



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

PUBLIC HEARING AGENDA

NOTICE TO READERS: The Board of County Commissioners' meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Board members to gain a basic understanding, thus eliminating lengthy discussions. Timely action and short discussion on agenda items does not reflect a lack of thought or analysis on the Board's part. An informational packet is available for public inspection in the Board's Office one day prior to the meeting.

THIS AGENDA IS SUBJECT TO CHANGE

Tuesday
April 14, 2020
9:30 AM

Watch the virtual meeting through our You Tube Channel
<http://www.adcogov.org/events/bocc-public-hearing-9>

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

4. AWARDS AND PRESENTATIONS

- A.** Proclamation of April 2020 as Child Abuse Awareness and Prevention Month

5. PUBLIC COMMENT

A. Citizen Communication

Public comment is required to be submitted prior to the meeting to ehannah@adcogov.org

April 14, 2020 Public Comment Received

B. Elected Officials' Communication

6. CONSENT CALENDAR

- A.** Minutes of the Commissioners' Proceedings from April 7, 2020
- B.** Resolution Adopting the Alternate Property Tax Appeal Calendar and Procedures for Tax Year 2020 as Permitted by C.R.S. §39-5-122.7 (File approved by ELT)

- C. Resolution Approving the Ditch Modification Agreement between Agnes L. Domenico and Gregory L. Domenico and the County of Adams Regarding the York Street Phase 1 Project
(File approved by ELT)
- D. Resolution Approving the Right-of-Way Agreement between Agnes L. Domenico and Gregory L. Domenico and the County of Adams Regarding the York Street Phase 1 Project
(File approved by ELT)
- E. Resolution Approving the Street Light Agreement between the Public Service Company of Colorado dba Xcel Energy and the County of Adams Regarding the York Street Phase 1 Project
(File approved by ELT)
- F. Resolution Approving Right-of-Way Agreement between Adams County and Christina E. Montano for Property Necessary for the 2018 Miscellaneous Concrete and ADA Ramps Project
(File approved by ELT)
- G. Resolution Approving General Warranty Deed from the Adams County Building Authority to Adams County for the Honnen Building Property Located at 7111 East 56th Avenue
(File approved by ELT)

7. NEW BUSINESS

A. COUNTY MANAGER

- 1. Resolution Authorizing First Supplemental Appropriations to the 2020 Adams County Government Budget
(File approved by ELT)
- 2. Resolution Approving Amendment One to the Agreement between Adams County and Central Visitation Program to Provide Comprehensive Parenting Time Services
(File approved by ELT)
- 3. Resolution Approving Amendment One to the Agreement between Adams County and Lifelong Inc., to Provide Comprehensive Parenting Time Services
(File approved by ELT)
- 4. Resolution Approving Amendment One to the Agreement between Adams County and Maple Star Colorado to Provide Parenting Time Services
(File approved by ELT)
- 5. Resolution Approving an Agreement to Colorado Boys Ranch (CBR) YouthConnect for Comprehensive Parenting Time Services
(File approved by ELT)
- 6. Resolution Approving an Agreement to Family Tree Inc., for Comprehensive Parenting Time Services
(File approved by ELT)
- 7. Resolution Approving Amendment One to the Agreement between Adams County and Lifelong Inc., to Provide Mental Health Services
(File approved by ELT)
- 8. Resolution Approving an Agreement between Adams County and G4S Secure Solutions (USA) Inc., to Provide Countywide Security Services
(File approved by ELT)

9. Resolution Approving an Agreement between Adams County and JCOR Mechanical, Inc., for Water Heater Replacement at the Detention Facility
(File approved by ELT)

B. COUNTY ATTORNEY

8. LAND USE HEARINGS

A. Cases to be Heard

1. PRC2019-00008 North Side Gardens Center Land
(File approved by ELT)
2. RCU2019-00026 Rio 64th Billboard CUP
(File approved by ELT)

9. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE

Proclamation

Child Abuse Awareness and Prevention Month April 2020

Whereas, the Adams County Board of Commissioners prides itself on giving back to the community, contributing to the quality of life of all our citizens; and

Whereas, Child Abuse Prevention & Awareness Month draws attention to the hundreds of innocent child victims in Adams County each year who suffer from physical, sexual or emotional abuse and neglect at the hands of their parents or guardians; and

Whereas, the Court Appointed Special Advocates (CASA) of Adams & Broomfield Counties, in association with the National CASA Association, speaks up for the basic human rights of our abused and neglected children who are involved in the human services and court systems, through no fault of their own; and

Whereas, through community efforts, Adams County residents are encouraged to join together to raise awareness during the month of April, and continuing throughout the year, for our most vulnerable children who have fallen victim to abuse and neglect; and

Whereas, through this effort, Adams County citizens will help to ensure that abused and neglected children have the opportunity to live in safe, loving, permanent homes and have hope for their future.

Now Therefore, Be It Resolved, that the Board of County Commissioners of the County of Adams, State of Colorado, proclaims April 2020 as

Child Abuse Awareness and Prevention Month

and urges all citizens to join the local, statewide and national efforts to raise awareness and to help prevent child abuse and neglect.



During these are uncertain times, CASA of Adams and Broomfield Counties is continuing to champion for the children we serve and our community. CASA is a volunteer-based, nonprofit organization that trains and supervises community volunteers to represent the best interests of our most vulnerable citizens - child victims of physical, sexual or emotional abuse and neglect. The program has quickly adapted by working virtually and creating online trainings and informational sessions for the volunteers, and those interested in supporting the mission through volunteerism.

Despite the statewide stay-at-home order, the organization's incredible volunteers continue to make frequent contact with their CASA children, just not physically. Alternatives to physical face-to-face time have included weekly video chats to talk or watch a movie together, sending handwritten notes, completing workouts together over the phone, and going on virtual field trips using Google Maps! In a time of uncertainty, the volunteers will continue to make sure their CASA children have a voice and their needs are still being met. In order to give more children a voice, the program has created a virtual training platform to allow new volunteers to attend classes and become advocates.

While the CASA Volunteers are doing phenomenal work continuing their advocacy efforts, there are more children in need of advocacy. Families in the community are facing additional parenting stress, financial uncertainty and insecurity, and the absence of childcare or schools. These are all risk factors for increased child abuse and neglect. Teachers, school staff, and childcare providers are mandatory reporters of abuse and neglect calls to the CO abuse and neglect hotline. Colorado state has seen a 50% drop in calls to the abuse and neglect hotline system during COVID-19. CASA Volunteers provide a unique service during this time of crisis.

Ways individuals can help, please visit CASA17th.org for additional information:

- CASA has two upcoming virtual information sessions, CASA 101s, for individuals to sign up and learn more on how to become a volunteer with our organization. If you know someone that you think would make a great CASA Volunteer, please pass along the information.
 - April 9th, 6-7:15 PM
 - April 13th, 10-11:15 AM
- All of us at CASA of Adams & Broomfield Counties will continue to advocate for every child in need, no matter the situation. Please consider donating to CASA to help continue and further efforts in helping children who have suffered from abuse and neglect

Thank you to the leadership of Adams County for always putting the community first and championing for those in need.

In partnership,

Lindsay Lierman
CASA Executive Director

From: [Heather](#)
To: [Erica Hannah](#)
Subject: Public comment for next commissioner meeting 4/14
Date: Tuesday, April 7, 2020 1:19:48 PM

Please be cautious: This email was sent from outside Adams County

To the Adams County BOCC,

First, I would like to say Thank you, to the BOCC, Ray, Heidi, Katie, and other management working through this crisis. You guys have and continue to keep the workers of Adams County best interest in mind.

I am aware that the BOCC has just approved a significant amount of money to be allotted for PPE. I listened to Ray as he mentioned who would be receiving these, i.e. First Responders, Health Department, and nursing homes. I heard that Adams County team members will be receiving PPE, but I wanted to ask specifically if Child Welfare workers-Intake, will be made apart of this group? We currently have approx. 20-30 workers, who are in the field, entering community members homes, and being exposed to situations that place them at risk. They are also at risk of exposing their own families to COVID-19. They have been provided with only the basic equipment and could use more PPE. I am aware that PPE is hard to come by at this time, but I ask that Child Welfare be apart of this consideration.

I also ask, what protective measures are in place for team members who are high risk for COVID-19? I am referring to field workers who are required to go out into the field, in community members homes, and hospitals. These workers are still being asked to respond to Child Welfare Assessments with limited PPE gear or none at all. They have reached out to their supervisors, managers, and People and Culture. The responses they have received are "get a doctors note" "you have to use your own sick time" "I don't know, I have to get back to you", but no one is actually working with them. I understand the State and Federal level have laws that require workers to continue responding to homes, but how are we as Adams County protecting these workers?

Again, I thank you for looking out for team members and their best interest, but raise the above questions of making sure Child Welfare-field workers are given more PPE (not just two mask each), and that High Risk workers are being taken into consideration when placed in the field.

Thank you for your time,

Heather Burke

From: [Lourdes Nevarez](#)
To: [Erica Hannah](#)
Subject: Public Comment for BOCC meeting on 4/14/2020
Date: Thursday, April 09, 2020 10:43:20 AM

Please be cautious: This email was sent from outside Adams County

Hello, my name is Lourdes Nevarez. I live in Adams County. I work for Adams County Children and Family Services. I am grateful that I do not need to worry about how I will be paying my bills because I'm still getting paid. Thank you for that commitment. I am deeply worried about many of my team members that are out in the community in client's homes and have to reuse PPE. Some have found access to gloves but many have not. Those that have are paying out of their own pocket. I spoke recently to a coworker that has been using the same face mask for the past 3 weeks now. Many may not consider child welfare workers first responders but many of times we are first on the scene to respond to a child protection emergency. We do this work to keep our children safe. I ask the BOCC to consider the safety and health of workers by providing adequate PPE so we can continue to serve our community with the reassurance that we will return home safe to our loved ones.

Thank you for your time and consideration.

Lourdes Nevarez
Commerce City, CO



**Board of County Commissioners
Minutes of Commissioners' Proceedings**

**Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Emma Pinter - District #3
Steve O'Dorisio - District #4
Mary Hodge - District #5**

**Tuesday
April 07, 2020
9:30 AM**

1. ROLL CALL

Present: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

A motion was made by Commissioner Henry, seconded by Commissioner Hodge, that this Agenda be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

4. AWARDS AND PRESENTATIONS

A. Proclamation of April 2020 as Sexual Assault Awareness Month

5. PUBLIC COMMENT

A. Citizen Communication

All public comment is required to be submitted prior to the meeting.

Public Comment

B. Elected Officials' Communication

6. CONSENT CALENDAR

A motion was made by Commissioner Hodge, seconded by Commissioner Tedesco, that this Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

- A.** List of Expenditures Under the Dates of March 9-March 11, 2020
- B.** List of Expenditures Under the Dates March 23-27, 2020
- C.** Minutes of the Commissioners' Proceedings from March 31, 2020
- D.** Resolution Approving an Intergovernmental Agreement between Adams County and the City of Aurora for Delivery of Reusable Raw Water
(File approved by ELT)

7. NEW BUSINESS

A. COUNTY MANAGER

- 1.** Resolution Approving a Purchase Order between Adams County and Insight Public Sector, Inc., for the Annual Microsoft Office 365 Licenses and Support
(File approved by ELT)

A motion was made by Commissioner Hodge, seconded by Commissioner O'Dorisio, that this New Business be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

- 2.** Resolution Approving an Agreement between Adams County and EP&A Envirotac, Inc., to Provide Acrylic Based Soil Stabilizing Polymer for Public Works
(File approved by ELT)

A motion was made by Commissioner Tedesco, seconded by Commissioner Henry, that this New Business be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

3. Resolution Approving the Purchase of Voting Equipment and Accessories from Dominion Voting Systems
(File approved by ELT)

A motion was made by Commissioner Henry, seconded by Commissioner O'Dorisio, that this New Business be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

4. Resolution Authorizing the County Manager to Purchase Personal Protection Equipment in the Amount of \$350,000
(File approved by ELT)

A motion was made by Commissioner Henry, seconded by Commissioner O'Dorisio, that this New Business be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

B. COUNTY ATTORNEY

8. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Adoption of the Alternate Calendar and Procedures for Property Tax Protests and Appeals
FROM: Ken Musso, Adams County Assessor
AGENCY/DEPARTMENT: Assessor
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the use of the Alternate Property Tax Appeal Calendar and procedures as delineated in C.R.S. §39-5-122.7 for tax year 2020.

BACKGROUND:

Colorado Statute authorizes counties to elect to use an alternate calendar to determine objections and protests regarding the assessment of taxable property. The Assessor is requesting that the BOCC elect to use the alternate protest and appeal procedures for the tax year 2020 protest and appeal process. The Assessor believes that utilizing the alternate property tax protest and appeal calendar will allow for more contact and communication with taxpayers as well as allowing staff additional time to perform research, undertake field inspections and correct property description errors.

When the election to use the alternate appeal calendar and procedures is made, the County Assessor and the County Board of Equalization ("CBOE") have more time to respond to valuation protests and appeals. Using the alternate calendar will provide the Assessor until the last working day in August to issue the Notice of Determination ("NOD") and provides the CBOE until November 1st to render its final decision.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

County Attorney's Office

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

Fund:**Cost Center:**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ADOPTING THE ALTERNATE PROPERTY TAX APPEAL CALENDAR
AND PROCEDURES FOR TAX YEAR 2020 AS PERMITTED BY C.R.S. §39-5-122.7

WHEREAS, C.R.S. §39-5-122.7 allows any county, at the request of the assessor, to elect to use an alternate protest and appeal procedure to determine objections and protests concerning valuations of taxable property; and,

WHEREAS, the Adams County Assessor has determined that utilizing the alternate property tax protest and appeal calendar will allow for more contact and communication with taxpayers as well as allowing staff additional time to perform research, undertake field inspections, and correct property description errors; and,

WHEREAS, the Adams County Assessor requests that the alternative protest and appeal procedure and calendar be used for tax year 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the alternative property tax appeal calendar and procedures as delineated in C.R.S. §39-5-122.7 are hereby adopted for tax year 2020.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: York Street Phase I - Ditch Modification Agreement
FROM: Kristin Sullivan, AICP, Director, Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Ditch Modification Agreement with the owners of property located at 7740 York Street, Denver, Colorado 80229

BACKGROUND:

Adams County and Agnes L. Domenico and Gregory L. Domenico desire to enter into a ditch modification agreement regarding the York Street Phase I project. The County intends to reconstruct the roadway of York Street from State Highway 224 to East 78th Avenue. The improvements adjacent to the owners' property include relocating the portion of an irrigation ditch lateral that the property owners have rights to. The project will enclose the lateral within a 10-inch PVC pipe. The County agrees to compensate the owners for permission to perform work on the lateral and for any maintenance, repair, or replacement work the owners perform on the lateral after the County's maintenance period as outlined in the agreement. The agreement outlines the respective rights and obligations with respect to property, the lateral, the installation and the relocation of the same. The owners have approved and signed the agreement.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works
County Attorney's Office

ATTACHED DOCUMENTS:

Resolution
Ditch Modification Agreement

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 00013**Cost Center:** 3056

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	9010	30561507	\$10,000,000
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$10,000,000

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING THE DITCH MODIFICATION AGREEMENT BETWEEN
AGNES L. DOMENICO AND GREGORY L. DOMENICO AND THE COUNTY OF ADAMS
REGARDING THE YORK STREET PHASE I PROJECT

WHEREAS, Adams County and Agnes L. Domenico and Gregory L. Domenico (the “Owners”) desire to enter into a Ditch Modification Agreement (the “Agreement”) regarding the York Street Phase I project (the “Project”); and,

WHEREAS, the County intends to reconstruct the roadway of York Street from State Highway 224 to East 78th Avenue; and,

WHEREAS, the improvements adjacent to the Owner’s property include relocating the portion of an irrigation ditch lateral that the property owners have rights to; and,

WHEREAS, the Project will enclose the lateral within a 10-inch PVC pipe; and,

WHEREAS, the County agrees to compensate the Owners for permission to perform work on the lateral and for any maintenance, repair, or replacement work the owners perform on the lateral after the County’s maintenance period as outlined in the Agreement; and,

WHEREAS, the Agreement outlines the respective rights and obligations with respect to property, the lateral, the installation and the relocation of the same; and,

WHEREAS, the Owners have approved and signed the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Ditch Modification Agreement between Agnes L. Domenico and Gregory L. Domenico and Adams County regarding the York Street Phase I project, two copies of which are attached hereto and incorporated herein by this reference, is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is authorized to execute said agreement on behalf of Adams County.

DITCH MODIFICATION AGREEMENT

THIS DITCH MODIFICATION AGREEMENT (this "Agreement") is made as of _____, 2020, by and among **AGNES L. DOMENICO and GREGORY L. DOMENICO** ("Domenico"), and the **COUNTY OF ADAMS**, State of Colorado, a body politic, whose address is 4430 South Adams County Parkway, Brighton, Colorado, 80601-8218 ("County"), collectively "The Parties."

RECITALS

A. Domenico is one of multiple shareholders who own shares in the irrigation ditch lateral (the "Lateral") from the Lower Clear Creek Ditch Company and an associated prescriptive Lateral easement (referred to herein as "historical easement"), depicted on the attached **Exhibit A**, within the existing York Street right-of-way, for the purpose of exercising its decreed Colorado water rights and maintaining the Lateral to divert, carry and deliver water to its shareholders and other lawful users for subsequent beneficial use.

B. The County intends to reconstruct the roadway of York Street and other related improvements adjacent to Domenico's property, legally described as set forth in **Exhibit B**, attached hereto and incorporated herein. In connection therewith, the County, with the consent of Domenico, intends to relocate the portion of the Lateral within the York Street right-of-way and enclose the Lateral within a 10-inch PVC pipe. The Lateral-related work that the County desires to perform, including the construction of improvements, piping of sections of the Lateral, relocation of sections of the Lateral and restoration of the Lateral following completion of such work is referred to collectively herein as the "Installation."

C. The County shall maintain, repair, or replace any portion of the Installation for a limited period of ten (10) years, commencing at the completion of the Installation.

D. By means of this Agreement, Domenico and County desire to set forth their respective rights and obligations with respect to Domenico's Property, the Lateral, the Installation and the relocation of the same.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE I ACQUISITION OF RIGHT-OF-WAY AND CONSTRUCTION

1.1 Domenico shall convey to the County a road right-of-way parcel (the "Parcel"), legally described as set forth in **Exhibit C**, attached hereto and incorporated herein together with all such other interests deemed necessary by the County to accomplish the construction of the street improvements of the York Street Improvement Project (the "Project") and the relocation of the Lateral within said right-of-way wherein the Lateral is to be relocated and to allow the continued operation and maintenance of the Lateral. The right-of-way acquisition is set forth in a separate Right-of-Way Agreement between the parties. County shall pay Domenico twenty-five thousand dollars (\$25,000) upon execution of this Agreement for Domenico's permission to

perform work on the Lateral as shown in Exhibit D and to compensate Domenico for any maintenance, repair, or replacement work Domenico performs on the Lateral after the County's ten year maintenance period, as outlined in Article III.

1.2 The Installation is described in **Exhibit D**, attached hereto and incorporated herein by reference. Although Exhibit D depicts an eight-inch pipe for the Lateral, the Parties agree that the County shall bid for and have its contractor install a ten-inch pipe for the Lateral.

1.3 The Installation and the construction, maintenance and repair of the Installation shall not impair Domenico's historical easement for access, operation, maintenance and repair of the Lateral and shall not affect the capacity of the Lateral or the flow of water in the Lateral, including amount and velocity. In the event there is any such effect on the Lateral and historical easement within ten years of the Installation's completion, the County will repair the defect(s) to the reasonable satisfaction of Domenico. If the County fails to make such repairs after reasonable notice of the need for same, Domenico, at its option, may perform the repairs, and the County shall reimburse Domenico for the cost of such work.

1.4 The County shall take precautionary measures to prevent dirt, debris or other foreign material from spilling into the Lateral, provided however, in the event that dirt, debris or other foreign material is spilled into the Lateral during the Installation, whether by the County or others, the County agrees to clean the affected portions of the Lateral and remove such dirt, debris or other foreign material from the Lateral. The County shall provide appropriate erosion controls to protect the Lateral and any surrounding property that could be affected by the Installation, either directly or indirectly.

1.5 The County agrees that the Installation shall proceed with reasonable diligence from the initiation of such construction to its completion, except that no construction that interrupts water flow in the Lateral will be allowed during the period from March 16th through November 1st in any year, unless as otherwise mutually agreed to by the Parties in writing. Subject to Section 3.2 below, if the County commences construction in any Non-Irrigation Season, the Installation shall be completed by the last day (March 15th) of that Non-Irrigation Season, unless as otherwise mutually agreed to by the Parties in writing.

1.6 The Installation shall be constructed and maintained in such a manner so as not to interfere with the flow of water through the Lateral to shareholders of the Lateral or other lawful users of the Lateral. The County shall be responsible for the carriage of water across the land, including drainage water, during the Installation.

1.7 If water needs to be run in the Lateral by Domenico, between November 1st and March 15th (the "Non-Irrigation Season") of any year during the Installation period, the running of such water shall be coordinated with the Installation. The County shall construct the Installation during the Non-Irrigation Season. Subject to Section 3.2 below, if the County commences in any Non-Irrigation Season but fails to complete the Installation by the last day (March 15th) of that Non-Irrigation Season, then County shall pay liquidated damages to Domenico in the amount of \$1,000.00 per day until the Installation is completed; provided, however, that the foregoing penalty shall not apply (1) if the County's failure to complete the Installation is attributable to (a) any delay occasioned by any event of force majeure that is beyond the reasonable control of the County, or (b) Domenico's failure or refusal to timely approve or accept the Installation (unless such failure or refusal is based upon the County's failure to make payments to Domenico required by Article II of this Agreement); or (2) if despite County's failure to complete the Installation by the last day (March 15th) of the applicable Non-Irrigation Season

(a) there is no request for water on the day a penalty would otherwise apply or (b) all requests for water are satisfied in time, amount, location and quality by a bypass channel constructed by the County and approved prior to its construction by Domenico, which approval shall not be unreasonably withheld, conditioned or delayed. The payment of such penalty shall be in addition to any sums owed as damages.

1.8 Upon completion of the Installation, or correction of defects, the County shall notify Domenico. Domenico may inspect and shall accept or reject the Installation or corrective work within one year after notification, except that Domenico shall not be required to accept or reject until and unless all fees billed have been paid pursuant to Article II. Domenico shall be entitled to test the Installation by running water through the new piping. Failure by Domenico to provide notice of acceptance within the one year period shall result in automatic acceptance of the Installation. Acceptance or rejection shall be in writing. If the Installation is rejected, Domenico shall specify in writing the reasons for rejection, and the County shall correct the same within twenty (20) days of such notification, and the above process shall be repeated. If the County fails to make the required corrections, the provisions relating to repairing defects in Section 1.4, above, shall apply. Acceptance does not affect the County's obligation to maintain and repair the Installation as described in Article III.

ARTICLE II REIMBURSEMENT OF EXPENSES

2.1 Statements for the costs chargeable to the County hereunder will be forwarded to the County and the same shall be paid to Domenico within thirty (30) days after the billing date.

ARTICLE III MAINTENANCE, REPAIR, WARRANTY AND OWNERSHIP

3.1 The County agrees to responsibility for construction, maintenance and repair of the modified Lateral, including but not limited to the underground 10-inch PVC pipe for a limited period of ten (10) years after the Installation's completion.

3.2 In the event of an emergency, Domenico may conduct maintenance, repair or replacement immediately, giving notice to the County as soon as possible at the contacts identified in Article VII. If Domenico conducts emergency work, it shall be reimbursed for the cost of the work.

3.4 During the County's ten-year maintenance period, Domenico has no obligation to maintain, repair, or replace any portion of the Installation unless such obligation arises as a result of negligence, intentional misconduct, or any breach or failure to perform this Agreement on the part of Domenico. During the County's ten-year maintenance period, Domenico shall not be responsible or held liable for damages to the Installation resulting from the maintenance, repair or replacement of the Lateral, or from the failure to perform maintenance, repair or replacement of the Lateral unless such responsibility or liability arises as a result of negligence, intentional misconduct, or any breach or failure to perform this Agreement on the part of Domenico.

3.5 After the County's ten-year maintenance period has expired, Domenico, at its sole cost, shall be solely responsible for any maintenance, repair, or replacement of the Lateral.

ARTICLE IV LIABILITY AND INDEMNIFICATION

4.1 By virtue of entering into this Agreement, Domenico: (1) assumes no liability for use, operation or existence of the County's engineering, preparation, installation, maintenance or repair; and (2) assumes no additional responsibilities or obligations related to the County's future or additional activities within the area described in Exhibit A.

5.2 During construction and during the County's ten-year maintenance period for the Installation, and to the extent permitted by law, the County, shall hold harmless Domenico, from all claims and liability for damage or injury to property or persons, including the other lateral owners, caused by the County's modification, maintenance or repair of, or failure to maintain or repair, the Installation and for County's occupancy and use of Domenico's easement in connection with the performance of such maintenance and repair. The County shall additionally hold harmless Domenico, from all claims and liability for damage or injury to property or persons, including the other lateral owners, caused by the County's York Street improvements constructed over the Lateral. These obligations do not extend to any negligent act, intentional misconduct, or any breach or failure to perform this Agreement on the part of Domenico. The Parties agree that the County, its officers and its employees are relying on and do not waive or intend to waive by any provision of this Agreement the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the County, its officers or its employees.

4.3 This Agreement shall not confer any benefits to any person not a party to this Agreement.

ARTICLE V DEFAULT

5.1 Time is of the essence, and if any payment or any other condition, obligation or duty is not timely made, tendered or performed by any party, the non-defaulting party shall have the right to an action for specific performance or damages or both.

ARTICLE VI RECORDATION

6.1 This Agreement shall be recorded at the expense of the County and shall be binding on successors and assigns in interest in the land described in Exhibit A. Exhibits B and C shall be recorded separately. The parties agree that the non-recordation of Exhibits B and C shall neither affect the validity of this Agreement nor the obligations or benefits contained in the Agreement.

ARTICLE VII NOTICES

7.1 Except for instances of emergency as described in Sections 1.8, 4.3 and/or 4.4 above, any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by courier, certified first class mail (postage prepaid, return receipt requested), overnight delivery service, or by *.pdf via email addressed to the party to whom such notice is intended to be given at the address set forth below, or at such other address as has been previously furnished in writing to the other party or parties. Such notices shall be deemed to have been given when sent. In instances of emergency as described in Section 3.3 above, notice shall be given via the phone numbers set forth below.

DOMENICO:

Gregory L. Domenico
7740 York Street
Denver, CO 80229-6613
Email: DomenicoFarms@msn.com
Phone: (303) 435-0489

ADAMS COUNTY:

Public Works Department
4430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8213
Email:
Phone: (720) 523-6875

ARTICLE VIII EXHIBITS

8.1 All exhibits referred to in this Agreement are, by reference, incorporated in this Agreement for all purposes.

ARTICLE IX ATTORNEYS' FEES

9.1 If any party breaches this Agreement, the non-prevailing party shall pay all of the prevailing party's reasonable attorneys' fees and costs in enforcing this Agreement through litigation, mediation, or otherwise.

ARTICLE X BINDING EFFECT

10.1 This Agreement shall inure to the benefit of, and be binding upon, the parties, and their respective legal representatives, successors, and assigns, and this Agreement shall run with the property described in Exhibit A.

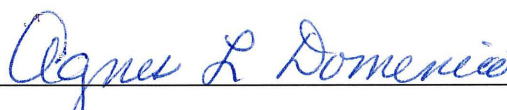
ARTICLE XI APPLICABLE LAW AND VENUE

11.1 This Agreement shall be interpreted and enforced pursuant to the laws of the State of Colorado. In the event of litigation concerning this Agreement, the Parties agree that proper venue shall be the District Court, Adams County, Colorado.

DATED:

5 day of MARCH, 2020.

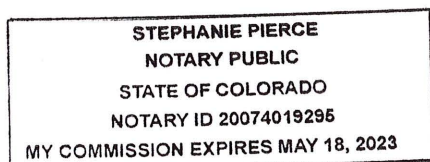
By: 
Gregory L. Domenico


By: 
Agnes L. Domenico

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this 5th day of March, 2020, by Gregory L. Domenico and Agnes L. Domenico.

IN WITNESS WHEREOF, I have hereto set my hand and official seal.




Notary Public

My commission expires: May 18, 2023

ADAMS COUNTY:

DATED:

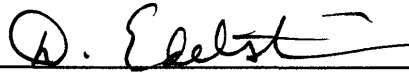
ATTEST:
JOSH ZYGIELBAUM,
CLERK AND RECORDER

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

BY:

Chair

APPROVED AS TO FORM:



Adams County Attorney's Office

EXHIBIT A

See irrigation plans from the approved construction plans attached hereto and incorporated herein by reference.

**ADAMS COUNTY, COLORADO
YORK STREET IMPROVEMENTS**

EAST 78TH AVENUE TO STATE HIGHWAY 224

ADAMS COUNTY PROJECT NO. 30561507

ACCELA NO. IMP2015-00003

OCTOBER 2019

TABULATION OF LENGTH & DESIGN DATA

	ROADWAY
<u>YORK STREET</u>	
STA. 23+24.24 BEGIN PROJECT	
STA. 56+28.88 END PROJECT	3,304.64'
<u>74TH AVENUE (EAST OF YORK STREET)</u>	
STA. 100+00.00 BEGIN PROJECT	
STA. 101+50.00 END PROJECT	150'
<u>74TH AVENUE (WEST OF YORK STREET)</u>	
STA. 104+00.00 BEGIN PROJECT	
STA. 105+00.00 END PROJECT	100'
<u>74TH PLACE</u>	
STA. 204+00.00 BEGIN PROJECT	
STA. 205+00.00 END PROJECT	100'
<u>76TH AVENUE</u>	
STA. 301+40.00 BEGIN PROJECT	
STA. 302+75.00 END PROJECT	135'
<u>77TH AVENUE</u>	
STA. 403+80.00 BEGIN PROJECT	
STA. 405+00.00 END PROJECT	120'

DESIGN DATA (YORK STREET)	
MAXIMUM GRADE	2.0%
MINIMUM GRADE	0.5%
DESIGN VEHICLE	WB-67
MAXIMUM DESIGN SPEED	35 MPH

DESIGN DATA (SIDE STREETS)	
MAXIMUM GRADE	5.0%
MINIMUM GRADE	0.5%
DESIGN VEHICLE	WB-67
MAXIMUM DESIGN SPEED	25 MPH

<u>SHEET NO.</u>			
01	CV01		
02-03	NT01-02		
04	MS01		
05-07	TS01-03		
08-09	SQ01-02		
10-20	TB01-11		
21-25	DT01-05		
26	SV01		
27-32	DM01-06		
33-41	PP01-09		
42-45	DW01-04		
46-54	SWMP01-09		
55-60	GP01-06		
61-63	SP01-03		
64-67	SG01-04		
68-80	ST01-13		
81-88	IR01-08		
89-95	TC01-07		
96-97	TR01-02		
98-103	XS01-06		
104-108	LP01-05		

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VICINITY MAP



NOT TO SCALE

OWNER

Adams County
4430 S. ADAMS COUNTY PARKWAY
BRIGHTON, COLORADO 80601
CONTACT: RENE VALDEZ
rvaldez@adcogov.org
(720) 523-6961

CIVIL ENGINEER

Drexel, Barrell & Co.
1800 38th STREET
BOULDER, COLORADO 80301
CONTACT: ED ROBERTS, P.E.
eroberts@drexelbarrell.com
(303) 442-4338

PREPARED BY:



Drexel, Barrell & Co.
Engineers • Surveyors
1800 38TH STREET
BOULDER, COLORADO 80301
CONTACT: ED ROBERTS, P.E.

BOULDER
COLORADO SPRINGS
GREELEY

OWNER/CLIENT:



ADAMS COUNTY
COLORADO

PARKWAY
BRIGHTON, CO 80601
(720) 523-6961
RENE VALDEZ

CONSTRUCTION PLANS FOR:
YORK STREET IMPROVEMENTS
EAST 78TH AVENUE TO STATE HIGHWAY 224
ADAMS COUNTY, COLORADO
PROJECT NO. 30561507

ISSUE	DATE
PRELIMINARY SET	11/30/15
PROGRESS SET	1/29/18
UTILITY COORD.	11/26/18
90% SUBMITTAL	12/21/18
100% SUBMITTAL	7/22/19
FINAL SUBMITTAL	10/8/19
FINAL	11/6/19
DESIGNED BY:	GSG
DRAWN BY:	KRC
CHECKED BY:	JER
FILE NAME:	20805_CV01



DRAWING SCALE: N/A
HORIZONTAL: N/A
VERTICAL: N/A

COVER SHEET

PROJECT:20805-00BLTR
DRAWING NO.

CVO1

SHEET: 01 OF 108



**Know what's below.
Call before you dig.**



Drexel, Barrell & Co.
Engineers • Surveyors
1800 38TH STREET
BOULDER, COLORADO 80301
CONTACT: ED ROBERTS, P.E.

BOULDER
COLORADO SPRINGS
COFFEY

OWNER/CLIENT:



30 SOUTH ADAMS COUNTY
PARKWAY
BRIGHTON, CO 80601
(720) 523-6961
RENE VALDEZ

YORK STREET IMPROVEMENTS
EAST 78TH AVENUE TO STATE HIGHWAY 224
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PROJECT NO. 30561507

ISSUE	DATE
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90% SUBMITTAL	12/21/11
100% SUBMITTAL	7/22/12
FINAL SUBMITTAL	10/8/12
FINAL	11/6/12

DESIGNED BY:	GSG
DRAWN BY:	KRC
CHECKED BY:	JER
FILE NAME:	20805_IR01



DRAWING SCALE:
HORIZONTAL: 1"=30'
VERTICAL: 1"=5'

IRRIGATION
PLAN &
PROFILE

PROJECT:20805-00BLT
DRAWING NO.

PRO7

SHEET: 87 OF 100

IRRIGATION NOTES

1. CONTRACTOR SHALL POTHOLE, VERIFY LOCATION, SIZE AND ELEVATION OF EXISTING UTILITIES BEFORE CONSTRUCTION AND PROVIDER TO RELOCATE ANY INTERFERING OR REVEALING UTILITY.
2. EXISTING WATERLINE AND SERVICES TO BE REMOVED TO BE RELOCATED AND OTHERS PROPOSED LOCATION AND ELEVATION SHALL BE DESIGNED BY MERRICK ENGINEERING AND INSTALLED BY OTHERS.
3. ALL IRRIGATION MANHOLES LOCATED WITHIN TRAVELWAY SHALL BE TRAFFIC RATED.
4. RELOCATE OR LOWER GAS SERVICES IF NECESSARY.

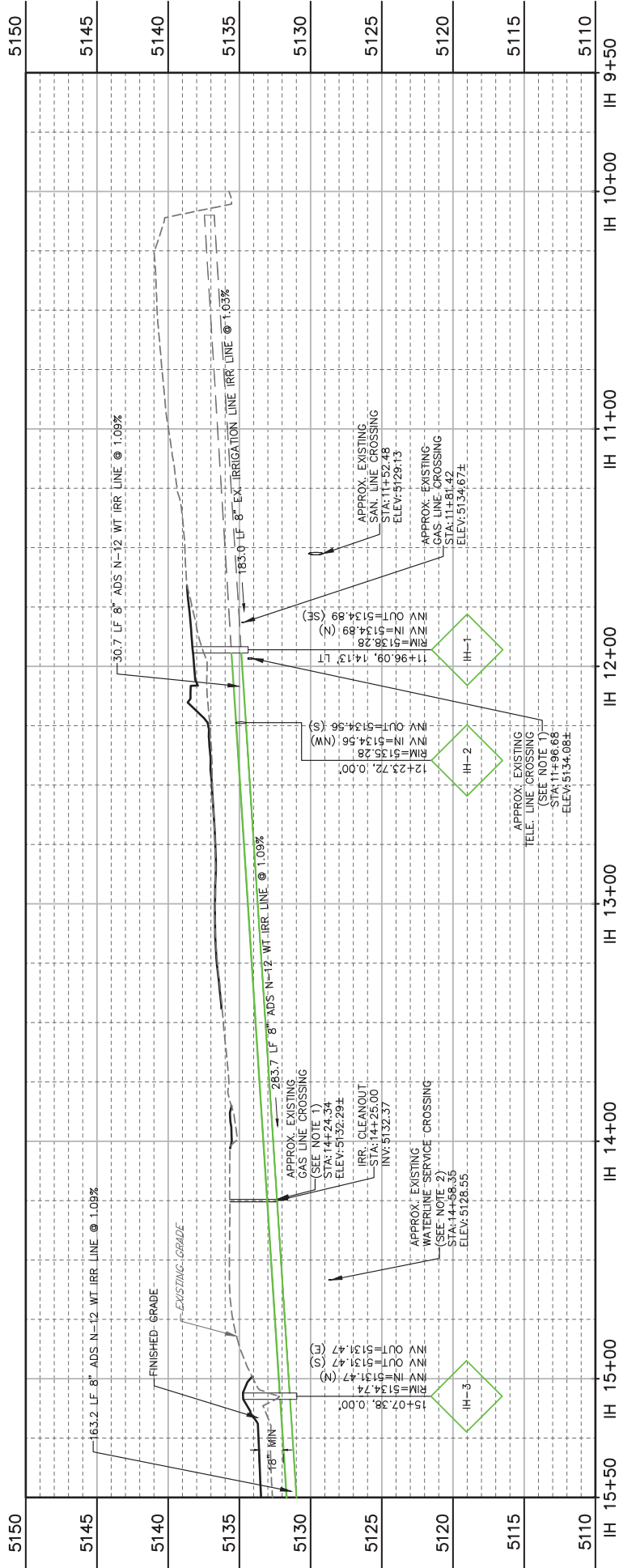
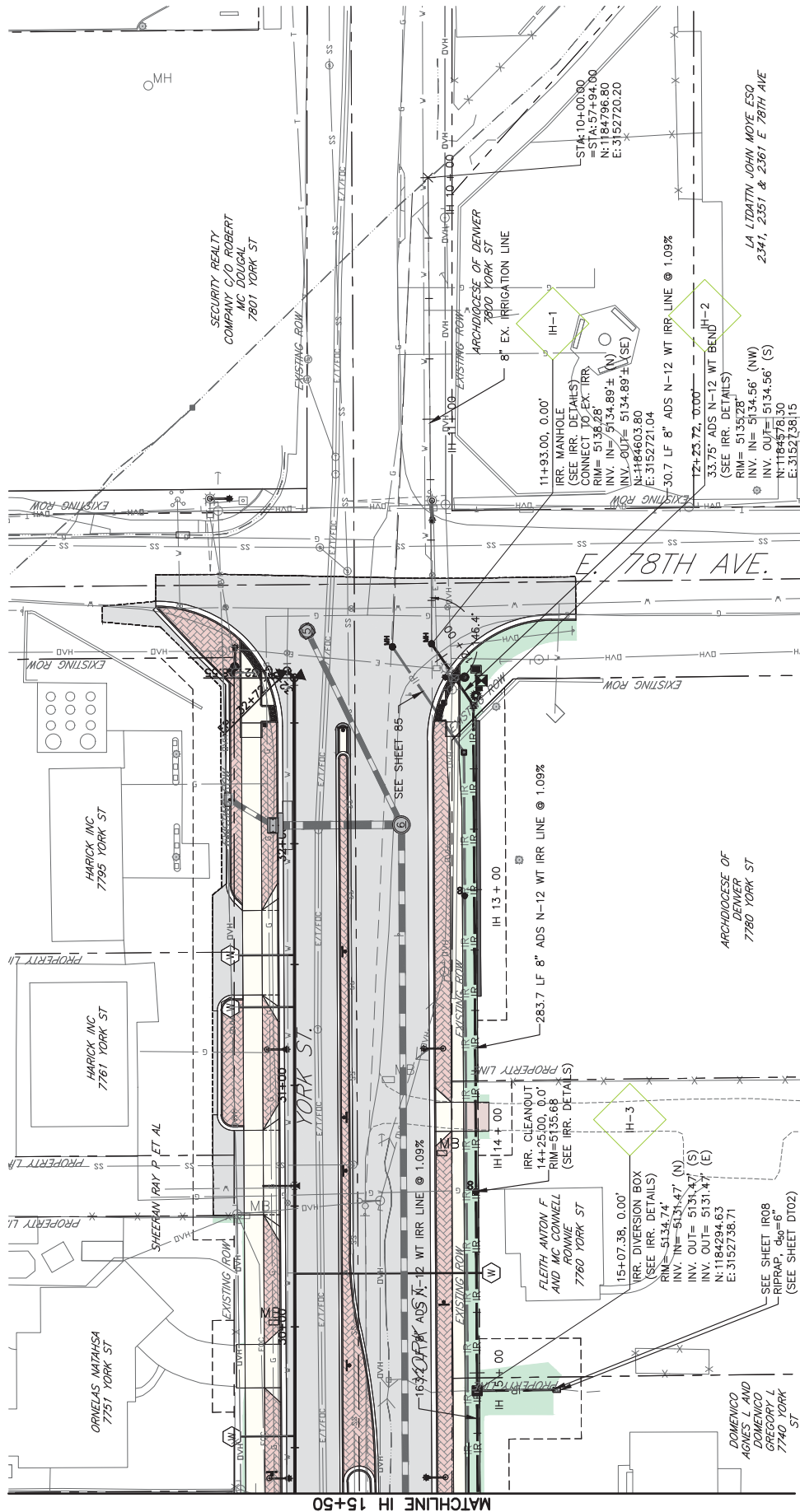


EXHIBIT B

The North ½ of the South ½ of the North ½ of the Southwest ¼ of the Northwest ¼ of Section 36, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado

As described in Personal Representative's Deed recorded on November 5, 1998 at Reception No. C0464594 of the records in the Office of the Clerk and Recorder of said Adams County, Colorado.

Known by street and number: 7740 York Street
Denver, CO 80229

EXHIBIT C

See legal description and exhibit map for Parcel 3 attached hereto and incorporated herein by reference.

EXHIBIT "A"

RIGHT-OF-WAY PARCEL
FROM
AGNES L. DOMENICO AND GREGORY L. DOMENICO
TO
THE COUNTY OF ADAMS, STATE OF COLORADO

Being a portion of the land described in the Personal Representative's Deed recorded on September 8, 2004 in Reception No. 20040908000877940 of the records in the Office of the Clerk and Recorder of Adams County, Colorado, lying in the Southwest Quarter of the Northwest Quarter of Section 36, Township 2 South, Range 68 West of the 6th Principal Meridian, said Adams County, Colorado, being more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of the Northwest Quarter of said Section 25, from which the Southwest Corner of Southwest Quarter of the Northwest Quarter of said Section 25 bears South 00°12'30" West, a distance of 1316.24 feet; thence South 00°12'30" West, along the West line of the Southwest Quarter of the Northwest Quarter of said Section 25, a distance 329.15 feet to the Northwest corner of the parcel of land described in said Reception No. 20040908000877940 and the Point of Beginning;

Thence North 89°30'41" East, along the North line of the parcel of land described in said Reception No. 20040908000877940, a distance of 41.44 feet;

Thence South 00°06'45" East, a distance 164.65 feet to the South line of the parcel of land described in said Reception No. 20040908000877940;

Thence South 89°30'23" West, along the South line of the parcel of land described in said Reception No. 20040908000877940, a distance 42.37 feet to the West line of the Southwest Quarter of the Northwest Quarter of said Section 25, said line being coincident with the West line of the parcel of land described in said Reception No. 20040908000877940;

Thence North 00°12'30" West, along said West line, a distance of 164.66 feet to the Point of Beginning.

