

# **AGENDA**

## **CITY COUNCIL MEETING CITY OF WHEAT RIDGE, COLORADO 7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**June 24, 2019**

**7:00 p.m.**

*Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer, at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.*

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL OF MEMBERS**

### **PROCLAMATIONS AND CEREMONIES**

Joyce Manwaring Retirement  
Wheat Ridge High School Boys Baseball League Champs

### **APPROVAL OF MINUTES**

### **APPROVAL OF AGENDA**

### **CITIZENS' RIGHT TO SPEAK**

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the PUBLIC COMMENT ROSTER.
- b. Citizens who wish to speak on an Agenda Item, please sign the GENERAL AGENDA ROSTER.
- c. Citizens who wish to speak on a Public Hearing item, please sign the PUBLIC HEARING ROSTER before the item is called to be heard.
- d. Citizens who wish to speak on Study Session Agenda Items for a maximum of 3 minutes and sign the STUDY SESSION AGENDA ROSTER.



**1. CONSENT AGENDA**

- a. Motion to award a contract and approve subsequent payment of \$86,601 to Miracle Recreation, of Dallas, Texas, for the Wheat Ridge Recreation Center Playground replacement project, and approve a 10% contingency in the amount of \$8,600
- b. Motion to award a contract and approve subsequent payments to AV-Tech Electronics, Inc. in an amount not to exceed \$135,500 for police vehicle equipment and up-fit installation services with the option to allow up to four additional one-year terms
- c. Motion to award a contract and approve subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$144,150 for professional services for the design of 52<sup>nd</sup> Avenue and Ward Road intersection
- d. Motion to award a contract and approve subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$555,877.41 for professional services for the design of a pedestrian bridge, plaza areas, and linear park
- e. Motion to award a contract and approve subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$118,647 for professional services for property/easement acquisition services for pedestrian bridge, plaza areas, and linear park

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Council Bill No. 09-2019 – an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding Municipal Judge services agreement
3. Council Bill No. 08-2019 – an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities (Case No. ZOA-19-01)
4. Resolution No. 35-2019 – a resolution approving a major subdivision plat with right-of-way dedication for property zoned Mixed Use – Neighborhood (MU-N) and located at 10191 W. 38<sup>th</sup> Avenue (Case No. WS-19-02 / Gemini)
5. Resolution No. 36-2019 – a resolution approving a major subdivision with right-of-way dedication for property zoned Mixed Use Commercial (MU-C) located at 4331 Vance Street (Case No. WS-19-03 / Town Center North subdivision filing No. 3)
6. Resolution No. 37-2019 – a resolution approving the service plan for the Ridgetop Village Metropolitan District



**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING (cont)**

7. Resolution No. 38-2019 – a resolution approving a major subdivision with right-of-way dedication for property zoned Planned Mixed Use Development (PMUD) and Planned Commercial Development (PCD) located at the southwest quadrant of Highway 58 and I-70 (Case No. WS-19-04 / Clear Creek Crossing Subdivision Filing No. 3)

**CITY MANAGER'S MATTERS**

**CITY ATTORNEY'S MATTERS**

**ELECTED OFFICIALS' MATTERS**

**ADJOURNMENT**



**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: MOTION TO AWARD A CONTRACT AND APPROVE SUBSEQUENT PAYMENT OF \$86,601 TO MIRACLE RECREATION, OF DALLAS TEXAS, FOR THE WHEAT RIDGE RECREATION CENTER PLAYGROUND REPLACEMENT PROJECT, AND APPROVE A 10% CONTINGENCY IN THE AMOUNT OF \$8,600.**

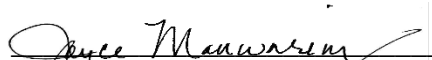
☐ PUBLIC HEARING  
☒ BIDS/MOTIONS  
☐ RESOLUTIONS


☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL:

☐ YES

☒ NO

  
**Parks and Recreation Director**

  
**City Manager**

**ISSUE:**

The current Recreation Center playground was installed during the construction of the Recreation Center facility in 2000. The playground was identified for replacement using established department inspection and replacement criteria in 2018. The play equipment and fall surfacing have reached their expected useful lifespan and need to be replaced. As part of the project the playground will be improved to meet ADA compliance standards.

**PRIOR ACTION:**

Funds for the project were approved in the 2019 Conservation Trust Fund Budget in the amount of \$100,000 for playground replacement, new fall surfacing and additional playground fencing.

**FINANCIAL IMPACT:**

Funding for this project is budgeted in Fund 54 Conservation Trust Fund. The funds provide for new playground equipment, demo and installation, including playground fall surfacing and additional playground fence at the Wheat Ridge Recreation Center.



**BACKGROUND:**

Early in 2019, Park and Recreation staff interviewed three potential playground vendors. After multiple meetings with the three playground vendors, Miracle Recreation/Churchich Recreation, LLC was selected as the most qualified vendor for the project. A final playground design was agreed upon and Miracle Recreation provided the equipment at a pre-negotiated price through a Sourcewell cooperative contract (previously known as NJPA). Purchasing staff has reviewed the Sourcewell pricing, terms and conditions.

**RECOMMENDATIONS:**

Park and Recreation staff recommend the award of the Wheat Ridge Recreation Center playground replacement project to Miracle Recreation, Dallas Texas.

**RECOMMENDED MOTION:**

“I move to award a contract and approve subsequent payment to Miracle Recreation, Dallas Texas., in the amount of \$86,601 for the Wheat Ridge Recreation Center playground replacement project, and approve a 10% contingency in the amount of \$8,660.

Or,

“I move to deny award of a contract and subsequent payment to Miracle Recreation, Dallas Texas., in the amount of \$86,601 for the Wheat Ridge Recreation Center playground replacement project, for the following reason(s) \_\_\_\_\_.”

**REPORT PREPARED/REVIEWED BY:**

Mark Ruote, Park Project Coordinator  
Zach Lovato, Parks, Forestry and Open Space Manager  
Joyce Manwaring, Director of Parks and Recreation  
Jennifer Nellis, Purchasing Agent  
Patrick Goff, City Manager

**ATTACHMENTS:**

1. Miracle Recreation proposal





# Quotation

PO BOX 204757  
DALLAS, TX 75320-4757  
Tel: (303) 530-4414 Fax: (303) 530-9239

Date	Estimate #	E.O. #
5/6/2019	19-0347	

## Bill To Address:

City of Wheat Ridge  
9110 W. 44th Avenue  
Wheat Ridge, CO 80033

## Ship To Address:

City of Wheat Ridge  
9110 W 44th Avenue  
Wheat Ridge, CO 80033

Project		Rep	Terms	FOB
Recreation Center Playground		CC	Net 30	Jobsite
Item	Description	Qty	Unit Cost	Total
	WHEAT RIDGE REC CENTER PLAYGROUND - EXPANDED TURF AREA			
	SITE WORK			
DEMO & DISP...	DEMO & DISPOSE OF EXISTING EQUIPMENT	1	3,220.00	3,220.00
DEMO & DISP...	DEMO & DISPOSE OF EXISTING SURFACING	1,150	4.02522	4,629.00
DEMO & DISP...	DEMO & DISPOSE OF EXISTING FLATWORK	162	2.87654	466.00
Excavate	EXCAVATION FOR TURF AREA	300	3.60	1,080.00
Curb	INSTALL CONCRETE CURB (6"X8") PER LINEAR FOOT	30	30.00	900.00
Concrete	INSTALL CONCRETE FLATWORK REPLACEMENT	162	8.62346	1,397.00
	SUBTOTAL OF EQUIPMENT LISTED ABOVE			11,692.00
718-000-C	MIRACLE: TOTS' CHOICE CUSTOM PLAY STRUCTURE	1	26,516.00	26,516.00
494122	RACCOON LOG	1	6,365.00	6,365.00
494126	LARGE HOP ROCK	1	648.00	648.00
718-000-C	MIRACLE: TOTS' CHOICE CUSTOM PANEL CLUSTER	1	6,678.00	6,678.00
	- MAGICAL MUSIC PANEL			
	- SLIDE & SOLVE PANEL			
	- A-MAZE-ING PANEL			
	- VERY BURIED PANEL			
	SUBTOTAL OF EQUIPMENT LISTED ABOVE			40,207.00
NJPA CONTRA...	MIRACLE SOURCEWELL CONTRACT # 030117-LTS		0.00	0.00
NJPA Discount	SOURCEWELL CONTRACT DISCOUNT	1	-6,836.00	-6,836.00
M-Freight	MIRACLE FREIGHT	1	5,328.00	5,328.00
InstallPG	INSTALL PLAYGROUND EQUIPMENT	1	12,363.00	12,363.00
	SUBTOTAL OF EQUIPMENT LISTED ABOVE			10,855.00
PLAYBOUND PIP	SURFACE AMERICA: PLAYBOUND POURED IN PLACE SURFACING SYSTEM	1,150	13.18696	15,165.00
	- 50% COLOR/50% BLACK MIX			
SPORTEX TURF	SPORTEXE POWER BLADE SPORTS TURF	1	8,682.00	8,682.00
	- WITH COMPACTED BASE & SUPPORTIVE BASE PAD			
			Sales Tax (0.0%)	
			Total	





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City of Wheat Ridge  
9110 W. 44th Avenue  
Wheat Ridge, CO 80033

**Ship To Address:**

City of Wheat Ridge  
9110 W 44th Avenue  
Wheat Ridge, CO 80033

Project		Rep	Terms	FOB
Recreation Center Playground		CC	Net 30	Jobsite
Item	Description	Qty	Unit Cost	Total
	SUBTOTAL OF EQUIPMENT LISTED ABOVE			23,847.00
			</	



**REQUEST FOR CITY COUNCIL ACTION**


**TITLE: MOTION TO AWARD A CONTRACT AND APPROVE  
SUBSEQUENT PAYMENTS TO AV-TECH ELECTRONICS,  
INC. IN AN AMOUNT NOT TO EXCEED \$135,500 FOR  
POLICE VEHICLE EQUIPMENT AND UP-FIT  
INSTALLATION SERVICES WITH THE OPTION TO  
ALLOW UP TO FOUR ADDITIONAL ONE-YEAR TERMS**

☐ PUBLIC HEARING  
☒ BIDS/MOTIONS  
☐ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL: ☐ YES ☒ NO

  
\_\_\_\_\_  
Public Works Operations Manager

  
\_\_\_\_\_  
City Manager

**ISSUE:**

The City received two (2) bids in response to a formal solicitation for Police Vehicle Equipment and Up-Fit Installation Services. Staff is recommending award to the higher priced bidder based on review of the bids including prior experience, specified equipment, identified labor prices and overall best value to the City of Wheat Ridge. An option to allow up to four additional one-year terms, at the discretion of the City, applies to this award.

