provisions contained herein and the Final Agency Action entered herein, shall not be used by any of the parties to this proceeding in any future applications for erection and maintenance of billboards or in any manner to

contest or defend any billboard decision, except that no party is precluded from admitting that the granting of any billboard permit, denial of any billboard permit application or change in status of any billboard contained in this Stipulation and Settlement Agreement resulted from settlement of the above-captioned case. Nor shall this Stipulation and Settlement Agreement and the Final Agency Action herein be used by any party to this action as precedent regarding any decision made under the Outdoor Advertising Act, § 43-1-401, et seq., C.R.S. and the Colorado Department of Transportation's regulations pertaining to Roadside Advertising, 2 CCR 601-3. Nor shall this Stipulation and Settlement Agreement, any of the provisions contained herein and the Final Agency Action entered in this case be used as precedent in future policy and rule-making decisions of the Colorado Department of Transportation.

4. In regard to the billboard at 5301 Bannock Street, located at approximately mile point 214.50 on the west side of I-25, in Adams County, Colorado, the December 17, 1996 decision of CDOT to change the status of the billboard from "conforming" to "grandfathered" shall stand. The permit for the billboard and CDOT's billboard inventory shall be changed to hereafter reflect that the status of the billboard is "grandfathered."

5. In regard to the billboard located at 55th Avenue and I-25, at approximately mile point 214.80 on the west side of I-25 in Adams County, Colorado, OSI shall submit a new application to rebuild the billboard at said site, including obtaining any approval required by the Adams County Planning and Zoning Department and payment of any permit fees that are required. Upon receipt of the application to rebuild and payment of the required permit fees, CDOT shall grant the application for the billboard that presently exists at mile point 214.80 on the west side of I-25, except that the status of the billboard to be permitted shall be "grandfathered" and the permit and CDOT's billboard inventory shall hereafter reflect that the status of the billboard is "grandfathered." CDOT agrees, upon entry of the Final Agency Action in this case, to dismiss Department of Transportation v. Outdoor Systems, Inc., et al., Adams County District Court Case No. 97 CV 639, a case involving the billboard decisions at mile point 214.80, each party to pay its own costs, expert witness fees and attorney's fees. 8/2/97 1/6/98 - dismissed

6. In regard to the billboard at 6011 - I-25, located at approximately mile point 215.50 on the west side of I-25, in Adams County, Colorado, the December 17, 1996 decision of CDOT to change the status of the billboard from "conforming" to "grandfathered" shall stand. The permit for the billboard and CDOT's billboard inventory shall be changed to hereafter reflect that the status of the billboard is "grandfathered."

7. In regard to the billboard at 62nd Avenue and I-25, located at approximately mile point 215.74 on the east side of I-25, in Adams County, Colorado, the December 17, 1996 decision of CDOT to change the status of the billboard from "conforming" to "grandfathered" shall stand. The permit for the billboard and CDOT's billboard inventory shall be changed to hereafter reflect that the status of the billboard is "grandfathered."

3rd claim  
8. In regard to the billboard application of November 30, 1996 to erect a billboard at the approximate location of I-76 and Huron Street, north side of I-76, at approximately mile point 4.7, CDOT shall issue the permit for the billboard to be erected and maintained. Ramp Rule violation - inside gore

Fourth claim  
9. In regard to the billboard application of October 30, 1996 to erect a billboard at the approximate location of I-76 and Tennyson Street, north side of I-76 and west side of Tennyson Street, at approximately mile point 2.2, CDOT shall issue the permit for the billboard to be erected and maintained.

10. In regard to the billboard application of October 11, 1996 to erect a billboard at the approximate location of I-25 and 60th Avenue, east side of I-25, at approximately mile point 215.6, CDOT's denial of the application to erect and maintain the billboard shall stand and the Final Agency Action shall direct that the billboard permit application denial is affirmed.

Sixth claim  
11. In regard to the billboard application of October 30, 1996 to erect a billboard at the approximate location of I-76 and Lowell Boulevard, northeast of I-76, at approximately mile point 2.8, CDOT shall issue the permit for the billboard to be erected and maintained.

Seventh claim  
12. In regard to the billboard application of October 30, 1996 to erect a billboard at the approximate location of I-76 and Lowell Boulevard, southeast of I-76, at approximately mile point 2.8, CDOT shall issue the permit for the billboard to be erected and maintained.

13. OSI will submit an application to erect and maintain a billboard at the approximate location of I-76 and Downing Street, south of I-76, in Adams County, Colorado. Once the application has been submitted, including obtaining any approval required by the Adams County Planning and Zoning Department, proof to CDOT of a lease for the premises upon which the billboard will be erected and maintained and payment of all permit fees, CDOT shall issue the permit to erect and maintain the billboard.

14. Each party to this action shall be responsible for payment of all their own costs, expert witness fees and attorney's fees. The parties heretofore agreed to be responsible for payment of expert witness fees and costs for the depositions

of their own expert witnesses and that agreement shall be part of the Final Agency Action.

15. To the extent it deems necessary, CDOT shall be authorized to maintain in each of its files or other records pertaining to the billboards or proposed billboards addressed in this Stipulation and Settlement Agreement a copy of the Stipulation and Settlement Agreement and the Final Agency Action entered in this case.

16. This Stipulation and Settlement Agreement may be signed in counterparts.

17. The Administrative Law Judge shall issue a Final Agency Action setting forth the foregoing terms in disposition of the issues in Case No. HW97-01.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

OUTDOOR SYSTEMS, INC.

DEPARTMENT OF TRANSPORTATION  
STATE OF COLORADO

By *Robert M. Toole*  
Title *Vice President*

\_\_\_\_\_  
JAMES E. SIEBELS  
Chief Engineer  
4201 E. Arkansas Avenue  
Denver, Colorado 80222

C & E COMMUNICATIONS, INC.

By \_\_\_\_\_  
Title \_\_\_\_\_

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\*Counsel of Record

Attorneys for Defendants

Attorneys for Department of  
Transportation

of their own expert witnesses and that agreement shall be part of the Final Agency Action.

15. To the extent it deems necessary, CDOT shall be authorized to maintain in each of its files or other records pertaining to the billboards or proposed billboards addressed in this Stipulation and Settlement Agreement a copy of the Stipulation and Settlement Agreement and the Final Agency Action entered in this case.

16. This Stipulation and Settlement Agreement may be signed in counterparts.

17. The Administrative Law Judge shall issue a Final Agency Action setting forth the foregoing terms in disposition of the issues in Case No. HW97-01.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

OUTDOOR SYSTEMS, INC.

DEPARTMENT OF TRANSPORTATION  
STATE OF COLORADO

By \_\_\_\_\_

Title \_\_\_\_\_

C & E COMMUNICATIONS, INC.

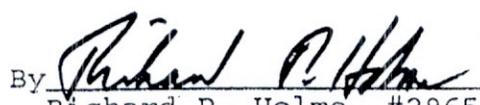
JAMES E. SIEBELS  
Chief Engineer  
4201 E. Arkansas Avenue  
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By  \_\_\_\_\_

Title President \_\_\_\_\_

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DATED this 19th day of September, 1997.

OUTDOOR SYSTEMS, INC.

DEPARTMENT OF TRANSPORTATION  
STATE OF COLORADO

By \_\_\_\_\_

Title \_\_\_\_\_

C & E COMMUNICATIONS, INC.

  
JAMES E. SIEBELS  
Chief Engineer  
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