Containing: 6,900 square feet, more or less.

Legal description prepared by:

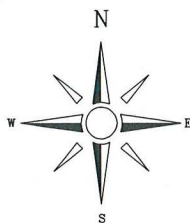
Ian Cortez, PLS, RWA
Colorado Professional
Land Surveyor No. 32822
For and on behalf of
Adams County, Colorado

Exhibit "B" attached and hereto made a part thereof



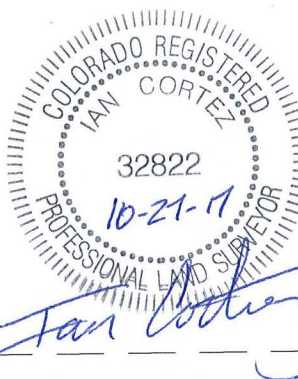
EXHIBIT "B"

LOCATED in the SW1/4 of the NW1/4 of SEC 36, T2S, R68W
of the 6th P.M.,
COUNTY OF ADAMS, STATE OF COLORADO



EAST 78TH AVENUE

POINT OF COMMENCEMENT
NW COR. SW1/4 NW1/4
SEC. 36, T2S, R68W



UNPLATTED
(REC #2011000034456)

YORK STREET

S00°12'30"W (BASIS OF BEARINGS) 1316.24'

329.15'

N89°30'41"E
41.44'

POINT OF BEGINNING

N00°12'30"E 164.66'

RW-3A = 4,940 S.F., ±

N00°12'30"E 164.66'

11.44'

S00°06'45"E 164.65'

RW-3B = 1,960 S.F., ±

30.00'

12.37'

30.00'

S89°30'23"W
42.37'

3

AGNES L. DOMENICO &
GREGORY L. DOMENICO
UNPLATTED
(REC #20040908000877940)



THIS EXHIBIT IS NOT A BOUNDARY
SURVEY AND SHOULD NOT BE USED AS
SUCH. IT IS INTENDED ONLY TO DEPICT
THE ATTACHED LEGAL DESCRIPTION.

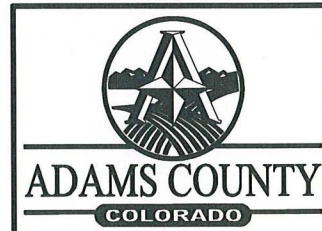


EXHIBIT D

See irrigation plans from the approved construction plans attached hereto and incorporated herein by reference.

ADAMS COUNTY, COLORADO

YORK STREET IMPROVEMENTS

EAST 78TH AVENUE TO STATE HIGHWAY 224

ADAMS COUNTY PROJECT NO. 30561507

ACCELA NO. IMP2015-00003

OCTOBER 2019

TABULATION OF LENGTH & DESIGN DATA

YORK STREET	ROADWAY
STA. 23+24.24 BEGIN PROJECT	3,304.64'
STA. 56+28.88 END PROJECT	
74TH AVENUE (EAST OF YORK STREET)	150'
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DESIGN DATA (YORK STREET)	
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MINIMUM GRADE	0.5%
DESIGN VEHICLE	WB-67
MAXIMUM DESIGN SPEED	35 MPH

DESIGN DATA (SIDE STREETS)	
MAXIMUM GRADE	5.0%
MINIMUM GRADE	0.5%
DESIGN VEHICLE	WB-67
MAXIMUM DESIGN SPEED	25 MPH



OWNER

Adams County
4430 S. ADAMS COUNTY PARKWAY
BRIGHTON, COLORADO 80601
CONTACT: RENE VALDEZ
rvaldez@adccogov.org
(720) 523-6961

CIVIL ENGINEER

Drexel, Barrell & Co.
1800 38th STREET
BOULDER, COLORADO 80301
CONTACT: ED ROBERTS, P.E.
eroberts@drexelbarrell.com
(303) 442-4338



VICINITY MAP

NOT TO SCALE



PREPARED BY:
DBC
Drexel, Barrell & Co.
Engineers•Surveyors
1800 38th STREET
BOULDER, COLORADO 80301
CONTACT: ED ROBERTS, P.E.
(303) 442-4338
BOULDER SPRINGS
COLORADO 80501
GREGORY

OWNER/CLIENT:

ADAMS COUNTY
COLORADO
4430 SOUTH ADAMS COUNTY
PARKWAY 80601
BRIGHTON, COLORADO 80601
(720) 523-6961
RENE VALDEZ

CONSTRUCTION PLANS FOR:
YORK STREET IMPROVEMENTS
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ADAMS COUNTY, COLORADO
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90% SUBMITTAL	12/21/18
100% SUBMITTAL	7/22/19
FINAL SUBMITTAL	10/8/19
FINAL	11/6/19

DESIGNED BY:	GSG
DRAWN BY:	KRC
CHECKED BY:	JER
FILE NAME:	20805_CV01

DRAWING SCALE:	
HORIZONTAL:	N/A
VERTICAL:	N/A

COVER SHEET

PROJECT:20805-00BLTR
DRAWING NO.

CV01

SHEET: 01 OF 108



Drexel, Barrell & Co.
Engineers • Surveyors
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IRRIGATION
PLAN &
PROFILE

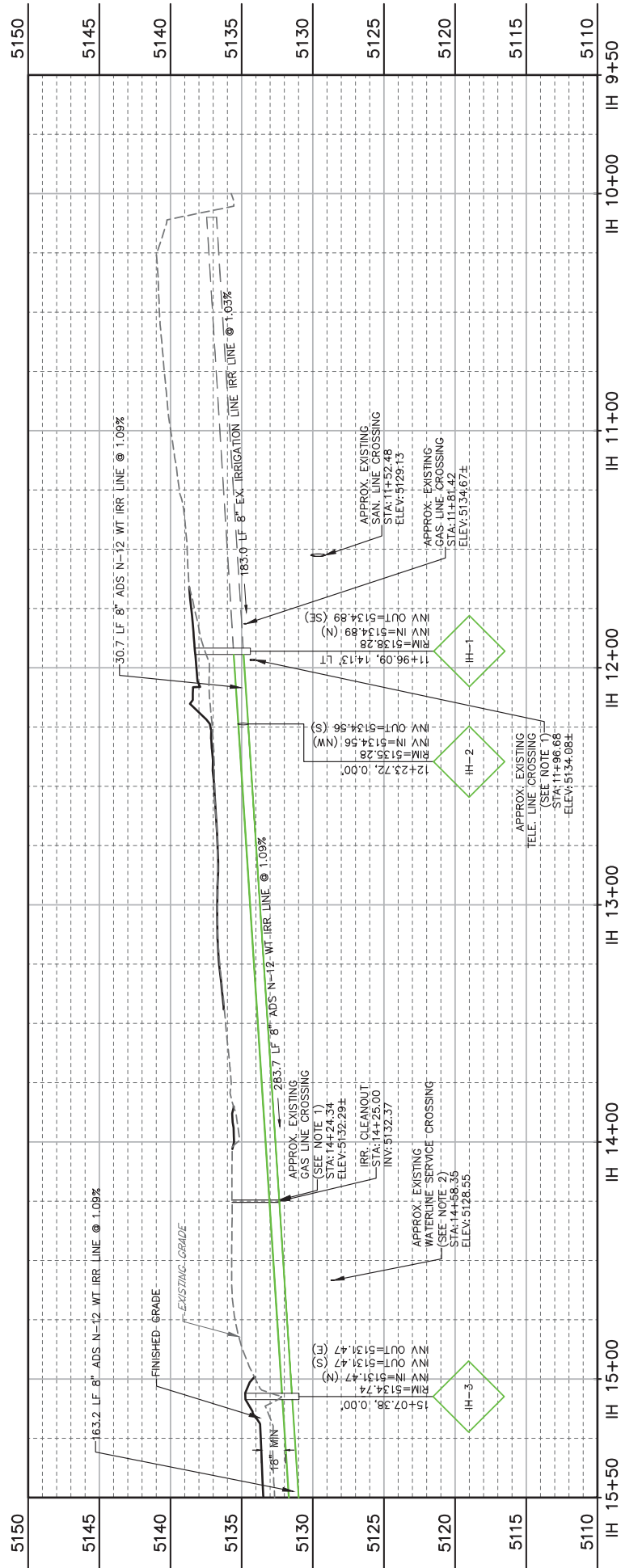
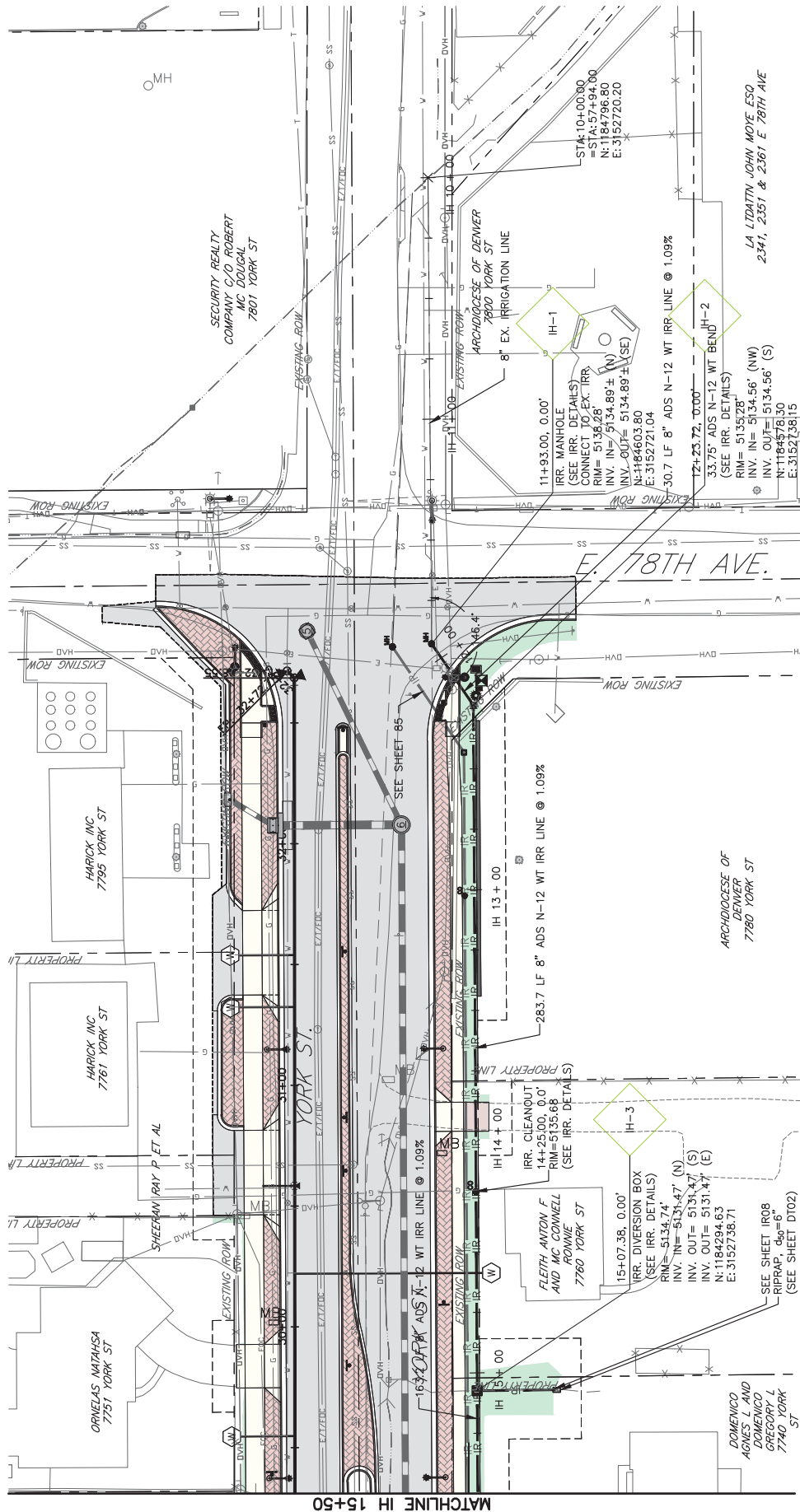
PROJECT:20805-00BLT
DRAWING NO.

PRO7

SHEET: 87 OF 100

IRRIGATION NOTES

1. CONTRACTOR SHALL POTHOLE, VERIFY LOCATION, SIZE AND ELEVATION OF EXISTING UTILITIES BEFORE CONSTRUCTION AND PROVIDER TO RELOCATE ANY INTERFERING OR REVEALING UTILITY.
2. EXISTING WATERLINE AND SERVICES TO EXISTING BUILDINGS FOR VESSEL AND OTHERS, PROPOSED LOCATION AND ELEVATION SHALL BE DESIGNED BY MERRICK ENGINEERING AND INSTALLED BY OTHERS.
3. ALL IRRIGATION MANHOLES LOCATED WITHIN TRAVELWAY SHALL BE TRAFFIC RATED.
4. RELOCATE OR LOWER GAS SERVICES IF NECESSARY.





PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: York Street Phase I – Right-of-Way Agreement
FROM: Kristin Sullivan, AICP, Director, Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Right-of-Way Agreement with the owners of property located at 7740 York Street, Denver, Colorado 80229

BACKGROUND:

Adams County and Agnes L. Domenico and Gregory L. Domenico desire to enter into a right-of-way agreement regarding the York Street Phase I project. The County intends to reconstruct the roadway of York Street from State Highway 224 to East 78th Avenue. The owners of 7740 York Street, Denver, Colorado 80229 agree to the conveyance of right-of-way on the property. The County agrees to compensate the owners for the right-of-way acquisition. The agreement outlines the responsibilities of both the owners and Adams County regarding the project and associated costs for the interests on the property. The owners have approved and signed the agreement.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works
County Attorney's Office

ATTACHED DOCUMENTS:

Resolution
Right-of-Way Agreement

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 00013**Cost Center:** 3056

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	9010	30561507	\$10,000,000
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$10,000,000

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING THE RIGHT-OF-WAY AGREEMENT BETWEEN AGNES L.
DOMENICO AND GREGORY L. DOMENICO AND THE COUNTY OF ADAMS
REGARDING THE YORK STREET PHASE I PROJECT

WHEREAS, Adams County and Agnes L. Domenico and Gregory L. Domenico (the “Owners”) desire to enter into a Right-of-Way Agreement (the “Agreement”) regarding the York Street Phase I project (the “Project”); and,

WHEREAS, the County intends to reconstruct the roadway of York Street from State Highway 224 to East 78th Avenue; and,

WHEREAS, the Owners of 7740 York Street, Denver, Colorado 80229 agree to the conveyance of right-of-way on the property; and,

WHEREAS, the County agrees to compensate the Owners for the right-of-way acquisition; and,

WHEREAS, the Agreement outlines the responsibilities of both the Owners and the County regarding the Project and associated costs; and,

WHEREAS, the Owners have approved and signed the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Right-of-Way Agreement between Agnes L. Domenico and Gregory L. Domenico and Adams County regarding the York Street Phase I project, two copies of which are attached hereto and incorporated herein by this reference, is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is authorized to execute said Right-of-Way Agreement on behalf of Adams County.

RIGHT-OF-WAY AGREEMENT

This Agreement is made and entered into by and between **Agnes L. Domenico and Gregory L. Domenico**, whose address is 7740 York Street, Denver, Colorado 80229 (“Owner”), and the County of Adams, State of Colorado, a body politic, whose address is 4430 South Adams County Parkway, Brighton, Colorado, 80601 (“County”) for the conveyance of a right-of-way on property located at **7740 York Street, Denver, Colorado 80229**, hereinafter (the “Property”) for York Street Improvement Project – York Street from East 78th Avenue to Highway 224 (the “Project”). The legal descriptions and conveyance documents for the interests on said Property are set forth in **Exhibit A** attached hereto and incorporated herein by this reference.

The compensation agreed to by the Owner and the County for the acquisition of the Property interests described herein is **FORTY-FIVE THOUSAND FIVE HUNDRED SIXTY AND NO/100'S DOLLARS (\$45,560.00)** including the performance of the terms of this Agreement, the sufficiency of which is hereby acknowledged. The parties further agree that the consideration shall consist of \$41,400.00 for the dedication of road right-of-way and \$4,160.00 for the temporary construction easement. This consideration has been agreed upon and between the parties as the total just compensation due to the Owner and the consideration shall be given and accepted in full satisfaction of this Agreement.

In consideration of the above premises and the mutual promises and covenants below, the Owner and the County agree to the following:

1. The Owner hereby warrants that the Owner is the sole Owner of the Property, that the Owner owns the Property in fee simple subject only to matters of record and that the Owner has the power to enter into this Agreement.
2. The Owner agrees to execute and delivery to the County the attached conveyance documents on the Property upon tender by the County of a warrant (check) for the compensation agreed upon as soon as possible following the execution of this agreement.
3. Owner hereby irrevocably grants to the County possession and use of the property interests on the Property upon execution of this Agreement by the Owner and the County. This grant of possession shall remain in effect with respect to the Property until such time as the County obtains from the Owner the attached conveyance documents.
4. The County through its contractor shall assure that reasonable access shall be maintained to the Owner's property at all times for ingress and egress. If necessary, any full closure of access shall be coordinated between the contractor and the Owner and/or its agent.
5. The parties' obligations with respect to modifications and maintenance of the ditch and consideration therefor is set forth in a separate Ditch Modification Agreement executed contemporaneously herewith.

6. The County's construction plans indicate the removal of 16 lineal feet of a two-rail cedar fence, 1660 square feet of grass/sod, 2355 square feet of 1 to 1-1/2" river rock, two trees (1 – 12 inch tree and 1 – 5 inch tree), and sprinkler irrigation system. The County shall restore any of Owner's landscaping and property impacted as a result of the Project to its original condition, other than changes necessary to accommodate the Project.

7. The Owner has entered into this Agreement acknowledging that the County has the power of eminent domain and requires the Property for a public purpose.

8. If the Owner fails to consummate this agreement for any reason, except the County's default, the County may at its option, enforce this agreement by bringing an action against the Owner for specific performance.

9. The County shall hold harmless Domenico from all claims and liability for damage or injury to property or persons caused by the County's exercise of its rights under this Agreement. This obligation does not extend to any negligent act, intentional misconduct on the part of Domenico. The Parties agree that the County, its officers and its employees are relying on and do not waive or intend to waive by any provision of this Agreement the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the County, its officers or its employees.

10. This Agreement contains all agreements, understandings and promises between the Owner and the County, relating to the Project and shall be deemed a contract binding upon the Owner and County and extending to the successors, heirs and assigns.

11. Owner shall be responsible for reporting proceeds of the sale to taxing authorities, including the submittal of Form 1099-S with the Internal Revenue Service, if applicable.

12. This Agreement has been entered into in the State of Colorado and shall be governed according to the laws thereof.

[signature page follow]

Owner:

By: Agnes L. Domenico

Agnes L. Domenico

Date: March 5, 2020

By: Gregory L. Domenico

Gregory L. Domenico

Date: MARCH 5, 2020

Approved:

BOARD OF COUNTY COMMISSIONERS-COUNTY OF ADAMS, STATE OF COLORADO

Chair

Date

Approved as to Form:

W. Edelst

County Attorney

EXHIBIT A

See legal descriptions and conveyance documents for the property interests attached hereto and incorporated herein by reference.

QUITCLAIM DEED

THIS DEED, made this ____ day of _____, 2020, between **Agnes L. Domenico and Gregory L. Domenico**, whose legal address is whose legal address is 7740 York Street, Denver, Colorado 80229, grantor, and **The County of Adams, State of Colorado**, grantee, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601.

WITNESS, that the grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the said County of Adams and State of Colorado, described as follows:

Legal description as set forth is Exhibit "A" attached hereto and incorporated herein by this reference.

Dedicated for York Street right-of-way

Assessor's schedule or parcel numbers: part of 01719-36-2-00-007

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoove of the grantee, its successors and assigns forever.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

BY: _____

Agnes L. Domenico

BY: _____

Gregory L. Domenico

STATE OF COLORADO)

) §

County of Adams)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Agnes L. Domenico and Gregory L. Domenico.

My commission expires:

Witness my hand and official seal.

Notary Public

EXHIBIT "A"

RIGHT-OF-WAY PARCEL
FROM
AGNES L. DOMENICO AND GREGORY L. DOMENICO
TO
THE COUNTY OF ADAMS, STATE OF COLORADO

Being a portion of the land described in the Personal Representative's Deed recorded on September 8, 2004 in Reception No. 20040908000877940 of the records in the Office of the Clerk and Recorder of Adams County, Colorado, lying in the Southwest Quarter of the Northwest Quarter of Section 36, Township 2 South, Range 68 West of the 6th Principal Meridian, said Adams County, Colorado, being more particularly described as follows:

Commencing at the Northwest Corner of the Southwest Quarter of the Northwest Quarter of said Section 25, from which the Southwest Corner of Southwest Quarter of the Northwest Quarter of said Section 25 bears South 00°12'30" West, a distance of 1316.24 feet; thence South 00°12'30" West, along the West line of the Southwest Quarter of the Northwest Quarter of said Section 25, a distance 329.15 feet to the Northwest corner of the parcel of land described in said Reception No. 20040908000877940 and the Point of Beginning;

Thence North 89°30'41" East, along the North line of the parcel of land described in said Reception No. 20040908000877940, a distance of 41.44 feet;

Thence South 00°06'45" East, a distance 164.65 feet to the South line of the parcel of land described in said Reception No. 20040908000877940;

Thence South 89°30'23" West, along the South line of the parcel of land described in said Reception No. 20040908000877940, a distance 42.37 feet to the West line of the Southwest Quarter of the Northwest Quarter of said Section 25, said line being coincident with the West line of the parcel of land described in said Reception No. 20040908000877940;

Thence North 00°12'30" West, along said West line, a distance of 164.66 feet to the Point of Beginning.

Containing: 6,900 square feet, more or less.

Legal description prepared by:

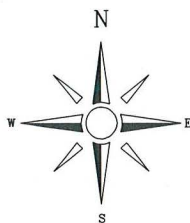
Ian Cortez, PLS, RWA
Colorado Professional
Land Surveyor No. 32822
For and on behalf of
Adams County, Colorado

Exhibit "B" attached and hereto made a part thereof



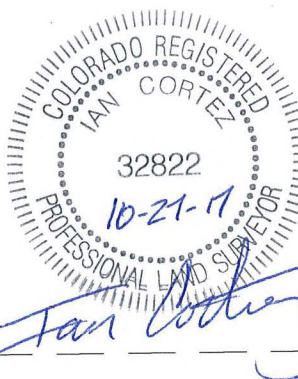
EXHIBIT "B"

LOCATED in the SW1/4 of the NW1/4 of SEC 36, T2S, R68W
of the 6th P.M.,
COUNTY OF ADAMS, STATE OF COLORADO



EAST 78TH AVENUE

POINT OF COMMENCEMENT
NW COR. SW1/4 NW1/4
SEC. 36, T2S, R68W



UNPLATTED
(REC #2011000034456)

YORK STREET

S00°12'30"W (BASIS OF BEARINGS) 1316.24'

329.15'

N89°30'41"E
41.44'

POINT OF BEGINNING

N00°12'30"E 164.66'

RW-3A = 4,940 S.F., ±
N00°12'30"E 164.66'

11.44'

S00°06'45"E 164.65'

RW-3B =
1,960 S.F., ±

30.00'

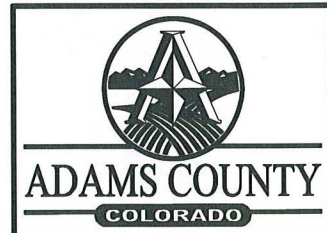
S89°30'23"W
42.37'

3

AGNES L. DOMENICO &
GREGORY L. DOMENICO
UNPLATTED
(REC #20040908000877940)



THIS EXHIBIT IS NOT A BOUNDARY
SURVEY AND SHOULD NOT BE USED AS
SUCH. IT IS INTENDED ONLY TO DEPICT
THE ATTACHED LEGAL DESCRIPTION.



**TEMPORARY CONSTRUCTION EASEMENT
AND RIGHT-OF-ENTRY**

THIS AGREEMENT, made and entered into this _____ day of _____, 2020, by and between Agnes L. Domenico and Gregory L. Domenico, whose address is 7740 York Street, Denver, Colorado 80229, hereinafter and collectively referred to as the Owner, and the County of Adams, State of Colorado, a body politic, whose address is 4430 South Adams County Parkway, Brighton, Colorado 80601 hereinafter and collectively referred to as the County:

WITNESS, that for and in consideration of the sum of **TWO THOUSAND EIGHTY AND NO/100'S DOLLARS (\$2,080.00)** and other good and valuable considerations, the receipt and sufficiency of which is hereby confessed and acknowledged, the Owner does hereby grant unto the County, its contractors and assigns, a temporary construction easement and right-of-entry over the following property, to wit:

Legal description as set forth in **Exhibit "A"** attached hereto and incorporated herein by this reference.

Also know by street and number as: 7740 York Street

Assessor's schedule or parcel numbers: part of: 01719-36-2-00-007

Said easement and right-of-entry is for the purpose of construction of drainage improvements, irrigation ditch laterals and diversion box, curb, gutter and sidewalk within the right-of-way, modifying driveway approaches, modifying ground contours behind the curb, gutter and sidewalk where there will be sidewalk and for relocating privately owned improvements which are currently within the street right-of-way such as fences, mailboxes, driveway approaches, restoration of Owner's landscaping and irrigation system impacted as a result of the Project and any other items that need to be relocated to private property as a part of this street and drainage project. All work shall be done at the expense of County.

In further consideration of the granting of this easement, it is hereby agreed that all work performed by the County, its successors and assigns, in connection with this easement shall be done with care. Following completion of the work performed the surface of the property disturbed during construction shall be restored reasonably similar to its original condition, or as close thereto as possible, except as necessarily modified to accommodate the street improvements being installed.

This easement will start on May 1, 2020 and shall terminate twelve (12) months thereafter. The Owner also grants to the County the option to extend this Temporary Construction Easement and Right-of Entry on a month to month basis not to exceed one (1) year from the date of expiration hereof, and the County may exercise such option for the additional sum of One Hundred Seventy-Three Dollars (\$173.00) per month. The County shall provide notice in writing to the Owner prior to expiration of each extension period. At the end of the term and any extension thereto, all rights granted under this Temporary Construction Easement and Right-of Entry are released and the Property shall be considered free and clear of this Temporary Construction Easement and Right-of Entry.

The County shall hold harmless Domenico, from all claims and liability for damage or injury to property or persons caused by the County's exercise of its rights under this Agreement. This obligation does not extend to any negligent act, intentional misconduct on the part of Domenico. The Parties agree that the County, its officers and its employees are relying on and do not waive or intend to waive by any provision of this Agreement the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the County, its officers or its employees.

Owner:

By: _____

Agnes L. Domenico

Date: _____

By: _____

Gregory L. Domenico

Date: _____

STATE OF _____)
) §
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Agnes L. Domenico and Gregory L. Domenico.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A

See legal description and exhibit map for temporary construction easement area attached hereto and incorporated herein by reference.



Drexel, Barrell & Co.

MAY 2, 2016

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL 3 TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE NW1/4 OF SECTION 36, T2S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SAID SECTION 36 AND CONSIDERING THE WEST LINE OF SAID NW1/4 TO BEAR N00°12'30"E, THENCE N03°09'19"E, 824.04 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. 2012000038265, IN THE ADAMS COUNTY RECORDS, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

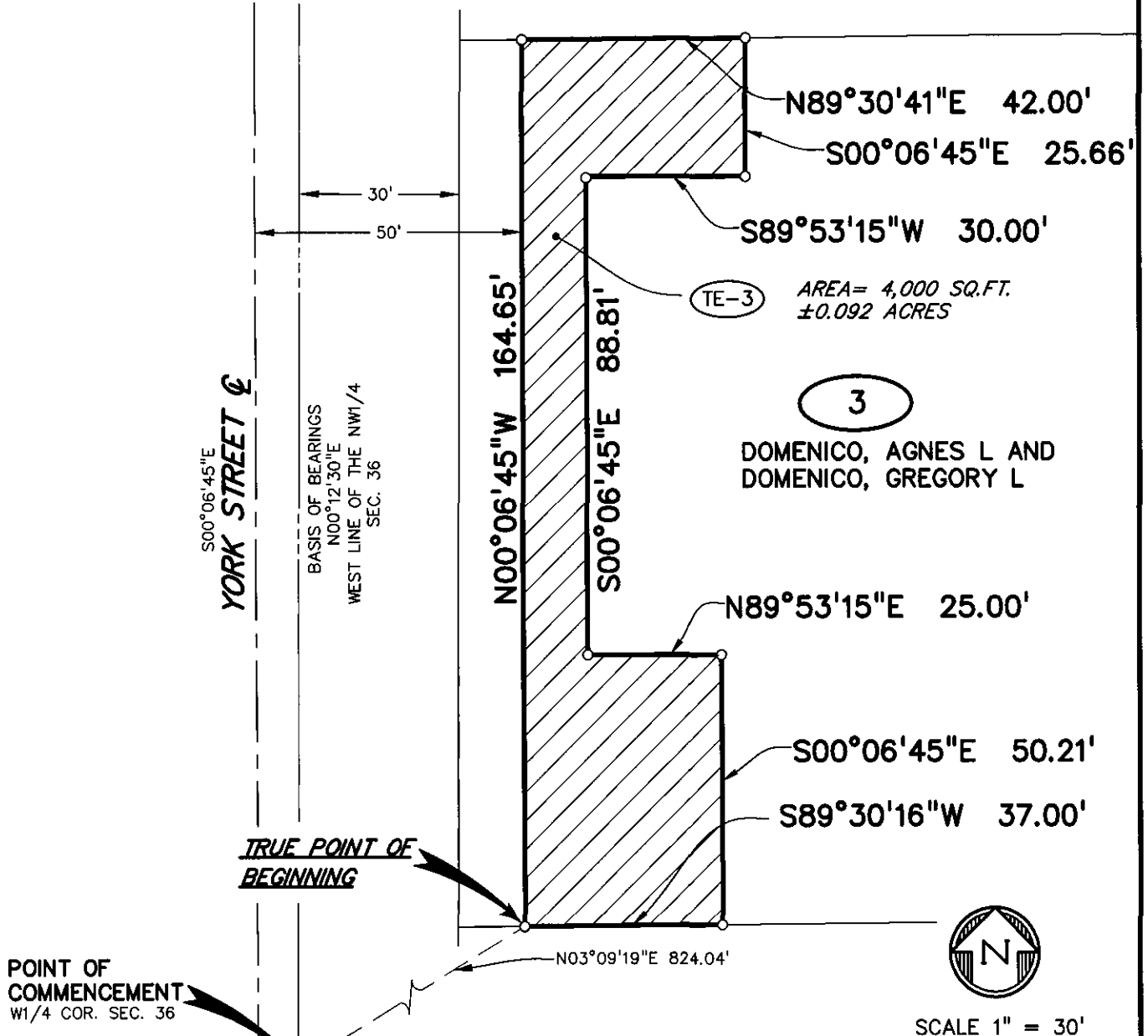
THENCE N00°06'45"W, 164.65 FEET TO THE NORTHERLY LINE OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. 2012000038265; THENCE N89°30'41"E, 42.00 FEET ALONG SAID NORTHERLY LINE; THENCE S00°06'45"E, 25.66 FEET; THENCE S89°53'15"W, 30.00 FEET; THENCE S00°06'45"E, 88.81 FEET; THENCE N89°53'15"E, 25.00 FEET; THENCE S00°06'45"E, 50.21 FEET TO THE SOUTHERLY LINE OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. 2012000038265; THENCE S89°30'16"W, 37.00 FEET ALONG SAID SOUTHERLY LINE TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.092 ACRES OR 4,000 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL 3 TEMPORARY CONSTRUCTION EASEMENT



NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co.

Engineers/Surveyors

1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338

BOULDER, COLORADO (303) 442-4338

COLORADO SPRINGS, COLORADO (719) 260-0887

GREELEY, COLORADO (970) 351-0645



Revisions - Date

Date

4-21-16

Drawn By

JRF

Job No.

20805

Scale

1"=30'

Checked By

MES

Drawing No.

IN FILE



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: York Street Phase I - Street Light Agreement
FROM: Kristin Sullivan, AICP, Director, Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: October 9, 2018 and November 5, 2019
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Street Light Agreement with Public Service Company of Colorado d/b/a Xcel Energy

BACKGROUND:

Adams County and the Public Service Company of Colorado d/b/a Xcel Energy desire to enter into a Street Light agreement for additional street lighting as part of the York Street Phase I project. Xcel agrees to install, own, operate and maintain 27 lights served from their electric distribution system, for the project. The county agrees to pay Xcel under the rate rules and regulations as set forth in the electric tariff on file and in effect from time to time with the Public Utilities Commission of the State of Colorado. The agreement outlines the responsibilities, service costs and the authority for Xcel to install, own, operate and maintain street lighting along the project corridor. Xcel has approved and signed the agreement.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works
County Attorney's Office
Public Service Company of Colorado d/b/a Xcel Energy

ATTACHED DOCUMENTS:

Resolution
Street Lighting Agreement

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 00013**Cost Center:** 3056

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	9135	30562001	\$10,000,000
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$10,000,000

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING THE STREET LIGHT AGREEMENT BETWEEN THE
PUBLIC SERVICE COMPANY OF COLORADO D/B/A XCEL ENERGY AND THE
COUNTY OF ADAMS REGARDING THE YORK STREET PHASE I PROJECT

WHEREAS, Adams County and Public Service Company of Colorado d/b/a Xcel Energy desire to enter into an agreement for street lighting of York Street between State Highway 224 and East 78th Avenue (the "Agreement"); and,

WHEREAS, Xcel Energy agrees to install, own, operate, and maintain 27 lights served from their electric distribution system, for the purpose of lighting the York Street Phase I project and agrees to furnish the necessary electric energy; and,

WHEREAS, the County agrees to pay Xcel Energy under the rate rules and regulations as set forth in the electric tariff on file and in effect from time to time with the Public Utilities Commission of the State of Colorado; and,

WHEREAS, the Agreement outlines the responsibilities, service costs, and the authority for Xcel Energy to install, own, operate, and maintain street lighting for the York Street Phase I project; and,

WHEREAS, the Public Service Company of Colorado d/b/a Xcel Energy has approved and signed the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Street Lighting Agreement between the Public Service Company of Colorado d/b/a Xcel Energy and Adams County regarding the York Street Phase I project, two copies of which are attached hereto and incorporated herein by this reference, is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is authorized to execute said agreement on behalf of Adams County.

S18: INSTALL 250' OF 1/0 UG AL TRI
S20: INSTALL 90' OF #4 UG AL TRI
S21: INSTALL 80' OF #4 UG AL TRI
S23: INSTALL 60' OF #4 UG AL TRI
S25: INSTALL 60' OF #4 UG AL TRI
S26: INSTALL 110' OF #4 UG AL TRI
S27: INSTALL 135' OF #4 UG AL TRI
S28: INSTALL 60' OF #4 UG AL TRI
S31: INSTALL 60' OF #4 UG AL TRI
S32: INSTALL 100' OF #4 UG AL TRI
S33: INSTALL 60' OF #4 UG AL TRI
S34: INSTALL 60' OF #4 UG AL TRI
S35: INSTALL 50' OF #4 UG AL TRI
S36: INSTALL 60' OF #4 UG AL TRI

7640 N YORK ST
NEW STREET LIGHTS PROJECT FOR ADAMS COUNTY.
INSTALL 27, 35' BLK SL IN ROW.
INSTALL METHOD: 2" BORE, HANDDIG.

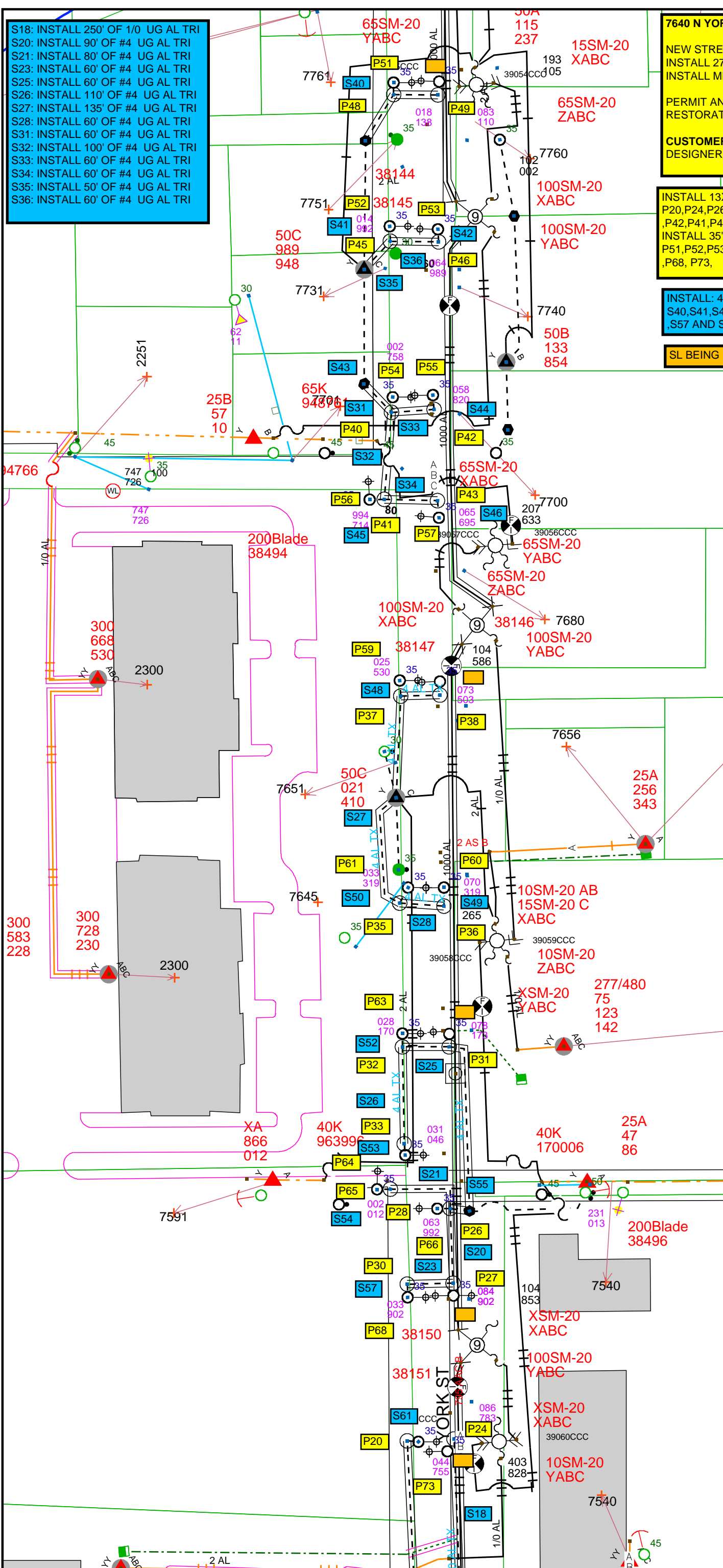
PERMIT AND TRAFFIC CONTROL REQ
RESTORATION REQ

CUSTOMER CONTACT: MARK MOSKOWITZ 720-523-6838
DESIGNER CONTACT: MALICKA TCHIPANDI 303-532-7278

INSTALL 13X24 SEC SPLICE BOX AT
P20,P24,P26,P28,P27,P30,P31,P32,P33,P35,P36,P37,P38,P40
P42,P41,P43,P45,P46,P48,P49
INSTALL 35' BLK STEEL POLE AND 250W LED LIGHT AT
P51,P52,P53,P54,P55,P56,P57,P59,P60,P61,P63,P64,P65,P66
P68, P73,

INSTALL: 45' OF #12/2 CU DUPLEX AT
S40,S41,S42,S43,S44,S45,S46,S48,S49,S50,S52,S53,S54,S55
,S57 AND S61.TOTAL OF 720'.