**PRIOR ACTION:**

Council approved the previous award in 2014.

**FINANCIAL IMPACT:**

The funds for the Police Vehicle Equipment and Upfit Proposal are budgeted in the Fleet Replacement line item, account number 01-303-800-807, of the 2019 Public Works Operations budget of \$851,728.



**BACKGROUND:**

On June 6, 2019, two (2) bids were received for Police Vehicle Equipment and Up-Fit Installation Services. Both submittals met the initial bid requirements. Staff reviewed the bids with respect to vendor qualifications, approach, timeliness, convenience of services, price schedules and the greatest short and long-term financial benefit to the City of Wheat Ridge. References have also been checked. Based upon the criteria, a consensus was reached by Staff to recommend award to Av-Tech Electronics, Inc. located in Wheat Ridge, Colorado to outfit nine police vehicles this year in a total amount not to exceed \$135,500, instead of the apparent low bidder, Lighting, Accessory and Warning Systems located in Englewood, Colorado. The awarded vendor is expected to respond to varying equipment and installations, and future warranty issues as they arise, therefore the importance of known labor cost per item is necessary.

**RECOMMENDATIONS:**

Staff recommends award of the Police Vehicle Equipment and Installation Services contract to Av-Tech Electronics, Inc. to outfit nine police vehicles in 2019 for a total amount not to exceed \$135,500 with the option to allow up to four additional one-year terms, as budgeted and at the discretion of the City.

**RECOMMENDED MOTION:**

“I move to award a contract and approve subsequent payments to Av-Tech Electronics, Inc. in a total amount not to exceed \$135,500 for Police Vehicle Equipment and Up-Fit Installation Services with the option to allow up to four additional one-year terms.”

Or,

“I move to deny award and payment to Av-Tech Electronics, Inc. in a total amount not to exceed \$135,500 for Police Vehicle Equipment and Up-Fit Installation Services with the option to allow up to four additional one-year terms for the following reason(s): \_\_\_\_\_.”

**REPORT PREPARED/REVIEWED BY:**

Greg Knudson, Operations Manager

Jennifer Nellis, Purchasing Agent

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Price Evaluation Spreadsheet





PROJECT: RFB-19-12  
 POLICE VEHICLE EQUIPMENT & INSTALLATION UPFIT SERVICES  
 DUE DATE/TIME: THURSDAY, JUNE 6, 2019 AT 3 P.M. LOCAL TIME

REQUESTED BY: GREG KNUDSON / BILL TOCCO - PW OPERATIONS  
 OPENED BY: JENNIFER NELLIS, PURCHASING AGENT  
 WITNESSED BY: KIRBY HOLLUMS, BUYER II

VENDOR	AV Tech			LAWS					
LOCATION	Golden, CO			Englewood, CO					
BIDDER ACKNOWLEDGMENT FORM	Yes			Yes					
ACKNOWLEDGEMENT OF ADDENDA (1)	Yes			Yes					
ILLEGAL ALIEN COMPLIANCE	Yes			Yes					
NON-DISCRIMINATION ASSURANCE FORM	Yes			Yes					
NON-COLLUSION AFFIDAVIT	Yes			Yes					
VENDOR QUALIFICATION FORM	Yes			Yes					
PRICING:	UNIT PRICE	INSTALLATION COST	TOTAL	UNIT PRICE	INSTALLATION COST	TOTAL	UNIT PRICE	INSTALLATION COST	TOTAL
CATEGORY A - Safety Lights									
Lightbar	\$ 1,105.00	\$ 63.00	\$ 1,168.00	\$ 1,494.53	\$ -	\$ 1,494.53	\$ -	\$ -	\$ -
Rear Deck Lights	\$ 233.35	\$ 126.00	\$ 359.35	\$ 269.64	\$ -	\$ 269.64	\$ -	\$ -	\$ -
Light and Siren Controller	\$ 800.00	\$ 346.50	\$ 1,146.50	\$ 594.09	\$ -	\$ 594.09	\$ -	\$ -	\$ -
Siren Speaker	\$ 164.00	\$ 47.25	\$ 211.25	\$ 159.00	\$ -	\$ 159.00	\$ -	\$ -	\$ -
Siren Speaker Mount	\$ 20.50		\$ 20.50	NC	\$ -	NC	\$ -	\$ -	\$ -
Rear Door Side Lights	\$ 172.70	\$ 94.50	\$ 267.20	\$ 184.00	\$ -	\$ 184.00	\$ -	\$ -	\$ -
Liftgate Emergency Lights	\$ 84.50	\$ 126.00	\$ 210.50	\$ 90.00	\$ -	\$ 90.00	\$ -	\$ -	\$ -
Rear Pillar Lights	\$ 812.00	\$ 157.50	\$ 969.50	\$ 743.40	\$ -	\$ 743.40	\$ -	\$ -	\$ -
CATEGORY B - Cabin Gear									
Large Console	\$ 468.00	\$ 173.25	\$ 641.25	\$ 528.58	\$ -	\$ 528.58	\$ -	\$ -	\$ -
Plus DC/USB Outlet	\$ 118.17	\$ 47.25	\$ 165.42	\$ 79.00	\$ -	\$ 79.00	\$ -	\$ -	\$ -
Visor Map Light	\$ 17.40	\$ 31.50	\$ 48.90	\$ 34.00	\$ -	\$ 34.00	\$ -	\$ -	\$ -
Dome Light	\$ 58.50	\$ 31.50	\$ 90.00	\$ 56.70	\$ -	\$ 56.70	\$ -	\$ -	\$ -

## ATTACHMENT 1



Weapon Mount	\$	121.57	\$	94.50	\$	216.07	NC	\$	-	\$	-	\$	-	\$	-	\$	-	
Weapon Butt Plate and Lock	\$	191.17	\$	-	\$	191.17	\$	195.53	\$	-	\$	-	\$	-	\$	-	\$	-
Weapon Lock Timer	\$	32.79	\$	-	\$	32.79	NC	\$	-	\$	-	\$	-	\$	-	\$	-	
Park kill	NC		\$	-		NC	NC	\$	-	\$	-	\$	-	\$	-	\$	-	
Mirror Lights	\$	308.70	\$	157.50	\$	466.20	\$	382.28	\$	-	\$	-	\$	-	\$	-	\$	-
Prisoner Containment System	\$	2,616.80	\$	346.50	\$	2,963.30	\$	2,375.12	\$	-	\$	-	\$	-	\$	-	\$	-
Interrupt	\$	58.50	\$	63.00	\$	121.50	NC	\$	-	\$	-	\$	-	\$	-	\$	-	
Dome Light Disable	NC		\$	-		NC	NC	\$	-	\$	-	\$	-	\$	-	\$	-	
Radio System	\$	77.97	\$	173.25	\$	251.22	\$	69.00	\$	-	\$	-	\$	-	\$	-	\$	-
Radio Antennas	\$	27.93	\$	63.00	\$	90.93	\$	85.00	\$	-	\$	-	\$	-	\$	-	\$	-
In-cab Stump Mount	NC		\$	-		NC	\$	247.21	\$	-	\$	-	\$	-	\$	-	\$	-
CATEGORY C - Trunk Gear																		
PDU	\$	590.47	\$	63.00	\$	653.47	\$	463.45	\$	-	\$	-	\$	-	\$	-	\$	-
Cargo System & Equipment Tray	\$	1,390.40	\$	94.50	\$	1,484.90	\$	1,088.56	\$	-	\$	-	\$	-	\$	-	\$	-
Rear Window Guards	\$	306.40	\$	173.25	\$	479.65	\$	301.04	\$	-	\$	-	\$	-	\$	-	\$	-
CATEGORY D - Other Gear																		
Push Bar	\$	311.20	\$	-	\$	311.20	\$	349.01	\$	-	\$	-	\$	-	\$	-	\$	-
Grill Lights	\$	189.70	\$	-	\$	189.70	\$	184.80	\$	-	\$	-	\$	-	\$	-	\$	-
Brake Lights	\$	118.00	\$	-	\$	118.00	\$	125.00	\$	-	\$	-	\$	-	\$	-	\$	-
Ignition Security System	\$	99.60	\$	-	\$	99.60	\$	104.40	\$	-	\$	-	\$	-	\$	-	\$	-
Materials	\$	315.00	\$	-	\$	315.00	\$	260.00	\$	-	\$	-	\$	-	\$	-	\$	-
Installation of 27-31 and City supplied mobile radio and antenna	\$	-	\$	393.75	\$	393.75	INC		\$	-	\$	-	\$	-	\$	-	\$	-
Spotlight	\$	632.47	\$	126.00	\$	758.47	\$	322.48	\$	-	\$	-	\$	-	\$	-	\$	-
CATEGORY E - Computer Gear																		
Computer - City furnished equipment	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Computer - Vendor responsibilities	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Docking Station																		
Option A.i	\$	-	\$	94.50	\$	94.50	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Option A.ii	NC		\$	-		NC	\$	197.03	\$	-	\$	-	\$	-	\$	-	\$	-
							Inc in console components											
Option A.iii	NC		\$	-		NC			\$	-	\$	-	\$	-	\$	-	\$	-
Option A.iv	NC		\$	-		NC			\$	-	\$	-	\$	-	\$	-	\$	-

PA



Option A.v	NC	\$	-	NC		\$	-	\$	-	\$	-	\$	-
Option A.vi	NC	\$	-	NC		\$	-	\$	-	\$	-	\$	-
Option A.vii	NC	\$	-	NC		\$	-	\$	-	\$	-	\$	-
Option A.viii	NC	\$	-	NC		\$	-	\$	-	\$	-	\$	-
Option B.i1	NC	\$	-	NC		\$	-	\$	-	\$	-	\$	-
Option C.i1**	\$ 115.00	\$	31.50	\$ 146.50		\$	-	\$	-	\$	-	\$	-
Option D.i1	\$ 14.00			\$ 14.00		\$	-	\$	-	\$	-	\$	-
Boom Arm - Cabin Install	\$ 283.20			\$ 283.20		\$	-	\$	-	\$	-	\$	-
In-line Cellular Modem Booster**	\$ 479.99	\$	31.50	\$ 511.49		\$	-	\$ 549.00	\$ 549.00	\$	-	\$	-
(Add per LAWS - total install all items per car)						\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00				
Other Costs													
Pick-Up / Delivery Charges	NC				NC								
TOTAL:	\$			15,484.98	\$			12,931.85		\$			
Distance to Wheat Ridge PW Operations Shop	\$	1.40	miles one way	26.00	miles one way								miles one way

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**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: MOTION TO AWARD A CONTRACT AND APPROVE  
SUBSEQUENT PAYMENTS TO SHORT ELLIOT  
HENDRICKSON, INC., DENVER, CO, IN AN AMOUNT NOT  
TO EXCEED \$144,150 FOR PROFESSIONAL SERVICES FOR  
THE DESIGN OF 52<sup>ND</sup> AVENUE AND WARD ROAD  
INTERSECTION**

☐ PUBLIC HEARING  
☒ BIDS/MOTIONS  
☐ RESOLUTIONS


☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL:

☐ YES

☒ NO

  
Director of Public Works

  
City Manager

**ISSUE:**

The Wheat Ridge · Ward Station area is one of four projects in the City's *Investing 4 the Future* bond program which is benefitting from \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase. Wheat Ridge and CDOT have been cooperating in assessing improvements to the 52<sup>nd</sup> Avenue and Ward Road intersection including the replacement of the traffic signal. Short Elliot Hendrickson, Inc. (SEH) has been contracted to perform design services for the Station area. An additional task order needs to be approved to design the intersection improvements and prepare construction plans and specifications.

**PRIOR ACTION:**

For several years, the City has lead extensive visioning and planning efforts focused on the Wheat Ridge · Ward Station planning area. Numerous Council updates and actions have occurred at various stages in these processes. Council was most recently updated on April 1, 2019 on the status of the Wheat Ridge · Ward Station planning area and on private developments in the area.



**FINANCIAL IMPACT:**

Professional service fees in the amount of \$144,150 are available in the Wheat Ridge · Ward Road Station 2E bond budget. Staff is currently working with the CDOT to prepare an Intergovernmental Agreement that establishes a cost sharing arrangement for the design and reconstruction of 52<sup>nd</sup> Avenue and Ward Road intersection including the traffic signal.

**BACKGROUND:**

Earlier this year, CDOT and City staff met to discuss the necessary improvements to the 52<sup>nd</sup> Avenue and Ward Road intersection. The plans at that time only showed improvements to the east side of the intersection. CDOT expressed a desire to upgrade the entire signal from the existing span wire signal to a modern pole/mast arm signal.

At a subsequent meeting with CDOT, both agencies agree to share the cost of the intersection upgrade equally. An Intergovernmental Agreement has been started with CDOT and will be brought to Council later this summer for approval.

Task Order #4 authorizes SEH to prepare the construction drawings, coordinate the proposed traffic signal upgrade with the affected utility companies and other agencies, and obtain the necessary approvals to construct the project.

**RECOMMENDATIONS:**

Staff recommends authorizing Task Order #4 to SEH to upgrade the 52<sup>nd</sup> Avenue and Ward Road intersection design including the traffic signal, construction plans and specifications.

**RECOMMENDED MOTION:**

“I move to award a contract and approve subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$144,150 for professional services for the design of the 52<sup>nd</sup> Avenue and Ward Road intersection.”

Or,

“I move to deny the award of a contract and subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$144,150 for professional services for the design of the 52<sup>nd</sup> Avenue and Ward Road intersection for the following reason(s)

\_\_\_\_\_.”

**REPORT PREPARED/REVIEWED BY:**

Mark Westberg, Project Manager

Steve Nguyen, Engineering Division Manager

Jennifer Nellis, Purchasing Agent

Patrick Goff, City Manager



**ATTACHMENTS:**

1. Task Order #4 – Signal and Intersection Improvement Plans for 52<sup>nd</sup> Avenue and Ward Road scope and fee



May 13, 2019

RE: Proposal for Professional Services  
Ward Station Area Projects  
Task Order No. 4 – SIGNAL AND INTERSECTION  
IMPROVEMENT PLANS for  
W 52nd Avenue and SH 72 (Ward Road)  
Wheat Ridge, Colorado

Mr. Mark Westberg, P.E., CFM  
Projects Supervisor  
City of Wheat Ridge  
7500 W. 29<sup>th</sup> Avenue  
Wheat Ridge, CO 80033  
[mwestberg@ci.wheatridge.co.us](mailto:mwestberg@ci.wheatridge.co.us)

Dear Mark:

Please find enclosed SEH's proposal for Task Order No. 4 – SIGNAL AND INTERSECTION IMPROVEMENT PLANS for W. 52nd Avenue and SH 72 (Ward Road).

### PROJECT UNDERSTANDING

The City of Wheat Ridge in conjunction with the Colorado Department of Transportation desires to complete signal improvements and corresponding intersection improvement construction documents for the intersection of 52<sup>nd</sup> Avenue and SH 72 (Ward Road) in the City of Wheat Ridge. The intersection is a CDOT intersection, but municipal jurisdiction involves Jefferson County on the NW, SW and NE corners. Wheat Ridge has jurisdiction over the SE corner. The signal equipment is outdated with span wire configuration. Corresponding intersection improvements may include improved stop bar and crosswalk striping, and ADA ramp configuration. Right-of-Way (ROW) acquisition is not anticipated at this time. Should acquisition be required, the work will be performed by others.

Advertisement for the project is tentatively scheduled for **October 2019**.

The general scope of the project will include:

- Survey obtained through concurrent project for the City of Wheat Ridge as part of their Ward Station Area Projects, Task Order No. 1 – 52<sup>nd</sup> Avenue, including Ward Road Signal Redesign used for this project.
- Environmental investigation, evaluation and reports to support a Categorical Exclusion, including Parts A and B of the Colorado Department of Transportation's (CDOT) Form 128.
- Evaluation of existing conditions of the intersection, including review of ADA-compliance issues and condition of roadway pavement markings.
- Design and preparation of plans and specifications for appropriate modifications to the intersection (handicap ramps) based on site conditions.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 2000 South Colorado Boulevard, Suite 6000, Colorado Center Tower One, Denver, CO 80222-7938

SEH is an equal opportunity employer | [www.sehinc.com](http://www.sehinc.com) | 720.540.6800 | 800.490.4966 | 888.908.8166 fax

**ATTACHMENT 1**



- Design and preparation of plans and specifications for new traffic signal poles (4) and mast arms at the subject intersection. The design includes but is not limited to poles, mast arms, detection, control boxes, wiring, and pedestrian signal facilities.
- Design and preparation of plans and specifications for appropriate signing and striping of the subject intersection based on the intersection modifications.
- It is not anticipated that geotechnical services will be needed.
- It is anticipated that potholing will be required to make sure there are no utility conflicts due to the new signal pole locations.

### **SCOPE OF SERVICES:**

#### **1. Project Management**

- a. Records management, archiving, and communications.
- b. Contract management, sub contract management, project scheduling.
- c. Project kick-off meeting at the City, and two internal project staff coordination meetings.
- d. Monthly invoicing and status reporting to the City throughout the course of the project.
- e. Maintaining project schedule and budget.

**Deliverables** – approved schedule, updates to schedule as necessary, monthly invoices with progress reports, monthly budget reports, monthly communications reporting, meeting minutes.

#### **2. Topographic and Existing Right-of-Way Mapping**

##### **A. Property Surveys and Mapping**

A survey of the properties adjacent to the project area was previously performed and entities mapped for the City of Wheat Ridge Ward Station Area Projects specific for this signal design at this location. SEH will utilize the existing survey for the design process at no additional cost to the project. SEH will contact impacted property owners in advance of any field work with right-of-entry notifications.

#### **3. Environmental Services**

- a. Investigation, desktop and field review, evaluation and recommendations will be made by ERO Resources Corporation in five (5) areas: Biological resources, hazardous materials, historic and cultural resources and paleontological resources, and resources dismissed from further analysis. Reports will be prepared and provided to the City and CDOT. It is assumed this project will qualify for a Categorical Exclusion (CATEX). ERO will be responsible for the environmental services and coordinating with the Specialty Units. SEH has included modest time for coordination and document review with ERO during the design development. Refer to ERO's scope of work attached, which further outlines assumptions and exclusions.

#### **4. SUE Services/Utility Coordination, Plans and Clearances**

- a. Goodbee & Associates, Inc. will be working with their subconsultant, D&M Utilities, to provide utility locates, mapping and utility verification. Much of this information was originally gathered



as part of the 52<sup>nd</sup> Avenue Reconstruction project adjacent to this site before it was determined to be split out separately. Additional services for this project will be limited to providing utility locates, up to 10 test holes and 4 soil investigations of the proposed signal pole locations, per ASCE 38 and meeting the State regulations of SB 18-176. Field services include core and drilling test holes, permanent pavement repair, assume nighttime work in the intersection and provide for traffic control needs. Wheat Ridge will be consulted when these field services are to be provided in the project timeline, weighing plan development and project schedule in an effort to minimize risk of re-work. Utility Plans will be prepared with utility contacts, pothole log and plans depicting utility line work differentiated as Quality Level D through A. The plans will be stamped by an experienced SUE Colorado Professional Engineer.

- b. Although Goodbee will be responsible for utility investigations and coordinating with the Specialty Units for CDOT clearances, SEH has included modest time for coordination with Goodbee staff during the design development, and participation in wet/dry utility stakeholder meetings. One initial stakeholder meeting is anticipated for both wet and dry utility providers to be held at the City. One round of 1 hour follow up meetings and correspondence with affected providers is anticipated. The SEH team will confirm if any affected stakeholders plan capital improvements projects in the project area, where a collaborative approach might minimize impacts to residents and commuters.
- c. Goodbee will prepare project specific utility specifications outlining contractor responsibilities, and work to be conducted by others.

## **5. Preliminary (60%) Design Phase**

- a. A preliminary design package, including, draft CDOT clearance documents, construction plans and a specification outline will be developed in CDOT format.
- b. An Engineer's opinion of probable construction cost will be completed.
- c. Deliverables will be 11x17 plan and reports transmitted electronically in PDF format.
- d. Traffic volumes from the TIS submitted by AECOM will be used to evaluate the left turn phasing at the intersection. A recommended left turn phase will be provided to Wheat Ridge and CDOT for review, along with Autoturn exhibit(s) depicting bus movements and a preliminary Traffic Report. The option of using a 4-section left turn signal head will be considered as a potential left turn phasing solution. SEH will also look at Bus movements (40-foot, not articulated) making a right turn WB 52<sup>nd</sup> to NB Ward Rd, and NB Ward Rd to EB 52<sup>nd</sup>.
- e. A 60% submittal set will be provided to and reviewed by the City, and other impacted stakeholders. It is anticipated these will include Arvada, Jeffco, Rocky Mountain Ditch (Wannamaker Ditch) Co., Wet Utility providers, and Dry Utility providers. Once comments are received, SEH will prepare a draft response matrix. We will meet with the City to review the 60% submittal and confirm the approach to resolve the comments.