SL BEING INSTALLED IN WO#101644565



SKETCH 1 OF 2

Work Order Information	
Service Request #	: 11566220
Design Number	: 918751
Designer/Planner ID	: 230837
Designer/Planner Name	: Manyaga T,Malicka
Designer/Planner Ph #	: (303) 532-7278
Manager Approval	:

Joint Utility	
E:	G:
T:	C:

Design Location	
Division	: NMR
County	: Adams
City	: Denver
Address	: 7640 N York St
T: 2S	R: 68W S: 36
Map #	: 2151182 03 Permit : Denver

Electric	
Feeder: MAPL1754	Voltage: 13.2KV
Phase: ABC	Bkup Dev ID: 989 - 948

Gas	
System	: Pressure :
Size	: Material :
Dead End	:

Work Order # :
Date: 04/15/2019
Sketch: 1 Of 2 Sketch Data
Scale: 1" equals 100'

Xcel Energy

CONSTRUCTION USE ONLY

☐ NO CHANGES (BUILT AS DESIGNED)
☐ CHANGES MADE AS INDICATED
(ALL URD MUST HAVE ACTUAL MEASUREMENTS FROM THE FIELD SITE)

RFO _____
FOREMAN _____ DATE _____
TEAM LEADER _____

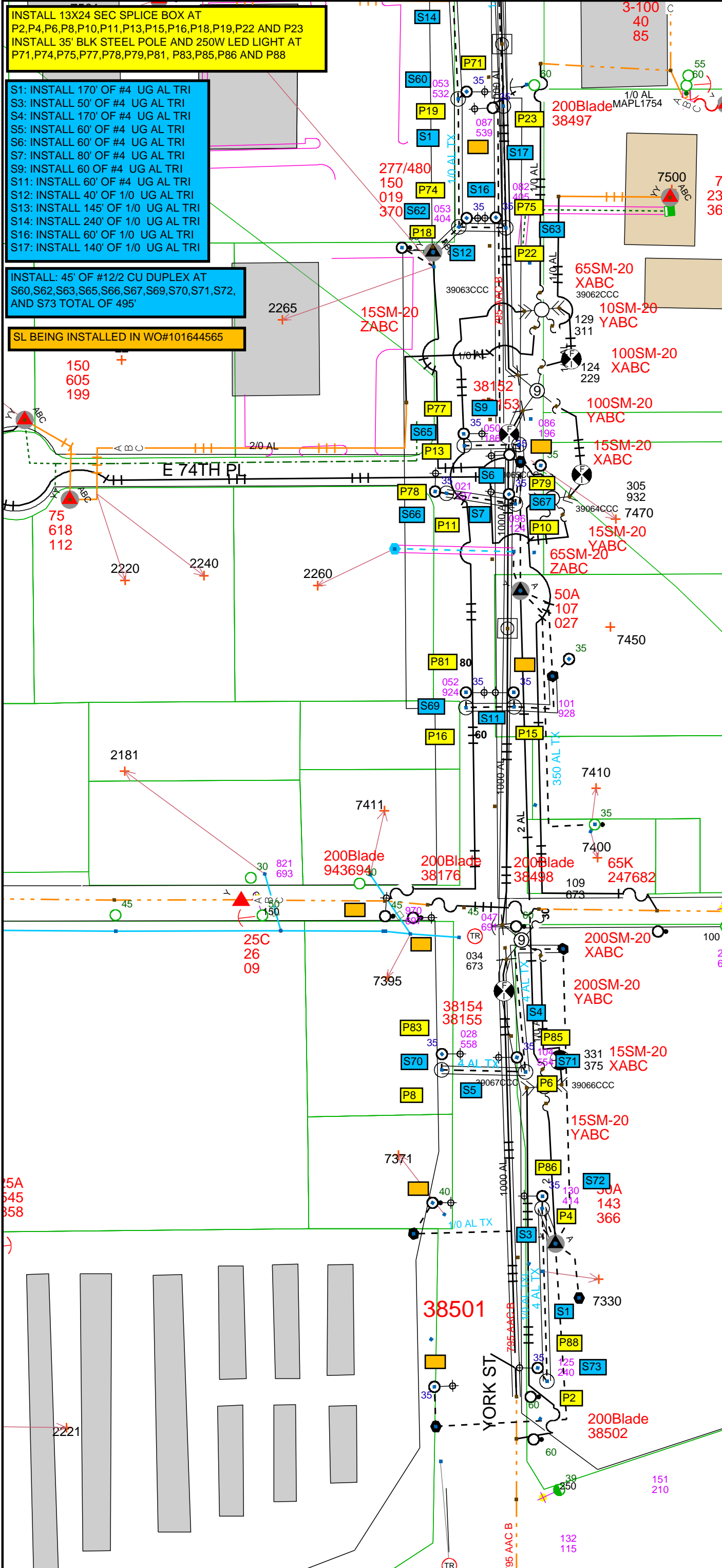
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INSTALL 13X24 SEC SPLICE BOX AT
P2,P4,P6,P8,P10,P11,P13,P15,P16,P18,P19,P22 AND P23
INSTALL 35' BLK STEEL POLE AND 250W LED LIGHT AT
P71,P74,P75,P77,P78,P79,P81, P83,P85,P86 AND P88

S1: INSTALL 170' OF #4 UG AL TRI
S3: INSTALL 50' OF #4 UG AL TRI
S4: INSTALL 170' OF #4 UG AL TRI
S5: INSTALL 60' OF #4 UG AL TRI
S6: INSTALL 60' OF #4 UG AL TRI
S7: INSTALL 80' OF #4 UG AL TRI
S9: INSTALL 60 OF #4 UG AL TRI
S11: INSTALL 60' OF #4 UG AL TRI
S12: INSTALL 40' OF 1/0 UG AL TRI
S13: INSTALL 145' OF 1/0 UG AL TRI
S14: INSTALL 240' OF 1/0 UG AL TRI
S16: INSTALL 60' OF 1/0 UG AL TRI
S17: INSTALL 140' OF 1/0 UG AL TRI

INSTALL: 45' OF #12/2 CU DUPLEX AT
S60,S62,S63,S65,S66,S67,S69,S70,S71,S72,
AND S73 TOTAL OF 495'

SL BEING INSTALLED IN WO#101644565



SKETCH 2 OF 2

Work Order Information	
Service Request #	: 11566220
Design Number	: 918751
Designer/Planner ID	: 230837
Designer/Planner Name	: Manyaga T, Malicka
Designer/Planner Ph #	: (303) 532-7278
Manager Approval	:

Joint Utility	
E:	G:
T:	C:

Design Location	
Division	: NMR
County	: Adams
City	: Denver
Address	: 7640 N York St
T: 2S	R: 68W S: 36
Map #	: 2151180 03 Permit : Denver

Electric	
Feeder: MAPL1754	Voltage: 13.2KV
Phase: C	Bkup Dev ID: 989 - 948

Gas	
System	: Pressure :
Size	: Material :
Dead End	:

Work Order # :
Date: 04/15/2019
Sketch: 2 Of 2 Sketch Data
Scale: 1" equals 100'

CONSTRUCTION USE ONLY

☐ NO CHANGES (BUILT AS DESIGNED)
☐ CHANGES MADE AS INDICATED
(ALL URD MUST HAVE ACTUAL MEASUREMENTS FROM THE FIELD SITE)

RFO _____
FOREMAN _____ DATE _____
TEAM LEADER _____

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STREET LIGHT AGREEMENT

THIS AGREEMENT, made and entered into this 13th day of January, 2020, by Public Service Company of Colorado d/b/a Xcel Energy, a Colorado corporation, hereinafter referred to as “Company” and Adams County, hereinafter referred to as “Customer”, WITNESSETH:

WHEREAS, Company is a public utility engaged in the sale of electric energy and electric service in Adams County, State of Colorado, and

WHEREAS, Customer and Company are desirous of entering into an agreement for street lighting at 7640 York St Denver CO, 80229.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and promises of the parties hereto, it is hereby agreed as follows:

1. **Only Agreement.** This contract shall constitute the only agreement between Customer and Company for the furnishing of street lighting service by Company to Customer for street lighting in Denver located in Adams County, state of Colorado and the payments therefore by Customer to Company.

2. **Scope of Agreement.** Subject to Company’s Street Lighting Extension Policy, Company shall install, own, operate and maintain under the conditions herein stated, 27 (250) Watt LED lights mounted on brackets attached to Steel poles served from Company’s electric distribution system, for the purpose of lighting York St between HWY 224 & E 78th Ave as indicated on the map attached hereto as Exhibit A, and shall furnish the necessary electric energy therefore.

3. **Operations and Maintenance.** Street lights will be operated and maintained in accordance with Company’s Rules and Regulations now in effect and on file or as hereafter amended and filed with the Public Utilities Commission of the State of Colorado. In the event of a total or partial failure or interruption of service, Company shall be allowed a reasonable time, after notification of said failure or interruption by Customer, in which to restore service.

4. **Installation of Additional Facilities.** Additional streetlights shall be installed or existing streetlights will be replaced or disconnected in accordance with Company’s Rules and Regulations referred to in Section 3 by means of supplemental agreement hereto.

5. **Rates - Regulation - Minimum.** Customer shall pay Company for Schedule Street Lighting (SL, SLU, SSL) service under the rate rules and regulations as set forth in the Company’s electric tariff on file and in effect from time to time with the Public Utilities Commission of the State of Colorado.

The presently effective rate applicable to service hereunder is as follows:

RATE: Street Lighting (SL)

High Pressure Sodium Lamps, Burning Dusk to Dawn:

Company-owned, N/A Pole, N/A Feed N/A lamps, per lamp, per month \$N/A.

Light Emitting Diode (LED)

Company-owned, Steel Pole, UG Feed, 14,000 lamps, per lamp per month \$13.15.

The above rate is subject to the Electric Cost Adjustment as set forth in the Company’s Electric tariff, and any other applicable adjustments on file and in effect from time to time with the Public Utilities Commission of the State of Colorado.

Customer may be awarded Construction Allowance based on the number of lights

6. **Billing and Payment.** Company shall render bills to customer on or about the first day of each month. Bills shall be due and payable not later than the due date shown on the bill.

7. **Lighting Period.** The term "Burning Dusk to Dawn" means the operation of the lamp by automatic control equipment from approximately eighteen minutes after sunset to approximately eleven minutes before sunrise, with a total burning time of approximately 4,140 hours per year.

8. **Damage To Street Lighting Facilities.** Company shall be responsible for maintenance and replacement of lamps and light sensitive devices. All other maintenance and replacement for street lighting facilities will be separately billed to Customer in accordance with the provisions of Maintenance Charges for Street Lighting Service in Company's Rules and Regulations for Street Lighting Service. Customer shall notify Company of any Company-owned street lighting unit damage as a result of a violation of any traffic or other ordinances or laws or in any other unlawful manner, and shall assist the Company in identifying the responsible party.

9. **Term - Effective Date.** This agreement shall be effective from the date hereof and for a period of ten years from and after the 13th day of January, 2020, and thereafter shall continue in force and effect unless terminated upon the giving of thirty days' written notice by either party to the other.

10. **Successor - Assignment.** The benefits of this agreement shall inure to and its obligations shall be binding upon the successors and assigns of the respective parties hereto, provided, however, that this agreement shall be assigned by Customer only upon written consent of Company.

The Company has completed the engineering design and cost estimate to provide the Street lighting based upon the information Applicant has provided and the service requirements that you have requested. The estimated total cost to provide the requested Street Lighting Service is \$271,640.72. Your awardable Construction Allowance for such number lights, is \$20,790.00. The Applicant shall pay the Company the following Construction Payment of \$250,850.72 before approval of this Agreement and commencement of construction.

The Applicant has reviewed and approves of the enclosed design and terms set forth in this letter. Applicant accepts the cost of \$250,850.72 and this amount will be paid to Public Service Company of Colorado in full prior to the job being scheduled for a construction date. Applicant understands additional charges may arise, and I will be notified if this occurs. A signed copy of this letter will be returned to my Xcel Energy representative.

Applicant

*Signature: _____

Date: _____

*Print Name: _____

*Title: _____

*Mailing address: _____

*Phone: _____

Xcel Energy Company Representative

Name: Kristopher Farruggia

Title: Director Design Construction

Date: _____

Signature: **Kristopher
Farruggia** Digitally signed by
Kristopher Farruggia
Date: 2020.01.14 07:20:17
-07'00'



ELECTRIC CONTINGENCY LIST

***CUSTOMER: ADAMS COUNTY**

ADDRESS: 7640 YORK ST

CITY: DENVER

DESIGN NO: 918751

SIGNATURE **

DATE _____

**** Customer is to return copy of signed document to your Xcel Energy Representative***

Public Service Company of Colorado d/b/a Xcel Energy has completed the engineering design and cost estimate for your electric distribution request. Public Service Company will install the facilities, as shown on the attached engineering sketch, when all contractual obligations and customer-supplied conditions are met. The specified conditions listed below were used to determine the most effective design to meet your request. If, for any reason, this does not meet your request as intended, please review with Public Service Company's Engineering personnel. Engineering will discuss any possible revision and will expedite any necessary revised costs in order to meet your schedule as planned. (Please be aware that additional estimates may be subject to re-engineering charges.) Public Service Company looks forward to completing the installation of these facilities for you and providing for any future energy needs you may have.

GENERAL:

- All necessary easements and rights-of-way must be provided to Public Service Company at least ten (10) days prior to the start of construction.
- The design and estimate are contingent upon Public Service Company acquiring the following permits and/or approvals:
 - ☐ Town Permit
 - ☒ County Permit
 - ☐ State Highway crossing permit
 - ☐ Railroad Crossing permit
 - ☐ Bureau of Land Management (BLM) approval
 - ☐ Grading and drainage permit
 - ☐ Water Board crossing
 - ☐ Special permit
 - ☐ Corps of Engineer's permit
- Developers are required to have curb and gutter installed prior to installation of electric distribution facilities.
- When construction consists of five or fewer sites, all sites must be ready. On larger projects, approximately 50% of the sites must be ready.
- Property pins, necessary curve points, easements, proposed structures and facility equipment locations, as determined to need staking by the Company, must be staked and visible in the field.
- ☐ If checked, customer has agreed to install sleeves at crossings.
- Water line, sewer lines septic systems, leach fields or any other underground obstruction must be staked, flagged and installed prior to Public Service Company electric construction.
- All street/easements/service lateral routes are to be within plus or minus six (6) inches of final grade except for transformer, switch cabinet locations, pedestal and other surface mounted equipment, which must be exact final grade.
- Landscaping and pouring/paving of driveways must be delayed until after installation of facilities (services excluded).
- Where slopes exist that prohibit trenching, the customer must provide temporary grade for trenching equipment.
- The construction route must be clear of all obstructions.
 - Construction material must be cleared from route.
 - Temporary trailers, buildings or other obstacles must be moved.
 - Xcel Energy will trim/clear trees along the construction route. If the customer elects to trim/clear the trees on his/her own property, \$0.00 will be deducted.

* Confidential Information

- Public Service Company is required to provide the following trench specifications:
 - ☐ Wheel Compaction feet of trench
 - ☐ 85% Standard Proctor Compaction feet of trench
 - ☐ 95% Standard Proctor Compaction feet of trench
 - ☐ 95% Modified Proctor Compaction feet of trench
 - ☐ Bore feet of trench
- Public Service Company will not be responsible for the repair or replacement costs resulting from damages to items, which are not marked prior to beginning this installation.
- Customer will be responsible for replacement of existing sod, shrubs, trees, etc. and repairing existing paving, at no cost to Public Service Company.
- The customer must insure that all Public Service Company facilities meet all local setback and zoning requirement, and remain accessible at all times for routine maintenance purposes.
- All roof drains are to be directed away from Public Service Company equipment in a manner to prevent damage and/or settling of facilities.
- The area on the door side of transformers and/or switch cabinets is to remain clear of obstructions for ten (10) feet minimum distance at all times for maintenance purposes.
- If transformers/switch cabinets need bumper protection, the customer is responsible for the installation and cost of installing the protection. Contact the design engineer for bumper protection clearance requirements.
- If there are known contaminants on the property it is the owners responsibility to remove these prior to Public Service (PSCo) installing our facilities. If contaminants are encountered that were previously unknown, all work will be stopped until owner remediates the site to ensure Public Service Company's Crews are working in non-contaminated soils and that all facilities are setting on or buried in non-contaminated soils.
- The developer/owner shall be responsible for all federal, state law(s), and local ordinances of any soil and or debris excavated from the property that is contaminated with hazardous substances, wastes, petroleum, etc. The developer/owner shall be responsible for environmental conditions and the costs that result in PSCo causing or exacerbating a release of hazardous substances or that will require PSCo to adopt greater or different procedures for utility installation than its standard business practices when dealing with clean, uncontaminated soils.
- If you prefer to avoid frost charges by waiting until frost depth is six inches (6") or less, you must notify Public Service Company at the time of your application for service installation. Otherwise, please complete and return the Frost Agreement.

METER AND SERVICE INFORMATION

- The permanent address must be attached to the building before the permanent meter will be set.
- Multiple unit structures must have each meter housing permanently identified before the meter will be set.
- Multiple unit structures with banked metering require separate trenches for any customer-owned facilities.
- No customer-owned facilities will be allowed in any easement granted by the property owner to Public Service Company.
- Customer is responsible to provide required clearances for all electric and gas metering equipment (see the "Xcel Energy Standard for Electric Installation and Use", aka Blue Book).
- Public Service Company will install all residential underground electric services (see the "Xcel Energy Standard for Electric Installation and Use").
- All commercial electric underground services, complete to transformer, pedestal or terminal pole shall be installed, owned and maintained by the customer.
- Adequate conduit under concrete, decks or other obstructions shall be the responsibility of the customer.
- Overhead to underground conversion of meters and risers, including all wiring and building repairs, shall be the responsibility of the customer.



January 13, 2020

Adams County
4430 S Adams County PKWY
Brighton, CO 80601-8222

RE: Frost Installation Conditions

Due to the possibility that ground frost conditions may exist during installation of your distribution facilities and if applicable, service laterals, it is necessary that Xcel Energy inform you of our policy regarding installation in frozen ground.

If frost conditions deeper than six inches (6") are encountered, additional costs will be charged at a cost of \$2.20 per linear foot. Also, if "select" backfill is required, Xcel Energy will charge an additional amount based on actual costs.

Charges for trenching in frost will be billed after the job has been completed; therefore, you may want to have a representative present during the trenching operation to confirm the frost depth.

If you prefer to avoid frost charges by waiting until frost depth is six inches (6") or less, you must notify me at the time of your application, otherwise please complete and return the attached Frost Agreement.

If you have any questions or comments, please call me at the number listed below.

Sincerely,

Malicka Manyaga Tchipandi
Pike Engineering

Mailing address: Pike Engineering
555 ZANG SUITE 250
Lakewood, CO 80228

FROST AGREEMENT
For Installation of Gas and/or Electric Distribution and Service Laterals

Adams County, hereinafter referred to as "Customer", having entered into an agreement with Public Service Company of Colorado, a Colorado corporation, d/b/a Xcel Energy to install gas and/or electric facilities into its project known as New Street Lights, located at (service address) 7640 York St, Denver further agrees that if ground frost conditions deeper than six (6") are encountered at the time of installation of the Gas and/or Electric Distribution and if applicable, Service Laterals, "Customer" hereby authorizes Xcel Energy to install the above facilities and to pay the actual additional non-refundable frost charges. By signing this Agreement, "Customer" requests to proceed with the installation regardless of frost conditions and such installation will be done with the actual frost charges billed by Xcel Energy and paid by the "Customer". These charges are in addition to any previous extension charges and are not refundable. Such charges are due and payable within thirty (30) days after the billing.

Should the decision be made to defer installation until there is six inches (6") or less frost in the ground, rescheduling of installation will be done with consideration made for previously scheduled installations. Notification of the approximate date of installation will be given by Xcel Energy as soon as practicable after frost conditions have ceased.

If this Frost Agreement includes Service Laterals for this project, please list addresses or lot and block numbers that are covered by this Agreement.

CUSTOMER

*By _____

Date: _____

(Type or Print Name and Title of Signer)

Mailing Address: 4430 S Adams County PKWY
Brighton, CO, 80601-8222

XCEL ENERGY REPRESENTATIVE
Malicka Manyaga Tchipandi
Pike Engineering

Mailing address: Pike Engineering

555 ZANG SUITE 250
Lakewood, CO 80228

Xcel Energy Representative

Date January 13, 2020



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Resolution approving right-of-way agreement between Adams County and Christina E. Montano for property necessary for the 2018 Miscellaneous Concrete and ADA Ramps Project
FROM: Kristin Sullivan, AICP, Director of Public Works Brian Staley, P.E., PTOE, Deputy Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the right-of-way agreement for acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue for the 2018 Miscellaneous Concrete and ADA Ramps Project. The intention of this Project is to identify and improve the overall mobility and accessibility of maturing neighborhoods with ADA accessibility connectivity including ADA-compliant sidewalks and the addition of ADA pedestrian ramps. Attached is a copy of the right-of-way agreement between Adams County and Christina E. Montano for dedication of road right-of-way for \$1,315.00. The attached resolution allows the County to acquire ownership of the needed property for the use of the public and provide the necessary documents to close on the property.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Right-of-way agreement

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund:13**Cost Center: 3056**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	9135	30562001	\$10,000,000
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$10,000,000

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING RIGHT-OF-WAY AGREEMENT
BETWEEN ADAMS COUNTY AND CHRISTINA E. MONTANO
FOR PROPERTY NECESSARY FOR
THE 2018 MISCELLANEOUS CONCRETE AND ADA RAMPS PROJECT

WHEREAS, Adams County is in the process of acquiring rights-of-way along Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue for the 2018 Miscellaneous Concrete and ADA Ramps Project (“Project”); and,

WHEREAS, the intention of this Project is to identify and improve the overall mobility and accessibility of maturing neighborhoods with ADA accessibility connectivity including ADA-compliant sidewalks and the addition of ADA pedestrian ramps (“Improvements”) where absent; and,

WHEREAS, this right-of-way acquisition is a portion of 7825 Conifer Road located in the Northwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, and owned by Christina E. Montano (“Parcel 15”); and,

WHEREAS, Adams County requires ownership of Parcel 15 for construction of the Improvements; and,

WHEREAS, Christina E. Montano is willing to sell Parcel 15 to Adams County under the terms and conditions of the attached Right-of-Way Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Right-of-Way Agreement between Adams County and Christina E. Montano, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to execute said Right-of-Way Agreement on behalf of Adams County.

Right-of-Way Agreement

This Agreement is made and entered into by and between **Christina E. Montano**, whose address is **7825 Conifer Road, Denver, CO 80221** ("Owner"), and the County of Adams, State of Colorado, a body politic, who address is 4430 South Adams County Parkway, Brighton, Colorado, 80601 ("County") for the conveyance of rights-of-way on property located at **7825 Conifer Road, Denver, CO 80221** hereinafter (the "Property") for the 2018 Miscellaneous Concrete and ADA Ramps Project (the "Project"). The legal description and conveyance documents for the interests on said Property are set forth in Exhibit A attached hereto and incorporated herein by this reference.

The compensation agreed to by the Owner and the County for the acquisition of the Property interests described herein is **ONE THOUSAND THREE HUNDRED FIFTEEN AND NO/100 DOLLARS (\$1,315.00)**, including the performance of the terms of this Agreement, the sufficiency of which is hereby acknowledged. The parties further agree that the consideration shall consist of \$540.00 for the land dedication of road right-of-way, and \$775.00 for poured concrete driveway. This consideration has been agreed upon and between the parties as the total just compensation due to the Owner and the consideration shall be given and accepted in full satisfaction of this Agreement.

In consideration of the above premises and the mutual promise and covenants below, the Owner and the County agree to the following:

1. The Owner hereby warrants that the Owner is the sole Owner of the Property, that the Owner owns the Property in fee simple subject only to matters of record and that the Owner has the power to enter into this Agreement.
2. The Owner agrees to execute and deliver to the County the attached conveyance documents on the property upon tender by the County of a warrant (check) for the compensation agreed upon as soon as possible following the execution of this agreement.
3. Owner hereby irrevocably grants to the County possession and use of the property interests on the Property upon execution of this Agreement by the Owner and the County. This grant of possession shall remain in effect with respect to the Property until such time as the County obtains from the Owner the attached conveyance documents.
4. The County through its contractor shall assure that reasonable access shall be maintained to the Owner's property at all times for ingress and egress. If necessary, any full closure of access shall be coordinated between the contractor and the Owner and/or its agent.

5. The County will remove approximately 50 square feet of stain concrete driveway. But the County has agreed to reimburse the owner the expense of the lost concrete drive and made a part of this Agreement.
6. The Owner has entered into this Agreement acknowledging that the County has the power of eminent domain and required the Property for a public purpose.
7. If the Owner fails to consummate this agreement for any reason, except the County's default, the County may at its option, enforce this agreement by bringing an action against the Owner for specific performance.
8. This Agreement contains all agreements, understandings and promises between the Owner and the County, relating to the Project and shall be deemed a contract binding upon the Owner and County and extending to the successors, heirs and assigns.
9. This Agreement has been entered into in the State of Colorado and shall be governed according to the laws thereof.

Owner:

By:

Christina E. Montano

Christina E. Montano

Date:

Nov. 20, 2018

Approved:

BOARD OF COUNTY COMMISSIONERS-COUNTY OF ADAMS, STATE OF COLORADO

Chair

Date

Approved as to Form:

County Attorney

WARRANTY DEED

THIS DEED, dated this _____ day of _____, 2018, between **Christina E. Montano**, whose legal address is 7825 Conifer Road, Denver, Colorado 80221, of the County of Adams and State of Colorado, grantor(s), and **THE COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Dedicated for **Conifer Road**

Also known by street and number as: **7825 Conifer Road**

Assessor's schedule or parcel number: part of **0171934218013**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except oil, gas and mineral interests if any and except 2017 taxes due in 2018 which grantor agrees to pay.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Christina E. Montano

By: _____

STATE OF COLORADO)
) §
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by Christina E. Montano.

Witness my hand and official seal.

My commission expires:

Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

EXHIBIT "A"

DEED FROM CHRISTINA E. MONTANO TO THE COUNTY OF ADAMS, STATE OF COLORADO

Legal Description

A parcel of land being a portion of Lot 9, Block 19, of the SHERRELWOOD ESTATES FILING NO. 1, a Subdivision recorded on December 24, 1958 in File No. 10 Map 301 Reception No. 569158 in the Office of the Clerk and Recorder of Adams County, Colorado, located in the Northwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, being more particularly described as follows:

Beginning at the Northeasterly Corner of said Lot 9, thence South 26°43'15" East, along the Easterly line of said Lot 9, a distance of 10.00 feet;

Thence leaving said Easterly line, North 71°43'15" West, a distance of 14.14 feet to a point on the Northerly line of said Lot 9;

Thence North 63°16'45" East, along the Northerly line of said Lot 9, a distance of 10.00 feet to the Point of Beginning.

Containing: 50 square feet, more or less.

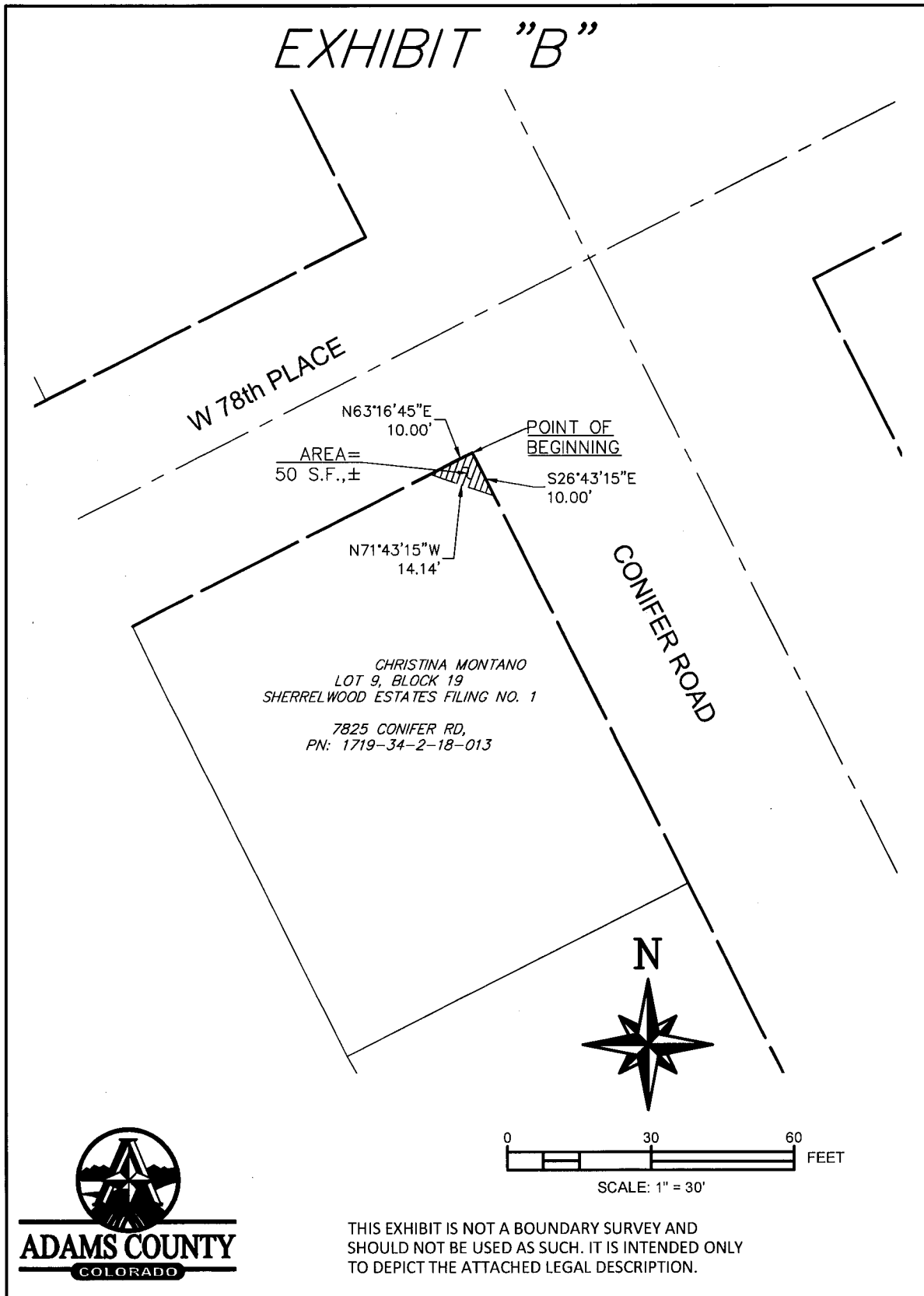
Legal description prepared by:

Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

Exhibit "B" attached and hereby made a part thereof.



EXHIBIT "B"





PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: General Warranty Deed for 7111 E 56 th Avenue
FROM: Nicci Beauprez, Project Manager – Land & Assets, Facilities & Fleet Management
AGENCY/DEPARTMENT: Facilities & Fleet Management
HEARD AT STUDY SESSION ON: Not Applicable
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves the General Warranty Deed from Adams County Building Authority to Adams County for the Honnen Building property located at 7111 East 56 th Avenue.

BACKGROUND:

Adams County formerly acquired the parcel of land at 7111 E 56th Avenue, Commerce City, known as the Hennen buildings property (Property), through an entity Adams County formed known as the Adams County Building Authority (Authority). Title to the property was acquired in the Authority name and never was officially transferred to Adams County. Adams County wishes to clear title to the Property in order to convey the Property to the City of Commerce City as obligated in the Purchase and Sale Agreement dated December 10, 2019.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Facilities & Fleet Management, County Attorney

ATTACHED DOCUMENTS:

Resolution
Warranty Deed

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund:**Cost Center:**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>0</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>0</u>

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING GENERAL WARRANTY DEED FROM THE ADAMS
COUNTY BUILDING AUTHORITY TO ADAMS COUNTY FOR THE HONNEN
BUILDING PROPERTY LOCATED AT 7111 EAST 56TH AVENUE

WHEREAS, Adams County formerly acquired the parcel of land at 7111 E. 56th Avenue, known as the Honnen Building property ("Property"), through an entity Adams County formed known as the Adams County Building Authority ("Authority"); and,

WHEREAS, title to the Property was acquired in the name of the Authority and never officially transferred to Adams County; and,

WHEREAS, the Authority no longer exists and the documents forming the Authority cannot be found; and,

WHEREAS, by means of the attached general warranty deed Adams County wishes to clear title to the Property in order to convey the Property to the City of Commerce City.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Adams County Building Authority be revived for the sole purpose of executing the attached General Warranty Deed from the Adams County Building Authority to Adams County.

BE IT FURTHER RESOLVED, that the Chair is authorized to sign said General Warranty Deed on behalf of the Adams County Building Authority.

BE IT FURTHER RESOLVED, that this Resolution supersedes any previous resolution regarding the formation and powers of the Adams County Building Authority.

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, made this ____ day of _____, 2019, between the Adams County Building Authority a Colorado nonprofit corporation, the legal address of which is 4430 S. Adams County Parkway, Brighton, CO 80601 (“Grantor”), and Adams County, Colorado, a political subdivision of the State of Colorado, the legal address of which is 4430 S. Adams County Parkway, Brighton, CO 80601 (“Grantee”):

WITNESSETH

That the Grantor, for and in consideration of ten dollars and other good and valuable consideration, the sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Adams, State of Colorado, described as follows:

Blocks 12 and 13 Creston,

Excepting therefrom the parcels conveyed in instruments recorded January 26, 1977 in Book 2118 at Page 623 and September 19, 2006 under Reception Number 20060919000942210, County of Adams, State of Colorado.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises in its “as is” and “with all faults” condition above bargained and described with the appurtenances, unto the Grantees, its successors and assigns forever.

The Grantor, for itself, its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused its name to be hereunto subscribed by its duly authorized representative, the day and year first above written.

ADAMS COUNTY BUILDING AUTHORITY

Chair of the Adams County Board of County
Commissioners on behalf of the Adams County
Building Authority

ATTEST:
JOSH ZYGIELBAUM, CLERK

Deputy Clerk

APPROVED AS TO FORM:

County Attorney's Office

STATE OF COLORADO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____
2019, by _____, Chair of the Board of County
Commissioners of the County of Adams on behalf of the Adams County Building Authority,
State of Colorado.

Witness my hand and official seal.

My commission expires: _____.

Notary Public

Notary Public



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: First Amendment to the 2020 Adams County Budget
FROM: Nancy Duncan, Budget & Finance (Interim) Director
AGENCY/DEPARTMENT: County Manager's Office and Budget and Finance Departments
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves the First Amendment to the 2020 Adams County Budget.

BACKGROUND:

The Annual Budget is a financial plan and is adopted prior to the start of the fiscal year. Budget Amendments are periodically required to properly incorporate items into the Annual Budget as they arise during the course of the fiscal year. See attached summary for more information regarding items included in this particular amendment.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

County Manager's Office and Budget and Finance Departments

ATTACHED DOCUMENTS:

Resolution Authorizing First Supplemental Appropriations to the 2020 Adams County Government Budget.

Exhibit A – Summary of items included in the First Amendment to 2020 Budget.

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund:**Cost Center:**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

Fiscal impact is summarized at the fund level. Given the length, the summary is attached for full disclosure of fiscal impact.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION AUTHORIZING FIRST SUPPLEMENTAL APPROPRIATIONS TO THE
2020 ADAMS COUNTY GOVERNMENT BUDGET

Resolution 2020-

WHEREAS, the 2020 Adams County Government Budget requires supplemental appropriations of funds to satisfy requests as listed on the attached Exhibit "A" and,

WHEREAS, the Budget Department has determined the availability of unappropriated fund balances; and,

WHEREAS, there are additional revenues and other financing sources which were not assured at the time of the adoption of the 2020 Adams County Government Budget; and,

WHEREAS, the departmental budgets listed by fund on the attached Exhibit "A" will be increased or decreased by the amounts so noted; and,

WHEREAS, the revenues to support the budget increases are listed by amount from respective sources.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the First Supplemental Appropriations to the 2020 Adams County Government budget is hereby authorized and the Budget Department is authorized to make the above stated budget adjustments to the 2020 Adams County Government Budget.

Exhibit A - Amendments

First Amendment (COVID) to the 2020 Budget

Resolution No. TBD

For Adoption on April 14, 2020

Study Session: N/A



Purpose of Resolution:

A resolution to amend the 2020 Budget. Summary information by Fund and Department is listed below. Additional detailed information is attached for consideration and review.

Fund	Department	Expenditure Amount	Revenue Amount	Use of Fund Balance	FTE
GENERAL FUND	Admin/Org	\$350,000	\$0	\$350,000	0.00
	Admin/Org	500,000	0	500,000	0.00
Total Appropriation		\$850,000	\$0	\$850,000	0.00

Fund Summary	Expenditure Amount	Revenue Amount	Use of Fund Balance	FTE
GENERAL FUND	\$850,000	\$0	\$850,000	0.00
Total Appropriation	\$850,000	\$0	\$850,000	0.00



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Human Services Department, Division of Children and Family Services
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Human Services Department, Division of Children & Family Services
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendments with multiple Contractors to provide CORE Services for the Adams County Human Services Department, Division of Children and Family Services.

BACKGROUND:

In 1991, Article 5.5 was enacted to create the Colorado Family Preservation Act. The program is defined in State statutes as Family Preservation, the program is referenced in the Code of Colorado Regulations (12 CCR 2509-4) as Core Services. The Core Services Program was established within the Colorado Department of Human Services in 1994 and is statutorily mandated to provide strength-based resources and support to families when children are at imminent risk of out of home placement and/or are in need of services to maintain a least restrictive setting.

In 2019, the Board of County Commissioners approved multiple five-year CORE agreements for the Adams County Human Services Department, Children and Family Services Division. Due to an increase in clientele additional yearly funding is requested for the Comprehensive Parenting Time and Mental Health Services agreements. Additional funding will be added to the annual contracts as follows:

Comprehensive Parenting Time:

Comprehensive parenting time services provides for a continuum of parenting time opportunities which include therapeutic parenting time, supervised parenting time, community parenting time and in-home parenting time. These agreements will be funded 80% through CORE funding and 20% through an Adams County match.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Total	Total 5-year Agreement Amount with Increase
Centralized Visitation Program	\$100,000.00	\$100,000.00	\$200,000.00	\$1,000,000.00
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00
Maple Star Colorado	\$40,000.00	\$40,000.00	\$80,000.00	\$400,000.00

Mental Health Services:

Mental health services include diagnostic and/or therapeutic services to assist in the development of the family services plan, to assess and/or improve family communication, function and relationships. Mental health services include individual, family and /or group therapy modalities as well as psychiatric/medication services.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Amount	Total Five-Year Agreement Amount with Increase
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Human Services Department, Division of Children & Family Services

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 201032001210**Cost Center:** 99915

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790 .00
Additional Revenue not included in Current Budget:			
Total Revenues:			\$50,239,790 <u>.00</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	99915.7645		\$6,078,100. 00
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$6,078,100. <u>00</u>

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT ONE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND CENTRAL VISITATION PROGRAM TO PROVIDE
COMPREHENSIVE PARENTING TIME SERVICES

WHEREAS, Central Visitation Program, was awarded an agreement to provide Comprehensive Parenting Time Services for the Adams County Human Services Department; and,

WHEREAS, due to the increased number of referrals, the Human Services Department would like to add an additional \$100,000.00 to the existing agreement every year for a new annual agreement amount of \$200,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment One to the Agreement Between Adams County and Central Visitation Program to Provide Comprehensive Parenting Time Services, is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign said Amendment One, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Human Services Department, Division of Children and Family Services
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Human Services Department, Division of Children & Family Services
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendments with multiple Contractors to provide CORE Services for the Adams County Human Services Department, Division of Children and Family Services.

BACKGROUND:

In 1991, Article 5.5 was enacted to create the Colorado Family Preservation Act. The program is defined in State statutes as Family Preservation, the program is referenced in the Code of Colorado Regulations (12 CCR 2509-4) as Core Services. The Core Services Program was established within the Colorado Department of Human Services in 1994 and is statutorily mandated to provide strength-based resources and support to families when children are at imminent risk of out of home placement and/or are in need of services to maintain a least restrictive setting.

In 2019, the Board of County Commissioners approved multiple five-year CORE agreements for the Adams County Human Services Department, Children and Family Services Division. Due to an increase in clientele additional yearly funding is requested for the Comprehensive Parenting Time and Mental Health Services agreements. Additional funding will be added to the annual contracts as follows:

Comprehensive Parenting Time:

Comprehensive parenting time services provides for a continuum of parenting time opportunities which include therapeutic parenting time, supervised parenting time, community parenting time and in-home parenting time. These agreements will be funded 80% through CORE funding and 20% through an Adams County match.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Total	Total 5-year Agreement Amount with Increase
Centralized Visitation Program	\$100,000.00	\$100,000.00	\$200,000.00	\$1,000,000.00
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00
Maple Star Colorado	\$40,000.00	\$40,000.00	\$80,000.00	\$400,000.00

Mental Health Services:

Mental health services include diagnostic and/or therapeutic services to assist in the development of the family services plan, to assess and/or improve family communication, function and relationships. Mental health services include individual, family and /or group therapy modalities as well as psychiatric/medication services.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Amount	Total Five-Year Agreement Amount with Increase
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Human Services Department, Division of Children & Family Services

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 201032001210**Cost Center:** 99915

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>\$50,239,790</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	99915.7645		\$6,078,100
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$6,078,100</u>

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT ONE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND LIFELONG INC., TO PROVIDE COMPREHENSIVE PARENTING
TIME SERVICES

WHEREAS, Lifelong Inc., was awarded an agreement to provide Comprehensive Parenting Time Services for the Adams County Human Services Department; and,

WHEREAS, due to the increased number of referrals, the Human Services Department would like to add an additional \$115,000.00, to the existing agreement for a new annual agreement amount of \$200,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment One to the Agreement Between Adams County and Lifelong Inc., to Provide Comprehensive Parenting Time Services is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign said Amendment One, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Human Services Department, Division of Children and Family Services
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Human Services Department, Division of Children & Family Services
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendments with multiple Contractors to provide CORE Services for the Adams County Human Services Department, Division of Children and Family Services.

BACKGROUND:

In 1991, Article 5.5 was enacted to create the Colorado Family Preservation Act. The program is defined in State statutes as Family Preservation, the program is referenced in the Code of Colorado Regulations (12 CCR 2509-4) as Core Services. The Core Services Program was established within the Colorado Department of Human Services in 1994 and is statutorily mandated to provide strength-based resources and support to families when children are at imminent risk of out of home placement and/or are in need of services to maintain a least restrictive setting.

In 2019, the Board of County Commissioners approved multiple five-year CORE agreements for the Adams County Human Services Department, Children and Family Services Division. Due to an increase in clientele additional yearly funding is requested for the Comprehensive Parenting Time and Mental Health Services agreements. Additional funding will be added to the annual contracts as follows:

Comprehensive Parenting Time:

Comprehensive parenting time services provides for a continuum of parenting time opportunities which include therapeutic parenting time, supervised parenting time, community parenting time and in-home parenting time. These agreements will be funded 80% through CORE funding and 20% through an Adams County match.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Total	Total 5-year Agreement Amount with Increase
Centralized Visitation Program	\$100,000.00	\$100,000.00	\$200,000.00	\$1,000,000.00
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00
Maple Star Colorado	\$40,000.00	\$40,000.00	\$80,000.00	\$400,000.00

Mental Health Services:

Mental health services include diagnostic and/or therapeutic services to assist in the development of the family services plan, to assess and/or improve family communication, function and relationships. Mental health services include individual, family and /or group therapy modalities as well as psychiatric/medication services.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Amount	Total Five-Year Agreement Amount with Increase
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Human Services Department, Division of Children & Family Services

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 201032001210**Cost Center:** 99915

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790 .00
Additional Revenue not included in Current Budget:			
Total Revenues:			\$50,239,790 .00

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	99915.7645		\$6,078,100. 00
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$6,078,100. 00

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT ONE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND MAPLE STAR COLORADO TO PROVIDE COMPREHENSIVE
PARENTING TIME SERVICES

WHEREAS, Maple Star Colorado, was awarded an agreement to provide Comprehensive Parenting Time Services for the Adams County Human Services Department; and,

WHEREAS, due to the increased number of referrals, the Human Services Department would like to add an additional \$40,000.00 to the existing agreement for a new annual agreement amount of \$80,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment One to the Agreement Between Adams County and Maple Star Colorado to Provide Comprehensive Parenting Time Services, is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign said Amendment One, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Human Services Department, Division of Children and Family Services
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Human Services Department, Division of Children & Family Services
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves agreements with Colorado Boys Ranch (CBR) YouthConnect and Family Tree Inc., to provide Comprehensive Parenting Time Services for the Adams County Human Services Department, Division of Children and Family Services.

BACKGROUND:

Comprehensive parenting time services provides for a continuum of parenting time opportunities which include therapeutic parenting time, supervised parenting time, and community parenting time. These agreements will be funded 80% through CORE funding and 20% through an Adams County match.

A formal Request for Proposal was completed on December 11, 2019, for a qualified vendor to provide Comprehensive Parenting Services. Two proposals were received.

The proposals were evaluated on the following criteria:

- Responsiveness and overall merit of the application
- Agency experience/capacity to provide proposed services to address the need of the child welfare clients
- Availability to provide culturally competent services and ability of services/programmatic needs.

After a thorough review, the evaluation team recommends a four-year agreement with CBR YouthConnect and Family Tree Inc., in the following amounts:

Contractor	Annual Amount Requested per year	Total amount for 4-year agreement
CBR YouthConnect	\$100,000.00	\$400,000.00
Family Tree Inc.	\$75,000.00	\$300,000.00

Staff recommends the approval of an agreement

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Human Services Department, Division of Children & Family Services

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 20102300121

Cost Center: 99915

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>\$50,239,790</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	99915.7645		\$6,078,100
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$6,078,100</u>

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

Years 1-5 are based upon annual appropriation of funds.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AN AGREEMENT WITH
COLORADO BOYS RANCH (CBR) YOUTHCONNECT FOR COMPREHENSIVE
PARENTING TIME SERVICES

WHEREAS, CBR YouthConnect submitted a proposal on December 11, 2019, to provide Comprehensive Parenting Time Services for the Human Services Department, Children and Family Services Division; and,

WHEREAS, after a thorough evaluation it was deemed that CBR YouthConnect was qualified to provide Comprehensive Parenting Time Services; and,

WHEREAS, CBR YouthConnect agrees to provide the Comprehensive Parenting Time Services over the next four years in the annual not to exceed amount of \$100,000.00 based upon yearly budget approval, and;

WHEREAS, this program is funded 80/20 under CORE Services, with 80% paid by the State and a 20% County match.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the agreement with CBR YouthConnect to provide Comprehensive Parenting Time Services is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign the agreement with CBR YouthConnect after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Human Services Department, Division of Children and Family Services
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Human Services Department, Division of Children & Family Services
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves agreements with Colorado Boys Ranch (CBR) YouthConnect and Family Tree Inc., to provide Comprehensive Parenting Time Services for the Adams County Human Services Department, Division of Children and Family Services.

BACKGROUND:

Comprehensive parenting time services provides for a continuum of parenting time opportunities which include therapeutic parenting time, supervised parenting time, and community parenting time. These agreements will be funded 80% through CORE funding and 20% through an Adams County match.

A formal Request for Proposal was completed on December 11, 2019, for a qualified vendor to provide Comprehensive Parenting Services. Two proposals were received.

The proposals were evaluated on the following criteria:

- Responsiveness and overall merit of the application
- Agency experience/capacity to provide proposed services to address the need of the child welfare clients
- Availability to provide culturally competent services and ability of services/programmatic needs.

After a thorough review, the evaluation team recommends a four-year agreement with CBR YouthConnect and Family Tree Inc., in the following amounts:

Contractor	Annual Amount Requested per year	Total amount for 4-year agreement
CBR YouthConnect	\$100,000.00	\$400,000.00
Family Tree Inc.	\$75,000.00	\$300,000.00

Staff recommends the approval of an agreement

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Human Services Department, Division of Children & Family Services

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 20102300121

Cost Center: 99915

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>\$50,239,790</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	99915.7645		\$6,078,100
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$6,078,100</u>

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

Years 1-5 are based upon annual appropriation of funds.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AN AGREEMENT WITH
FAMILY TREE INC., FOR COMPREHENSIVE PARENTING TIME SERVICES

WHEREAS, Family Tree Inc., submitted a proposal on December 11, 2019, to provide Comprehensive Parenting Time Services for the Human Services Department, Children and Family Services Division; and,

WHEREAS, after a thorough evaluation it was deemed that Family Tree Inc., was qualified to provide Comprehensive Parenting Time Services; and,

WHEREAS, Family Tree Inc., agrees to provide the Comprehensive Parenting Time Services over the next four years in the annual not to exceed amount of \$75,000.00 based upon yearly budget approval, and;

WHEREAS, this program is funded 80/20 under CORE Services, with 80% paid by the State and a 20% County match.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the agreement with Family Tree Inc., to provide Comprehensive Parenting Time Services is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign the agreement with Family Tree Inc., after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Human Services Department, Division of Children and Family Services
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Human Services Department, Division of Children & Family Services
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendments with multiple Contractors to provide CORE Services for the Adams County Human Services Department, Division of Children and Family Services.

BACKGROUND:

In 1991, Article 5.5 was enacted to create the Colorado Family Preservation Act. The program is defined in State statutes as Family Preservation, the program is referenced in the Code of Colorado Regulations (12 CCR 2509-4) as Core Services. The Core Services Program was established within the Colorado Department of Human Services in 1994 and is statutorily mandated to provide strength-based resources and support to families when children are at imminent risk of out of home placement and/or are in need of services to maintain a least restrictive setting.

In 2019, the Board of County Commissioners approved multiple five-year CORE agreements for the Adams County Human Services Department, Children and Family Services Division. Due to an increase in clientele additional yearly funding is requested for the Comprehensive Parenting Time and Mental Health Services agreements. Additional funding will be added to the annual contracts as follows:

Comprehensive Parenting Time:

Comprehensive parenting time services provides for a continuum of parenting time opportunities which include therapeutic parenting time, supervised parenting time, community parenting time and in-home parenting time. These agreements will be funded 80% through CORE funding and 20% through an Adams County match.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Total	Total 5-year Agreement Amount with Increase
Centralized Visitation Program	\$100,000.00	\$100,000.00	\$200,000.00	\$1,000,000.00
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00
Maple Star Colorado	\$40,000.00	\$40,000.00	\$80,000.00	\$400,000.00

Mental Health Services:

Mental health services include diagnostic and/or therapeutic services to assist in the development of the family services plan, to assess and/or improve family communication, function and relationships. Mental health services include individual, family and /or group therapy modalities as well as psychiatric/medication services.

Provider	Current Annual Agreement Amount	Increase Request per year	New Total Yearly Agreement Amount	Total Five-Year Agreement Amount with Increase
Lifelong Inc.	\$85,000.00	\$115,000.00	\$200,000.00	\$1,000,000.00

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Human Services Department, Division of Children & Family Services

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 201032001210**Cost Center:** 99915

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>\$50,239,790</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	99915.7645		\$6,078,100
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$6,078,100</u>

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT ONE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND LIFELONG INC., TO PROVIDE MENTAL HEALTH SERVICES

WHEREAS, Lifelong Inc., was awarded an agreement to provide Mental Health Services for the Adams County Human Services Department; and,

WHEREAS, due to the increased number of referrals, the Human Services Department would like to add an additional \$115,000.00, to the existing agreement for a new annual amount of \$200,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment One to the Agreement Between Adams County and Lifelong Inc., to Provide Mental Health Services is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign said Amendment One, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Countywide Security Services
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney-Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Countywide
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves an agreement with G4S Secure Solutions (USA) Inc., for providing countywide security services.

BACKGROUND:

Adams County currently uses a firm for security services utilizing both armed and unarmed guards at various Adams County Facilities.

Proposals were opened on February 13, 2020, to consider contractors to provide security services. The county received seven proposals. Proposals were rated on the following criteria:

- Corporate Stability/Experience/References
- Training Methods
- Project Personnel/Selection and Screening
- Pricing

After a thorough analysis, it was determined that G4S Secure Solutions (USA) Inc., was the most qualified proposer, providing the best value to Adams County. G4S Secure Solutions (USA) Inc., offered a higher pay rate to their officers, to include an employee benefit program, is a well-established and experienced organization that provides similar services to other state and federal organizations, and provides extensive background screening on its employees.

The evaluation committee recommends that G4S Secure Solutions (USA) Inc., be awarded the contract for Security Services for an approximate annual amount of \$1,653,855.00. The breakdown as follows:

Sheriff's Office: \$854,069.00
Human Services: \$260,141.00
Probation: \$74,556.00

Government Center: \$71,006.00
Western Services Center: \$74,556.00
Motor Vehicle: \$191,716.00
District Attorney: \$127,811.00

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Sheriff's Office, Human Services, Probation, Government Center, Western Services Center, District Attorney, Facilities, Motor Vehicle

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 00001, 00015			
Cost Center: Multiple			
	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			
	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	7725		\$1,315,496
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$1,315,496 *</u>

ADDITIONAL NOTES:

*Individual departments will request additional budget as needed. Amounts over in security services may be covered by other object accounts within individual department operating budgets.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AN AGREEMENT BETWEEN ADAMS COUNTY AND G4S
SECURE SOLUTIONS (USA) INC., TO PROVIDE COUNTYWIDE SECURITY SERVICES

WHEREAS, G4S Secure Solutions (USA) Inc., submitted a bid on February 13, 2020, to provide countywide security services; and,

WHEREAS, G4S Secure Solutions (USA) Inc., agrees to provide security services for an approximate amount of \$1,653,855.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Agreement Between Adams County and G4S Secure Solutions (USA) Inc., to countywide security services is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign said Agreement on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 14, 2020
SUBJECT: Water Heater Replacement at the Detention Facility
FROM: Raymond H. Gonzales, County Manager Chris Kline, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Facilities and Fleet Management Department and the Sheriff's Office
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves an agreement to JCOR Mechanical, Inc., for Water Heater Replacement at the Detention Facility.

BACKGROUND:

The current water heaters that serve Modules A-E and the Kitchen at the Detention Facility are failing and need replacing. The water heaters are approximately 35 years old and have served their useful life in a building with year-round operations. The entire system requires replacement and an upgrade to include the gutting of the mechanical room, the removal of all existing piping, flue, and the associated equipment.

A formal Invitation for Bid (IFB) was solicited through BidNet for Water Heater Replacement at the Detention Facility. The County received three responses on February 28, 2020.

- JCOR Mechanical, Inc. - \$638,314.00
- Braconier Plumbing and Heating - \$657,040.00
- Colorado Mechanical Systems - \$726,913.00

The Facilities and Fleet Management Department recommends that an agreement with JCOR Mechanical, Inc., in the amount of \$638,314.00; plus an additional ten percent contingency of \$63,831.40 for the total not to exceed amount of \$702,145.40 be approved.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Facilities and Fleet Management Department
Sheriff's Office

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund: 01**Cost Center:** 2009

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	7820	20091916	\$1,100,000
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AN AGREEMENT BETWEEN ADAMS COUNTY AND
JCOR MECHANICAL, INC., FOR WATER HEATER REPLACEMENT
AT THE DETENTION FACILITY

WHEREAS, JCOR Mechanical, Inc., submitted a bid on February 28, 2020, to provide Water Heater Replacement at the Detention Facility; and,

WHEREAS, JCOR Mechanical, Inc., agrees to provide Water Heater Replacement at the Detention Facility in the amount of \$638,314.00 plus an additional ten percent contingency of \$63,831.40 for the total not to exceed amount of \$702,145.40.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Agreement Between Adams County and JCOR Mechanical, Inc., to provide Water Heater Replacement at the Detention Facility is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign said agreement, on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT

CASE NO.: PRC2019-00008
CASE NAME: NORTH SIDE GARDENS CENTER LAND

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- 3.2 Applicant Final Plat
- 3.3 Subdivision Improvements Agreement

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- 4.2 Referral Comments (CDOT)
- 4.3 Referral Comments (CDNR-DWR)
- 4.4 Referral Comments (CGS)
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None

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**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Board of County Commissioners

April 14, 2020

CASE No.: PRC2019-00008	CASE NAME: North Side Gardens Center Land
Owner's Name:	North Side Gardens, LLC
Applicant's Name:	Ken Lombardi
Applicant's Address:	7285 Gilpin Way, Suite 100, Denver, CO 80229
Locations of Requests:	7280 Gilpin Way & 1790 E. 73 rd Avenue
Parcel Numbers:	0171935407003, 0171935400035
Nature of Requests:	1) Minor subdivision final plat to create one lot; 2) Subdivision Improvements Agreement 3) Zoning map amendment (rezone)
Current Zone Districts:	Agricultural-1, Industrial-1
Proposed Zone District:	Industrial-1
Future Land Use:	Mixed-Use Employment
Total Site Area:	1.4 acres (final plat); 0.2 acres (rezoning)
Hearing Date(s):	PC: March 26, 2020 / 6:00 pm BoCC: April 14, 2020 / 9:30 am
Report Date:	April 9, 2020
Case Manager:	Greg Barnes
Staff Recommendation:	APPROVAL with 15 Findings-of-Fact, 3 Conditions Precedent, and 2 Notes

SUMMARY OF APPLICATIONS

Background:

The applicant, Mr. Ken Lombardi of North Side Gardens, LLC, is requesting a rezoning and minor subdivision final plat, including a request to enter into a subdivision improvements agreement (SIA) with the County. The requests encompass two existing parcels at 7280 Gilpin Way and 1790 East 73rd Avenue. Mr. Lombardi is making these requests on behalf of the owner, North Side Gardens, LLC. The owner ultimately wishes to combine the two existing parcels and use the 1.4 acres for a light industrial use.

Currently, the subject site is comprised of two individual parcels. The 1.2-acre parcel located at 7280 Gilpin Way is currently located within the North Side Gardens Subdivision, which was

created in 1891. This parcel is zoned Industrial-1 (I-1). The 0.2-acre parcel, located at 1790 East 73rd Avenue, has never been platted. This parcel is zoned Agricultural-1 (A-1).

The applicant has submitted a request to combine the two parcels through the minor subdivision process. The proposed minor subdivision final plat will create a single 1.4-acre lot. The applicant has also submitted a SIA with the proposed final plat, which would facilitate the construction of public improvements that support the proposed development. In addition, the applicant is proposing to change the official zoning designation on the property at 1790 East 73rd Avenue from Agricultural-1 (A-1) to Industrial-1 (I-1). The request for rezoning is necessary for the newly created lot to have a single, unified zone district.

Zone District Regulations:

Currently, the property at 1790 East 73rd Avenue is designated as A-1. Per Section 3-08-01 of the County's Development Standards and Regulations, the purpose of the A-1 zone district is to provide a rural single-family dwelling district where the minimum lot area for a home site is intended to provide for a rural living experience. Limited farming uses are permitted including the keeping of a limited number of animals for individual homeowner's use. This district is primarily designed for the utilization and enjoyment of the County's rural environment.

The proposed zone district for the new subdivision is I-1. Per Section 3-24-01 of the County's Development Standards and Regulations, the purpose of the I-1 District is to provide a general commercial and limited industrial district designed to provide for a variety of compatible business, warehouse, wholesale, offices and very limited industrial uses. The dimensional requirements for the I-1 zone district include a minimum of one-acre lot size and minimum one hundred (100) foot lot width.

The proposed minor subdivision final plat will create one lot consisting of approximately 1.4 acres in area and 270 feet of lot width. Therefore, the requests are collectively in conformance to the dimensional requirements for the proposed I-1 zone district of Section 3-24-07 of the County's Development Standards.

Subdivision Design and Improvements

Per Section 5-02-05 of the County's Development Standards and Regulations, an SIA is required with a final plat. The SIA allows for infrastructure, such as public streets, curbs, gutters, sidewalks, and storm sewers, to be constructed on the property. All streets and sidewalks in the development are proposed to be public and constructed to local street standards. County staff has reviewed the proposed SIA and have no outstanding concerns with the proposed agreement. The applicant shall provide collateral for the public improvements, as required in the SIA, prior to the issuance of building permits for the proposed development.

The proposed final plat has been reviewed by County staff for consistency with the County's Subdivision Design Standards (Section 5-03). The proposed plat has been designed to be appropriate for development, and the lot configuration is suitable for access and emergency services. The proposed subdivision will be served by the North Washington Water & Sanitation District. All documentation has been provided to ensure conformance with the County's water supply requirements.

For non-residential subdivisions, public land dedication is required to support regional parks. Section 5-05-05-04 of the County's Development Standards allows for cash-in-lieu of land dedication. The applicant has agreed to pay \$3,968.20 in lieu of the required 0.07 acres of land dedication.

Future Land Use Designation/Comprehensive Plan:

The future land use designation on the property is Mixed-Use Employment. Per Chapter 5 of the Adams County Comprehensive Plan, the purpose of the Mixed-Use Employment future land use designation is to accommodate a range of employment uses with a mix of supporting uses to serve employment needs. In addition, Mixed-Used Employment areas are designated in locations that have transportation access and visibility but are not suitable for residential development. Mixed-Use Employment areas may include offices, light manufacturing, distribution, indoor warehousing, clean industry, and supporting retail businesses.

Rezoning the property to a zone district that is consistent with the Comprehensive Plan designation will advance the County's long-term goal for providing mixed-use employment areas that accommodate a range of employment uses, as well as supporting employment generating uses. The subject property is located within a part of the County that has nearby access to three interstate highways (I-25, I-76, and I-270).

The subject property is located within the Southwest Adams County Framework Plan's Welby Subarea Plan and specifically considered to be part of the South Welby Area of this plan. The site is identified as transitioning from agricultural and residential uses to more industrial uses. It is a goal of the Welby Plan to promote economic development through the creation of employment hubs in the South Welby Area. The proposed subdivision to create a large-acreage lot with light industrial zoning supports the goals and purpose of the Welby Subarea Plan.

Site Characteristics:

The subject property has street frontage along East 73rd Avenue to the north and Gilpin Way to the west. The properties to the south and east are used in a light industrial capacity. No structures are currently located on the properties.

Surrounding Zoning Designations and Existing Use Activity:

Northwest I-1 Vacant	North I-1 Vacant	Northeast I-1 Single-Family Residential
West I-1 Light Industrial	Subject Property I-1/A-1 Vacant	East I-1 Light Industrial
Southwest I-1 Light Industrial	South I-1 Light Industrial	Southeast I-1 Light Industrial

Compatibility with the Surrounding Area:

The surrounding properties are all designated with I-1 zoning. The surrounding Welby area is developed with a mix of light industrial uses and single-family dwellings. Rezoning of this property to I-1 would allow the possibility of light industrial and light manufacturing uses that are not currently allowed within the A-1 zone district. This area along East 73rd Avenue has been the subject of numerous rezoning approvals from A-1 to I-1 and Commercial-5 (C-5) zoning over the past decade.

Per Section 8-02-02 of the County’s Development Standards and Regulations, a traffic study is required with these applications. Staff reviewed the traffic study and has no outstanding concerns with potential traffic generation from the site. A new traffic study may be required during review of any building permit for new development on the property. Public improvements include road widening, curb, gutter, sidewalk, and stormwater facilities.

These applications are compatible with the overall area and are not detrimental to public health and safety. Approval of these requests will be consistent with the character of development activities in the area

PLANNING COMMISSION UPDATE

The Planning Commission (PC) considered this case on March 26, 2020 and voted (7-0) to recommend approval of the requests. The applicant spoke at the meeting and had no concerns with the staff report or presentation. There was no one from the public to speak in favor or in opposition to the request.

Staff Recommendation:

Based upon the application, the criteria for approval, and a recent site visit, staff recommends approval of these requests (minor subdivision final plat, rezoning, and subdivision improvements agreement) with 15 findings-of-fact, 3 conditions precedent, and 2 notes:

Recommended Findings-of-Fact

1. The final plat is consistent and conforms to the approved sketch plan.
2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
4. The applicant has provided evidence that provision has been made for a public sewage disposal system and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.

7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.
8. The final plat is consistent with the Adams County Comprehensive Plan and any available area plan.
9. The final plat is consistent with the purposes of these standards and regulations.
10. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
11. The proposed subdivision is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed subdivision has established an adequate level of compatibility by:
 - a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
 - b. Incorporating site planning techniques to foster the implementation of the County's plans and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;
 - c. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures; and
 - d. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.
12. The Zoning Map amendment is consistent with the Adams County Comprehensive Plan.
13. The Zoning Map amendment is consistent with the purposes of these standards and regulations.
14. The Zoning Map amendment will comply with the requirements of these standards and regulations
15. The Zoning Map amendment is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

Recommended Conditions Precedent of Approval:

1. The applicant shall furnish the County with \$139,746.00 cash-in-lieu of roadway improvements for East 73rd Avenue prior to the issuance of any building permit in the subdivision.
2. The applicant shall furnish the County with the \$94,248.00 for public improvements collateral, as specified in the subdivision improvements agreement, prior to the issuance of any building permit in the subdivision.

3. The applicant shall furnish the County with the \$3,968.20 for cash-in-lieu of public land dedication requirements prior to the recording of the approved plat.

Recommended Notes to the Applicant:

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations during the development of the subject site.
2. All utilities shall be located underground pursuant to Section 5-04-04-01 of the Adams County Development Standards and Regulations.

CITIZEN COMMENTS

Notifications Sent	Comments Received
94	0

All property owners and occupants within 750 feet of the subject property were notified of the request. As of writing this report, staff has not received any response from those notified.

COUNTY AGENCY COMMENTS

Staff reviewed the request and has no outstanding concerns with the proposed applications.

REFERRAL AGENCY COMMENTS

Responding with Concerns:

None

Responding without Concerns:

CDOT

CDNR-DWR

CGS

TCHD

Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Adams County Sheriff

Century Link

Colorado Div. of Mining Reclamation and Safety

Comcast

Mapleton Schools #1

Metro Wastewater

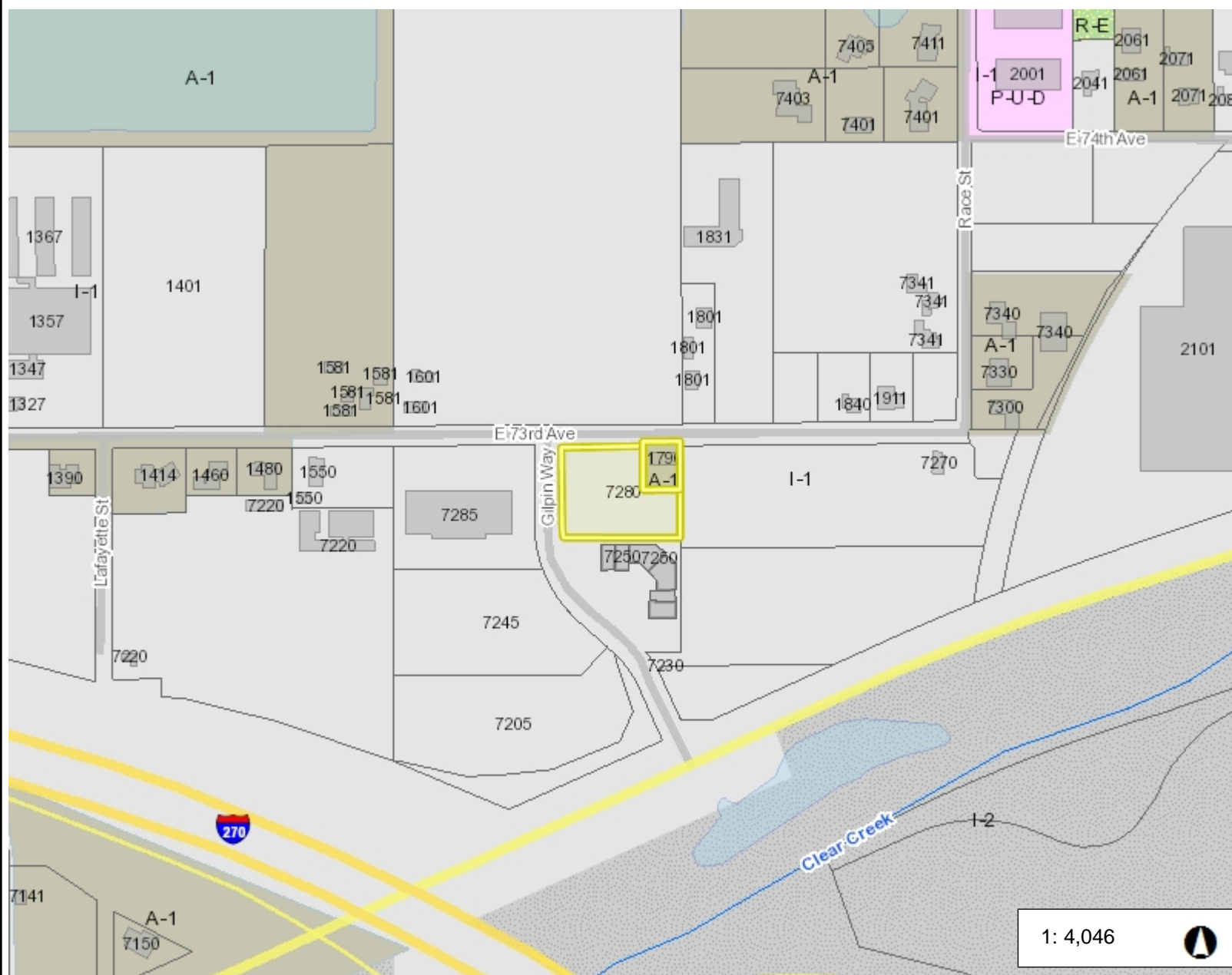
North Washington Water & Sanitation District

RTD

U.S. Environmental Protection Agency

U.S. Post Office

Welby Citizen Group



Legend

- Address
- Highways (3,000 - 5,000)
 - Interstate
 - Highway
 - Tollway
- Building
- County Parks and Open Space
- Cities
 - Arvada
 - Aurora
 - Bennett
 - Brighton
 - Commerce City
 - Federal Heights
 - Lochbuie
 - Northglenn
 - Thornton
 - Westminster
- Small Lakes
- Major Lakes
- Rivers
 - Canal
 - Ditch
 - Primary Creek
 - River
 - Secondary Creek

1: 4,046



0.1 0 0.06 0.1 Miles

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

- Address**
- Highways (3,000 - 5,000)
 - Interstate
 - Highway
 - Tollway
- Building**
- County Parks and Open Space**
- Cities**
 - Arvada
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- Rivers**
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 - Ditch
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 - Secondary Creek

1: 4,046



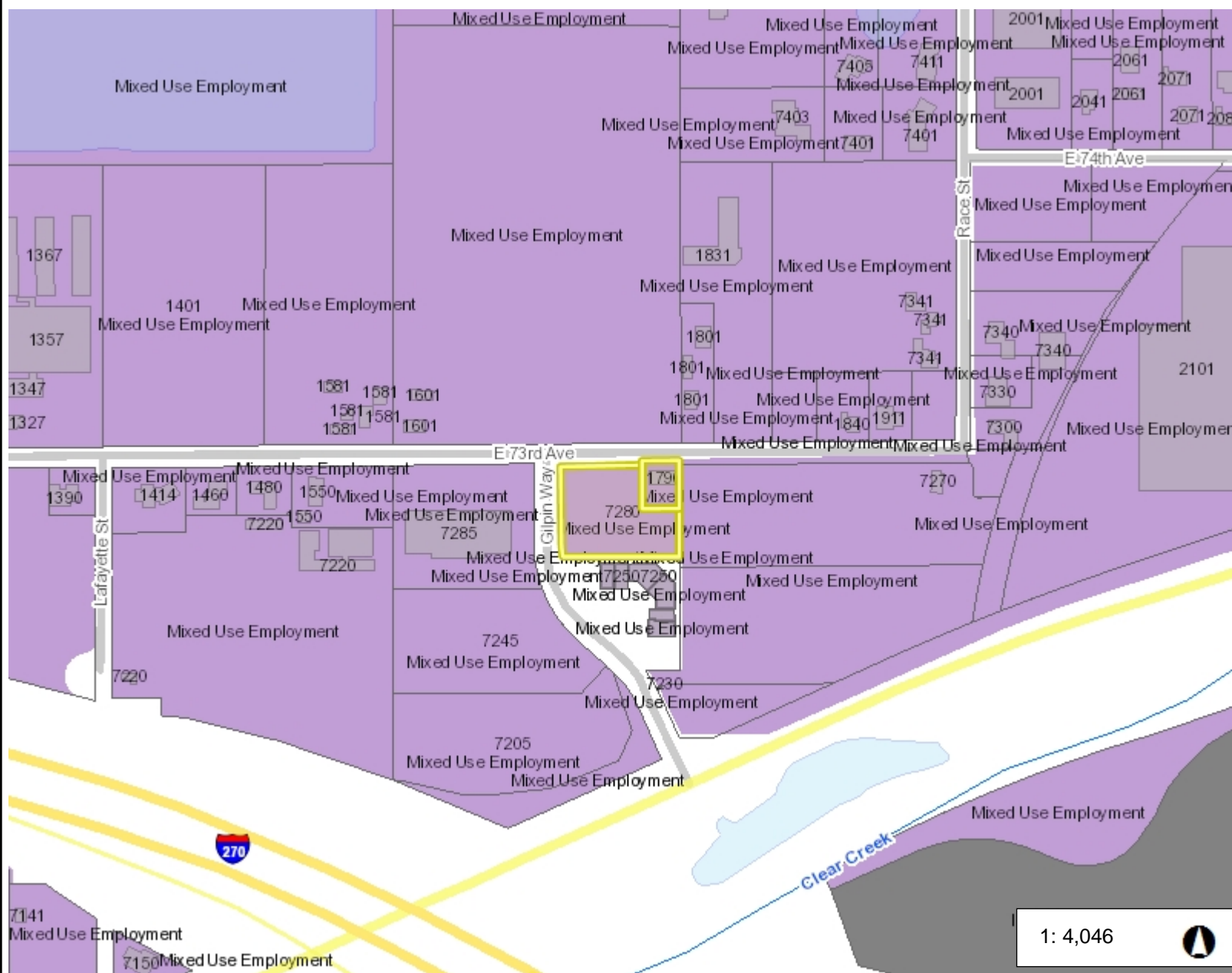
Notes

0.1 0 0.06 0.1 Miles

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
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Adams County Map



Legend

- Address
- Highways (3,000 - 5,000)
 - Interstate
 - Highway
 - Tollway
- Building
- County Parks and Open Space
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Notes

0.1 0 0.06 0.1 Miles

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
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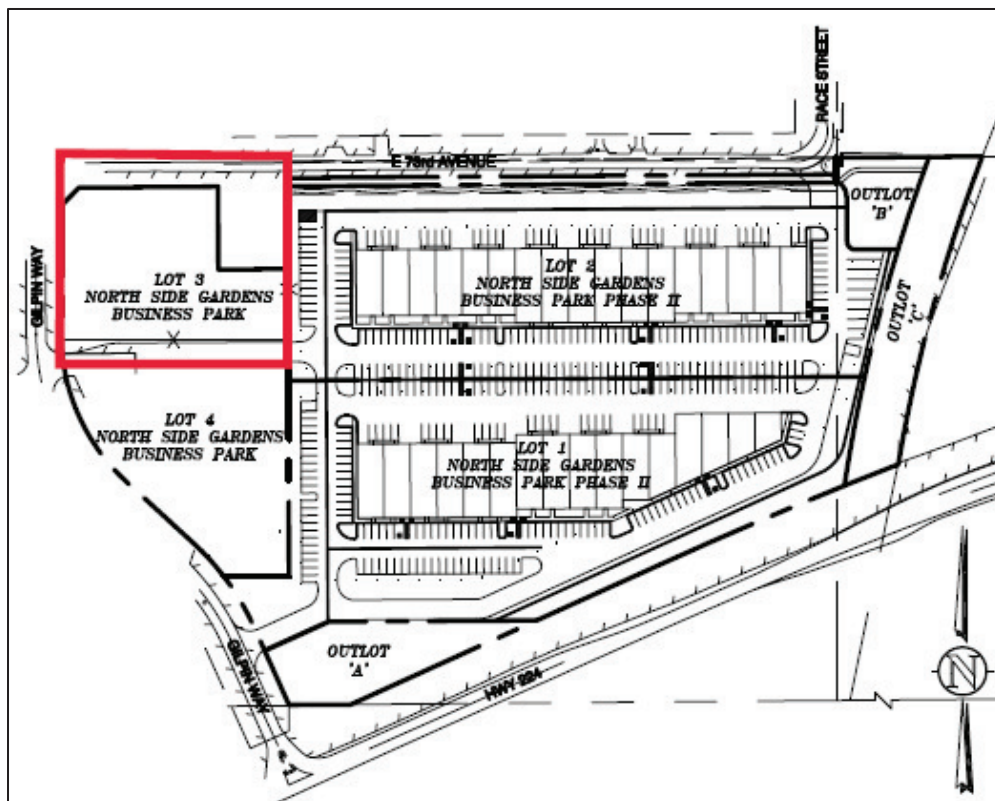
3. Written Explanation of the Project – North Side Gardens Business Park Lot 3 Subdivision

The purpose of this application is to request approval of a minor subdivision to replat two parcels and create one parcel that includes the following properties:

- Lot 3 North Side Gardens (7280 Gilpin Way) consisting of 1.15 acres
- 1790 E. 73rd Ave. consisting of .22 acres

1790 E. 73rd Ave. was purchased by the owner in 2018. Plans include removal of the current residence so that the lot can be included as part of the development for the North Side Gardens Business Park (see Figure 1 below.) Lot 3 will contain storage space and parking area to be used by existing customers with office/warehouse leases in the business park (see Site Plan in Section 3 for more details). Lot 3 was previously platted as part of North Side Gardens Business Park. 1790 E. 73rd Avenue, a former residence, has not been previously platted.

Figure 1. North Side Gardens Business Park Development Plan Overview



As part of the Minor Subdivision Plat process the following documents have been prepared and are included in the application package:

- Site Plan
- Plat prepared by a registered land surveyor
- Subdivision Improvements Agreement
- Updated title commitment
- Proof of Water and Sewer Services (served by North Washington Street Water and Sewer Sanitation District)

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 SUBSCRIBED AND SWORN BEFORE ME
THIS _____ DAY OF _____, 20_____, BY DOUG SCHERRER, SENIOR VICE PRESIDENT, TBK BANK

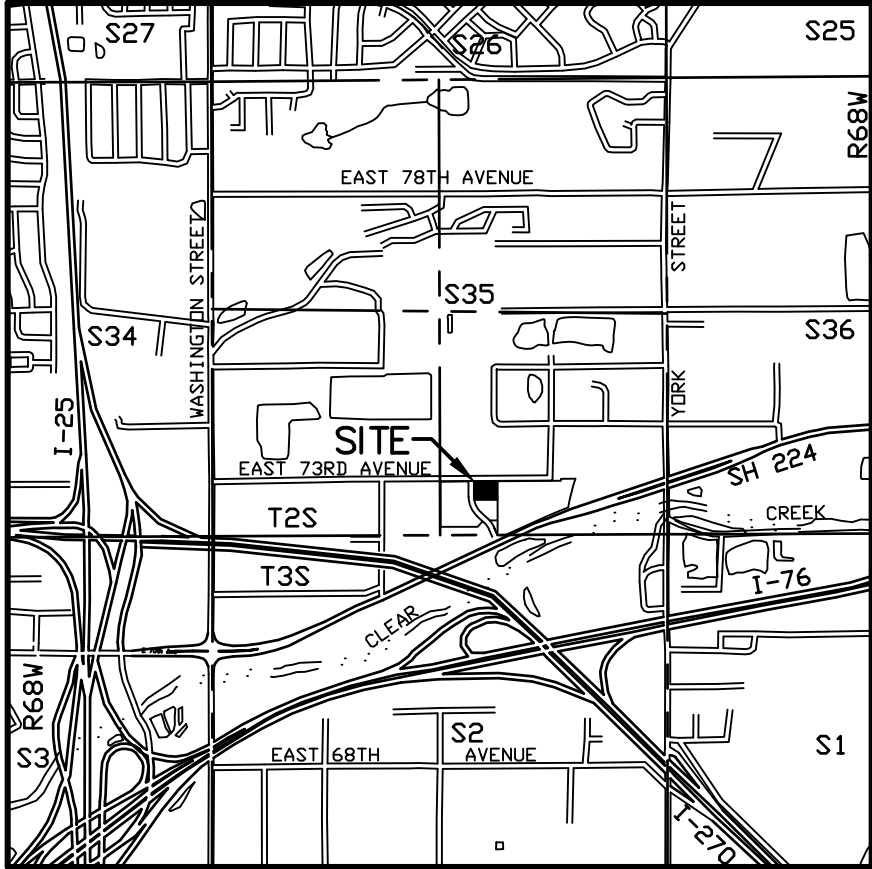
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
MY ADDRESS IS: _____

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 HERON.

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

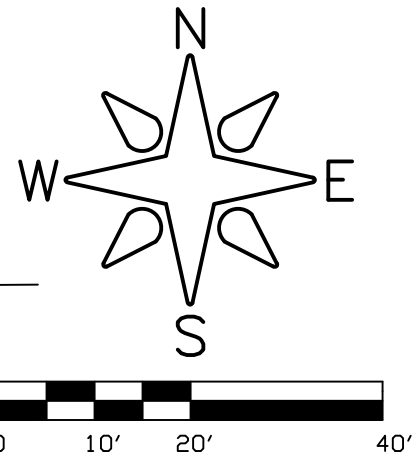
RECEPTION NO.: _____

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

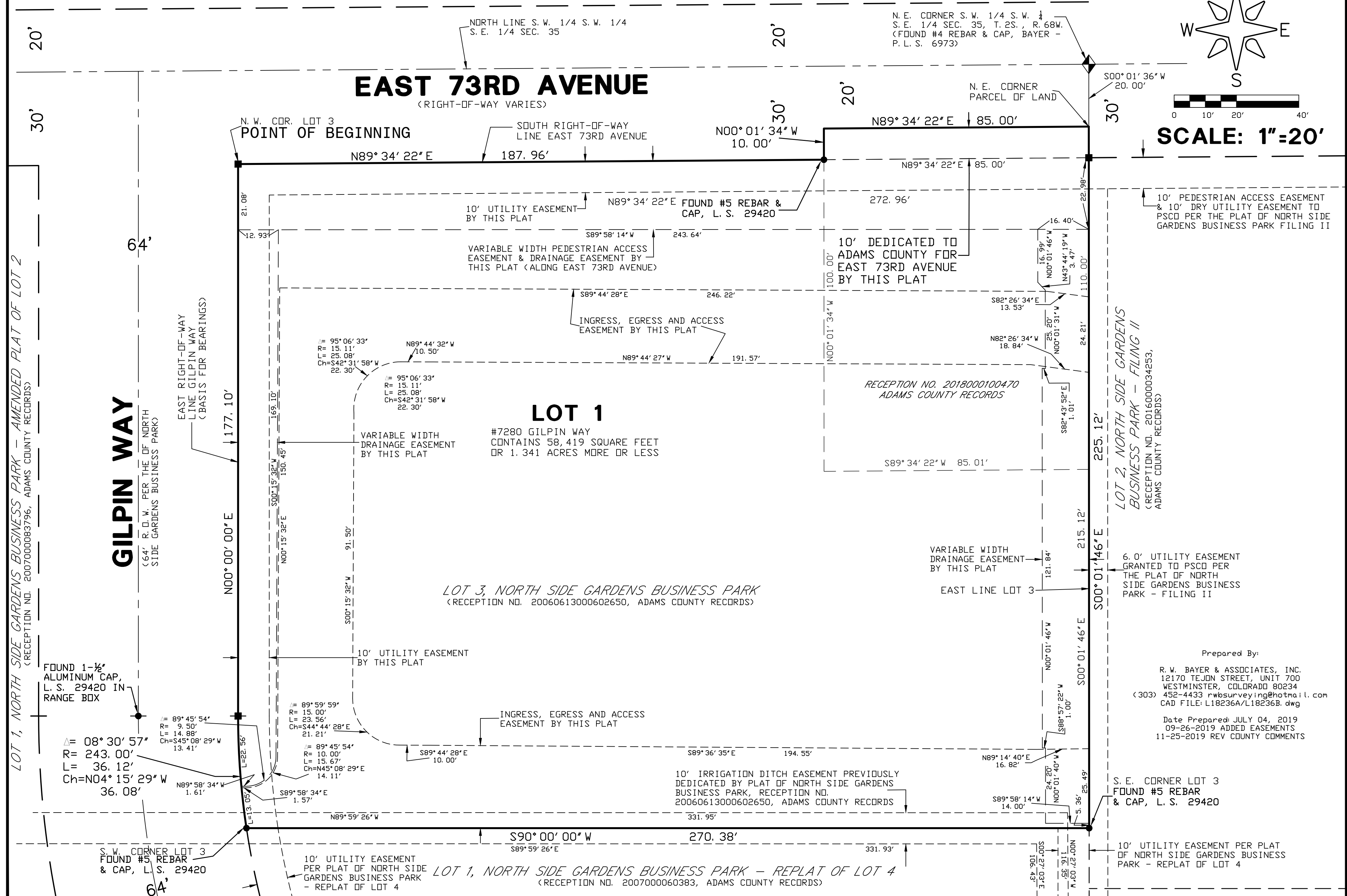
LEGEND

- DENOTES: FOUND MONUMENT AS DESCRIBED HEREON
- DENOTES: FOUND #5 REBAR & CAP, BAYER - P. L. S. 6973, FLUSH

(UNPLATTED)



SCALE: 1"=20'



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 March 31, 2021. 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 \$94,248.00, 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 Preliminary Acceptance.

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. No certificate of occupancy shall be issued until the improvements described in Exhibit B1 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 \$139,746.60 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 Exhibit B1.

- 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 \$94,248.00. 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	380
Surface to Surface Earthwork Cut and stockpile	cy	0	2	0
Surface to Surface Earthwork Fill (Assumed 10% shrink)	cy	167	25	4,175
SUBTOTAL				4,555
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	6,060
SUBTOTAL				22,640
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)	\$67,695
CONTINGENCY AND NON-ITEMIZED IMPROVEMENTS	10%	6,800
ADDITIONAL 20% for COUNTY ADMINISTRATION	20%	14,960
5% INFLATION AFTER ADD CONTINGENCY & COUNTY ADMIN	5%	4,488
GRAND TOTAL	(rounded)	\$94,248

Approvals:

North Side Gardens Centerland 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
February 12, 2020

ITEM	UNIT	ESTIMATED QUANTITY	APPROXIMATE UNIT PRICE , \$	TOTAL COST, \$
MOBILIZATION & DEMO				
Mobilization	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

TOTAL ESTIMATED COST	(rounded)	\$110,910
CONTINGENCY AND NON-ITEMIZED IMPROVEMENTS	10%	<u>10,100</u>
ADDITIONAL 20% for COUNTY ADMINISTRATION	20%	<u>22,182</u>
5% INFLATION AFTER ADD CONTINGENCY & COUNTY ADMIN	5%	<u>6,564.60</u>

GRAND TOTAL	(rounded)	** \$139,746.60
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** Funds to be Escrowed

Approvals:

North Side Gardens Center Land Subdivision

Adams County



Development Review Team Comments

Date: 11/12/2019

Project Number: PRC2019-00008

Project Name: North Side Gardens Center Land Subdivision

Commenting Division: Plan Coordination 2nd Review

Name of Reviewer: Greg Barnes

Date: 11/07/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

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.
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 revised the estimated cost to the average cost in CDOT's cost data book or provide contractor quotes validating the current estimated cost.

Commenting Division: Planner Review 2nd Review

Name of Reviewer: Greg Barnes

Date: 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.

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.