## **6. Final Design Phase (FIR/FOR)**

- a. A combined FIR/FOR design package will be developed in CDOT format. SEH plans on a combined FIR/FOR submittal for CDOT and City review. This single package will contain proposed design of improvements and modifications for the traffic signal design, curb ramps



and striping improvements. The design package will be submitted for review to CDOT and the City of Wheat Ridge.

- b. A final Traffic Report, CDOT clearance package, utility clearance package and project special provision specifications will be provided.
- c. An updated Engineer's opinion of probable construction cost will be completed.
- d. Deliverables will include up to ten (10) half-size copies of the Traffic Signal and Intersection Improvement Plans and the complete set of project special provisions for the FIR/FOR will be developed and provided to CDOT and the City for review.
- e. Electronic copies of the FIR/FOR submittal will be provided to CDOT and the City. A preliminary engineer's opinion of probable construction cost for the project will also be provided.
- f. An FIR/FOR meeting agenda will be completed along with a complete list of project stakeholders who should be included in the project review process, including CDOT and the City of Wheat Ridge. Complete review sets of the traffic signal plans and project special provisions will be distributed to designated stakeholders for their review. An invitation to participate in the FIR/FOR meeting will be distributed, along with the agenda as appropriate.
- g. SEH will coordinate and administer the FIR/FOR meeting.
- h. FIR/FOR meeting minutes will be prepared and distributed after the FIR/FOR meeting. The minutes will be distributed to attendees and stakeholders for review, comment, and clarification. SEH will prepare a comment/response matrix that will be submitted for the final submittal.
- i. Final construction documents suitable for bidding, including final plan sheets, project special provisions, and an updated engineer's estimate of probable construction costs will be assembled and provided to the City. An electronic copy of the bid documents will be provided to CDOT.

**Deliverables** – intersection improvement plans, project special provisions, Engineer's opinion of probable construction cost, FIR/FOR meeting agenda and attendee list, meeting minutes, electronic copies of deliverables. Deliverables will include up to ten (10) half-size copies of the Traffic Signal and Intersection Improvement Plans and the project special provisions for the FIR/FOR and up to two (2) half-size copies of the final signed and stamped PS&E package. Electronic copies of the FIR/FOR submittal and the final approved PS&E package will be provided to CDOT and the City.

## **6. Clearances**

This scope and fee assumes that Utility, Environmental and Right of Way clearances will be provided by the SEH team.

## **7. Bid Services**

- a. SEH will assist the City/CDOT in developing project Invitation-For-Bid (IFB) advertisement documents. The City/CDOT will advertise publish as required as is its practice.
- b. SEH will be available to clarify intersection design questions as appropriate during the bidding. SEH will also attend the pre-bid conference.



## **8. Construction Services**

- a. SEH will attend the pre-construction conference.
- b. SEH will assist the City/CDOT in reviewing contractor material submittals. SEH anticipates material submittals will be in one or two packages of similar materials (ie. Signal materials, Civil materials, etc.)
- c. SEH will be available to clarify up to 3 contractor RFI's as appropriate during construction.

## Assumptions and Exclusions

1. Project funding is anticipated be from CDOT (State, local agency) and Municipal partners (Wheat Ridge and Arvada). No Federal funding, or related reporting are anticipated.
2. Traffic Study is to be provided by the City. This project's traffic study will be refined for the project specifics, as appropriate. Traffic counts are to be included in the previous report or provided by the City. No field reconnaissance is anticipated.
3. Geotechnical investigation, report and recommendations are not anticipated. Signal pole caisson design is expected to be per CDOT details using CDOT Class BZ concrete.
4. Road reconstruction design is limited to curb ramp replacement and sidewalk to meet current ADA requirements. Pavement or curb and gutter reconstruction is not anticipated.
5. No Drainage Report or supporting calculations are anticipated. Water quality and detention is assumed to be provided at downstream existing facilities.
6. Landscape and irrigation restoration, other than minor work to reset existing features is anticipated.
7. Wet and Dry Utility relocation design and plans, if needed, are assumed to be by the respective Utility providers.
8. Structural design is not included. Signal pole caisson bases are anticipated to be per CDOT details.
9. Public Involvement/Information services, and meeting participation is by Others.
10. Lighting photogrammetry analysis is excluded. Additional services can be added if needed.
11. Boundary survey, legal descriptions and exhibits for ROW, temporary or permanent easements are not included.
12. No ROW acquisition is anticipated. CDOT is to research existing ROW and provide SEH documentation of additional easements (if on file) for inclusion in base mapping. If additional ROW acquisition or easements are needed, these are to be provided by SEH as an additional service or by Others. LPA CDOT Standard Right-of-Way plans excluded.
13. Assume NPDES application and permit to be prepared by Contractor.
14. Assume Permit fees to be paid by City.
15. Construction observations services assumed to be provided by Others.
16. As-built survey, record drawings and as-builts drawings by others.

Note: If a scope item is not explicitly included, it is explicitly excluded.

## **SCHEDULE**

Although preliminary scheduling targeted 2.5 months to begin advertising for bids, we see this as a very aggressive schedule based on typical CDOT involvement. We feel the following schedule is more feasible, but still aggressive and should be considered. The estimated period of performance is 1 month



for Pre-Design Services, 3 months for Design Services, 2 months for Bidding Services, 3 months for Construction Administration Services and 1 month for Project Close-Out Services. City design review periods are anticipated to be 2 weeks. A detailed preliminary project schedule is attached for your review. SEH welcomes the City's input on how the schedule can be minimized if needed.

### **FEE ESTIMATE**

The attached spreadsheet details our proposed Cost Plus Fixed Fee for the scope and schedule provided. The fee estimate utilizes the negotiated contract "Cost Rates", and a Fixed Fee of 10% on labor. Cost rates for ERO are included with this proposal. The total, Not-to-Exceed fee for this task is **\$144,150.00**.

Feel free to call with any questions.

Sincerely,

**Short Elliott Hendrickson Inc.**

A blue ink signature of Scott Jardine, consisting of a stylized 'S' followed by a series of loops and a horizontal line.

Scott Jardine, PE, LEED AP  
Project Manager

A blue ink signature of Rick Coldsnow, featuring a large, sweeping 'R' followed by a series of loops and a horizontal line.

Rick Coldsnow, PE  
Principal

### **Attachments:**

1. SEH Preliminary Schedule – Ward Station Area Projects, T.O. 4
2. SEH Proposed Fee Estimate



# ERO Resources Corporation

## Scope of Work for Environmental Services for West 52<sup>nd</sup> Avenue and Ward Road (SH-72) Intersection Improvements Project Wheat Ridge, Colorado

April 17, 2019

### Summary

Short Elliott Hendrickson Inc. (Client) has requested that ERO Resources Corporation (ERO) prepare this Scope of Work (SOW) to perform the environmental services for the proposed intersection improvement project at West 52<sup>nd</sup> Avenue and Ward Road in Wheat Ridge, Colorado. ERO will conduct the necessary research, fieldwork, and environmental documentation for the proposed project to support a Categorical Exclusion, including Parts A and B of the Colorado Department of Transportation's (CDOT) Form 128 (07/21/2016 version). This SOW assumes the Client will use ERO's work to obtain all project-related permits and additional requirements, as specified in Part C of CDOT's Form 128, unless specified below.

All work will be completed at the appropriate level of detail to document existing environmental conditions and will be summarized, along with steps required to obtain any permits or additional clearances, in brief reports. Work will not commence on this contract until written Notice to Proceed is received from the Client. Upon receipt of the Notice to Proceed and a final project area boundary, the environmental analysis can be prepared within five weeks.

ERO will provide environmental services, including necessary research, fieldwork, and environmental documentation, for the following resources:

- Biological resources
  - Wetlands and waters of the U.S.
  - Wildlife including federally listed threatened and endangered (T&E) species and Colorado state-listed species
  - Vegetation and noxious weeds
- Hazardous materials
- Historic and cultural resources
- Paleontological resources

ERO assumes that the following resources would not need to be analyzed in detail, and will provide a brief memorandum explaining why the proposed project is exempt from detailed analyses:



- Air quality
- Noise impacts
- Section 4(f) or 6(f) resources

ERO further assumes that no regulated resources will be present in the project areas and that Clean Water Act Section 404 authorization, Wetland Finding, Section 6(f) clearance, SB 40 Wildlife Certification, presence/absence surveys for T&E species, and a full Phase I Environmental Site Assessment for hazardous materials will not be necessary.

## **Task A. Biological Resources**

ERO will conduct a field review to assess the project area for biological resources, including general wildlife, federally listed T&E species habitat, Colorado state-listed species habitat, migratory birds, wetlands and waters of the U.S., and noxious weeds. Wetlands, if present, will be delineated following the methods described in the 1987 U.S. Army Corps of Engineers (Corps) Wetlands Delineation Manual and appropriate regional supplement. T&E species habitat will be analyzed based on CDOT's State Wide Impact Findings Table (SWIFT) process.

Based on the field review results, ERO will prepare a brief biological resource report (BRR) describing the biological resources found and the regulatory requirements pertaining to these resources. The Draft BRR will be submitted to the Client for review prior to submittal to CDOT. After comments and edits to the Draft BRR are addressed by ERO, the Final BRR will be submitted to CDOT. Additionally, if present, ERO will provide the Client with an electronic file showing the boundaries of wetlands and other waters to assist with project planning.

## **Assumptions**

- The project area will be reviewed and approved by the Client and CDOT prior to any field reviews.
- Changes to the project area boundary after work on this SOW has begun may require changes to this SOW and costs as necessary.
- The Client will provide written permission from all landowners to access the project area.
- Based on preliminary project review, wetlands and other waters do not occur in the project area and a request for authorization under the Clean Water Act or a CDOT Wetland Finding Report is not needed.
- Potential T&E habitat will be assessed through the SWIFT process and additional coordination with the U.S. Fish and Wildlife Service will not be needed.
- ERO will provide mapping of all noxious weeds and notes on control methods, but a noxious weed management plan will not be required.
- One round of CDOT review and revisions of the BRR is included in this SOW and cost estimate.



## Products

- Draft BRR emailed to the Client and CDOT.
- Final BRR emailed to the Client and CDOT.
- If present, electronic file of the wetland and other waters boundaries submitted to the Client via email.