Commenting Division: SIA Review 1 - Finance

Name of Reviewer: Laura Garcia

Date: 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.

Commenting Division: Application Intake 2nd Review

Name of Reviewer: Kevin Mills

Date: 10/17/2019

Email:

Complete

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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
 - 1.) A Development Agreement with appropriate collateral will be required for the improvements to 73rd Avenue and Gilpin Way. All Improvements will be completed prior to CO Issuance.
 - 2). The public improvements constructed along 73rd Avenue and Gilpin Way shall be constructed in accordance to the approve design plans.

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

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

- a) The traffic letter shall indicate the total trips per day for the proposed warehouse along with the trips per day with the existing traffic conditions from the entire development.
- b) When a development generates over 20 vehicles per day a traffic analysis for the new development is

required.

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.

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

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

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.

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.

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

PLN07: Please submit a Microsoft Word version of the SIA for review with your resubmittal.

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

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

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date: 08/09/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1. Revise Property Description/ Legal Description:

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

ROW2. Revise Signature lines to CHAIR- see redlines

ROW3. Add case # to top right of each page

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.

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

ROW6. The 10ft dry utility and pedestrian access easement – what is the pedestrian access for? (ie is there an existing sidewalk etc on the property) These types of easements are usually dedicated to the county on the plat for the benefit of the public and utility providers.

ROW7. Label Basis of Bearings on map.

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

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

ROW10. See other redlines on plat attached.

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.

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 07/23/2019

Email: gjbarnes@adcogov.org

External Agencies Selected

Greg Barnes

From: Joaquin Flores
Sent: Thursday, November 07, 2019 9:02 AM
To: Greg Barnes
Cc: Gail Moon
Subject: 7280 Gilpin Way - North Side Gardens LLC-VIO2019-01946.

Greg,

Just a reminder this property has a active zoning violation pending and property is cited with the following regulations,

- 4-10-01-03-07 Screen fencing
- 4-02-01 Change in use permit
- 4-01-02-08 Storage Containers

Please see VIO2019-01946 to view the actual violation letter. If you have any other questions please feel free to contact me.



Joaquin Flores

Code Compliance Officer I, *Neighborhood Services Department*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, Suite W2000B

Brighton , CO 80601

o: 720.523.6807 | jflores@adcogov.org

www.adcogov.org

Adams County Public Land Dedication Worksheet
Urban School District

Date Computed= 11/12/2019

Case Name: Sample Urban PLD Calculations / 4-22-2004 Values	
Case Number: PRC2019-00008 NSGCL Subd.	
Commercial/Industrial (C-4, C-5, I-1)	
Acreage of plat=	1.341
Acres of PLD needed=	0.06705
Land Value per acre=	\$58,313.00
PLD Fee in lieu=	\$3,909.89
Deposits:	
Regional Parks Account=	\$3,909.89



COLORADO
Division of Water Resources
Department of Natural Resources

October 23, 2019

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

Re: North Side Gardens Center Land
Case No. PRC2019-00008 (Re-Submittal)
Part of the SW ¼ of the SW ¼ of Section 35, T 2S, R 68W, 6th P.M.
Water Division 1, Water District 7

Dear Mr. Barnes:

We have reviewed the October 18, 2019 referral to combine two adjacent parcels, North Side Gardens Business Park Lot 3 (1.15 acres) and 1790 E. 73rd Ave (0.22 acres), into one 1.37-acre parcel. The parcel at 1790 E. 73rd Ave is proposed to be rezoned from agricultural to commercial. The proposed use for the new combined lot is commercial. We previously commented on this proposal in a letter to the County dated July 29, 2019.

Water Supply Demand

Estimated water requirements for this development were not provided.

Source of Water Supply

The proposed water source for this development is service provided by the North Washington Street Water & Sanitation District ("District"). The District is contracted with the Denver Water Department ("Denver Water"). This office considers Denver Water to be a reliable water source. According to a letter dated August 22, 2019 from the District, service may be provided to this development subject to District rules and regulations.

According to the drainage report dated July 1, 2019 provided by Western Engineering Consultants, Inc., drainage structures (grass swales and a pond) have been developed on Lot 3. The applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in § 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The applicant should review [DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado](#), to ensure that the notification, construction and operation of the proposed structures meet statutory and administrative requirements. The applicant is encouraged to use [Colorado Stormwater Detention and Infiltration Facility Notification Portal](#) to meet the notification requirements.

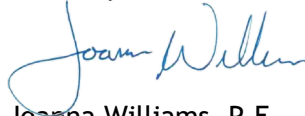
State Engineer's Office Opinion

Based upon the above and pursuant to § 30-28-136(1)(h)(I) and § 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, **as long as the District is committed to supply water to the lot.**



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

Sincerely,

A handwritten signature in blue ink, appearing to read "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" and last name "Williams" clearly distinguishable.

Joanna Williams, P.E.
Water Resources Engineer

Ec: Subdivision file 26629



October 29, 2019

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

RE: North Side Gardens Center Land Subdivision, PRC2019-00008
TCHD Case No. 5925

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the resubmittal of the Minor Subdivision Final Plat to create one 1.34 acre lot and the Rezoning of 0.22 acres from Agricultural-1 to Industrial-1 located at 7280 Gilpin Way. Tri-County Health Department (TCHD) staff previously reviewed the application for the Minor Subdivision Final Plat and, in a letter dated August 7, 2019 responded with the comments included below. TCHD has no further comments.

Historic Landfill

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

1. A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property. The plan for the investigation should be submitted to TCHD for review and approval.
2. TCHD will review the results of the investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required.
3. In lieu of the investigation, a flammable gas control system shall be designed and constructed to protect buildings and subsurface access to utilities, i.e. vaults, manholes, etc. from flammable gas. Health and safety practices shall be followed during construction to protect site workers. A copy of TCHD guidelines for safe construction in areas on or near former landfills has been attached.

Fugitive Dust – Building Demolition

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. The

application indicates that the existing residence on the site will be demolished. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <http://www.cdphe.state.co.us/ap/asbestos>.

Vector Control – Building Demolition

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

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

Vector Control - Storage

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

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

Sincerely,



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

cc: Sheila Lynch, Monte Deatrich, TCHD

HEALTH AND SAFETY PRACTICES DURING CONSTRUCTION ON OR NEAR FORMER LANDFILLS

If it has not been demonstrated that flammable gas is not present, the following health and safety practices shall be followed:

1. A flammable gas indicator will be utilized at all times during trenching, excavation, drilling, or when working within ten (10) feet of an open excavation.
2. Before personnel are permitted to enter an open trench or excavation, the trench or excavation will be monitored to ensure that flammable gas is not present in concentrations exceeding 1% and that oxygen is present at a minimum concentration of 19.5%. When in an excavation or trench, each work party will work no more than five (5) feet from a continuous flammable gas and oxygen monitor.
3. When trenching, excavating, or drilling deeper than two (2) feet into the fill, or in the presence of detectable concentrations of flammable gas, the soils will be wetted and the operating equipment will be provided with spark proof exhausts.
4. A dry chemical fire extinguisher, ABC rated, will be provided on all equipment used in the landfill.
5. Personnel within or near an open trench or drill hole will be fully clothed, and wear shoes with non-metallic soles, a hard hat and safety goggles or glasses.
6. Exhaust blowers will be used where trenches show a concentration of 1% flammable gas or a concentration of less than 19.5% oxygen.
7. Smoking will not be permitted in any area within one hundred (100) feet of the excavation.
8. Personnel will be kept upwind of any open trench unless the trench is continuously monitored.
9. All other applicable Safety and Health Regulations for Construction, as promulgated in 29 CFR by the Occupational Safety and Health Administration, shall be met. Applicable regulations include, but may not be limited to, the confined space standard (Part 1926.21(b)(6)(i) and (ii) in Subpart C); gases, vapors, fumes, dusts and mists (Part 1926.55 in Part 1926 Subpart E); fire protection and prevention (Part 1926 Subpart F); and trenching and excavation (Part 1926 Subpart P).
10. Compliance with the Occupational Safety and Health Administration's confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A- F.

Greg Barnes

From: Joaquin Flores
Sent: Thursday, November 07, 2019 9:02 AM
To: Greg Barnes
Cc: Gail Moon
Subject: 7280 Gilpin Way - North Side Gardens LLC-VIO2019-01946.

Greg,

Just a reminder this property has a active zoning violation pending and property is cited with the following regulations,

- 4-10-01-03-07 Screen fencing
- 4-02-01 Change in use permit
- 4-01-02-08 Storage Containers

Please see VIO2019-01946 to view the actual violation letter. If you have any other questions please feel free to contact me.



Joaquin Flores

Code Compliance Officer I, *Neighborhood Services Department*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, Suite W2000B

Brighton, CO 80601

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Adams County Public Land Dedication Worksheet
Urban School District

Date Computed= 11/12/2019

Case Name: Sample Urban PLD Calculations / 4-22-2004 Values	
Case Number: PRC2019-00008 NSGCL Subd.	
Commercial/Industrial (C-4, C-5, I-1)	
Acreage of plat=	1.341
Acres of PLD needed=	0.06705
Land Value per acre=	\$58,313.00
PLD Fee in lieu=	\$3,909.89
Deposits:	
Regional Parks Account=	\$3,909.89

Greg Barnes

From: Loeffler - CDOT, Steven [steven.loeffler@state.co.us]
Sent: Tuesday, August 13, 2019 8:08 AM
To: Greg Barnes
Cc: Bradley Sheehan - CDOT
Subject: PRC2019-00008, North Side Gardens Center Land Subdivision

Please be cautious: This email was sent from outside Adams County

Greg,

I have reviewed the referral for the case named above for a minor subdivision final plat to create one 1.34 acre lot and rezoning of 0.22 acres from A-1 to I-1 on property located at 7280 Gilpin Way and have no objections.

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit- Region 1



P 303.757.9891 | F 303.757.9886
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



COLORADO
Division of Water Resources
Department of Natural Resources

July 29, 2019

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

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

Dear Mr. Barnes:

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

Water Supply Demand

Estimated water requirements for this development were not provided.

Source of Water Supply

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

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



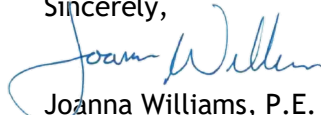
State Engineer's Office Opinion

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

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

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

Sincerely,



Joanna Williams, P.E.
Water Resources Engineer

Ec: Subdivision file 26629



COLORADO
Division of Water Resources
Department of Natural Resources

October 23, 2019

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

Re: North Side Gardens Center Land
Case No. PRC2019-00008 (Re-Submittal)
Part of the SW ¼ of the SW ¼ of Section 35, T 2S, R 68W, 6th P.M.
Water Division 1, Water District 7

Dear Mr. Barnes:

We have reviewed the October 18, 2019 referral to combine two adjacent parcels, North Side Gardens Business Park Lot 3 (1.15 acres) and 1790 E. 73rd Ave (0.22 acres), into one 1.37-acre parcel. The parcel at 1790 E. 73rd Ave is proposed to be rezoned from agricultural to commercial. The proposed use for the new combined lot is commercial. We previously commented on this proposal in a letter to the County dated July 29, 2019.

Water Supply Demand

Estimated water requirements for this development were not provided.

Source of Water Supply

The proposed water source for this development is service provided by the North Washington Street Water & Sanitation District ("District"). The District is contracted with the Denver Water Department ("Denver Water"). This office considers Denver Water to be a reliable water source. According to a letter dated August 22, 2019 from the District, service may be provided to this development subject to District rules and regulations.

According to the drainage report dated July 1, 2019 provided by Western Engineering Consultants, Inc., drainage structures (grass swales and a pond) have been developed on Lot 3. The applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in § 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The applicant should review [DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado](#), to ensure that the notification, construction and operation of the proposed structures meet statutory and administrative requirements. The applicant is encouraged to use [Colorado Stormwater Detention and Infiltration Facility Notification Portal](#) to meet the notification requirements.

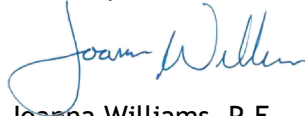
State Engineer's Office Opinion

Based upon the above and pursuant to § 30-28-136(1)(h)(I) and § 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, **as long as the District is committed to supply water to the lot.**



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

Sincerely,

A handwritten signature in blue ink, appearing to read "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" and last name "Williams" clearly distinguishable.

Joanna Williams, P.E.
Water Resources Engineer

Ec: Subdivision file 26629

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Karen Berry
State Geologist

August 9, 2019

Greg Barnes
Adams County Community and Economic Development
4430 S. Adams County Parkway, Suite W2000B
Brighton, CO 80601

Location:
S SW SE Section 35,
T2S, R68W, 6th P.M.
39.8287, -104.9667

Subject: North Side Gardens Center Land Subdivision
Case Number PRC2019-00008; Adams County, CO; CGS Unique No. AD-20-0001

Dear Mr. Barnes:

Colorado Geological Survey has reviewed the North Side Gardens Center Land Subdivision final plat and rezoning referral. I understand the applicant proposes a minor subdivision to plat one lot of 1.34 acre, and to rezone 0.22 acre from A-1 to I-1. The property has physical addresses of 1790 E. 73rd Avenue and 7280 Gilpin Way. CGS reviewed the North Side Business Park Minor Subdivision (two industrial lots for office/warehouse development on nine acres; PLT2015-00021) at preliminary plat; comments were provided in a letter dated July 24, 2015.

The site does not contain, nor is it exposed to, any geologic hazards that would preclude the proposed one-lot minor subdivision and rezoning. **CGS therefore has no objection to approval of the plat as proposed.**

Mineral resource potential. According to the Atlas of Sand, Gravel, and Quarry Aggregate Resources, Colorado Front Range Counties (Schwochow et al, Colorado Geological Survey Special Publications 5-A, Plate 2, and 5-B, Commerce City Quadrangle, 1974), the subject property is located within a mapped "T1" resource area, described as a stream terrace deposit potentially containing a coarse aggregate resource consisting of "Gravel: relatively clean and sound." Two borehole logs near the subject site on the Commerce City geologic quadrangle indicate that there may be a sand and gravel layer of 25 to 32 feet thickness beneath six to seven feet of clay.

A determination of whether the property contains an economic mineral resource is outside the scope of CGS review. A site-specific investigation would be required to verify the presence or absence of a resource. However, even if an aggregate resource were determined to be present, the site's small size likely precludes economic extraction.

Thank you for the opportunity to review and comment on this project. If you have questions or require additional review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Carlson".

Jill Carlson, C.E.G.
Engineering Geologist



August 7, 2019

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

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

Dear Mr. Barnes,

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

Historic Landfill

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

1. A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property. The plan for the investigation should be submitted to TCHD for review and approval.
2. TCHD will review the results of the investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required.
3. In lieu of the investigation, a flammable gas control system shall be designed and constructed to protect buildings and subsurface access to utilities, i.e. vaults, manholes, etc. from flammable gas. Health and safety practices shall be followed during construction to protect site workers. A copy of TCHD guidelines for safe construction in areas on or near former landfills has been attached.

Fugitive Dust – Building Demolition

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. The

application indicates that the existing residence on the site will be demolished. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <http://www.cdphe.state.co.us/ap/asbestos>.

Vector Control – Building Demolition

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

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

Vector Control - Storage

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

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

Sincerely,



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

cc: Sheila Lynch, Monte Deatrich, TCHD

HEALTH AND SAFETY PRACTICES DURING CONSTRUCTION ON OR NEAR FORMER LANDFILLS

If it has not been demonstrated that flammable gas is not present, the following health and safety practices shall be followed:

1. A flammable gas indicator will be utilized at all times during trenching, excavation, drilling, or when working within ten (10) feet of an open excavation.
2. Before personnel are permitted to enter an open trench or excavation, the trench or excavation will be monitored to ensure that flammable gas is not present in concentrations exceeding 1% and that oxygen is present at a minimum concentration of 19.5%. When in an excavation or trench, each work party will work no more than five (5) feet from a continuous flammable gas and oxygen monitor.
3. When trenching, excavating, or drilling deeper than two (2) feet into the fill, or in the presence of detectable concentrations of flammable gas, the soils will be wetted and the operating equipment will be provided with spark proof exhausts.
4. A dry chemical fire extinguisher, ABC rated, will be provided on all equipment used in the landfill.
5. Personnel within or near an open trench or drill hole will be fully clothed, and wear shoes with non-metallic soles, a hard hat and safety goggles or glasses.
6. Exhaust blowers will be used where trenches show a concentration of 1% flammable gas or a concentration of less than 19.5% oxygen.
7. Smoking will not be permitted in any area within one hundred (100) feet of the excavation.
8. Personnel will be kept upwind of any open trench unless the trench is continuously monitored.
9. All other applicable Safety and Health Regulations for Construction, as promulgated in 29 CFR by the Occupational Safety and Health Administration, shall be met. Applicable regulations include, but may not be limited to, the confined space standard (Part 1926.21(b)(6)(i) and (ii) in Subpart C); gases, vapors, fumes, dusts and mists (Part 1926.55 in Part 1926 Subpart E); fire protection and prevention (Part 1926 Subpart F); and trenching and excavation (Part 1926 Subpart P).
10. Compliance with the Occupational Safety and Health Administration's confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A- F.



October 29, 2019

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

RE: North Side Gardens Center Land Subdivision, PRC2019-00008
TCHD Case No. 5925

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the resubmittal of the Minor Subdivision Final Plat to create one 1.34 acre lot and the Rezoning of 0.22 acres from Agricultural-1 to Industrial-1 located at 7280 Gilpin Way. Tri-County Health Department (TCHD) staff previously reviewed the application for the Minor Subdivision Final Plat and, in a letter dated August 7, 2019 responded with the comments included below. TCHD has no further comments.

Historic Landfill

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

1. A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property. The plan for the investigation should be submitted to TCHD for review and approval.
2. TCHD will review the results of the investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required.
3. In lieu of the investigation, a flammable gas control system shall be designed and constructed to protect buildings and subsurface access to utilities, i.e. vaults, manholes, etc. from flammable gas. Health and safety practices shall be followed during construction to protect site workers. A copy of TCHD guidelines for safe construction in areas on or near former landfills has been attached.

Fugitive Dust – Building Demolition

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. The

application indicates that the existing residence on the site will be demolished. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <http://www.cdphe.state.co.us/ap/asbestos>.

Vector Control – Building Demolition

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

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

Vector Control - Storage

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

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

Sincerely,



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

cc: Sheila Lynch, Monte Deatrich, TCHD

HEALTH AND SAFETY PRACTICES DURING CONSTRUCTION ON OR NEAR FORMER LANDFILLS

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10. Compliance with the Occupational Safety and Health Administration's confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A- F.



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

August 14, 2019

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Greg Barnes

Re: North Side Gardens Center Land Subdivision, Case # PRC2019-00008

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plat for **North Side Gardens Center Land Subdivision** and has no apparent conflict.

Please be aware PSCo owns and operates existing natural gas and electric distribution facilities within the proposed project area. The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. The Builder's Call Line is 1-800-628-2121. 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 to have all utilities located prior to any construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado / Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Request for Comments

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

July 23, 2019

The Adams County Planning Commission is requesting comments on the following applications:
Minor Subdivision final plat to create one 1.34 acre lot; and rezoning of 0.22 acres from Agricultural-1 to Industrial-1. This request is located at 7280 GILPIN WAY. The Assessor's Parcel Numbers are: 0171935400035, 0171935407003.

Applicant Information: NORTH SIDE GARDENS LLC
KEN LOMBARDI
7285 GILPIN WAY
STE 100
DENVER, CO 80229

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 (720) 523-6800 by 08/13/2019 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Greg Barnes
Planner III

BOARD OF COUNTY COMMISSIONERS

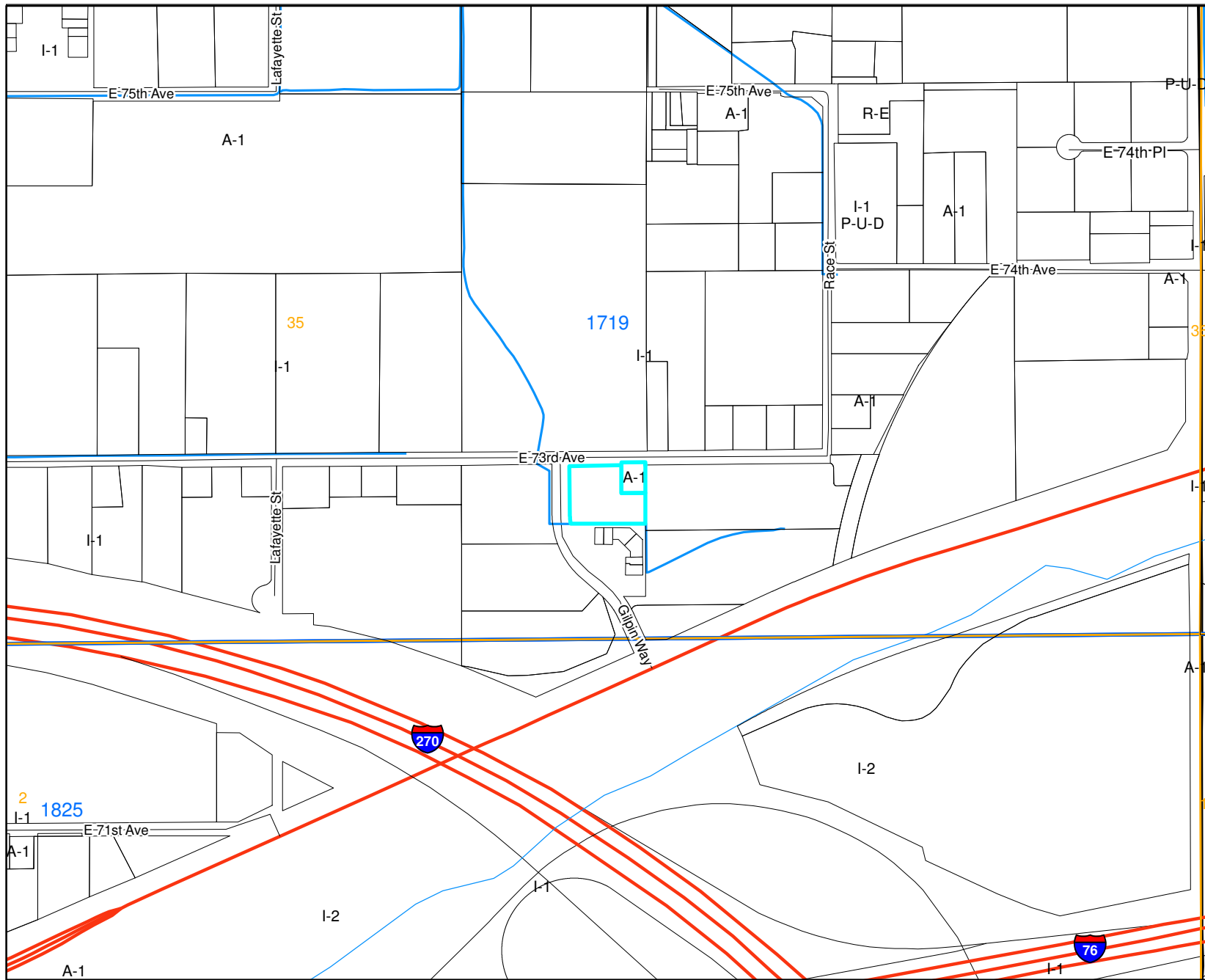
Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2





Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5



Legend

-  Railroad
-  Major Water
-  Zoning Line
-  Sections

North Side Gardens - Lombardi Subdivision

PRC2019-00008



For display purposes only.



ADAMS COUNTY
COLORADO

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by the Adams County GIS
group, which assumes no
responsibility for its accuracy

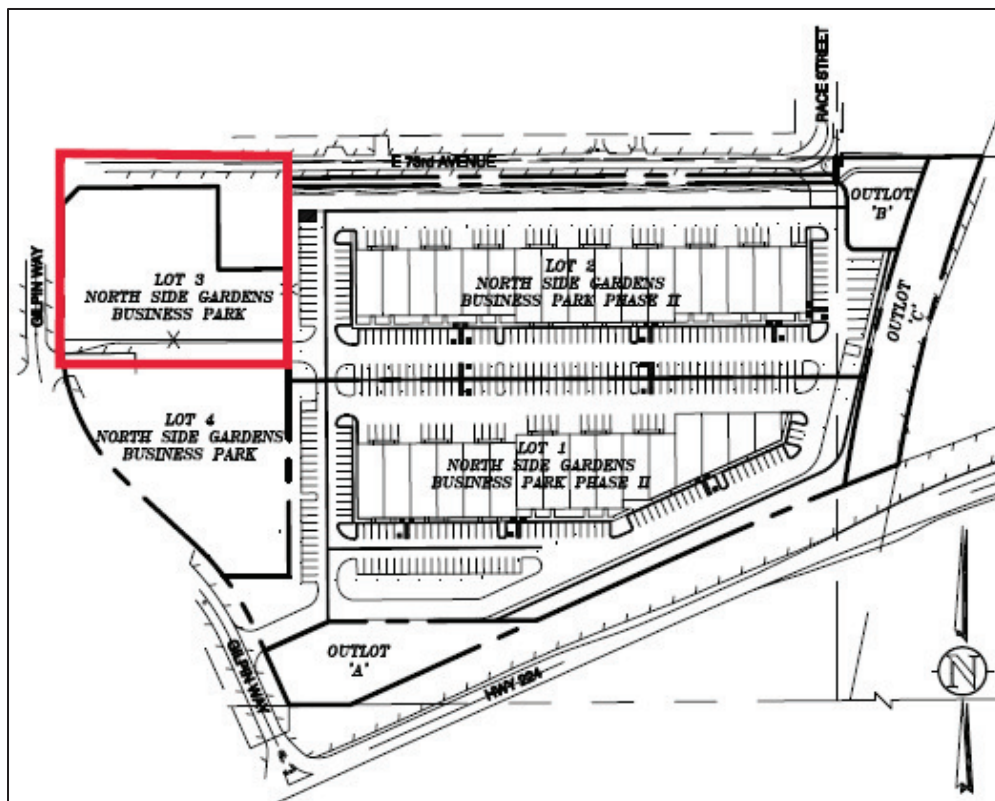
3. Written Explanation of the Project – North Side Gardens Business Park Lot 3 Subdivision

The purpose of this application is to request approval of a minor subdivision to replat two parcels and create one parcel that includes the following properties:

- Lot 3 North Side Gardens (7280 Gilpin Way) consisting of 1.15 acres
- 1790 E. 73rd Ave. consisting of .22 acres

1790 E. 73rd Ave. was purchased by the owner in 2018. Plans include removal of the current residence so that the lot can be included as part of the development for the North Side Gardens Business Park (see Figure 1 below.) Lot 3 will contain storage space and parking area to be used by existing customers with office/warehouse leases in the business park (see Site Plan in Section 3 for more details). Lot 3 was previously platted as part of North Side Gardens Business Park. 1790 E. 73rd Avenue, a former residence, has not been previously platted.

Figure 1. North Side Gardens Business Park Development Plan Overview



As part of the Minor Subdivision Plat process the following documents have been prepared and are included in the application package:

- Site Plan
- Plat prepared by a registered land surveyor
- Subdivision Improvements Agreement
- Updated title commitment
- Proof of Water and Sewer Services (served by North Washington Street Water and Sewer Sanitation District)

- Engineering Review application

Engineering documents for the proposed development have been developed and are submitted with this package along with all applicable fees. Engineering plans include a Level 3 Storm Drainage Study, Traffic Impact Study, Erosion and Sediment Control Plans, and a complete package of Engineering Design Plans, prepared by a registered Professional Engineer.



Public Hearing Notification

Case Name:	North Side Gardens Center Land Subdivision
Case Number:	PRC2019-00008
Planning Commission Hearing Date:	3/26/2020 at 6:00 p.m.
Board of County Commissioners Hearing Date:	4/14/2020 at 9:30 a.m.

February 26, 2020

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request: **Minor Subdivision final plat to create one 1.34 acre lot; and rezoning of 0.22 acres from Agricultural-1 to Industrial-1.**

The Assessor's Parcel Numbers are: 0171935400035 and 0171935407003

Applicant Information: NORTH SIDE GARDENS, LLC
KEN LOMBARDI
7285 GILPIN WAY, STE 100
DENVER, CO 80229

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601-8216. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at (720) 523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date.

For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases. Thank you for your review of this case.

Greg Barnes
Planner III

BOARD OF COUNTY COMMISSIONERS

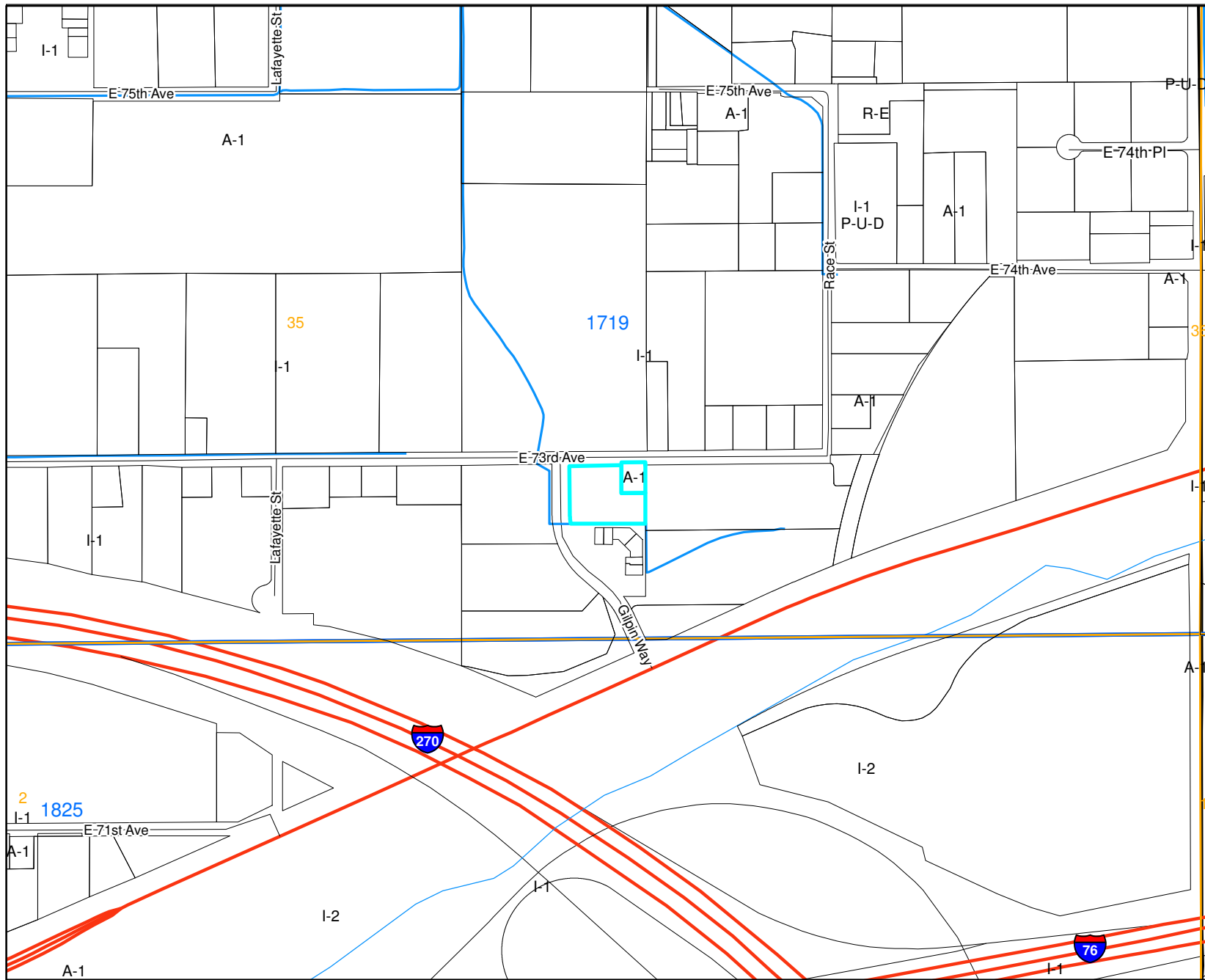
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DISTRICT 3

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DISTRICT 5



Legend

- Railroad
- Major Water
- Zoning Line
- Sections

North Side Gardens - Lombardi Subdivision

PRC2019-00008



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ADAMS COUNTY
COLORADO

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by the Adams County GIS
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PUBLICATION REQUEST

North Side Gardens Center Land Subdivision (PRC2019-00008)

Planning Commission Hearing Date: 3/26/2020 at 6:00 p.m.

Board of County Commissioners Hearing Date: 4/14/2020 at 9:30 a.m.

Location of Hearings: 4430 S. Adams County Pkwy., Brighton, CO 80601

Request: Minor Subdivision final plat to create one 1.34 acre lot; and rezoning of 0.22 acres from Agricultural-1 to Industrial-1.

Location: 7280 GILPIN WAY

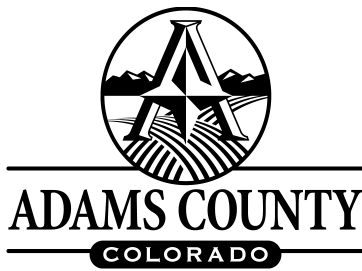
Parcel Numbers: 0171935400035, 0171935407003

Case Manager: Greg Barnes

**Applicant: KEN LOMBARDI
7285 GILPIN WAY, STE 100
DENVER, CO 80229**

Legal Description:

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.



Referral Listing
Case Number PRC2019-00008
North Side Gardens Center Land Subdivision

Agency	Contact Information
Adams County Attorney's Office	Christine Fitch CFitch@adcogov.org 4430 S Adams County Pkwy Brighton CO 80601 720-523-6352
Adams County CEDD Addressing	Marissa Hillje PLN 720.523.6837 mhillje@adcogov.org
Adams County CEDD Development Services Engineer	Devt. Services Engineering 4430 S. Adams County Pkwy. Brighton CO 80601 720-523-6800
Adams County CEDD Right-of-Way	Marissa Hillje 4430 S. Adams County Pkwy. Brighton CO 80601 720-523-6837 mhillje@adcogov.org
Adams County Community & Economic Development Department	Gina Maldonado 4430 S. Adams County Pkwy Brighton CO 80601 720-523-6823 gmaldonado@adcogov.org
Adams County Community Safety & Wellbeing, Neighborhood Services	Gail Moon gmoon@adcogov.org 4430 S. Adams County Pkwy. Brighton CO 80601 720-523-6856 gmoon@adcogov.org
Adams County Construction Inspection	Gordon .Stevens 4430 S. Adams County Pkwy Brighton CO 80601 720-523-6965 gstevens@adcogov.org
Adams County Development Services - Building	Justin Blair 4430 S Adams County Pkwy Brighton CO 80601 720-523-6825 JBlair@adcogov.org

Agency	Contact Information
Adams County Fire Protection District	Chris Wilder 8055 N. WASHINGTON ST. DENVER CO 80229 (303) 289-4683 cwilder@acfpd.org
Adams County Parks and Open Space Department	Aaron Clark (303) 637-8005 aclark@adcogov.org
Adams County Parks and Open Space Department	Marc Pedrucci 303-637-8014 mpedrucci@adcogov.org
Adams County Sheriff's Office: SO-HQ	Rick Reigenborn (303) 654-1850 rreigenborn@adcogov.org
Adams County Sheriff's Office: SO-SUB	- - 303-655-3283 CommunityConnections@adcogov.org
Adams County Treasurer	Lisa Culpepper 4430 S Adams County Pkwy Brighton CO 80601 720.523.6166 lculpepper@adcogov.org
CDOT Colorado Department of Transportation	Bradley Sheehan 2829 W. Howard Pl. 2nd Floor Denver CO 80204 303.757.9891 bradley.sheehan@state.co.us
Century Link, Inc	Brandyn Wiedrich 5325 Zuni St, Rm 728 Denver CO 80221 720-578-3724 720-245-0029 brandyn.wiedrich@centurylink.com
COLO DIV OF WATER RESOURCES	Joanna Williams OFFICE OF STATE ENGINEER 1313 SHERMAN ST., ROOM 818 DENVER CO 80203 303-866-3581 joanna.williams@state.co.us
COLO DIV OF WATER RESOURCES	Joanna Williams OFFICE OF STATE ENGINEER 1313 SHERMAN ST., ROOM 818 DENVER CO 80203 303-866-3581 joanna.williams@state.co.us

Agency	Contact Information
COLORADO DEPT OF TRANSPORTATION	Steve Loeffler 2000 S. Holly St. Region 1 Denver CO 80222 303-757-9891 steven.loeffler@state.co.us
COLORADO DIVISION OF WILDLIFE	Matt Martinez 6060 BROADWAY DENVER CO 80216-1000 303-291-7526 matt.martinez@state.co.us
COLORADO DIVISION OF WILDLIFE	Serena Rocksund 6060 BROADWAY DENVER CO 80216 3039471798 serena.rocksund@state.co.us
COLORADO GEOLOGICAL SURVEY	Jill Carlson 1500 Illinois Street Golden CO 80401 303-384-2643 CGS_LUR@mines.edu
Colorado Geological Survey: CGS_LUR@mines.edu	Jill Carlson Mail CHECK to Jill Carlson 303-384-2643 CGS_LUR@mines.edu
COMCAST	JOE LOWE 8490 N UMITILLA ST FEDERAL HEIGHTS CO 80260 303-603-5039 thomas_lowe@cable.comcast.com
Division of Mining and Reclamation Safety	Jared Ebert Colorado Department of Natural Resources 1313 Sherman St., #215 Denver CO 80203 (303) 866-3567 EXT. 8120 jared.ebert@state.co.us
LOWER CLEAR CREEK DITCH CO.	Matt Stockton PO BOX 701 Eastlake CO 80614 720-977-6506 matt.stockton@cityofthornton.net
MAPLETON SCHOOL DISTRICT #1	CHARLOTTE CIANCIO 591 E. 80TH AVE DENVER CO 80229 303-853-1015 charlotte@mapleton.us
METRO WASTEWATER RECLAMATION	CRAIG SIMMONDS 6450 YORK ST. DENVER CO 80229 303-286-3338 CSIMMONDS@MWRD.DST.CO.US

Agency	Contact Information
North Washington Street Water & San Dist	Joe Jamsay 3172 E 78th Ave Denver CO 80229 303-288-6664 jjames@nwsbsd.com
NS - Code Compliance	Kerry Gress kgress@adcogovorg 720.523.6832 kgress@adcogov.org
NS - Code Compliance	Joaquin Flores 720.523.6207 jflores@adcogov.org
REGIONAL TRANSPORTATION DIST.	Engineering RTD 1560 BROADWAY SUITE 700 DENVER CO 80202 303-299-2439 engineering@rtd-denver.com
TRI-COUNTY HEALTH DEPARTMENT	Sheila Lynch 6162 S WILLOW DR, SUITE 100 GREENWOOD VILLAGE CO 80111 720-200-1571 landuse@tchd.org
TRI-COUNTY HEALTH DEPARTMENT	MONTE DEATRICH 4201 E. 72ND AVENUE SUITE D COMMERCE CITY CO 80022 (303) 288-6816 mdeatrich@tchd.org
Tri-County Health: Mail CHECK to Sheila Lynch	Tri-County Health landuse@tchd.org .
United States Postal Service	Arlene Vickrey 303-853-6644 Arlene.A.Vickrey@usps.gov
United States Postal Service	Jason Eddleman 303-853-6025 Jason.G.Eddleman@usps.gov
US EPA	Stan Christensen 1595 Wynkoop Street DENVER CO 80202 1-800-227-8917 christensen.stanley@epa.gov
WELBY CITIZEN GROUP	NORMA FRANK 7401 RACE STREET DENVER CO 80229 (303) 288-3152

Agency

Contact Information

Xcel Energy

Donna George
1123 W 3rd Ave
DENVER CO 80223
303-571-3306
Donna.L.George@xcelenergy.com

Xcel Energy

Donna George
1123 W 3rd Ave
DENVER CO 80223
303-571-3306
Donna.L.George@xcelenergy.com

1601 E 73RD LLC
ATTN JOHN MOYE ESQ
1400 16TH STREET STE 600
DENVER CO 80202

HOFFMAN INVESTMENT COMPANY INC
6825 BROADWAY
DENVER CO 80221

7250 GILPIN WAY NO 130 LLC
3578 SOUTH WACO WAY
AURORA CO 80013

LECHUGA LANA J AND
LECHUGA JOSE M
1911 E 73RD AVE
DENVER CO 80229-6914

ADAMS COUNTY
4430 S ADAMS COUNTY PKWY
BRIGHTON CO 80601-8222

MAZZOTTI GEORGE AND RUTH REVOCABLE
LIVING TRUST
PO BOX 29443
DENVER CO 80229-0443

CENTER GREENHOUSE INC
1550 E 73RD AVE
DENVER CO 80229-6904

MHG LLC
17539 W 94TH DR
ARVADA CO 80007-8258

CENTER LAND LLC
7285 GILPIN WAY
DENVER CO 80229-6507

NORTH SIDE GARDENS LLC
7285 GILPIN WAY UNIT 100
DENVER CO 80229-6507

CENTRAL CONNECTION LLC
1855 S PEARL ST STE 20
DENVER CO 80210-3181

NORVIC PROPERTIES LLC
7401 RACE ST
DENVER CO 80229-6502

CIANCIO TERI L
1780 W 115TH CIR
DENVER CO 80234-2610

PEDOTTO EDWARD M
6946 W 83RD WAY
ARVADA CO 80003-1611

GENUINE PARTS COMPANY
2999 WILDWOOD PARKWAY
ATLANTA GA 30339

T & G PECOS LLC
6301 FEDERAL BLVD # 3
DENVER CO 80221-2029

HOFFMAN INVESTMENT COMPANY INC
7250 GILPIN WAY SUITE 100
DENVER CO 80229

WELBY DEVELOPMENT LLC
14143 DENVER WEST PKWY STE 450
LAKEWOOD CO 80401-3370

HOFFMAN INVESTMENT COMPANY INC
7250 GILPIN WAY STE 100
DENVER CO 80229-6530

CENTER LAND COMPANY
OR CURRENT RESIDENT
1480 E 73RD AVE
DENVER CO 80229-6902

FRANK VICTOR H JR/NORMA J 1/2 INT (JT) A
O DORISIO STEVEN J/ROBIN R 1/2 INT (JT)
OR CURRENT RESIDENT
7403 RACE ST
DENVER CO 80229-6502

CURRENT RESIDENT
7205 GILPIN WAY STE 100
DENVER CO 80229-6517

LECHUGA JOSE MICHAEL AND
LECHUGA LANA JEAN
OR CURRENT RESIDENT
1911 E 73RD AVE
DENVER CO 80229-6914

CURRENT RESIDENT
7285 GILPIN WAY UNIT 200
DENVER CO 80229-6523

NORTH SIDE GARDENS LLC
OR CURRENT RESIDENT
7285 GILPIN WAY UNIT 100
DENVER CO 80229-6507

CURRENT RESIDENT
7285 GILPIN WAY UNIT 210
DENVER CO 80229-6523

YANTORNO BEVERLY SUE AND HOFFMAN PETER
MICHAEL AND HOFFMAN KIMBERLY ANN
OR CURRENT RESIDENT
1460 E 73RD AVE
DENVER CO 80229-6902