## Task B. Limited Hazardous Materials Assessment – Initial Site Assessment (ISA)

ERO will conduct an ISA for hazardous materials for the project area. The assessment will generally conform to CDOT ISA requirements detailed in CDOT's *Hazardous Material Guidance*, dated June 2018. To complete this task, ERO will conduct a visual site inspection of the project area. The purpose of the inspection is to document environmental concerns. ERO will document the general site setting, such as current use(s) of the project area and adjoining properties, and general hydrogeologic and topographic features. ERO will provide a general description of structures and other improvements and identify the following site conditions, if they are observed during the site inspection:

- The quantity, type, and storage system for hazardous substances and petroleum products in connection with identified uses.
- Tanks, containers, drums, barrels, and other systems used for storing hazardous substances and petroleum products not connected to identified uses.
- Aboveground and underground storage tanks.
- Pits, ponds, lagoons, and other features potentially used for storage and/or disposal of hazardous substances and petroleum products.
- Odors, pools of liquids, stained soils and pavement, and stressed vegetation.
- Electrical equipment potentially containing polychlorinated biphenyls (PCBs).
- Potential lead-based paint (samples may need to be taken at additional cost).
- A cursory inspection of the project area for potential asbestos-containing materials.

The following issues are specifically excluded from the ISA: radon and lead in drinking water.

ERO will also conduct a search of records and files from a variety of sources and compile information pertaining to current and past environmental conditions. This search may include the following information:

- Topographic, land use, and environmental resource maps.
- Aerial photographs.
- County and city records.
- State and federal databases.



Based on the information gathered during this record search and site inspection, ERO will compile the information and findings into one detailed written report that includes the site description, records review, site reconnaissance, and conclusions. The ISA report will be submitted as a draft to the Client for review and comment prior to submittal to CDOT.

## **Assumptions**

- The Client will obtain written permission to access the project area.
- The Client will provide all required engineering plans and specifications.
- One round of revisions for the ISA report based on CDOT's comments is included in this SOW and no other revisions will be needed.

## **Products**

- Draft ISA report delivered to the Client via email.
- Final ISA report, including a PDF document emailed to the Client and one hard copy mailed to the Client.

## **Task C. Historic and Archaeological Resources**

To assist the client and CDOT with identifying historic and cultural resources in compliance with Section 106 of the National Historic Preservation Act (NHPA), ERO will conduct a records search and archival research. For the record search, ERO will conduct a file search with the Colorado Office of Archaeology and Historic Preservation to identify previously conducted surveys within the project area; the file search will include the project area and a 0.25-mile buffered search area per CDOT requirements. ERO will also review other relevant records such as aerial photographs and historic maps to identify buildings and structures that are 50 years old or older and to determine the potential for archaeological deposits.

The results of the file and literature review will be provided to the client and CDOT in a technical memorandum. Based on a preliminary review of the project area ERO assumes construction would occur within existing disturbed areas. Therefore, the technical memorandum will recommend a determination of "no potential to cause effects" to historic properties, per 36 CFR 800.3{a} {1}, and that no further compliance is required for the project under Section 106 of the National Historic Preservation Act.

## **Assumptions**

- The project does not require right-of-way or easement acquisition.
- In the event CDOT determines fieldwork and reporting for consultation with the State Historic Preservation Officer is necessary, ERO will conduct these tasks under a revised scope of work.



## **Products**

- Draft letter of “no potential to cause effects” for the project area emailed to the Client and CDOT and one round of revisions.

## **Task D. Paleontological Resources**

ERO will assess the paleontological resources within the project area and general vicinity through multiple methods that constitute a comprehensive desktop review (Review). The Review will include a paleontological locality file search; a scientific literature search; assessment of pertinent geologic maps; and consultation with the CDOT Paleontologist as needed. ERO will conduct the file searches through the Colorado Office of Archaeology and Historic Preservation (OAHP) “COMPASS” website, the Denver Museum of Nature and Science (DMNS), and the University of Colorado Museum of Natural History (CU Boulder). ERO will also search the scientific literature and other available documents pertaining to paleontological resources in the project area and vicinity, including an evaluation of published geologic maps to determine the paleontological sensitivity of bedrock formations and/or other surficial deposits in the project area. The CDOT (and/or another agency) paleontologist will be consulted as necessary. A technical report presenting the results of the Review, with mitigation recommendations (if any), will be prepared using accepted resource assessment criteria and professional standards.

## **Assumptions**

- No paleontological localities will be found in the proposed project area or vicinity.

## **Products**

- Draft paleontological technical report emailed to the Client and CDOT.
- Final paleontological technical report emailed to the Client and CDOT.
- Address any Client, CDOT, or other agency comments on the technical report.

## **Task E. Resources Dismissed from Further Analysis**

The proposed project does not require air quality, noise impact, or Section 4(f) or 6(f) resource impact analysis. ERO will draft a memorandum, explaining why the proposed project is exempt from these detailed analyses, and submit them to the Client and CDOT as part of the Form 128 compliance documentation.

## **Assumptions**

- This SOW does not include additional work required in the event any significant resource is located in the project area and vicinity.



## **Products**

- Draft memorandum emailed to the Client and CDOT.
- Final memorandum emailed to the Client and CDOT.

## **Task F. Project Coordination and Management**

This task includes items associated with project coordination such as project start-up documentation, health and safety plan compliance, monthly invoicing, communication through emails and phone calls, and quality assurance. ERO will primarily coordinate with the Client on schedule, design, and other project-related matters via telephone and email. ERO assumes one in-person meeting will be needed for CDOT scoping. ERO will ensure all documents and figures are reviewed for technical and editorial accuracy.

## **Scope of Work Assumptions**

- Changes to the project area boundary after environmental tasks have begun will require additional effort, and ERO will coordinate with the Client to determine if changes in the scope or budget are necessary.
- The Client will provide all base maps and aerial photographs required by ERO for mapping and field surveys.
- The Client will arrange and provide written permission to access the project area, if needed.
- A detailed noxious weed management plan is not required.
- No habitat for T&E species is present in the project area.
- Presence/absence surveys for T&E species are not included.
- Performing the delineation is weather dependent. The ground must be free of snow and, in most instances, the soils must be unfrozen to collect the needed soil data.
- A wetland delineation report, Section 404 wetland permit, and CDOT Wetland Findings Report will not be required for this project.
- Paleontological resources, noise, SB40, and Section 4(f) and 6(f) clearances will not be needed.
- One in-person meeting is included in this SOW. All other project communication will take place through emails and phone calls.
- This SOW does not include additional work required in the event any currently unknown significant resource is located in the project area.
- One round of revisions for all reports based on CDOT's comments is included in this SOW and no other revisions will be needed.



## Estimated Costs

The above Tasks A through F will be completed on a cost-plus fixed fee basis for a cost not to exceed \$10,400 (see below for breakout).

Task A.	Biological Resources	\$2,400
Task B.	Limited Hazardous Materials Assessment –ISA	\$3,500
Task C.	Historic and Cultural Resources	\$1,200
Task D.	Paleontological Resources	\$1,200
Task E.	Resources Dismissed from Further Analysis	\$900
Task F.	Project Coordination and Management	\$1,200
<b>Total</b>		<b>\$10,400</b>



**Wheat Ridge - Ward Station Area Projects**  
**COST PLUS FIXED FEE - Rate Schedule - 2019**

Employee Name	Discipline	Title	( A ) Raw Billing Rate Cost / Hour	( B ) Indirect Cost %	( C ) Labor Rate \$/Hour ( A ) x ( B+1)
Denise Larson	Biologist I	Environmental Scientist III, Project Manager III	\$41.47	166.60%	\$110.55
Heidi Gerstung	Staff Biologist	Environmental Scientist II	\$29.81	166.60%	\$79.47
Adam Backsmeir	Staff Geoscientist	Environmental Scientist I	\$29.01	166.60%	\$77.35
Abigail Sanocki	Project Cultural Resource Specialist	Archeologist / Historian	\$29.81	166.60%	\$79.47
Joshua Smith	Senior Paleontologist	Archeologist	\$35.00	166.60%	\$93.31
Aliina Fowler	Staff Environmental Planner	Environmental Scientist I, Planner II	\$35.02	166.60%	\$93.37

Effective: January 1, 2019, Expires: December 31, 2019\*;

\*Annual salary rate adjustments and annual Overhead adjustment occurs each year.

**COST PLUS FIXED FEE - Schedule of Reimbursable Expenses - 2019**

<b>Vehicle Mileage Rate</b> - IRS Rate	\$0.58/Mile
<b>Vehicle Allowance Costs</b>	
Off-Road Charge	\$30.00/Day
<b>Survey Equipment</b>	
Cultural Resource Data Collector	\$50.00/Day
Global Positioning System (GPS)	\$110.00/Day
Field Equipment	\$10.00/Day
<b>Sub-Consultants</b>	At Cost
<b>Other Expenses</b>	At Cost
<b>Other Equipment Expenses</b>	At Cost
SEH uses many different types of equipment, such as traffic counters; flow meters; air, water, and soil sampling kits; inspection cameras; density meters; and many others. Our equipment is frequently upgraded to utilize current technology. You will be charged for equipment usage per your agreement with SEH.	

**FIXED FEE - To be negotiated on a Task Order basis**



PROJECT FEE ESTIMATING WORKSHEET  
SEH INC.

By:

SJ

Date:

5/13/19

Proposal No:

121420

Project:

Ward Station Area Projects -  
52nd Avenue & Ward Road Signal Redesign

Client:

City of Wheat Ridge

Revision Date:

Job No:

SEH																Subconsultants		Total Cost per Task
TASK	Project Duraton Est. - 4 Months Design, 2 Months Bidding, 3 Months Const Hourly Rates	Principal Hrs. \$210.84	Senior Project Manager Hrs. \$173.65	Senior Project Engineer (Traffic) Hrs. \$151.21	Project Engineer II (Civil) Hrs \$135.37	Project Engineer II (Traffic) Hrs \$143.91	Staff Engineer II (Civil) Hrs \$101.59	Staff Engineer (Civil) Hrs. \$79.92	Graduate Traffic Engineer Hrs. \$90.20	Survey Lead (PLS) Hrs \$126.85	Survey Crew Chief Hrs. \$58.81	Senior Admin. Assistant Hrs. \$107.12	SEH SUBTOTAL HOURS	SEH SUBTOTAL Cost	SEH Expenses	Goodbee SUE/Util Clearances	ERO Environ Clearances	
		RC	SJ	JL	EO	AM	JJ	GM	MW	SK	EM	SO						
1	Project Management																	
	Project management, scheduling, planning, subconsultant coord	2	48									1	51	\$8,864.00		\$703.23	\$200.00	\$9,767.23
	Coordination Meetings (Assume KO w/ City, 2 internal progress mtngs)		6	6	8					4			24	\$3,539.52	\$43.50	\$1,054.94	\$500.00	\$5,137.96
	Monthly progress reports and invoicing		7									3.5		\$1,590.47		\$1,724.49	\$500.00	\$3,814.96
	Task 1 Subtotal	2	61	6	8	0	0	0	0	4	0	4.5	75	\$13,993.99	\$43.50	\$3,482.66	\$1,200.00	\$18,720.15
2	Utility Investigation, SUE Services, Geotech Soil Bores, Environ Services																	
	Site visit and analysis of pedestrian improvements			4	4		4		4				16	\$1,913.48	\$43.50			\$1,956.98
	Existing Info. Review (Stdts, Plans, Reports, GIS, Traffic Data, Traffic Study)			1	1		2		2	2			8	\$923.86				\$923.86
	Right of Entry (CDOT, Adjacent Parcels)									4			4	\$507.40				\$507.40
	Survey Control										2		2	\$117.62				\$117.62
	Locates, Key Map review, Field verification												0	\$0.00				\$0.00
	Utility Test Holes (10)/Signal Pole Clearance (4), Perm Rest., Traffic Control				2					1	4		7	\$632.83	\$104.44	\$39,563.87		\$40,301.14
	Utility Coordination Meetings (Wet and Dry initial mtng & follow-up)		8		4								12	\$1,930.68	\$58.00	\$5,780.59		\$7,769.27
	Biological Resource Review, Draft Report, Final Report				4								4	\$541.48			\$2,400.00	\$2,941.48
	Limited Hazardous Materials Assessment - Initial Site Assessment (ISA)				1								1	\$135.37			\$3,500.00	\$3,635.37
	Historic and Archaeological Resources				1								1	\$135.37			\$1,200.00	\$1,335.37
	Paleontologcal Resources				1								1	\$135.37			\$1,200.00	\$1,335.37
	Resources Dismissed from Further Analysis				1								1	\$135.37			\$900.00	\$1,035.37
	Task 2 Subtotal	0	8	5	19	0	6	0	6	7	6	0	57	\$7,108.83	\$205.94	\$45,344.46	\$9,200.00	\$61,859.23
3	Preliminary (60%) Design																	
	Title Sheet				0.5			1					1.5	\$147.61				\$147.61
	CDOT Standard Plans List						1	2					3	\$261.43				\$261.43
	Standard Legend and Key Notes						0.5	2					2.5	\$210.64				\$210.64
	General Notes Sheet					1	1	2	2				6	\$585.74				\$585.74
	Summary of Quantities				2	1	2	2	1				8	\$867.87				\$867.87
	Survey control diagram						1	2					3	\$261.43				\$261.43
	Removals Plan				1		3	6					10	\$919.66				\$919.66
	Erosion Control Plans, notes and details				1		3	5					9	\$839.74				\$839.74
	Intersection Layout Plan (SW, Curb Ramps)				1		2	4					7	\$658.23				\$658.23
	Traffic Report			1		4			8				13	\$1,448.45				\$1,448.45
	AutoTurn Exhibits				1		3						4	\$440.14				\$440.14
	CDOT Clearance - Draft version				1								1	\$135.37		\$1,744.25		\$1,879.62
	Utility Clearance Letters (Draft), Xcel work request		1										1	\$173.65		\$1,441.37		\$1,615.02
	Utility Plans				1								1	\$135.37		\$3,305.87		\$3,441.24
	Signal Plan and details			2	2	4			12				20	\$2,231.20				\$2,231.20
	Striping and signage plan				1		2	8					11	\$977.91				\$977.91
	Construction Phasing and traffic control			1	1		2	8					12	\$1,129.12				\$1,129.12
	Outline project special specifications						4		4				8	\$767.16				\$767.16
	Utility project special provisions - Draft				2								2	\$270.74		\$1,722.67		\$1,993.41
	Engineer's Opinion of Probable Construction Cost					0.5	1	4	2				7.5	\$673.63		\$0.00		\$673.63
	60% submittal package	2	1		2		4	8					17	\$1,911.79		\$0.00		\$1,911.79
	Review Response matrix		0.5		4	2	2		2				10.5	\$1,299.71		\$0.00		\$1,299.71
	60% Review Comment Meeting		3	3	3								9	\$1,380.69	\$43.50	\$435.86		\$1,860.05
	Task 3 Subtotal	2	5.5	7	23.5	12.5	31.5	54	31	0	0	0	167	\$17,727.26	\$43.50	\$8,650.02	\$0.00	\$26,420.78



PROJECT FEE ESTIMATING WORKSHEET  
SEH INC.

By:

SJ

Date:

5/13/19

Proposal No:

121420

Project:

Ward Station Area Projects -  
52nd Avenue & Ward Road Signal Redesign

Client:

City of Wheat Ridge

Revision Date:

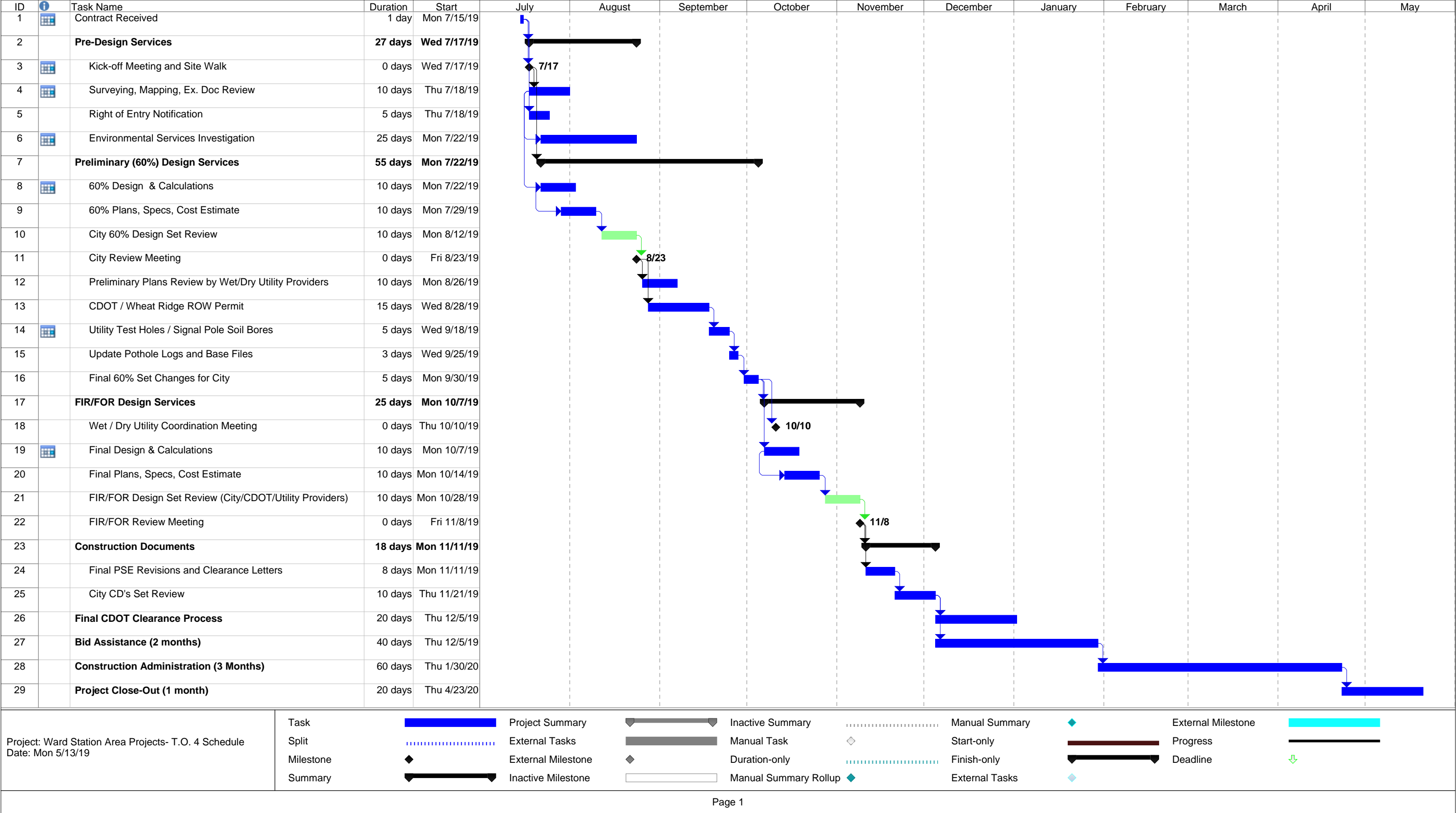
Job No:

SEH																Subconsultants		Total Cost per Task
TASK	Project Duraton Est. - 4 Months Design, 2 Months Bidding, 3 Months Const	Principal Hrs.	Senior Project Manager Hrs.	Senior Project Engineer (Traffic) Hrs.	Project Engineer II (Civil) Hrs	Project Engineer II (Traffic) Hrs	Staff Engineer II (Civil) Hrs	Staff Engineer (Civil) Hrs.	Graduate Traffic Engineer Hrs.	Survey Lead (PLS) Hrs	Survey Crew Chief Hrs.	Senior Admin. Assistant Hrs.	SEH SUBTOTAL HOURS	SEH SUBTOTAL Cost	SEH Expenses	Goodbee SUE/Util Clearances	ERO Environ Clearances	
	Hourly Rates	\$210.84	\$173.65	\$151.21	\$135.37	\$143.91	\$101.59	\$79.92	\$90.20	\$126.85	\$58.81	\$107.12						
		RC	SJ	JL	EO	AM	JJ	GM	MW	SK	EM	SO						
4	FIR/FOR Design																	
	Title Sheet						1	1					2	\$181.51				\$181.51
	CDOT Standard Plans List						0.5	1					1.5	\$130.72				\$130.72
	Standard Legend and Key Notes							1					1	\$79.92				\$79.92
	General Notes Sheet							1	1				2	\$170.12				\$170.12
	Summary of Quantities				1	1	2	2	1				7	\$732.50				\$732.50
	Survey control diagram						1	2					3	\$261.43				\$261.43
	Details Sheet - Non Standard Details				1	1		3					5	\$519.04				\$519.04
	Removals Plan				1	1	2	4					8	\$802.14				\$802.14
	Intersection Plan and details (SW, Curb Ramps)				1		3	5					9	\$839.74				\$839.74
	Traffic Report			1		2			4				7	\$799.83				\$799.83
	Erosion Control Plans, notes and details				1		2	4					7	\$658.23				\$658.23
	Utility Clearance Letters, Xcel work request		1										1	\$173.65		\$720.69		\$894.34
	Utility Plans				1								1	\$135.37		\$2,398.84		\$2,534.21
	Signal Plan and details			2	1	4			8				15	\$1,735.03				\$1,735.03
	Striping and signage plan			1	1		2	6					10	\$969.28				\$969.28
	Construction Phasing and traffic control			2	4		8						14	\$1,656.62				\$1,656.62
	Project Special Specifications						4		4				8	\$767.16				\$767.16
	Utility project special provisions				1								1	\$135.37		\$720.69		\$856.06
	Engineer's Opinion of Probable Construction Cost				0.5	0.5	1	4	2				8	\$741.31				\$741.31
	FIR/FOR submittal package	2	1		3		3	6					15	\$1,785.73				\$1,785.73
	FIR/FOR Review Response matrix		0.5		4	1	2		1				8.5	\$1,065.60				\$1,065.60
	FIR/FOR Review Meeting		3	3	3								9	\$1,380.69	\$29.00	\$562.72		\$1,972.41
	Final PS&E Package		1	1	4		4	8	4				22	\$2,272.86		\$787.97		\$3,060.83
	Task 4 Subtotal	2	6.5	10	27.5	10.5	35.5	48	25	0	0	0	165	\$17,993.84	\$29.00	\$5,190.91	\$0.00	\$23,213.75
5	Bid Services																	
	Attend Pre-Bid Meeting		2		2	2							6	\$905.86	\$29.00			\$934.86
	Repsone to Bidders RFI's				2	2	4		4				12	\$1,325.72				\$1,325.72
	Task 5 Subtotal	0	2	0	4	4	4	0	4	0	0	0	18	\$2,231.58	\$29.00	\$0.00	\$0.00	\$2,260.58
6	Construction Services																	
	Attend Pre-Con Meeting		2		2	2							6	\$905.86	\$29.00	\$576.50	\$0.00	\$1,511.36
	Contractor Material Review					4	4						8	\$982.00		\$0.00	\$0.00	\$982.00
	Repsone to Contractor RFI's				3	3	6		6				18	\$1,988.58		\$900.37	\$0.00	\$2,888.95
	Task 6 Subtotal	0	2	0	5	9	10	0	6	0	0	0	32	\$3,876.44	\$29.00	\$1,476.88	\$0.00	\$5,382.32
Total SEH Hours per Staff =		6	85	28	87	36	87	102	72	11	6	4.5	514					
Total SEH Cost per Staff		\$1,265	\$14,760	\$4,234	\$11,777	\$5,181	\$8,838	\$8,152	\$6,494	\$1,395	\$353	\$482	\$62,932					
Project Totals														\$62,931.94	\$379.94	\$64,144.93	\$10,400.00	\$137,856.81
Fixed Fee @ 10%														\$6,293.19				