CURRENT RESIDENT
7285 GILPIN WAY UNIT 230
DENVER CO 80229-6523

CURRENT RESIDENT
7250 GILPIN WAY STE 130
DENVER CO 80229-6505

CURRENT RESIDENT
7285 GILPIN WAY UNIT 240
DENVER CO 80229-6523

CURRENT RESIDENT
7250 GILPIN WAY STE 140
DENVER CO 80229-6505

CURRENT RESIDENT
7285 GILPIN WAY UNIT 270
DENVER CO 80229-6523

CURRENT RESIDENT
7285 GILPIN WAY UNIT 110
DENVER CO 80229-6507

CURRENT RESIDENT
7285 GILPIN WAY UNIT 150
DENVER CO 80229-6524

CURRENT RESIDENT
7285 GILPIN WAY UNIT 130
DENVER CO 80229-6507

CURRENT RESIDENT
7285 GILPIN WAY UNIT 250
DENVER CO 80229-6528

CURRENT RESIDENT
7285 GILPIN WAY UNIT 140
DENVER CO 80229-6507

CURRENT RESIDENT
7250 GILPIN WAY STE 150
DENVER CO 80229-6530

CURRENT RESIDENT
7285 GILPIN WAY UNIT 170
DENVER CO 80229-6507

CURRENT RESIDENT
7285 GILPIN WAY UNIT 220
DENVER CO 80229-6531

CURRENT RESIDENT
7245 GILPIN WAY STE 100
DENVER CO 80229-6532

CURRENT RESIDENT
7245 GILPIN WAY STE 150
DENVER CO 80229-6534

CURRENT RESIDENT
7245 GILPIN WAY STE 110
DENVER CO 80229-6532

CURRENT RESIDENT
7245 GILPIN WAY STE 160
DENVER CO 80229-6534

CURRENT RESIDENT
7245 GILPIN WAY STE 120
DENVER CO 80229-6532

CURRENT RESIDENT
7245 GILPIN WAY STE 170
DENVER CO 80229-6534

CURRENT RESIDENT
7245 GILPIN WAY STE 130
DENVER CO 80229-6532

CURRENT RESIDENT
7245 GILPIN WAY STE 250
DENVER CO 80229-6535

CURRENT RESIDENT
7245 GILPIN WAY STE 140
DENVER CO 80229-6532

CURRENT RESIDENT
7245 GILPIN WAY STE 260
DENVER CO 80229-6535

CURRENT RESIDENT
7245 GILPIN WAY STE 200
DENVER CO 80229-6533

CURRENT RESIDENT
7245 GILPIN WAY STE 270
DENVER CO 80229-6535

CURRENT RESIDENT
7245 GILPIN WAY STE 210
DENVER CO 80229-6533

CURRENT RESIDENT
7245 GILPIN WAY STE 280
DENVER CO 80229-6535

CURRENT RESIDENT
7245 GILPIN WAY STE 220
DENVER CO 80229-6533

CURRENT RESIDENT
7205 GILPIN WAY STE 110
DENVER CO 80229-6539

CURRENT RESIDENT
7245 GILPIN WAY STE 230
DENVER CO 80229-6533

CURRENT RESIDENT
7205 GILPIN WAY STE 120
DENVER CO 80229-6540

CURRENT RESIDENT
7245 GILPIN WAY STE 240
DENVER CO 80229-6533

CURRENT RESIDENT
7205 GILPIN WAY STE 130
DENVER CO 80229-6541

CURRENT RESIDENT
7205 GILPIN WAY STE 140
DENVER CO 80229-6542

CURRENT RESIDENT
7230 GILPIN WAY STE 130
DENVER CO 80229-6553

CURRENT RESIDENT
7205 GILPIN WAY STE 150
DENVER CO 80229-6543

CURRENT RESIDENT
7230 GILPIN WAY STE 140
DENVER CO 80229-6554

CURRENT RESIDENT
7205 GILPIN WAY STE 160
DENVER CO 80229-6544

CURRENT RESIDENT
7230 GILPIN WAY STE 150
DENVER CO 80229-6555

CURRENT RESIDENT
7205 GILPIN WAY STE 170
DENVER CO 80229-6545

CURRENT RESIDENT
7230 GILPIN WAY STE 160
DENVER CO 80229-6556

CURRENT RESIDENT
7205 GILPIN WAY STE 180
DENVER CO 80229-6546

CURRENT RESIDENT
7230 GILPIN WAY STE 170
DENVER CO 80229-6557

CURRENT RESIDENT
7205 GILPIN WAY STE 190
DENVER CO 80229-6547

CURRENT RESIDENT
7230 GILPIN WAY STE 180
DENVER CO 80229-6558

CURRENT RESIDENT
7205 GILPIN WAY STE 200
DENVER CO 80229-6548

CURRENT RESIDENT
7230 GILPIN WAY STE 190
DENVER CO 80229-6559

CURRENT RESIDENT
7230 GILPIN WAY STE 100
DENVER CO 80229-6550

CURRENT RESIDENT
7230 GILPIN WAY STE 200
DENVER CO 80229-6560

CURRENT RESIDENT
7230 GILPIN WAY STE 110
DENVER CO 80229-6551

CURRENT RESIDENT
7230 GILPIN WAY STE 210
DENVER CO 80229-6561

CURRENT RESIDENT
7230 GILPIN WAY STE 120
DENVER CO 80229-6552

CURRENT RESIDENT
7230 GILPIN WAY STE 220
DENVER CO 80229-6562

CURRENT RESIDENT
7220 LAFAYETTE ST
DENVER CO 80229-6827

CURRENT RESIDENT
7340 RACE ST
DENVER CO 80229-6909

CURRENT RESIDENT
1581 E 73RD AVE
DENVER CO 80229-6903

CURRENT RESIDENT
2101 E HIGHWAY 224
DENVER CO 80229-6910

CURRENT RESIDENT
1550 E 73RD AVE
DENVER CO 80229-6904

CURRENT RESIDENT
1801 E 73RD AVE
DENVER CO 80229-6916

CURRENT RESIDENT
1601 E 73RD AVE
DENVER CO 80229-6905

CURRENT RESIDENT
1840 E 73RD AVE
DENVER CO 80229-6917

CURRENT RESIDENT
1831 E 73RD AVE UNIT A
DENVER CO 80229-6906

CURRENT RESIDENT
1831 E 73RD AVE UNIT B
DENVER CO 80229-6906

CURRENT RESIDENT
1790 E 73RD AVE
DENVER CO 80229-6907

CURRENT RESIDENT
7341 RACE ST
DENVER CO 80229-6908

CURRENT RESIDENT
7300 RACE ST
DENVER CO 80229-6909

CURRENT RESIDENT
7330 RACE ST
DENVER CO 80229-6909

CERTIFICATE OF POSTING



I, J. Gregory Barnes do hereby certify that I posted the property at 7280 Gilpin Way on March 10, 2020, in accordance with the requirements of the Adams County Development Standards and Regulations.

A handwritten signature in black ink, reading "J. Gregory Barnes".

J. Gregory Barnes

North Side Gardens Center Land

PRC2019-00008

7280 Gilpin Way / 1790 E. 73rd Avenue

April 14, 2020

Board of County Commissioners Public Hearing
Community and Economic Development Department

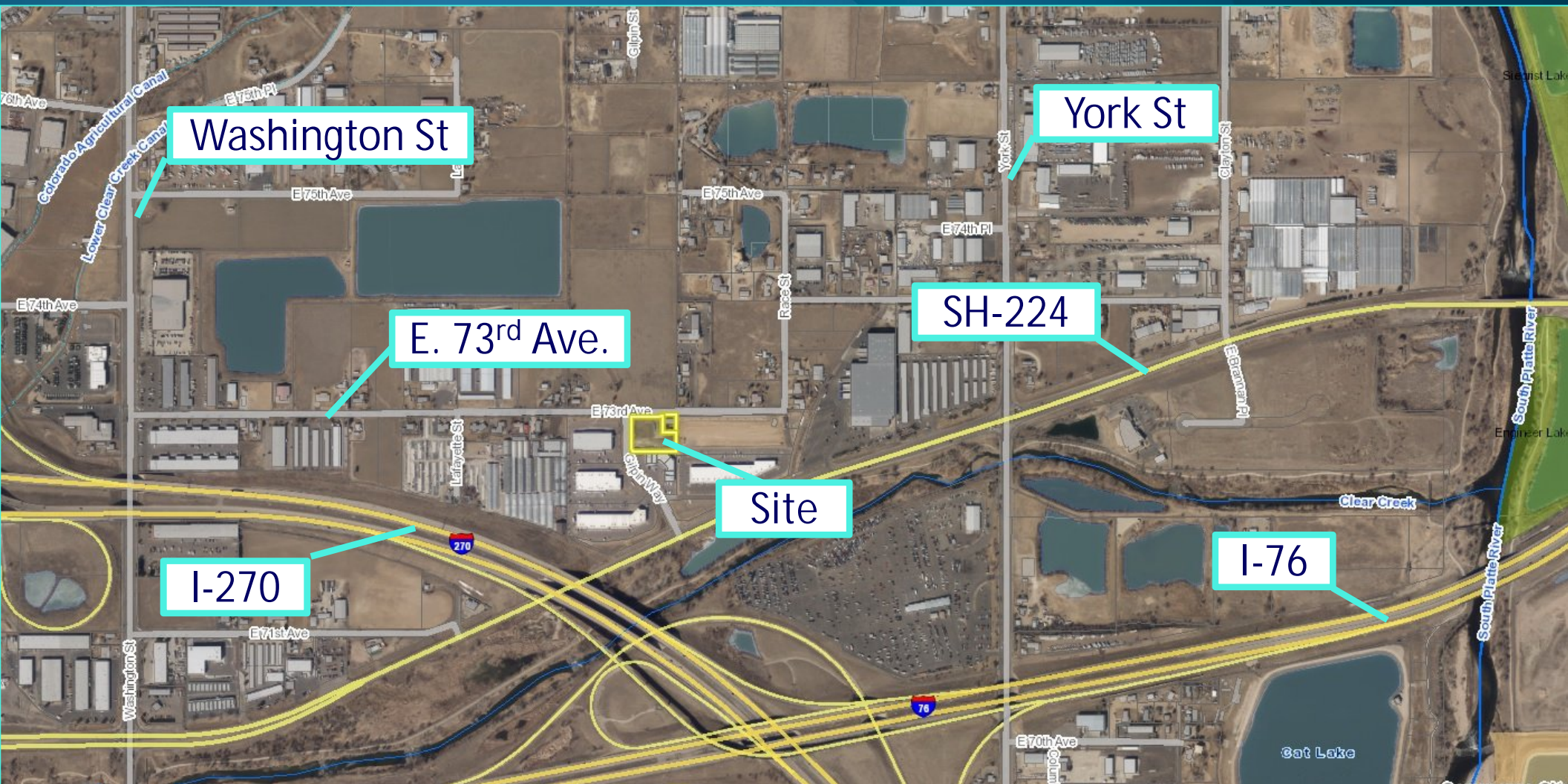
Case Manager: Greg Barnes



Three Requests

- Final plat for minor subdivision:
 - 2 existing parcels combined
 - Creates 1 lot
 - 1.4 acre
- Subdivision Improvements Agreement
- Rezoning:
 - 0.2 acres
 - Current: Agricultural-1
 - Proposed: Industrial-1
 - Single-cohesive I-1 zone on newly created lot

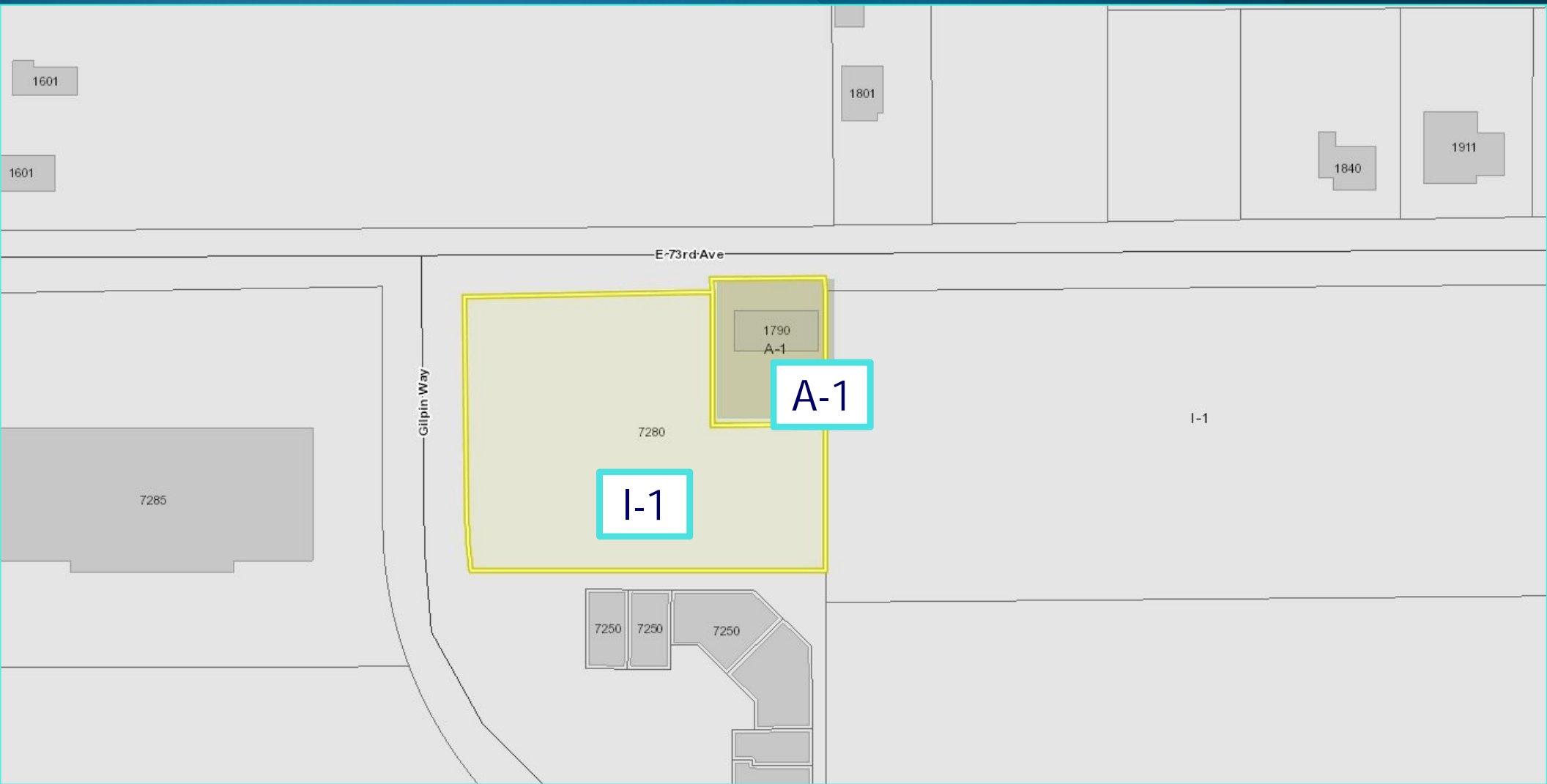
Aerial View



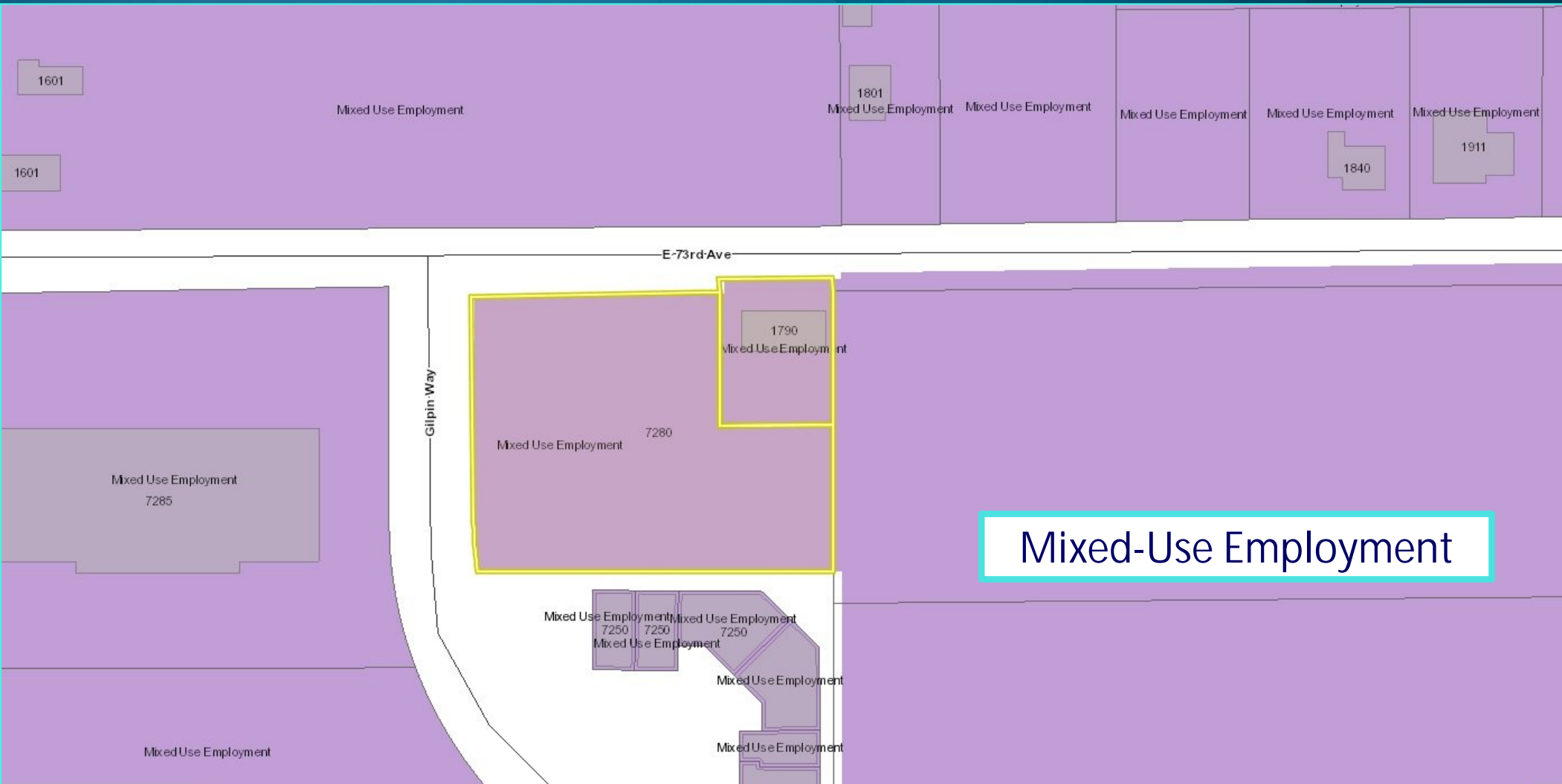
Aerial View



Current Zoning Map



Future Land Use



Criteria for Minor Subdivision Final Plat Approval

Section 2-02-20-03-05

- Conforms to Subdivision Design Standards
- Sufficient Water Supply
- Established Sewage Disposal
- Identified Soil & Topographical Issues
- Adequate Drainage Improvements
- Adequate Public Infrastructure Guarantees
- Consistent with Comprehensive Plan
- Consistent with Purpose of Regulations
- Conforms to Density Standards
- Compatible & Harmonious to Surrounding Area

Criteria for Rezoning Approval

Section 2-02-15-06-02

- Consistent with Comprehensive Plan
- Consistent with Purpose of Regulations
- Complies with Zone District Standards
- Compatible & Harmonious to Surrounding Area

Proposed Final Plat (1 lot)

NORTH SIDE GARDENS CENTER LAND SUBDIVISION

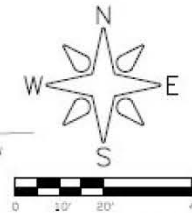
A SUBDIVISION OF LOT 3, NORTH SIDE GARDENS BUSINESS PARK, AND A PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.
SHEET 2 OF 2

CASE NO.: PRC2019-00008

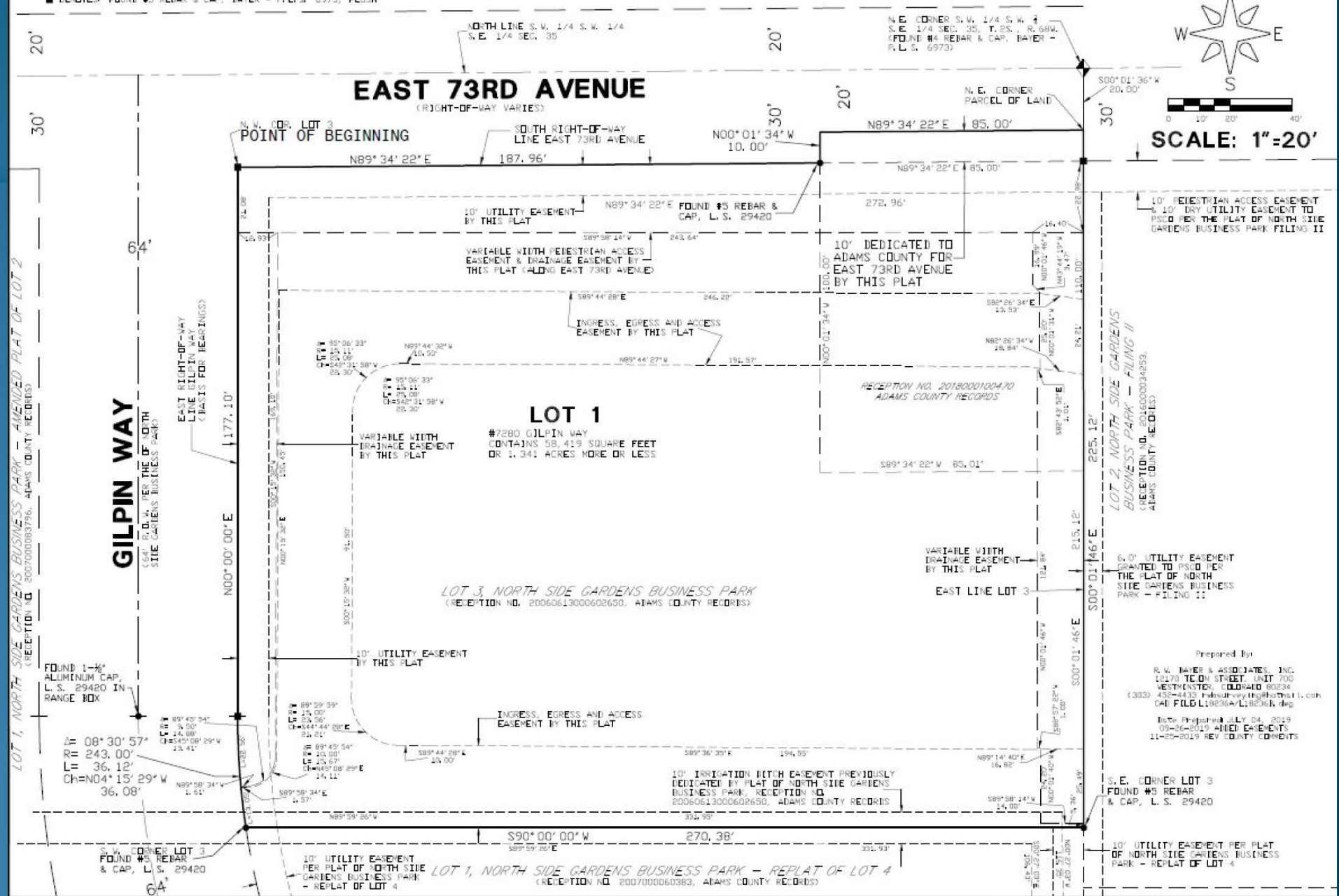
LEGEND

- DENOTES FOUND MONUMENT AS DESCRIBED HEREON
- DENOTES FOUND #5 REBAR & CAP, BAYER - P.L.S. 6973, FLUSH

(UNPLATTED)



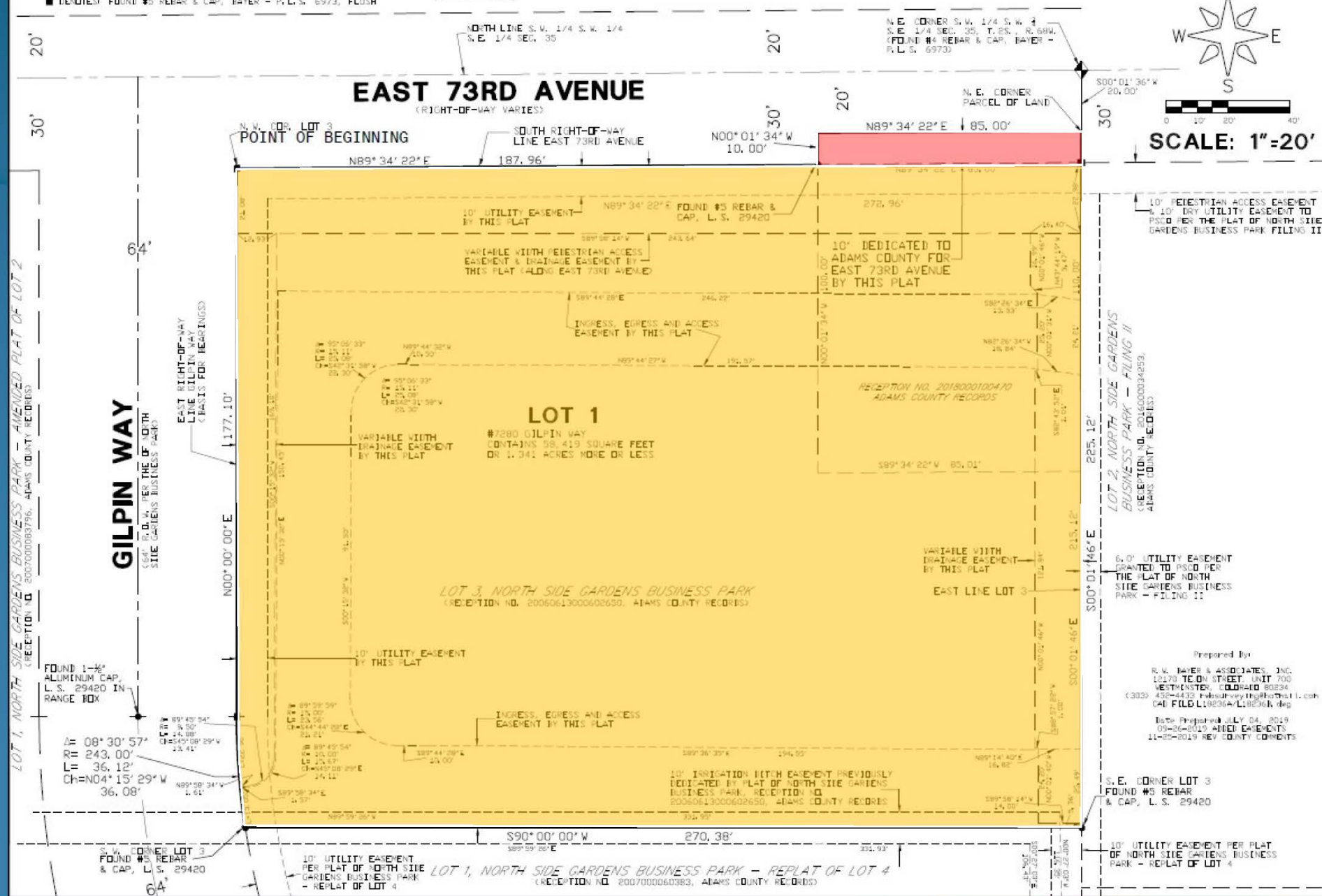
SCALE: 1"=20'



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.

● DENOTES: FOUND MONUMENT AS DESCRIBED HEREON
■ DENOTES: FOUND #5 REBAR & CAP, BAYER - P. L. S. 6973, FLUSH

(UNPLATTED)



[illegible]

SOUTH LIMITS GILPIN IMPROVEMENTS

Development Standards

I-1 Zone District

- Minimum Lot Size:
 - 1 acre (required)
 - 1.4 acres (min. proposed)
- Minimum Lot Width:
 - 100 ft. (required)
 - 272 ft. (min. proposed)
- Minimum Setbacks:
 - 25 ft. (front)
 - 5 ft. (side)
 - 15 ft. (rear)

Analysis

- Water:
 - Water provided by North Washington Street Water & Sanitation District
 - Confirmed by Colorado Division of Water Resources
- Electric Service:
 - Provided by Xcel Energy











Referral Period

Notices Sent*	Comments Received
94	0

750-foot referral distance

External Referral Agencies with concerns:
None

External Referral Agencies without concerns:
CDOT, CDWR, Xcel, CGS, TCHD

Planning Commission Hearing

(PRC2019-00008 – North Side Gardens Center Land)

- Held virtually on Zoom
- Applicant was present and had no objections
- No public comment

PC Recommendation

(PRC2019-00008 – North Side Gardens Center Land)

- Consistent with Comprehensive Plan
- Complies with minimum zone district standards
- Compatible with surrounding area
- Water, Sewage, & Electric Service Provided
- Planning Commission Recommended Approval (7-0)

Approval of the final plat and rezoning with 15 findings-of-fact,
3 conditions precedent, and 2 notes

Recommended Conditions Precedent

(PRC2019-00008 – North Side Gardens Center Land)

1. The applicant shall furnish the County with \$139,746.00 cash-in-lieu of roadway improvements for East 73rd Avenue prior to the issuance of any building permit in the subdivision.
2. The applicant shall furnish the County with the \$94,248.00 for public improvements collateral, as specified in the subdivision improvements agreement, prior to the issuance of any building permit in the subdivision.
3. The applicant shall furnish the County with the \$3,968.20 for cash-in-lieu of public land dedication requirements prior to the recording of the approved plat.

Recommended Notes

(PRC2019-00008 – North Side Gardens Center Land)

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations during the development of the subject site.
2. All utilities shall be located underground pursuant to Section 5-04-04-01 of the Adams County Development Standards and Regulations.



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

CASE NO.: RCU2019-00026

CASE NAME: Rio 64th Billboard CUP

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EXHIBIT 2 – Maps

- 2.1 Aerial Map
- 2.2 Zoning Map
- 2.3 Future Land Use Map
- 2.4 Simple Map

EXHIBIT 3 – Applicant Information

- 3.1 Applicant Written Explanation
- 3.2 Applicant Site Plan

EXHIBIT 4 – Referral Comments

- 4.1 Referral Comment (Adams County 1st Review)
- 4.2 Referral Comment (Adams County 2nd Review)
- 4.3 Referral Comment (TCHD)
- 4.4 Referral Comment (XCEL)
- 4.5 Referral Comment (CDOT)
- 4.6 Referral Comment (CDPHE)

EXHIBIT 5 – Associated Case Materials

- 5.1 Request for Comments
- 5.2 Public Hearing Notice
- 5.3 Newspaper Publication
- 5.4 Referral Agency Labels
- 5.5 Property Owner and Resident Labels
- 5.6 Certificate of Posting



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Board of County Commissioners

April 14, 2020

CASE No.: RCU2019-00026	CASE NAME: Rio 64th Billboard CUP
Owner's Name:	Rio Bravo Land Company, LLC
Applicant's Name:	Street Media Group, LLC
Applicant's Address:	161 Saturn Drive, Unit 5A, Fort Collins, CO 80525
Location of Request:	1280 West 64 th Avenue (Parcel # 0182509102005)
Nature of Request:	Conditional Use Permit for an off-premise electronic advertising device (billboard) in the I-2 zone district
Zone District:	Industrial-2 (I-2)
Future Land Use:	Mixed Use Employment
Site Size:	13.83 acres (602,434.8 sq. ft.)
Proposed Use:	Trucking Company and Transit Warehouse with an electronic billboard located on site
Existing Use:	Trucking Company and Transit Warehouse
Hearing Date(s):	PC: March 26, 2020/ 6:00 pm
	BoCC: April 14, 2020/ 9:30 am
Report Date:	March 12, 2020
Case Manager:	Holden Pederson
Staff Recommendation:	APPROVAL with 8 Findings-of-Fact, 6 Conditions, and 3 Notes

SUMMARY OF APPLICATION

Background:

The subject property is located in the Atwater-Pecos Industrial Park Replat Subdivision recorded in 2004.

In 2015, the property was approved for a Conditional Use Permit in order to allow a 75-foot tall telecommunications tower and associated equipment, with an expiration date of March 2025.

The applicant, Street Media Group, is requesting a Conditional Use Permit to allow for an off-premise electronic advertising device (billboard) in the Industrial-2 zone district.

Site Characteristics:

The subject property is located in the Industrial-2 (I-2) zone district and is approximately 13.83 acres. The lot has frontage along I-76 to the south and West 64th Avenue to the north. It is located adjacent to an offramp and onramp between I-76 and Pecos Street. The property is primarily utilized for semi-truck storage and includes one 7,812 square-foot structure that was built as a transit warehouse.

The site is above grade from the I-76 offramp, is visible from both the north and south bound lanes of the interstate, and in general has excellent visibility from I-76. The location of the subject billboard would be along the south property line within an unpaved area that is currently covered by native grasses and is not utilized for vehicle circulation or storage. The billboard is proposed to be located 45 feet from the south property line, while the existing vehicle use area is currently located approximately 50 feet from the south property line with variations as it stretches from east to west.

Development Standards and Regulations:

The property is zoned I-2. Per Section 3-25-01 of the County's Development Standards and Regulations, the purpose of the I-2 zone district is to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous and/or non-obnoxious material and products, as well as allowing service facilities for industries and their employees. Off-premise advertising devices are permitted with an approved Conditional Use Permit in the Commercial-5 (C-5) and all industrial zone districts.

Section 4-15 of the County's Development Standards and Regulations outlines the required design and performance standards for billboards, which include standards for electronic signs. These standards ensure outdoor advertising devices are properly located to minimize visual and physical impacts to surrounding properties. Required design standards include the following: maximum height, maximum sign area, number of billboards allowed per lot, minimum setbacks from property lines, and minimum spacing from other off-premise signs.

Section 4-15-07 of the County's Development Standards and Regulations outlines other limitations for off-premise signs. The minimum right-of-way 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. The applicant is requesting a 45-foot setback from the south property line for a 40' tall sign, which meets the minimum setback requirement.

The applicant has submitted a site plan and elevation drawings with the subject request. The proposed sign has two advertising faces, with each being 300 square feet per sign face. The proposed height and size of the billboard conforms to the County's required maximum height of 40 feet and maximum sign area of 300 square feet for each single sign face. When a sign has two faces, these faces must be back to back and must not be more than 3.5 feet from one another, according to the Development Standards and Regulations. The proposed billboard shows compliance with this requirement.

Per Section 4-15-01 of the County's Development Standards and Regulations, only one off-premise sign is permitted per lot. In addition, all off-premise signs located on the same side of a

road or highway must be separated by a minimum of 2,000 linear feet. The proposed billboard will be the only billboard permitted on the property and the applicant has provided documentation demonstrating that no other billboards are within 2,000 linear feet of the subject site. According to the applicant, the closest existing billboard is located 2,426 linear feet to the east of the proposed billboard. A recent site visit and drive-by has confirmed compliance with the requirement.

Per Section 4-15-04-02 of the County's Development Standards and Regulations, an electronic sign is permitted as part of a billboard. Performance standards for electronic signs include duration of message, transition of message, prohibited electronic devices, and maximum brightness. According to the Development Standards and Regulations, each message displayed must remain static for a minimum of four seconds and must transition immediately to the next message displayed. In accordance with Section 4-15-04-02 of the County's Development Standards and Regulations, electronic devices must not display animated images or graphics, scrolling messages, videos, or emit audible sounds. In addition, each sign must be equipped with light monitors and controls that automatically adjust to environmental conditions. According to the applicant, the proposed billboard will conform to all electronic sign performance standards. Messages will change every seven seconds with a transition of less than one second to the next message. The sign will display only static messages and will be equipped with auto-dimming technology to reduce intensity of light as ambient light decreases.

In addition to the Adams County Development Standards and Regulations, the proposed billboard must show compliance with all the requirements of the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. Seq. and the Colorado rules and regulations promulgated thereunder by the Colorado Department of Transportation.

Future Land Use Designation/Comprehensive Plan:

The future land use designation on the property is Industrial. Per Chapter 5 of the Adams County Comprehensive Plan, the purpose of the Industrial areas is to provide a setting for a wide range of employment uses, including manufacturing, warehouses, distribution, and other industries. These areas may also include limited supporting uses such as retail and outdoor storage. Key considerations at the edges of industrial areas include limiting or buffering noise, vehicle, appearance, and other impacts of industrial uses on nearby non-residential uses. The proposed billboard would be an accessory use on a property that is currently developed with an industrial warehouse. Therefore, it is unlikely that this request has any impact on the future goals of the County in this area.

The recommendation of approval for the subject billboard is based strictly on the criteria of approval for a Conditional Use Permit; however, it is important to discuss the project's compliance with the applicable subarea plans. The Comprehensive Plan and its adopted subarea plans are intended to provide guidance for future development within the County. The subject parcel is located within the Southwest Area Framework Plan. The Southwest Area Framework Plan is an adopted plan in the Comprehensive plan. The plan includes a Policy 14.7 to *Enhance the area's role as an important County Gateway*. Strategies in completing the goals include:

1. 14.7.a. *Entryway Image* – Initiate landscaping, streetscaping, and buffering programs to improve the entryway image of the County as viewed from I-70, I-25, and I-76 and key highway exits into the County;

2. 14.7.b. *Screening and Buffering* – Require improved buffering for new development along the I-70, I-25, and I-76 corridors, and require screening for new outdoor storage and activities visible from I-70, I-25, and I-76; and
3. 14.7.c *Signs* – Review and update the sign regulation provisions, including control of off-premise signs, applicable to private lands visible from I-70, I-25, and I-76 and key highway exits into the County.

Strategy 14.7.c suggests that the County should update the sign code to potentially control the number of off-premise signs permitted along gateways into Adams County. The plan also suggests that setbacks and buffers from I-25 and I-76 should be greater than in other areas of the County.

Surrounding Zoning Designations and Existing Use Activity:

Northwest Planned Unit Development Extraction/ Processing/ Heavy Industrial	North I-2 Trucking Company and Service Garage	Northeast I-3 Trucking Company and Service Garage
West I-2 Office	Subject Property I-2 Trucking Company and Transit Warehouse	East I-2 Trucking Company
Southwest I-2 Vacant/ Warehousing	South I-2 Office	Southeast I-2 Office/ Warehousing/ Trucking Company

Compatibility with the Surrounding Area:

The surrounding properties are all zoned as Industrial-2 or Industrial-3 and are developed with offices, warehouses, service garages, or are used for trucking company vehicle storage. There is an intense, heavy industrial use located directly to the west in a Planned Unit Development. An I-76 offramp and onramp are located adjacent to the property.

Planning Commission Update:

The Planning Commission considered this case on March 26, 2020, and recommended approval with a 6-1 vote and 8 Findings-of-Fact, 6 Conditions of Approval, and 3 Notes to the applicant. The motion was made by Ms. Garner and seconded by Ms. Richardson. Mr. Thompson was opposed.

At the hearing, the Planning Commission questioned the applicant about the length of each message that would be displayed on the electronic billboard (four second minimum required by the Adams County Development Standards and Regulations vs. the seven second transition proposed by the applicant) and questioned whether or not the approved freestanding telecommunication tower that is currently located on the site should impact the consideration of an additional Conditional Use Permit (or billboard) that is also proposed be located on the site. Staff responded that there are no provisions in the Development Standards and Regulations that would prevent a property from having both Conditional Uses approved for their site or

considerations listed by the rules and regulations that would prevent the applicant's current request from being considered for approval.

The Planning Commission also questioned how the original use on the site was approved without additional screen fencing or landscaping located along the adjacent portion of I-76. Staff responded that screening and landscaping are evaluated at the time of Change in Use on a property, that additional screening and landscaping may not have been required by staff at the time of the previous Change in Use Permit approval along the adjacent portion of I-76, and that the Development Standards and Regulations do not provide guidance for any type of landscaping or screening that should be associated with a proposed new billboard. Mr. Thompson discussed an additional Condition of Approval that would have required the applicant to work with the property owner in order to include additional trees or screening along the adjacent portion of I-76, but ultimately did not propose that the Condition of Approval should be added to the Planning Commission's recommendation.

In addition, the Planning Commission discussed the Southwest Area Framework Plan as well as the policies and strategies listed in the Future Land Use Designation/Comprehensive Plan section of this staff report, inquiring whether or not those long-range planning efforts had impacted staff's recommendation of approval for this request. Staff responded that those long-range planning efforts had been included in the staff report for the sake of consistency and in order to acknowledge the importance of previous long-range planning efforts in guiding future zoning code amendments; however, at the time of this public hearing, amendments to the Development Standards and Regulations that would have better adhered with the policies and strategies listed in the framework plan had not been implemented and therefore should not be considered according to the Criteria of Approval for a Conditional Use Permit. Staff stated that updating the rules and regulations for signs and billboards was a future priority for the Community and Economic Development Department and that these types of previous long-range planning efforts would be taken into consideration during the upcoming Comprehensive Planning process.

Staff Recommendation:

Based upon the application, the criteria for rezoning approval, and a recent site visit, staff recommends Approval of this request with 8 Findings-of-Fact, 6 Conditions, and 3 Notes:

RECOMMENDED FINDINGS OF FACT

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.

6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. 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.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions of Approval:

1. The applicant must show compliance with all the requirements of the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. Seq. and the Colorado rules and regulations promulgated thereunder by the Colorado Department of Transportation.
2. The applicant shall obtain a Roadside Sign Permit from the Colorado Department of Transportation.
3. The applicant shall obtain a building permit from Adams County for the billboard, including all required building permit inspections.
4. Each message displayed on the billboard shall remain static for a minimum of four (4) seconds and must transition immediately to the next message displayed.
5. Applicant must comply with all Tri-County Health Department, Colorado Department of Public Health and Environment, and Adams County Fire Protection District requirements applicable to development within the Flammable Gas Overlay.
6. The approval of the off-premise sign shall expire April 14, 2030, unless renewed.

Recommended Notes to the Applicant:

1. All applicable building, zoning, health, fire, and engineering requirements and codes shall be adhered to with this request.
2. The Conditional Use Permit shall expire on April 14, 2021, if sign permits are not obtained from Adams County.
3. Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sounds, employs stereopticon, or includes motion picture projection is prohibited.

CITIZEN COMMENTS

Notifications Sent	Comments Received
17	0

All property owners and occupants within 750 feet of the subject property were notified of the request. As of writing this report, staff has received 0 responses from neighboring property owners or residents.

COUNTY AGENCY COMMENTS

Staff reviewed the request and had no concerns with the proposed Conditional Use Permit. The Environmental Analyst review did note that the property is located on a landfill called the SW & CD Landfill, which was operated by Property Improvements Inc. Due to the proximity of the site to a historic solid waste landfill, the parcel is located in Adams County Flammable Gas Overlay (FGO). The FGO requires that if the applicant proposes to construct or change the use of any lot within the

overlay, they shall either conduct a flammable gas investigation to determine that flammable gas (methane) is not present within the subsurface soils, or design the building with a flammable gas control system. The investigation plan will need to be approved by the fire district, Colorado Department of Public Health and Environment (CDPHE) and Tri-county Health Department (TCHD). All responses from the aforementioned organizations must be submitted to Adams County Community and Economic Development Department prior to building permit approval.

In addition, Adams County Code Compliance noted their concern regarding the brightness of the billboard for traffic on I-76 and reiterated that the proposed billboard must have a dimming method for evening hours.

REFERRAL AGENCY COMMENTS

Responding with Concerns:

None.

Responding without Concerns:

Tri-County Health Department (TCHD) provided comments related the historic landfill within the Adams County Flammable Gas Overlay, reiterating that the subject property will need to comply with all applicable sections of the Flammable Gas Overlay and TCHD's requirements, including the following: 1) a flammable gas investigation must be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property (plan should be submitted to TCHD for review and approval; 2) if the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required; and 3) in lieu of the investigation, the electrical system of the billboard shall be designed and constructed to be protected from flammable gas intrusion with the use of electrical conduit seals in order to prevent flammable gas from entering above ground and below ground access points within the system (junction boxes, "hand-holes," and panels). TCHD's health and safety practices during construction on or near former landfills shall also be followed during construction in order to protect site workers.

Colorado Department of Transportation stated that the digital billboard sign will require an Outdoor Advertising Permit from CDOT and the proposed sign must meet all applicable rules governing outdoor advertising in Colorado per 2 CCR 601-3.

Colorado Department of Public Health and Environment stated that if installation or development construction results in exhuming solid waste, those waste materials must be appropriately inspected, characterized, and disposed at a permitted landfill facility. Also, if landfill cover is excavated or disturbed, the cover must be repaired (ensuring a minimum 2-foot-thick clean soil cover) and revegetated.

Xcel Energy

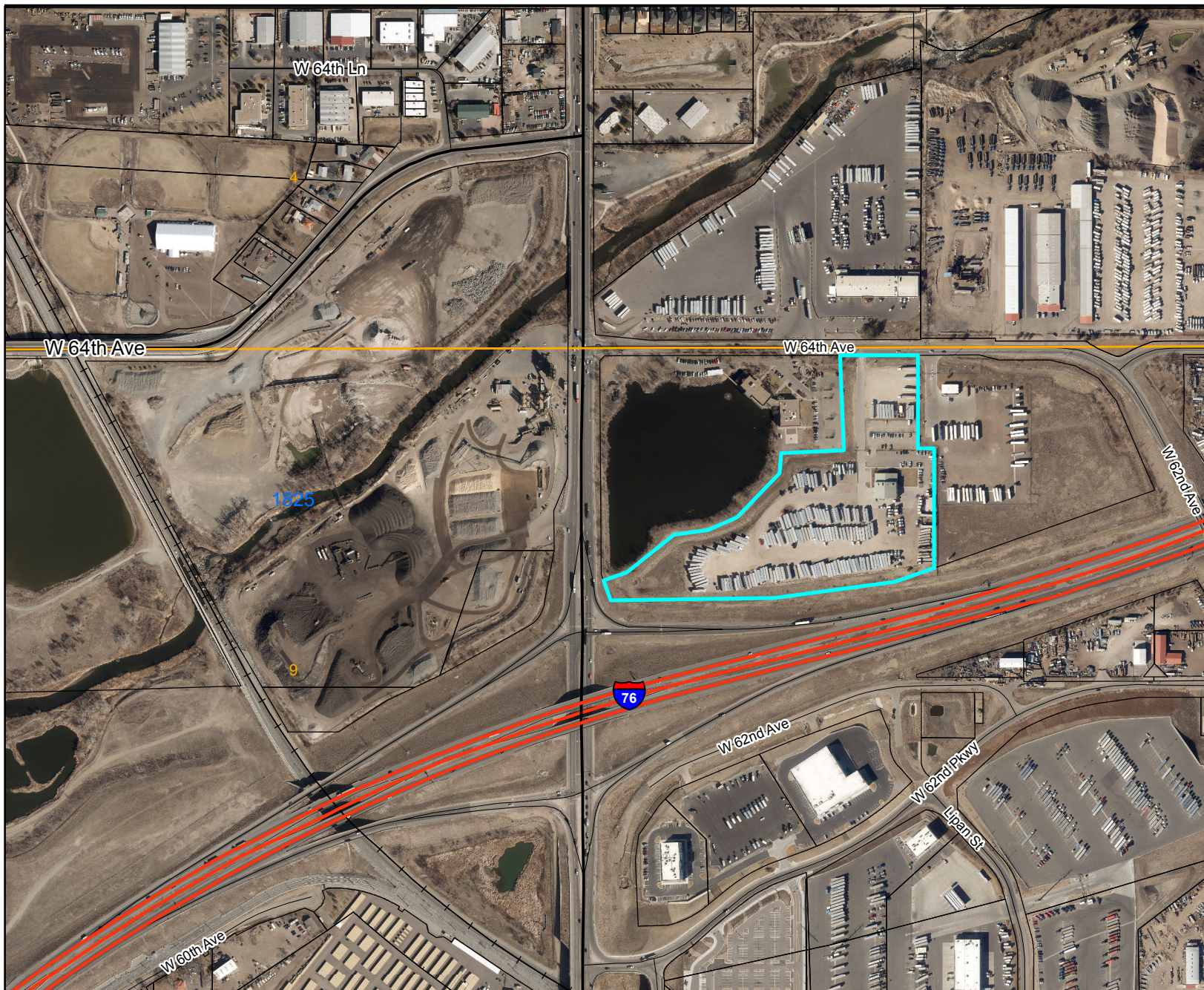
Notified but not Responding / Considered a Favorable Response:

Adams County Attorney's Office

Adams County Fire Protection District

Adams County Sheriff's Office

Century Link, Inc.
Colorado Division of Wildlife
Comcast
Hyland Hills Park and Recreation District
Mapleton School District #1
Metro Wastewater Reclamation
North Pecos Water and Sanitation District
Regional Transportation District
Westminster School District #50



Legend

- Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)

Case Name: Rio 64th Billboard CUP

Case Number: RCU2019-00026

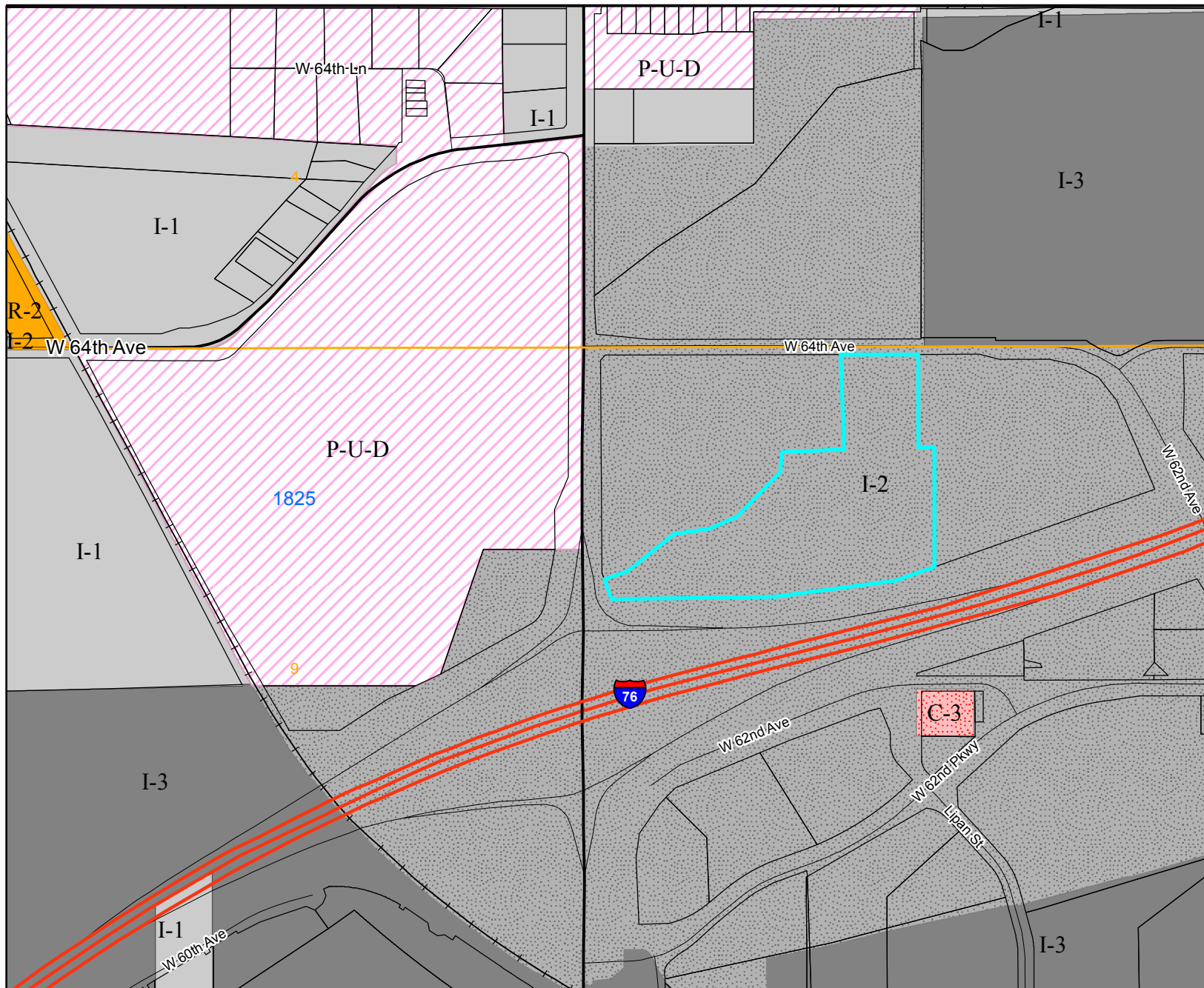


For display purposes only.



ADAMS COUNTY
COLORADO

This map is made possible
by the Adams County GIS
group, which assumes no
responsibility for its accuracy



Legend

- Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
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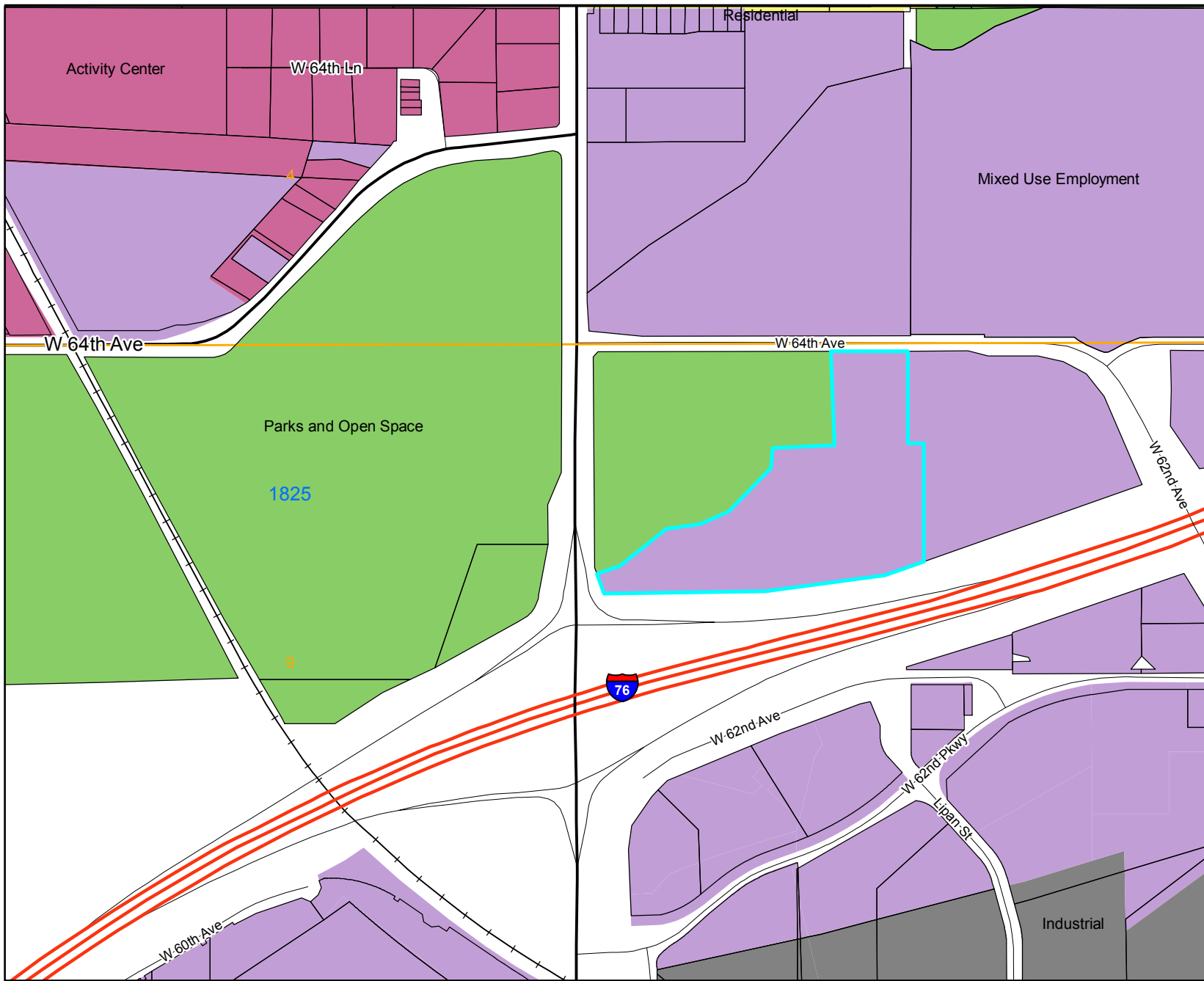


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Legend

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Case Name: Rio 64th Billboard CUP

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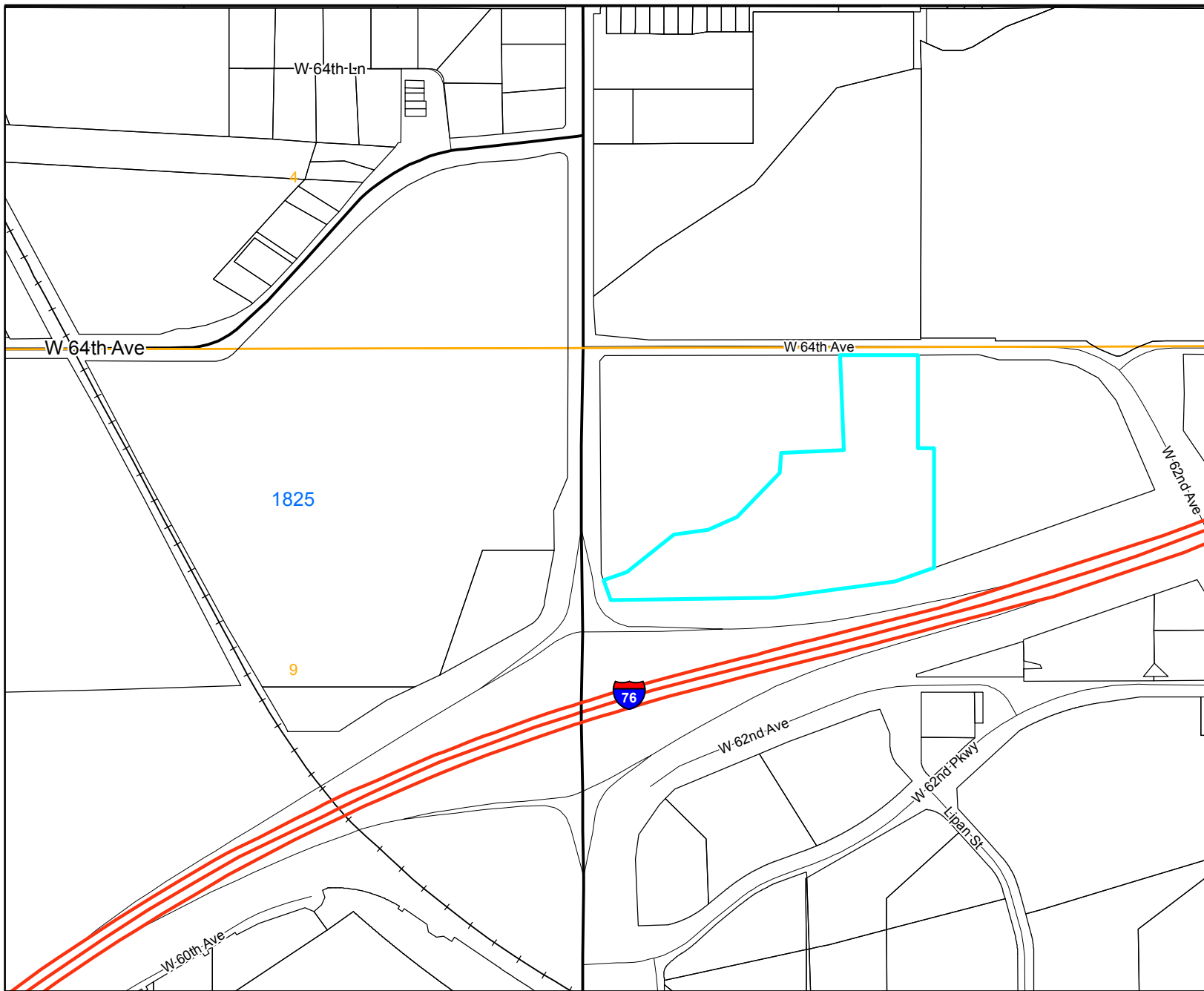


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ADAMS COUNTY
COLORADO

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- P-U-D(P)

Case Name: Rio 64th Billboard CUP

Case Number: RCU2019-00026



For display purposes only.



ADAMS COUNTY
COLORADO

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responsibility for its accuracy



May 6, 2019

Application for a Conditional Use Permit

StreetMediaGroup has a long-term lease with Rio Bravo Land Company, LLC at 1280 W. 64th Avenue for the development of a double side 10'by30' LED outdoor advertising display. We are requesting a Conditional Use Permit to install an off-premise sign with Electronic Messaging capability on the property known as 1280 W. 64th Avenue, parcel #0182509102005 and zoned I-2. The sign is intended primarily for visibility to the traffic along Interstate 76.

The overall height of the sign structure will be 40 feet and with a single column with center configuration. The digital display will consist of eight ad spots displayed for 7 seconds on each side. Our company policy and legal restrictions prohibit ads for tobacco, marijuana, sexual oriented businesses or political attack ads. The displays will also be used to provide free promotions of public service ads, charitable fundraising messages, Amber Alerts, and messages to promote activities and events at Riverdale Park.

This use is stated as an appropriate use and allowed on parcels in the Industrial zoned districts. Installing the sign will not disturb the current use of the property which is a paved parking lot and warehouse. The code does not require landscaping with off-premise signs.

We are requesting to reduce the setback to avoid placement of the pole in useable parking spaces or in the travel lane within the property. The code is flexible regarding setbacks and to be considered during the Conditional Use Permit process for situations such as this site. By reducing the setback, we can

place the pole in a non-parking, non-traveled area to avoid creating a hazard to the users of the parking lot, which will leave the traffic circulation and access open. The site plan shows the proposed spot for the sign pole will provide the most convenient and functional spot for the pole.

The digital sign is engineered not to cast direct light on any adjacent property but a better position to eliminate that possibility would be to place the sign faces in a V to direct the light to the interstate. Doing so does not create any type of visual disturbance and would not be noticeable to the public. The digital lightings will comply with both the County and CDOT required performance standards. The manufacture's lighting specifications are included in our packet.

Pursuant to Section 2-02-08-06, Criteria for Approval, the conditional use meets the following:

1. The conditional use is permitted in an I-2 Zoning District.
2. The conditional use is consistent with the purpose of these standards and regulations for other digital advertising displays permitted in the county.
3. The conditional use will comply with the requirements, performance standards and regulations.
4. The conditional use is compatible with other commercial and industrial uses in the surrounding neighborhood. It will not interfere with any future development in the area, and it will not be detrimental to the health, safety or welfare of the county's inhabitants. The use will not create any excessive traffic generation, noise, vibration, dust, glare, hear, smoke, fumes, gas, odors or inappropriate hours of operation.
5. The use will not have any off-site impacts.
6. The warehouse site has adequate space and access to accommodate the use and it is absent of environmental constraints.
7. The site plans submitted for the conditional use depicts the functional use for parking, and traffic on the lot, and the proposed billboard will interfere with on the lot.
8. There are adequate utilities, roads, fire and police protection to serve the needs of the conditional use. There is no change needed for sewer, water, or storm water drainage.

Thank you for your consideration and we look forward to your questions.

Kind Regards,



Gary Young
CEO

[illegible]

ELEVATION

30.0'

40.0'

28.0'

The drawing shows a rectangular structure with a width of 30.0' and a total height of 40.0'. A horizontal line divides the structure into two sections. The lower section has a height of 28.0' and is filled with diagonal hatching. The upper section is empty. Two vertical lines extend from the bottom of the hatched section down to the base line.

Sign faces will be 10' x 30' for a total of 300 square feet.

Transitions between messages
will be instantaneous.

SITE PLAN I-76 & PECOS

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



BILLBOARD EXHIBIT
I-76 & PECOS

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



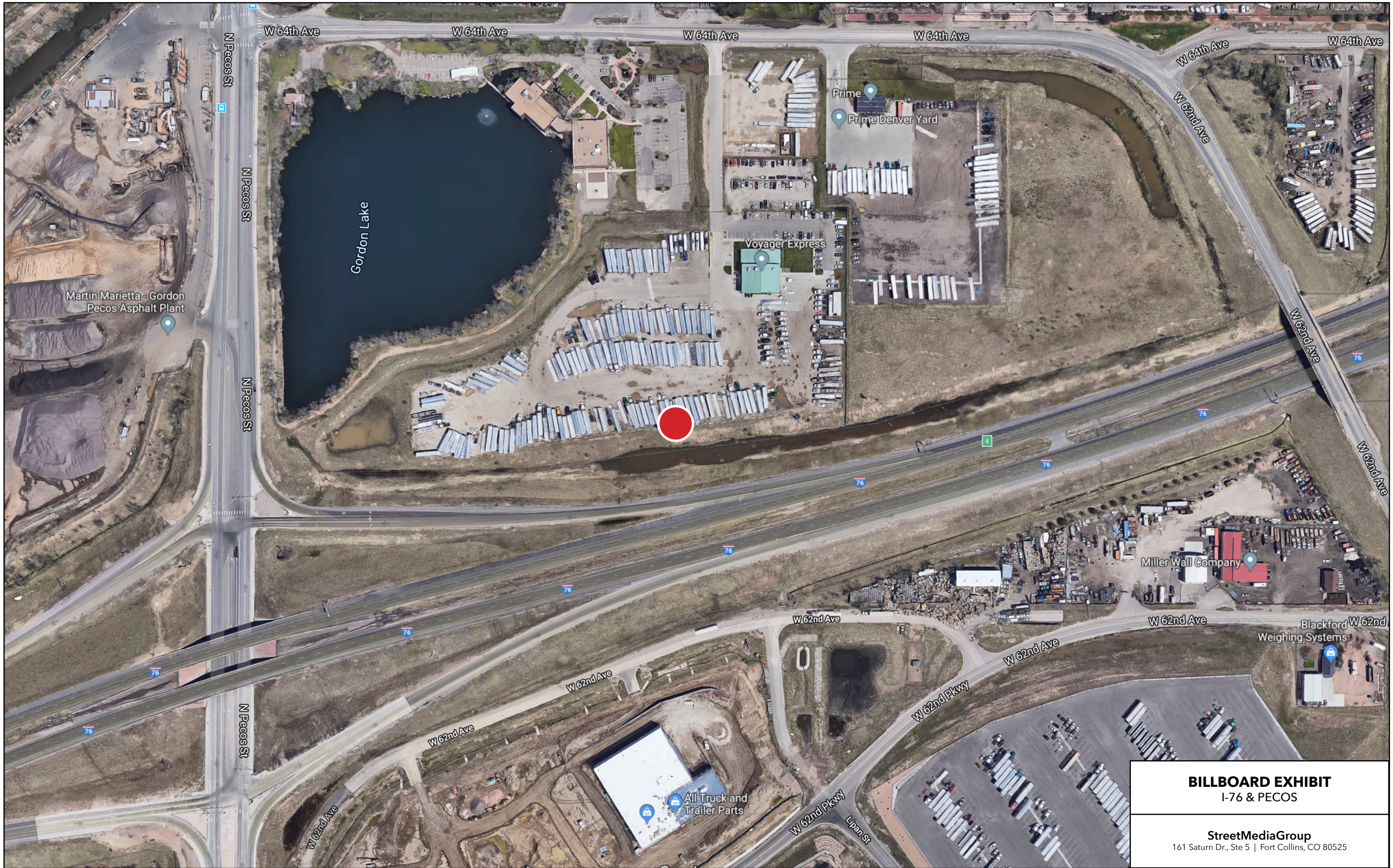
BILLBOARD EXHIBIT
I-76 & PECOS

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



BILLBOARD EXHIBIT
I-76 & PECOS

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



BILLBOARD EXHIBIT
I-76 & PECOS

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



Development Team Review Comments: 1st Review

Date: 6/21/2019

Project Number: RCU2019-00026

Project Name: Rio 64th Billboard CUP

Note to Applicant:

The following comments have been provided by reviewers. A resubmittal of your application is required before this case is ready to be scheduled for public hearing (pending the next round of review).

For submission of revisions to applications, a cover letter addressing each staff review comment must be provided. The cover letter must include the following information: restate each comment that requires a response and provide a response below the comment, respond to each comment with a description of the revisions and the page of the response on the site plan, and identify any additional changes made to the original submission other than those required by staff.

Resubmittal documents must be provided in person to the front desk of the Community and Economic Development Department. A physical hard copy and an electronic version are required.

Planner review (Holden Pederson, HPederson@adcogov.org):

PLN1: Chapter 4, Section 4-15-05 states that the minimum setbacks from property lines shall be equal to the height of the billboard as measured from the leading edge of the base of the sign pole. This section also states that variations in the setback requirement may be granted with the issuance of a Conditional Use Permit as part of the same request.

- a. Applicant does not provide setback from the leading edge of the base of the sign pole to the south property line. Resubmittal required in order to provide the proposed setback.

PLN2: Applicant has indicated they are requesting a variation from the setback requirement as part of the Conditional Use Permit.

- a. Staff requires further information regarding the hardship that exists on the property and why the applicant cannot meet the setback requirement. A demonstration that the proposed location of the billboard is the only feasible option on the property is required with the resubmittal in order for staff to recommend approval of the Conditional Use Permit request.
- b. Not wanting to take useable parking spaces does not constitute a hardship and staff would likely not be supportive of the Conditional Use Permit request if that was the justification provided by the applicant.

PLN3: Applicant has confirmed that all other performance standards have been met, except for the following minor details:

- a. Chapter 4, Section 4-15-04-02 #3, which states that each electronic message shall transition to the next message instantaneously. Applicant must provide a response confirming that this standard has been met.
- b. Chapter 4, Section 4-15-04-02 #4, which addresses the maximum foot-candles permitted for electronic signs during nighttime hours from sunset to sunrise as well as the required light monitors and controls that allow the sign brightness to automatically adjust to outside conditions. Applicant must provide a response confirming that this standard has been met.
- c. Chapter 4, Section 4-15-05 states that where an off-premise sign has two faces these faces shall be back to back and shall not be more than 3.5' from one another. Applicant must provide a response confirming that this standard has been met.

PLN4: The proposed electronic billboard will require an Outdoor Advertising Permit from CDOT. This proposed sign must meet all applicable rules governing outdoor advertising in Colorado per 2 CCR 601-3. Application packet, when completed, should be sent to Steve Loeffler at 2829 W. Howard Place, 2nd Floor, Denver, CO 80204.

Development Engineering review (Greg Labrie, GLabrie@adcogov.org)

ENG1: FIRM #08001C0592H. Not in floodplain.

ENG2: Property is in MS4 Permit area and the proposed area of disturbance is less than an acre. A Stormwater Quality Permit is not required. Applicant is responsible for installation and maintenance of Erosion and Sediment Control BMP's. Builder/developer is responsible for adhering to all the regulations of Adams County Ordinance 11 in regards to illicit discharge.

ENG3: No new access is requested. Must use existing access to property. No other access is permitted by ADCO.

ENG4: The applicant must obtain a building permit to construct the proposed sign.

Environmental Analyst review (Eden Steele, ESTeele@adcogov.org)

ENV1: The parcel is located on a landfill called the SW & CD Landfill which was operated by Property Improvements Inc. Due to the proximity of the site to a historic solid waste landfill, the parcel is located in Adams County Flammable Gas Overlay (FGO). The FGO requires that if the applicant proposes to construct or change the use of any lot within the overlay, they shall either conduct a flammable gas investigation to determine that flammable gas (methane) is not present within the subsurface soils, or design the building with a flammable gas control system. The investigation plan will need to be approved by the fire district, Colorado Department of Public Health and Environment (CDPHE) and Tri-county Health Department (TCHD). All responses from the aforementioned organizations must be submitted to Adams County Community and Economic Development Department prior to permit approval. Contact information is provided below.

Adams County Fire Protection District: Pat Laurienti, 303-539-6800, PLaurienti@acfpd.org

Tri-County Health Department: Lisa Oliveto, 303-288-6816

CDPHE: Andy Todd, 303-691-4049, andrew.todd@state.co.us

Building Safety review (Justin Blair, JBlair@adcogov.org)

BSD1- Building permits would be required. Engineered plans will be required to obtain permits.

BSD2- Applicant should refer to commercial and industrial submittal requirements.

BSD3- Current adopted codes are the 2018 International Building Codes and the 2017 National Electrical Code.

BSD4- Applicant should contact Fire Department for their requirements.

Code Compliance review (Kerry Gress, KGress@adcogov.org)

CC1: Code Compliance has no open cases on this property.

CC2: Only concern is brightness of the billboard for traffic on I-76. Must have a dimming method for evening hours.

Addressing review (Marissa Hillje, MHillje@adcogov.org)

No comment.

ROW review (Marissa Hillje, MHillje@adcogov.org)

No comment.

Parks review (Aaron Clark, AClark@adcogov.org)

No comment.

External Referral Agency comments:



May 30, 2019

Holden Pederson
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Rio 64th Billboard CUP, RCU2019-00026
TCHD Case No.

Dear Mr. Pederson,

Thank you for the opportunity to review and comment on the Conditional Use Permit for an electric billboard in the Industrial-2 zone district located at 1280 W 64th Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Historic Landfill within Adams County Overlay District

In accordance with Section 3-35-03 of Chapter 3-Zone District Regulation, Flammable Gas Overlay (FGO), the subject property will need to comply with all applicable sections of the Adams County Flammable Gas Overlay (FGO). Flammable gas from decomposing organic matter in landfills may travel up to 1,000 feet from the source. Because construction is planned within 1,000 feet of Landfill No. AD-009, AD-012, AD-013, AD-014, and AD-015 we recommend the following:

1. A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property. The plan for the investigation should be submitted to TCHD for review and approval.
2. TCHD will review the results of the investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required.
3. In lieu of the investigation, the electrical system of the billboard shall be designed and constructed to be protected from flammable gas intrusion with the use of electrical conduit seals in order to prevent flammable gas from entering above-ground and below ground access points within the system, e.g., junction boxes, "hand-holes" and panels. Health and safety practices shall be followed during construction to protect site workers. A copy of TCHD guidelines for safe construction in areas on or near former landfills has been attached.

Rio 64th Billboard CUP
May 30, 2019
Page 2 of 3

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

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

Sincerely,



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

cc: Sheila Lynch, Monte Deatrich, Warren Brown TCHD

**HEALTH AND SAFETY PRACTICES DURING CONSTRUCTION
ON OR NEAR FORMER LANDFILLS**

If it has not been demonstrated that flammable gas is not present, the following health and safety practices shall be followed:

1. A flammable gas indicator will be utilized at all times during trenching, excavation, drilling, or when working within ten (10) feet of an open excavation.
2. Before personnel are permitted to enter an open trench or excavation, the trench or excavation will be monitored to ensure that flammable gas is not present in concentrations exceeding 1% and that oxygen is present at a minimum concentration of 19.5%. When in an excavation or trench, each work party will work no more than five (5) feet from a continuous flammable gas and oxygen monitor.
3. When trenching, excavating, or drilling deeper than two (2) feet into the fill, or in the presence of detectable concentrations of flammable gas, the soils will be wetted and the operating equipment will be provided with spark proof exhausts.
4. A dry chemical fire extinguisher, ABC rated, will be provided on all equipment used in the landfill.
5. Personnel within or near an open trench or drill hole will be fully clothed, and wear shoes with non-metallic soles, a hard hat and safety goggles or glasses.
6. Exhaust blowers will be used where trenches show a concentration of 1% flammable gas or a concentration of less than 19.5% oxygen.
7. Smoking will not be permitted in any area within one hundred (100) feet of the excavation.
8. Personnel will be kept upwind of any open trench unless the trench is continuously monitored.
9. All other applicable Safety and Health Regulations for Construction, as promulgated in 29 CFR by the Occupational Safety and Health Administration, shall be met. Applicable regulations include, but may not be limited to, the confined space standard (Part 1926.21(b)(6)(i) and (ii) in Subpart C); gases, vapors, fumes, dusts and mists (Part 1926.55 in Part 1926 Subpart E); fire protection and prevention (Part 1926 Subpart F); and trenching and excavation (Part 1926 Subpart P).
10. Compliance with the Occupational Safety and Health Administration's confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A- F.

From: Loeffler - CDOT, Steven [steven.loeffler@state.co.us]
To: Holden Pederson
Cc: Richard Solomon; Bradley Sheehan - CDOT
Subject: Re: Request for Comments: Rio 64th Billboard CUP

Sent: Fri 6/14/2019 8:11 AM

Please be cautious
This email was sent from outside Adams County

Holden,

I have reviewed the referral for the CUP to allow an electronic billboard in the I-2 zone district visible from I-76, located at 1280 W. 64th Ave. and have the following comments:

- This proposed digital billboard sign which will advertise to Interstate 76 will require an Outdoor Advertising Permit from CDOT.
- This proposed sign must meet all applicable rules governing outdoor advertising in Colorado per **2 CCR 601-3**
- Application packet, when completed, should be sent to Steve Loeffler at 2829 W. Howard Place, 2nd Floor, Denver, CO 80204

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit- Region 1



COLORADO
Department of Transportation

P 303.757.9891 | F 303.757.9886
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org

From: Hackett - CDPHE, Sean [sean.hackett@state.co.us]
To: Holden Pederson
Cc:
Subject: Re: Request for Comments: Rio 64th Billboard CUP

Sent: Tue 6/18/2019 6:10 PM

Please be cautious
This email was sent from outside Adams County

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to comment on this proposal. Please note that the following requirements are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations.

If installation or development construction results in exhuming solid waste, those waste materials must be appropriately inspected, characterized and disposed at a permitted landfill facility. Also, if landfill cover is excavated or disturbed, the cover must be repaired (ensuring a minimum 2-foot-thick clean soil cover) and revegetated.

Please let me know if you have any questions.

Sincerely,

Sean Hackett
Energy Liaison



COLORADO
Department of Public
Health & Environment

P 303.692.3662 | F 303.691.7702
4300 Cherry Creek Drive South, Denver, CO 80246
sean.hackett@state.co.us | www.colorado.gov/cdphe



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.571.3306
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

June 20, 2019

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Holden Pederson

Re: Rio 64th Billboard CUP, Case # RCU2016-00026

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the plans for **Rio 64th Billboard CUP** and has **no apparent conflict**.

Donna George
Right of Way and Permits
Public Service Company of Colorado / Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Development Team Review Comments - 2nd Review

The following comments have been provided by reviewers of your land use application. At this time, a resubmittal of your application is not required before this case is ready to be scheduled for public hearing.

Commenting Division: Development Services, Planning

Complete

Name of Reviewer: Holden Pederson

Email and Phone Number: HPederson@adcogov.org / 720-523-6847

PLN1: Applicant has confirmed that the proposed electronic billboard would be setback 45' from the south property line, which exceeds the requirement for a setback equal to the height of the structure. The proposed electronic billboard would be 40' in height.

PLN2: Applicant has confirmed that each electronic message would transition to the next message simultaneously, that there would be an automatic dim in low-light conditions, and that the two faces of the proposed billboard would be less than 3.5' from one another. Applicant has also provided a photometric lighting plan demonstrating compliance with the foot-candle requirement.

PLN3: Conditions of Approval or Notes to the Applicant will likely be proposed by staff as part of our recommendation to the Planning Commission and Board of County Commissioners in order to address the external referral agency comments provided by TCHD, CDOT, and CDPHE.

Commenting Division: Development Services, Environmental Analyst

Complete

Name of Reviewer: Katie Keefe

Email and Phone Number: KKeefe@adcogov.org / 720-523-6986

No comment.



May 30, 2019

Holden Pederson
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Rio 64th Billboard CUP, RCU2019-00026
TCHD Case No.

Dear Mr. Pederson,

Thank you for the opportunity to review and comment on the Conditional Use Permit for an electric billboard in the Industrial-2 zone district located at 1280 W 64th Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Historic Landfill within Adams County Overlay District

In accordance with Section 3-35-03 of Chapter 3-Zone District Regulation, Flammable Gas Overlay (FGO), the subject property will need to comply with all applicable sections of the Adams County Flammable Gas Overlay (FGO). Flammable gas from decomposing organic matter in landfills may travel up to 1,000 feet from the source. Because construction is planned within 1,000 feet of Landfill No. AD-009, AD-012, AD-013, AD-014, and AD-015 we recommend the following:

1. A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property. The plan for the investigation should be submitted to TCHD for review and approval.
2. TCHD will review the results of the investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required.
3. In lieu of the investigation, the electrical system of the billboard shall be designed and constructed to be protected from flammable gas intrusion with the use of electrical conduit seals in order to prevent flammable gas from entering above-ground and below ground access points within the system, e.g., junction boxes, "hand-holes" and panels. Health and safety practices shall be followed during construction to protect site workers. A copy of TCHD guidelines for safe construction in areas on or near former landfills has been attached.

Rio 64th Billboard CUP

May 30, 2019

Page 2 of 3

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'A. Heinrich'.

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

cc: Sheila Lynch, Monte Deatrich, Warren Brown TCHD

HEALTH AND SAFETY PRACTICES DURING CONSTRUCTION ON OR NEAR FORMER LANDFILLS

If it has not been demonstrated that flammable gas is not present, the following health and safety practices shall be followed:

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2. Before personnel are permitted to enter an open trench or excavation, the trench or excavation will be monitored to ensure that flammable gas is not present in concentrations exceeding 1% and that oxygen is present at a minimum concentration of 19.5%. When in an excavation or trench, each work party will work no more than five (5) feet from a continuous flammable gas and oxygen monitor.
3. When trenching, excavating, or drilling deeper than two (2) feet into the fill, or in the presence of detectable concentrations of flammable gas, the soils will be wetted and the operating equipment will be provided with spark proof exhausts.
4. A dry chemical fire extinguisher, ABC rated, will be provided on all equipment used in the landfill.
5. Personnel within or near an open trench or drill hole will be fully clothed, and wear shoes with non-metallic soles, a hard hat and safety goggles or glasses.
6. Exhaust blowers will be used where trenches show a concentration of 1% flammable gas or a concentration of less than 19.5% oxygen.
7. Smoking will not be permitted in any area within one hundred (100) feet of the excavation.
8. Personnel will be kept upwind of any open trench unless the trench is continuously monitored.
9. All other applicable Safety and Health Regulations for Construction, as promulgated in 29 CFR by the Occupational Safety and Health Administration, shall be met. Applicable regulations include, but may not be limited to, the confined space standard (Part 1926.21(b)(6)(i) and (ii) in Subpart C); gases, vapors, fumes, dusts and mists (Part 1926.55 in Part 1926 Subpart E); fire protection and prevention (Part 1926 Subpart F); and trenching and excavation (Part 1926 Subpart P).
10. Compliance with the Occupational Safety and Health Administration's confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A- F.



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

June 20, 2019

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Holden Pederson

Re: Rio 64th Billboard CUP, Case # RCU2016-00026

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the plans for **Rio 64th Billboard CUP** and has **no apparent conflict**.

Donna George
Right of Way and Permits
Public Service Company of Colorado / Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

Please be cautious

This email was sent from outside Adams County

Holden,

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- This proposed sign must meet all applicable rules governing outdoor advertising in Colorado per **2 CCR 601-3**
- Application packet, when completed, should be sent to Steve Loeffler at 2829 W. Howard Place, 2nd Floor, Denver, CO 80204

Thank you for the opportunity to review this referral.

Steve Loeffler

Permits Unit- Region 1



P 303.757.9891 | F 303.757.9886

2829 W. Howard Pl. 2nd Floor, Denver, CO 80204

steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org

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If installation or development construction results in exhuming solid waste, those waste materials must be appropriately inspected, characterized and disposed at a permitted landfill facility. Also, if landfill cover is excavated or disturbed, the cover must be repaired (ensuring a minimum 2-foot-thick clean soil cover) and revegetated.

Please let me know if you have any questions.

Sincerely,

Sean Hackett
Energy Liaison



P 303.692.3662 | F 303.691.7702

[4300 Cherry Creek Drive South, Denver, CO 80246](https://www.colorado.gov/cdphe)

sean.hackett@state.co.us | www.colorado.gov/cdphe



Request for Comments

Case Name: Rio 64th Billboard CUP
Case Number: RCU2019-00026

May 21, 2019

The Adams County Planning Commission is requesting comments on the following application:
Conditional Use Permit for an electronic billboard in the I-2 zone district visible from I-76. This request is located at 1280 W 64TH AVE. The Assessor's Parcel Number is 0182509102005.

Applicant Information: STREETMEDIAGROUP, LLC
GARY YOUNG
161 SATURN DR.
UNIT 5A
FORT COLLINS, CO 80525

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 (720) 523-6800 by 06/14/2019 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to HPederson@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Holden Pederson
Planner I

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



Public Hearing Notification

Case Name:	Rio 64th Billboard CUP
Case Number:	RCU2019-00026
Planning Commission Hearing Date:	03/26/2020 at 6:00 p.m.
Board of County Commissioners Hearing Date:	04/14/2020 at 9:30 a.m.