Total Labor =	Labor + Fixed Fee =	\$69,225.13
SEH Expenses		\$379.94
Sub Consultants		\$74,544.93
		\$144,150.00



WARD STATION AREA PROJECTS  
TASK ORDER 4  
PRELIMINARY SCHEDULE



Page 1




**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: MOTION TO AWARD A CONTRACT AND APPROVE SUBSEQUENT PAYMENTS TO SHORT ELLIOT HENDRICKSON, INC., DENVER, CO, IN AN AMOUNT NOT TO EXCEED \$555,877.41 FOR PROFESSIONAL SERVICES FOR THE DESIGN OF A PEDESTRIAN BRIDGE, PLAZA AREAS, AND LINEAR PARK**

☐ PUBLIC HEARING  
☒ BIDS/MOTIONS  
☐ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL:

☐ YES☒ NO  
Director of Public Works  
City Manager**ISSUE:**

The Wheat Ridge · Ward Station area is one of four projects in the City's *Investing 4 the Future* bond program which is benefitting from \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase. A pedestrian bridge, plaza areas, and linear park are necessary to provide a direct connection from the station to the properties to the south of the tracks. Short Elliot Hendrickson, Inc. (SEH) has been contracted to perform design services for the station area. An additional task order needs to be approved to design the pedestrian improvements and prepare construction plans and specifications.

**PRIOR ACTION:**

For several years, the City has lead extensive visioning and planning efforts focused on the Wheat Ridge · Ward Station planning area. Numerous Council updates and actions have occurred at various stages in these processes. Council was most recently updated on April 1, 2019 on the status of the Wheat Ridge · Ward Station planning area and on private developments in the area. On April 1, 2019, Council directed staff to continue to work on the potential project list that was presented and to enter into negotiations with SEH to complete a scope of work for preliminary designs for the pedestrian bridge and linear park.



**FINANCIAL IMPACT:**

Professional service fees in the amount of \$555,877.41 are available in the Wheat Ridge · Ward Road Station 2E bond budget. Staff is currently exploring other funding opportunities to help fund the construction of the pedestrian bridge, plaza areas, and linear park.

**BACKGROUND:**

AECOM completed conceptual (15%) designs for the bridge, south plaza, and linear park, which were reviewed with Council at the April 1 Study Session. Council directed staff to proceed with the design and property acquisition for the pedestrian bridge, south plaza, and linear park. The north plaza is on RTD property and was accommodated in the design of the station.

Task Order #5 authorizes SEH to prepare the construction drawings, coordinate the proposed pedestrian bridge with RTD and BNSF, and obtain the necessary approvals to construct the project.

**RECOMMENDATIONS:**

Staff recommends authorizing Task Order #5 to SEH to design the pedestrian bridge, plaza areas, and linear park and prepare construction plans and specifications.

**RECOMMENDED MOTION:**

“I move to award a contract and approve subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$555,877.41 for professional services for the design of the pedestrian bridge, plaza areas, and linear park.”

Or,

“I move to deny the award of a contract and subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$555,877.41 for professional services for the design of the pedestrian bridge, plaza areas, and linear park for the following reason(s)  
\_\_\_\_\_.”

**REPORT PREPARED/REVIEWED BY:**

Mark Westberg, Project Manager  
Steve Nguyen, Engineering Division Manager  
Jennifer Nellis, Purchasing Agent  
Patrick Goff, City Manager

**ATTACHMENTS:**

1. Task Order #5 – Pedestrian Bridge, Plaza, and Greenway scope and fee



May 22, 2019

RE: Proposal for Professional Services  
Ward Station Area Projects  
Task Order No. 5  
PEDESTRIAN BRIDGE, PLAZA AND  
GREENWAY DESIGN SERVICES  
Wheat Ridge, Colorado

Mr. Mark Westberg, P.E., CFM  
Projects Supervisor  
City of Wheat Ridge  
7500 W. 29<sup>th</sup> Avenue  
Wheat Ridge, CO 80033  
[mwestberg@ci.wheatridge.co.us](mailto:mwestberg@ci.wheatridge.co.us)

Dear Mark:

Please find enclosed SEH's proposal for the Ward Station Pedestrian Bridge, Plaza and Greenway design services.

#### **PROJECT UNDERSTANDING**

The City of Wheat Ridge desires to complete design of pedestrian improvements at the Ward Station site in the City of Wheat Ridge. Schematic Designs (15% level) have been prepared for these improvements and accepted by the City of Wheat Ridge. These plans as well as our follow up reviews and discussions with the City form the basis of design for these pedestrian improvements which was used to guide this proposal.

The general scope of the project will include:

- Project management and coordination with City of Wheat Ridge, affected agencies and team members.
- Provide topographic surveying and mapping of the proposed improvement locations. Surveying will include utility locates and boundary.
- Review of 15% design and recommendations for minor revisions based on current criteria and value engineering.
- Subsurface Utility Engineering, quality level B and test holes for quality level A in conflict areas in accordance with Colorado SB 18-167 and ASCE CI 38-02 and coordination with affected utilities.
- Geotechnical field investigation and report with recommendations for structure foundations and paving.
- Civil site design for bridge access plaza on the north and south side of the railroad crossing, drop off location and greenway trail to the West I-70 Frontage Rd North, including plan and profile of the trail and roadway improvements.
- Analysis of pre-development and post-development drainage.
- Structural design of the pedestrian bridge crossing pre-manufactured structure.
- Architectural, structural, mechanical/electrical and elevator design for the north and south access

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 2000 South Colorado Boulevard, Suite 6000, Colorado Center Tower One, Denver, CO 80222-7938

SEH is an equal opportunity employer | [www.sehinc.com](http://www.sehinc.com) | 720.540.6800 | 800.490.4966 | 888.908.8166 fax



- elevators, north and south access stairways and small retail center at the south access
- Structural design of retaining walls along the greenway pedestrian trail.
- Landscaping, hardscape design and irrigation design for the plazas and pedestrian greenway.
- Design of a pedestrian crossing signal at the I-70 West Frontage Rd North.
- Coordination with BNSF, RTD and DTP and the Colorado Public Utility Commission for required permits.
- Completion of 30%, 60%, 90% and final construction plans with review and response matrix after each submittal.
- Respond to contractor questions during bidding.
- Review contractor material submittals.
- Respond to requests for information during construction.

## SCOPE OF SERVICES

### 1. Project Management

- a. Records management, archiving, and communications.
- b. Contract management, subcontract management, project scheduling.
- c. Project kick-off meeting at the City, and two internal project staff coordination meetings.
- d. Monthly invoicing and status reporting to the City throughout the course of the project.
- e. Maintaining project schedule and budget.

**Task 1 Deliverables** – approved schedule, updates to schedule as necessary, monthly invoices with progress reports, monthly budget reports, monthly communications reporting, meeting minutes.

### 2. Pre-Design Services

#### A. Document Review

SEH will review the 15% design and supporting information to determine if any modifications would reduce costs or whether additional structure selection evaluation is warranted.

#### B. Programming and Illustrative Plans

Our architects and landscape architects will meet with Wheat Ridge staff to develop the program for the retail facility and develop illustrative plans for structure aesthetics, plaza hardscape and landscape to provide guidance for continued design.

#### C. Topographic and Existing Right-of-Way Mapping

##### Survey Control

SEH will establish horizontal and vertical control based on current City of Wheat Ridge survey control datum and coordinate system. Once we have established primary control on the City's datum, project control points will be set along the project site to be used for the topographic survey, utility survey, right-of-way and property mapping, and used for the project control diagram.

##### Topographic Surveying

SEH will provide a topographic survey of the project site. The area that will be surveyed will include the area within the RTD site around the north bridge elevator, the plaza and elevator area on the south side of the railroad right-of-way, West 49<sup>th</sup> place in the plaza area, 100 feet along a



proposed private access road east of the plaza and the greenway path corridor approximately 40 feet wide from W. 49<sup>th</sup> Place to the south side of the West I-70 Frontage Rd North, including the proposed retaining wall area just north of the Frontage Rd. and connecting utilities west and east of the greenway corridor. Exhibit 1 attached shows proposed limits. Railroad right-of-way is not included.

The survey will include all site features including: edge of pavement, structures, curb lines, manholes, light and power poles (along with overhead lines), utility boxes, fencing, trees, concrete and asphalt pads, striping, signs, walkways, walls, buildings, and other relevant topographic features. Manholes and inlets, rims and inverts, will be collected including upstream and downstream intersections/structures.