March 12, 2020

Commissioners to consider the following request:

Conditional Use Permit for an electronic billboard in the I-2 zone district visible from I-76.

The proposed use will be Industrial. This request is located at 1280 W 64TH AVE on undetermined parcel size.

The Assessor's Parcel Number(s) 0182509102005

Applicant Information: STREETMEDIAGROUP, LLC
GARY YOUNG
161 SATURN DR.
UNIT 5A
FORT COLLINS, CO 80525

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601-8216. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at (720) 523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date.

For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed.

The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Holden Pederson
Planner I

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PUBLICATION REQUEST

Rio 64th Billboard CUP

Case Number: RCU2019-00026

Planning Commission Hearing Date: 03/26/2020 at 6:00 p.m.

Board of County Commissioners Hearing Date: 04/14/2020 at 9:30 a.m.

Request: Conditional Use Permit for an electronic billboard in the I-2 zone district visible from I-76.

Location: 1280 W 64TH AVE

Parcel Number: 0182509102005

Case Manager: Holden Pederson

Case Technician:

Applicant: GARY YOUNG 970.420.0807
161 SATURN DR.
UNIT 5A
FORT COLLINS, CO 80525

Owner: RIO BRAVO LAND COMPANY LLC
1280 W 64TH AVE
DENVER, CO 802212434

Representative:

Legal Description: _____

PUBLICATION REQUEST

Rio 64th Billboard CUP

Case Number: RCU2019-00026

Planning Commission Hearing Date: 3/26/2020 at 6:00 p.m.

Board of County Commissioners Hearing Date: 4/14/2020 at 9:30 a.m.

Location of Hearings: 4430 S. Adams County Pkwy., Brighton, CO 80601

Request: Conditional Use Permit for an electronic billboard in the I-2 zone district visible from I-76.

Location: 1280 West 64th Avenue

Parcel Numbers: 0182509102005

Case Manager:	Holden Pederson
Applicant:	StreetMediaGroup, LLC
Owners:	Rio Bravo Land Company, LLC 1280 West 64 th Avenue Denver, CO 80221

Legal Description:

SUB:ATWATER-PECOS IND PARK REPLAT LOT 1 LOT:2



Referral Listing
Case Number RCU2019-00026
Rio 64th Billboard CUP

Agency	Contact Information
Adams County Attorney's Office	Christine Fitch CFitch@adcogov.org 4430 S Adams County Pkwy Brighton CO 80601 720-523-6352
Adams County CEDD Development Services Engineer	Devt. Services Engineering 4430 S. Adams County Pkwy. Brighton CO 80601 720-523-6800
Adams County CEDD Environmental Services Division	Jen Rutter 4430 S Adams County Pkwy Brighton CO 80601 720-523-6841 jrutter@adcogov.org
Adams County CEDD Right-of-Way	Marissa Hillje 4430 S. Adams County Pkwy. Brighton CO 80601 720-523-6837 mhillje@adcogov.org
Adams County Development Services - Building	Justin Blair 4430 S Adams County Pkwy Brighton CO 80601 720-523-6825 JBlair@adcogov.org
Adams County Fire Protection District	Chris Wilder 8055 N. WASHINGTON ST. DENVER CO 80229 (303) 289-4683 cwilder@acfpd.org
Adams County Parks and Open Space Department	Aaron Clark mpedrucci@adcogov.org (303) 637-8005 aclark@adcogov.org
Adams County Sheriff's Office: SO-HQ	Rick Reigenborn (303) 654-1850 rreigenborn@adcogov.org
Adams County Sheriff's Office: SO-SUB	SCOTT MILLER 720-322-1115 smiller@adcogov.org

Agency	Contact Information
CDOT Colorado Department of Transportation	Bradley Sheehan 2829 W. Howard Pl. 2nd Floor Denver CO 80204 303.757.9891 bradley.sheehan@state.co.us
CDPHE	Sean Hackett 4300 S Cherry Creek Dr Denver CO 80246 303.692.3662 303.691.7702 sean.hackett@state.co.us
CDPHE	Sean Hackett 4300 S Cherry Creek Dr Denver CO 80246 30 sean.hackett@state.co.us
CDPHE - AIR QUALITY	Richard Coffin 4300 CHERRY CREEK DRIVE SOUTH DENVER CO 80246-1530 303.692.3127 richard.coffin@state.co.us
CDPHE - WATER QUALITY PROTECTION SECT	Patrick Pfaltzgraff 4300 CHERRY CREEK DRIVE SOUTH WQCD-B2 DENVER CO 80246-1530 303-692-3509 patrick.j.pfaltzgraff@state.co.us
CDPHE SOLID WASTE UNIT	Andy Todd 4300 CHERRY CREEK DR SOUTH HMWMD-CP-B2 DENVER CO 80246-1530 303.691.4049 Andrew.Todd@state.co.us
Century Link, Inc	Brandyn Wiedreich 5325 Zuni St, Rm 728 Denver CO 80221 720-578-3724 720-245-0029 brandyn.wiedrich@centurylink.com
Code Compliance Supervisor	Eric Guenther eguenther@adcogov.org 720-523-6856 eguenther@adcogov.org
COLORADO DEPT OF TRANSPORTATION	Steve Loeffler 2000 S. Holly St. Region 1 Denver CO 80222 303-757-9891 steven.loeffler@state.co.us

Agency	Contact Information
COLORADO DIVISION OF WILDLIFE	Serena Rocksund 6060 BROADWAY DENVER CO 80216 3039471798 serena.rockbund@state.co.us
COLORADO DIVISION OF WILDLIFE	Eliza Hunholz Northeast Regional Engineer 6060 BROADWAY DENVER CO 80216-1000 303-291-7454 eliza.hunholz@state.co.us
COMCAST	JOE LOWE 8490 N UMITILLA ST FEDERAL HEIGHTS CO 80260 303-603-5039 thomas_lowe@cable.comcast.com
Hyland Hills Park & Recreation District	Terry Barnhart 8801 Pecos St Denver CO 80260 303-650-7507 tbarnhart@hylandhills.org 303-650-7507
MAPLETON SCHOOL DISTRICT #1	CHARLOTTE CIANCIO 591 E. 80TH AVE DENVER CO 80229 303-853-1015 charlotte@mapleton.us
METRO WASTEWATER RECLAMATION	CRAIG SIMMONDS 6450 YORK ST. DENVER CO 80229 303-286-3338 CSIMMONDS@MWRD.DST.CO.US
North Pecos Water & Sanitation District	Russell Traska 6900 Pecos St Denver CO 80221 303-429-5770 manager@northpecoswater.org
NS - Code Compliance	Kerry Gress kgress@adcogovorg 720.523.6832 kgress@adcogov.org
REGIONAL TRANSPORTATION DIST.	CHRIS QUINN 1560 BROADWAY SUITE 700 DENVER CO 80202 303-299-2439 chris.quinn@rtd-denver.com
WESTMINSTER SCHOOL DISTRICT #50	Jackie Peterson 7002 Raleigh Street WESTMINSTER CO 80030 720-542-5100 jpeterson@adams50.org

Agency

Contact Information

Xcel Energy

Donna George
1123 W 3rd Ave
DENVER CO 80223
303-571-3306
Donna.L.George@xcelenergy.com

Xcel Energy

Donna George
1123 W 3rd Ave
DENVER CO 80223
303-571-3306
Donna.L.George@xcelenergy.com

909W62AVE LLC
909 W 62ND AVE
DENVER CO 80221-2409

DIGBY FAMILY LLLP
OR CURRENT RESIDENT
1400 W 64TH AVE
DENVER CO 80221

BGE LLC
PO BOX 335
BRIGHTON CO 80601-0335

RIO BRAVO LAND COMPANY LLC
OR CURRENT RESIDENT
1280 W 64TH AVE
DENVER CO 80221-2434

DIGBY FAMILY LLLP
1400 W 64TH AVE
DENVER CO 80221

CURRENT RESIDENT
1400 W 62ND AVE
DENVER CO 80221-2400

EP INVESTMENTS LLC
20770 E I-76 FRONTAGE RD
BRIGHTON CO 80603

CURRENT RESIDENT
875 W 64TH AVE UNIT A
DENVER CO 80221-2402

MARTIN MARIETTA MATERIALS INC
C/O BADEN TAX MANAGEMENT
FORT WAYNE IN 46898-8040

CURRENT RESIDENT
875 W 64TH AVE UNIT B
DENVER CO 80221-2402

MARTINEZ ORLANDO
8300 E COLFAX AVE STE 100
DENVER CO 80220-2186

CURRENT RESIDENT
875 W 64TH AVE UNIT C
DENVER CO 80221-2402

NEW PRIME INC
2740 N MAYFAIR
SPRINGFIELD MO 65803

CURRENT RESIDENT
1101 W 62ND AVE
DENVER CO 80221-2404

PUBLIC SERVICE CO OF COLORADO
C/O PROPERTY AND LOCAL TAXES
PO BOX 1979
DENVER CO 80201-1979

CURRENT RESIDENT
875 W 64TH AVE UNIT D
DENVER CO 80221-2406

RIVERDANCE LAND COMPANY LLC
875 W 64TH AVE
DENVER CO 80221-2402

CURRENT RESIDENT
911 W 62ND AVE
DENVER CO 80221-2409

RIVERDANCE LAND COMPANY LLC
875 W 64TH AVE
DENVER CO 80221-2401

CURRENT RESIDENT
1300 W 62ND AVE
DENVER CO 80221-2428

CURRENT RESIDENT
1225 W 64TH AVE
DENVER CO 80221-2435

CURRENT RESIDENT
1100 W 64TH AVE
DENVER CO 80221-2442

CURRENT RESIDENT
6435 HURON ST UNIT A
DENVER CO 80221-2467

CURRENT RESIDENT
6435 HURON ST UNIT B
DENVER CO 80221-2467

CERTIFICATE OF POSTING



I, **Holden Pederson**, do hereby certify that I had the property posted at

1280 West 64th Avenue

on **March 10, 2020**

in accordance with the requirements of the Adams County Zoning Regulations

A handwritten signature in black ink, appearing to read 'Holden Pederson'.

Holden Pederson

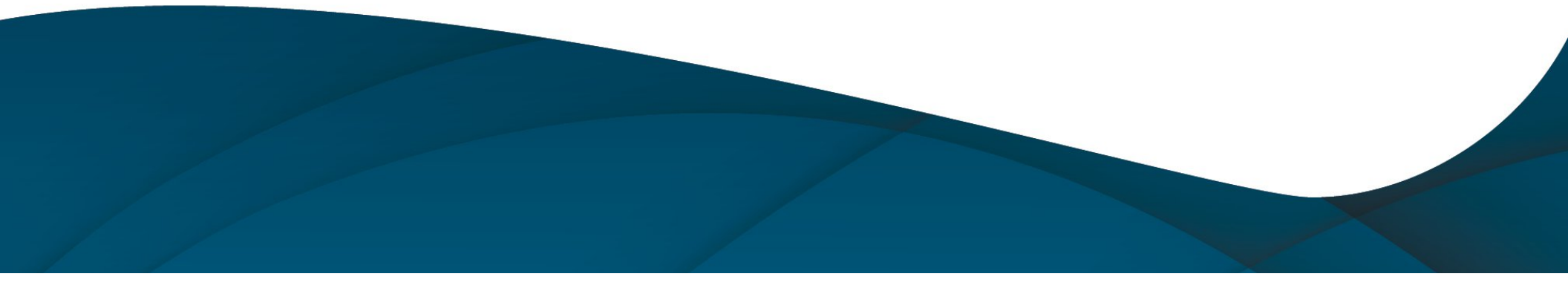
Rio 64th Billboard CUP

RCU2019-00026

1280 West 64th Avenue

April 14, 2020

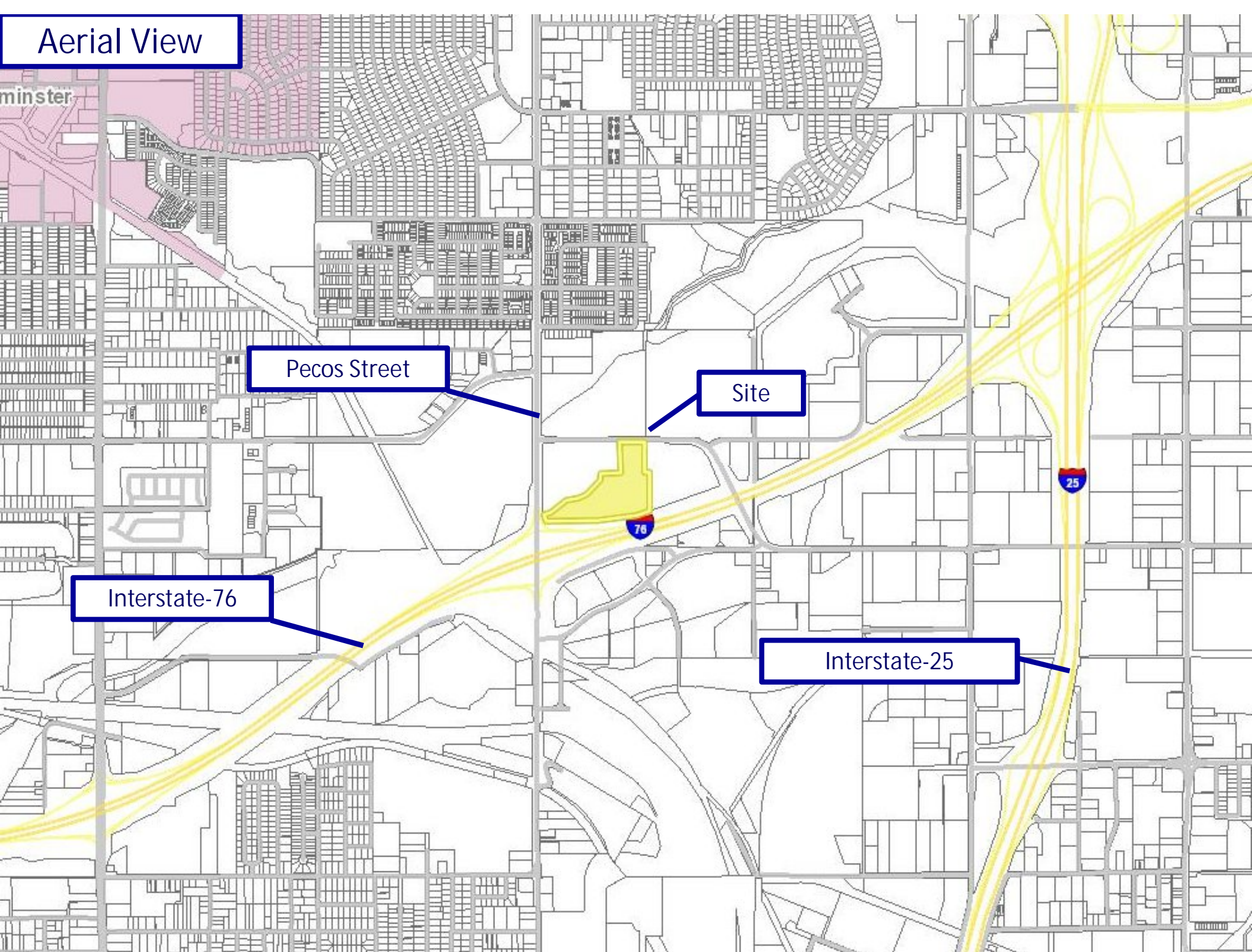
Board of County Commissioners Public Hearing
Community and Economic Development Department
Case Manager: Holden Pederson



Request

Conditional Use Permit to allow an off-premise electronic sign (billboard) in the Industrial-2 (I-2) zone district, which would be visible from I-76.

Aerial View



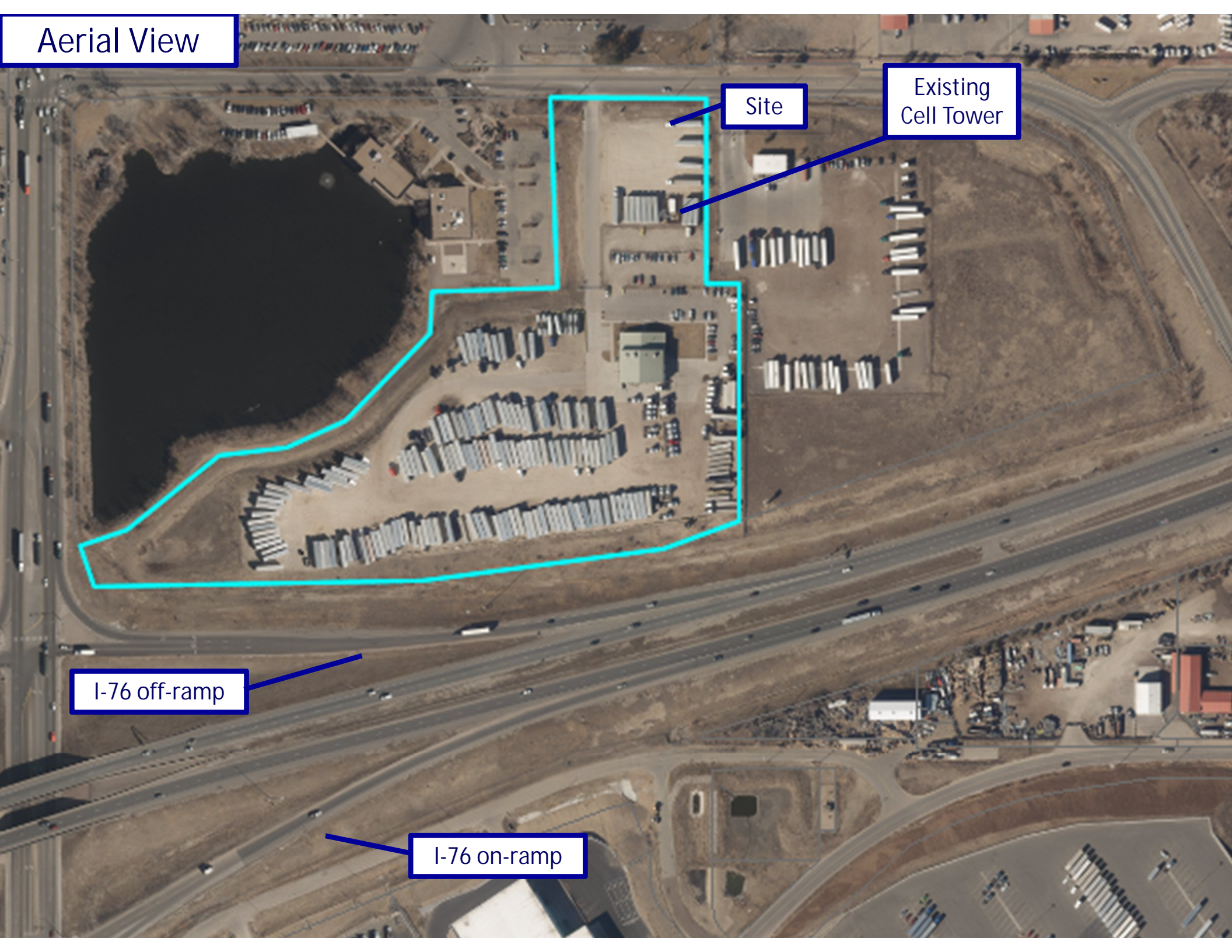
Aerial View

Site

Existing
Cell Tower

I-76 off-ramp

I-76 on-ramp



Current Zoning: Industrial-2 (I-2)

PUD

Site

I-2

C-3

Pecos St

W 64th Ave

Huron St

W 62nd Ave

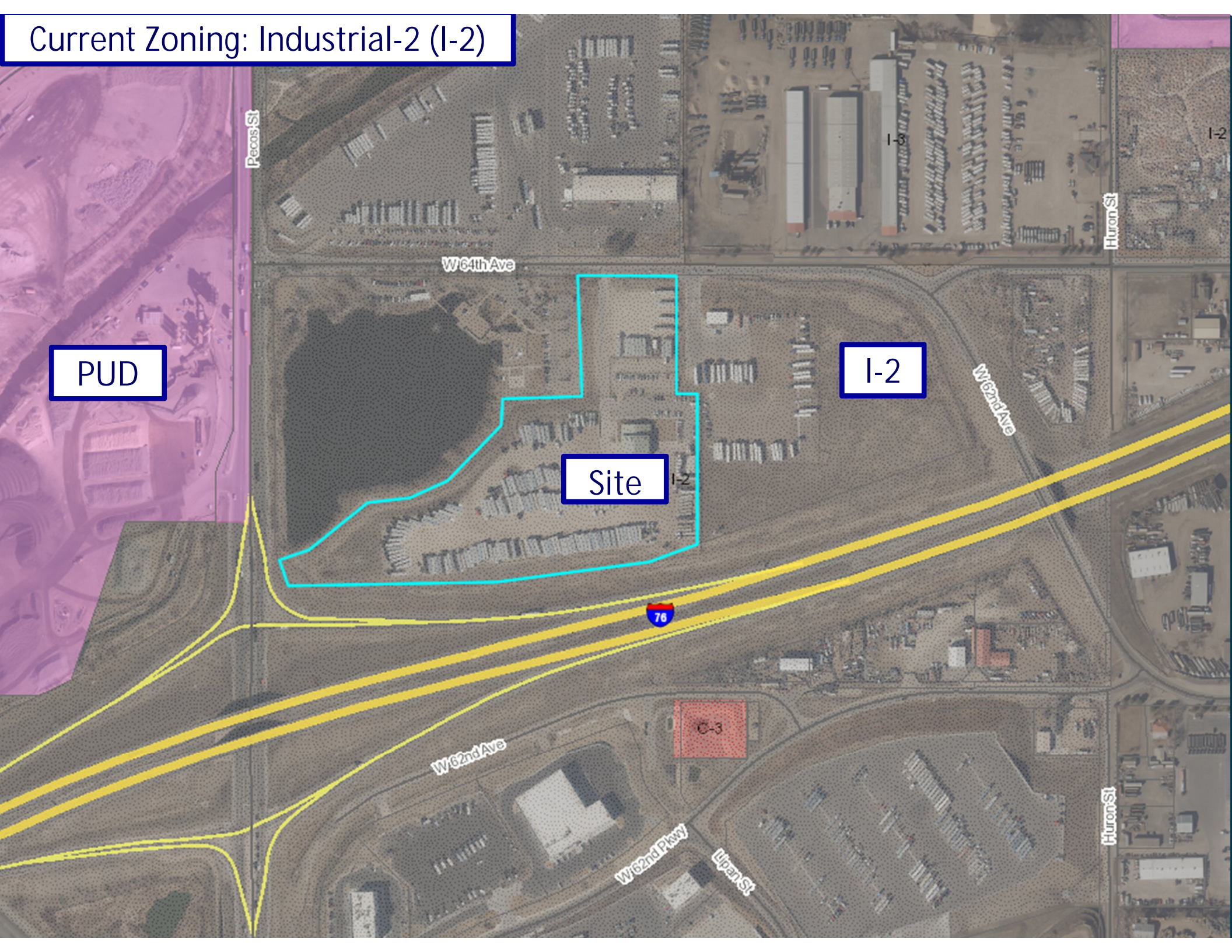
76

W 62nd Ave

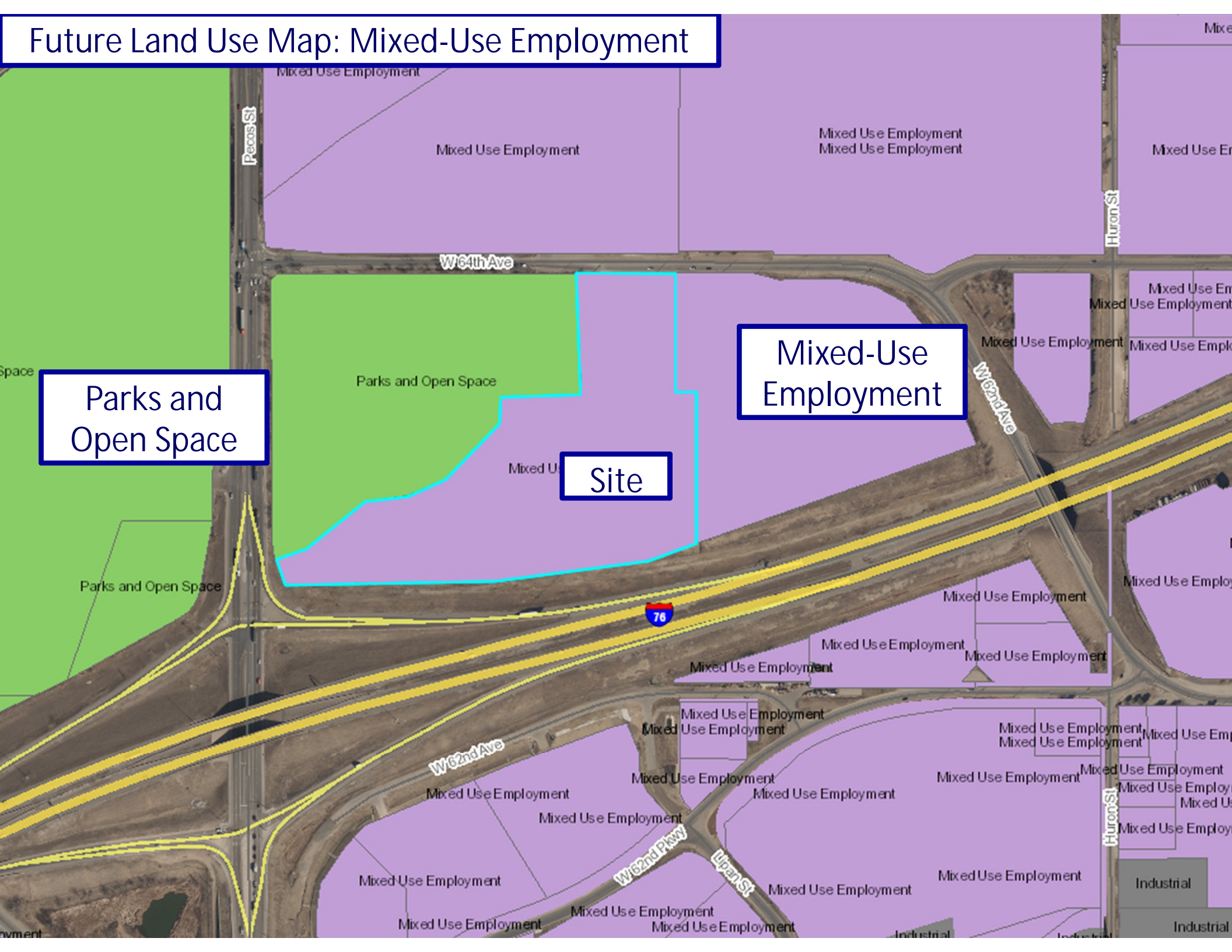
W 62nd Pkwy

Lipan St

Huron St



Future Land Use Map: Mixed-Use Employment



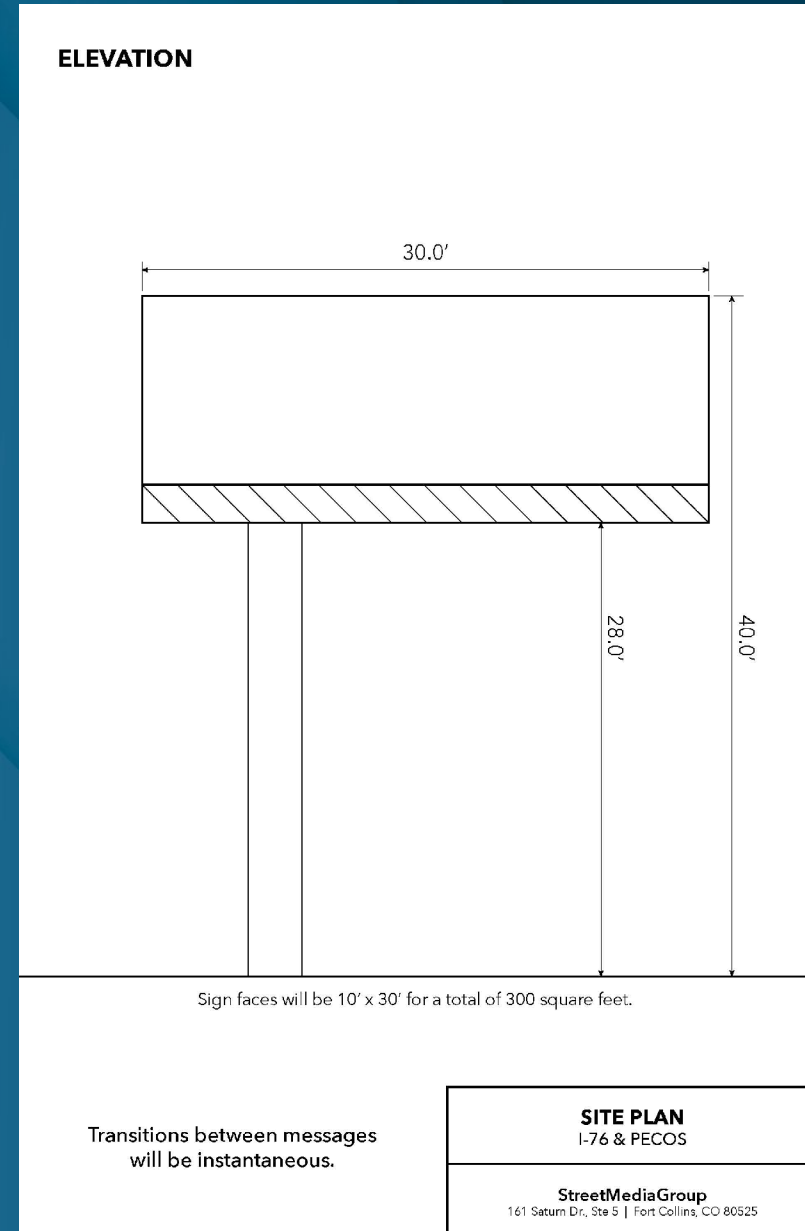
Criteria for Conditional Use

Section 2-02-08-06

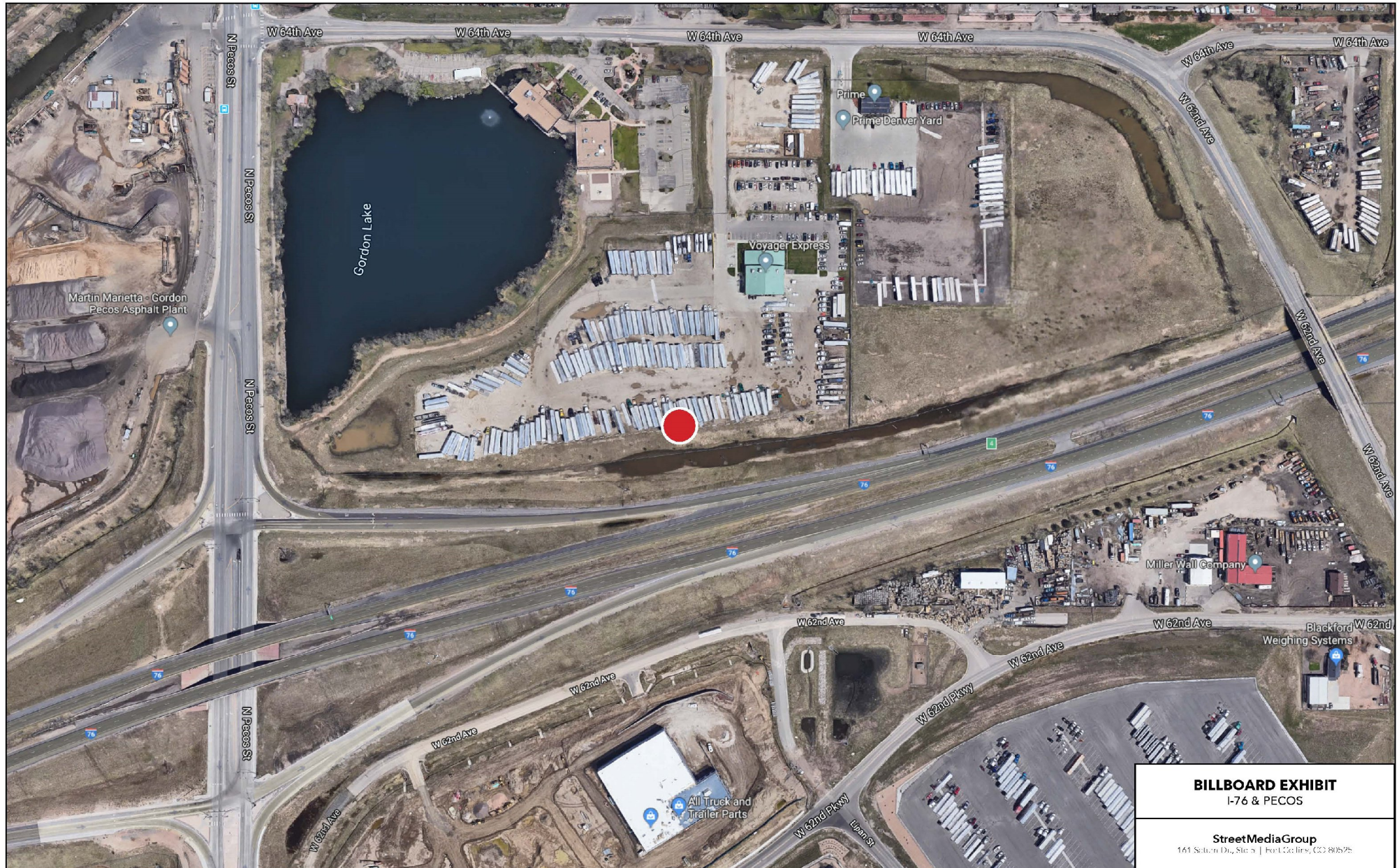
1. Permitted in zone district
2. Consistent with regulations
3. Complies with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

Performance Standards

- Maximum Height: 40 feet
- Maximum Size: 300 sq. ft.
- Setback equal to the height
- Sign faces
 - Back-to-back, no V-shaped
 - Max. 3.5 feet apart
- Only one two-faced off-premise sign
- Minimum of 2,000 ft. on the same side of the road
- Remain motionless for a min. of 4 seconds, 10 is optimal. Transitions between messages must be instantaneous.

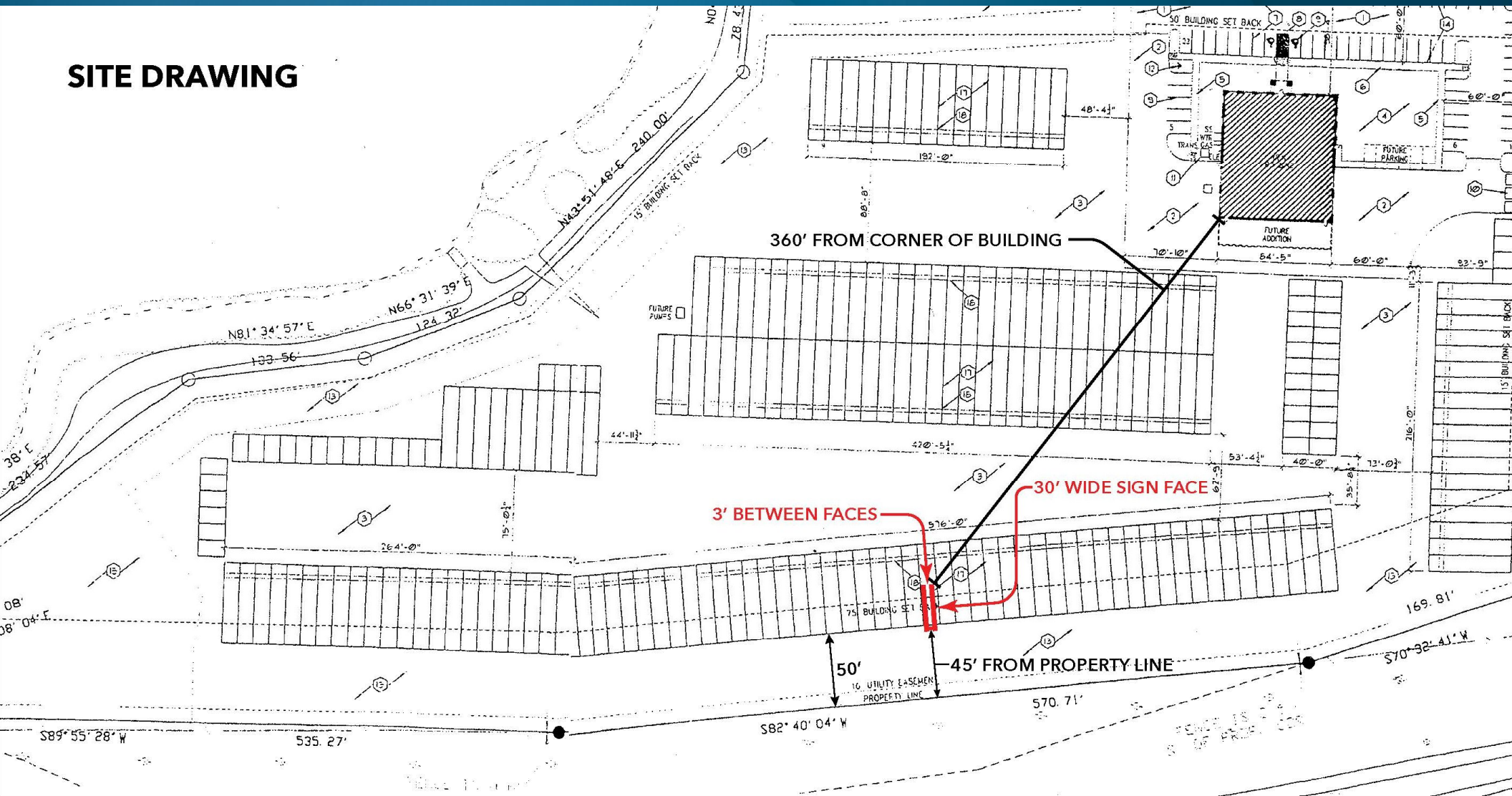


Applicant Aerial Site Plan



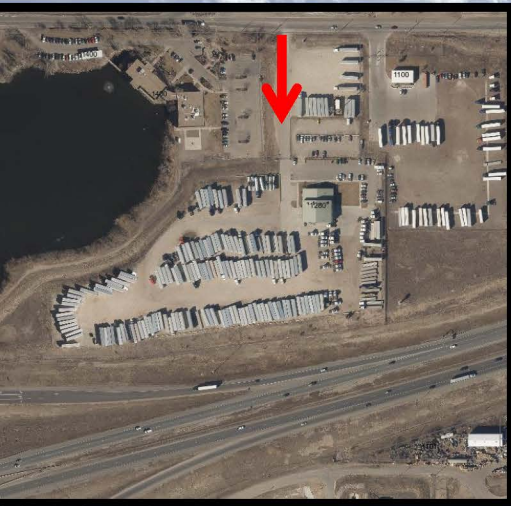
Applicant Site Plan

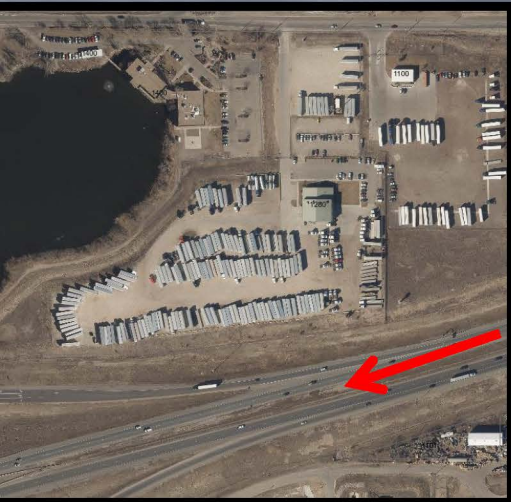
SITE DRAWING

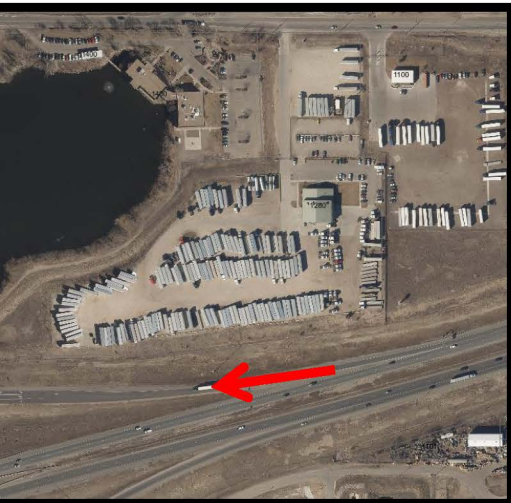


Applicant Vicinity Map









BILLBOARD EXHIBIT
I-76 & PECOS

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



BILLBOARD EXHIBIT
I-76 & PECOS

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

Referral Comments

Notifications Sent*	# Comments Received
17	0

*Property owners and residents within 750 ft.

External Referral Agencies Responding with Concerns:

None.

External Referral Agencies Responding without Concerns:

Tri-County Health Department, Colorado Department of Transportation, Colorado Department of Public Health and the Environment, Xcel Energy

Criteria for Conditional Use

Section 2-02-08-06

1. Permitted in zone district
2. Consistent with regulations
3. Complies with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

Planning Commission Update

(RCU2019-00026 – Rio 64th Billboard CUP)

- Recommended Approval (6-1) on March 26, 2020.
- PC inquired about the proposed length of time for transitioning between electronic messages, the wireless telecommunications tower Conditional Use Permit that has already been approved for the site, additional screening and landscaping along the subject property's street frontage abutting I-76, and the Southwest Area Framework Plan.
- No members of the public spoke in support or opposition of the request during the hearing.

PC and Staff Recommendation

(RCU2019-00026; Rio 64th Billboard CUP)

APPROVAL of the subject request (RCU2019-00026) with 8 Findings-of-Fact, 6 Conditions of Approval, and 3 Notes to the applicant.

Recommended Findings-of-Fact

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. 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.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions

1. The applicant must show compliance with all the requirements of the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. Seq. and the Colorado rules and regulations promulgated thereunder by the Colorado Department of Transportation.
2. The applicant shall obtain a Roadside Sign Permit from the Colorado Department of Transportation.
3. The applicant shall obtain a building permit from Adams County for the billboard, including all required building permit inspections.
4. Each message displayed on the billboard shall remain static for a minimum of four (4) seconds and must transition immediately to the next message displayed.
5. Applicant must comply with all Tri-County Health Department, Colorado Department of Public Health and Environment, and Adams County Fire Protection District requirements applicable to development within the Flammable Gas Overlay.
6. The approval of the off-premise sign shall expire April 14, 2030, unless renewed.

Recommended Notes to the Applicant

1. All applicable building, zoning, health, fire, and engineering requirements and codes shall be adhered to with this request.
2. The Conditional Use Permit shall expire on April 14, 2021, if sign permits are not obtained from Adams County.
3. Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sounds, employs stereopticon, or includes motion picture projection is prohibited.

Light Analysis