Underground utility locates will be performed by our Subsurface Utility Engineering Subcontractor Surveying and Mapping LLC. They will survey the marked utility locations. Once test hole locations are determined and performed, SAM will survey the pothole locations and utility depths. Geotech borings will be surveyed by SEH.

#### Mapping

SEH will acquire any preliminary documents, plats, and surveys needed to establish the road right-of-way and ownership along the project site. SEH will use this research and these documents to locate the appropriate land corners and parcel corners in the field. The field information collected will be compared to the record information in order to come up with a final map of the site. Ownership and property addresses will be shown on final base maps.

SEH will provide a CAD drawing(s) in AutoCAD format. The drawing(s) will include the topographic survey, including one foot contours, surface locates of underground utilities and right-of-way/parcel mapping.

#### *D. Geotechnical Investigation*

SEH's geotechnical engineer under our Wheat Ridge contract, Shannon & Wilson, will provide the following geotechnical field investigation and reporting services:

- subsurface explorations and utility notification through the Utility Notification Center of Colorado (UNCC),
- laboratory and field testing,
- geotechnical engineering analyses,
- pavement design analyses,
- preparation of a combined geotechnical investigation report / pavement design report,

They will conduct a subsurface exploration program consisting of ten (10) borings at the locations of the proposed pedestrian bridge foundations, stairway landings, and along the proposed linear park/greenway and associated retaining walls. The borings will be drilled to depths ranging from 10 to 60 feet, for a total drilling footage of 250 feet. In addition, Shannon & Wilson will complete one day of hand auger borings on the greenway slope (as access to the proposed wall location is not possible with conventional drilling equipment).

A geologist or geotechnical engineer from their staff will log the borings and collect samples for



classification and laboratory testing. Laboratory testing may include natural water content, grain size distribution, fines content, Atterberg limits, corrosion, swell, R-value, and moisture-density relationship (Standard Proctor).

Data generated during the subsurface exploration and laboratory testing programs will be analyzed by a geotechnical engineer. A geotechnical / pavement design report will be prepared, and the report will be signed and sealed by a professional engineer registered in the state of Colorado.

*E. SUE Services/Utility Coordination Plans and Clearances*

Goodbee & Associates, Inc. will be working with their sub consultant, Surveying and Mapping LLC, to provide utility locates, mapping and utility verification. SAM will perform a utility investigation achieving QL-B where obtainable within the project limits and excavating up to 20 test holes at specific locations where potential conflicts exist. All work will be performed in accordance with Colorado Senate Bill 18-167 and the standard guidelines of ASCE CI 38-02. Office services will include review of existing utility maps (QL-C and D) and initial communication with utilities within the project area. Field services include core and drilling test holes and permanent pavement repair. Wheat Ridge will be consulted when field services are to be provided in the project timeline, weighing plan development and project schedule in an effort to minimize risk of re-work. Utility Plans will be prepared with utility contacts, pothole log and plans depicting utility line work differentiated as Quality Level D through A. The plans will be stamped by an experienced SUE Colorado Professional Engineer.

Although Goodbee will be responsible for utility investigations and coordinating with the Specialty Units for CDOT clearances, SEH has included modest time for coordination with Goodbee staff during the design development, and participation in wet/dry utility stakeholder meetings. One initial stakeholder meeting is anticipated for both wet and dry utility providers to be held at the City. One round of 1 hour follow up meetings and correspondence with affected providers is anticipated.

Goodbee will prepare project specific utility specifications outlining contractor responsibilities, and work to be conducted by others.

**Task 2 Deliverables –**

- Memo with bridge and wall structure selection recommendations
- Illustrative plans and sketch up views of selected bridge, wall and plaza aesthetics
- Retail center program and space allocation with interior layout
- Survey base map
- Geotechnical report with recommendations
- Initial utility mapping

**3. Conceptual (30%) Design Phase**

Initial schedules from the City of Wheat Ridge indicate that design will proceed from 15% to 60%. SEH recommends a 30% design phase be included in order to confirm site specific criteria before design proceeds to the preliminary level. This will also provide information needed for SUE QL-A evaluation, BNSF (they require a 30% level design submittal) and RTD permitting and provide more guidance for bridge and structure selection.



- a. A conceptual design package, including, construction plans will be developed. City of Wheat Ridge and CDOT criteria will be used for design. Design will include site, structural, architectural, mechanical/ electrical and landscape architecture plans.
- b. Conduct a conceptual level hydrologic and hydraulic analysis of the project area and existing stormwater facilities in compliance with the City of Wheat Ridge Drainage Criteria Manual and UDFCD using basin information from the field topo mapping and City of Wheat Ridge provided regional mapping.
- c. Stake proposed greenway wall and trail locations and conduct a site visit with the City and adjacent property owners.
- d. Evaluate railroad impacts and permit requirements.
- e. Prepare an Engineers Opinion of Probable Construction Cost.
- f. Provide internal quality assurance and quality control reviews of all deliverables and revise as necessary.
- g. Submit documents to the City of Wheat Ridge for review and participate in a 30% design review meeting.
- h. Prepare a comment response matrix and revise plans per review comments.
- i. Coordinate with BNSF and submit 30% plans for review.

**Task 3 Deliverables –**

- 30% level construction plans (electronic pdf submittal)
  - Cover sheet and legend
  - Horizontal Control Plans
  - Site layout plans for bridge, plaza and greenway
  - Typical sections
  - Removals plan
  - Geotechnical boring location plan
  - Roadway and trail plan and grading
  - Plaza layout and grading
  - Storm drain layout
  - Utility layout
  - Elevator, bridge retail and stairs plan and elevations
  - Retail Floor plans
  - Foundation layout
  - Pedestrian signal layout
  - Street and pedestrian light layout
  - Retaining wall layout and elevations
  - Landscape and urban design plans
  - Utility conflict map
- Drainage memo with calculations
- Engineers opinion of probable construction cost
- 30% plan review response matrix
- Railroad crossing permit submittal documents

**4. Preliminary (60%) Design Phase**

- a. SEH surveyors will field stake locations of retaining walls along the greenway trail
- b. A preliminary design package, including construction plans and outline specifications will be developed. City of Wheat Ridge and CDOT criteria will be used for design. Design will include



site, structural, architectural, mechanical/ electrical, landscape/hardscape architecture and irrigation.

- c. Based on conflicts determined from the concept design, field test holes (QL-A) will be completed and surveyed by SAM, LLC.
- d. Prepare a Preliminary Drainage Report in compliance with City of Wheat Ridge and UDCFCD criteria
- e. Prepare PUC crossing application
- f. Prepare an Engineers Opinion of Probable Construction Cost
- g. Provide internal quality assurance and quality control reviews of all deliverables and revise as necessary.
- h. Submit documents to the City of Wheat Ridge for review and participate in a 60% design review meeting
- i. Prepare a comment response matrix and revise plans pre review comments.
- j. Coordinate with BNSF, PUC and RTD (DTP) on applications for RR crossings.

**Task 4 Deliverables –**

- 60% level construction plans (electronic pdf submittal)
  - Cover sheet and legend
  - Quantity summary table
  - Horizontal Control Plans
  - Dimensioned Site layout plans for bridge, plaza and greenway
  - Typical sections
  - Removals plan
  - Geotechnical boring location plan
  - Roadway and trail plan, profile and grading
  - Plaza layout and grading
  - Storm drain layout and profiles
  - Site and drainage details
  - Building service Utility layout
  - Elevator, bridge retail and stairs plan and elevations
  - Retail Floor plans
  - Wall sections
  - Foundation plans
  - Structural details including building, bridge and retaining walls
  - Architectural details
  - Plumbing and HVAC plans and details
  - Electrical plans and details
  - Pedestrian signal layout and details
  - Street and pedestrian light layout and details
  - Retaining wall layout elevations and cross-sections
  - Landscape and urban design plans and details
  - Landscape and urban design details
  - Irrigation plans and details
  - Construction phasing and traffic control
  - Updated Utility conflict map with test hole information
- Preliminary Drainage Report
- Updated engineers opinion of probable construction cost



- 60% plan review response matrix
- Railroad crossing permit and PUC application submittal documents

#### **5. Final (90%) Design Phase**

- A final design package, including construction plans and outline specifications will be developed. City of Wheat Ridge and CDOT criteria will be used for design. Design will include site, structural, architectural, mechanical/ electrical, landscape/hardscape architecture, irrigation and lighting.
- Prepare a Final Drainage Report in compliance with City of Wheat Ridge and UDCFCFCD criteria.
- Attend PUC meeting
- Prepare an Engineers Opinion of Probable Construction Cost
- Provide internal quality assurance and quality control reviews of all deliverables and revise as necessary
- Submit documents to the City of Wheat Ridge for review and participate in a 90% design review meeting
- Prepare a comment response matrix and revise plans per review comments.
- Coordinate with BNSF, PUC and RTD (DTP) on applications for RR crossings.

#### **Task 5 Deliverables –**

- 90% level construction plans (electronic pdf submittal)
  - Cover sheet and legend
  - Quantity summary table
  - Horizontal Control Plans
  - Dimensioned Site layout plans for bridge, plaza and greenway
  - Typical sections
  - Removals plan
  - Geotechnical boring location plan
  - Roadway and trail plan, profile and grading
  - Plaza layout and grading
  - Storm drain layout and profiles
  - Site and drainage details
  - Building service Utility layout and details
  - Elevator, bridge retail and stairs plan and elevations
  - Retail Floor plans
  - Wall sections
  - Foundation plans
  - Structural details including building, bridge and retaining walls
  - Architectural details
  - Plumbing and HVAC and details
  - Electrical plans and details
  - Pedestrian signal layout and details
  - Street and pedestrian light layout and details
  - Retaining wall layout elevations and cross sections
  - Landscape and urban design plans and details
  - Irrigation plans and details
  - Construction phasing and traffic control
  - Stamped Utility conflict map with quality levels identified



- Final Drainage Report
- Utility clearance letters
- Updated engineers opinion of probable construction cost
- 90% plan review response matrix

## **6. Construction Documents**

After review by the City of Wheat Ridge, SEH will submit stamped final construction documents for bidding.

## **7. Bid Services**

- a. SEH will assist the City in developing project Invitation-For-Bid (IFB) advertisement documents.
- b. SEH will be available to clarify intersection design questions as appropriate during the bidding. SEH will also attend the pre-bid conference.

## **8. Construction Services**

- a. SEH will attend the pre-construction conference.
- b. SEH will assist the City in reviewing contractor material submittals. SEH anticipates material submittals will be in a package of similar materials (i.e. Civil materials (pavement, pipe aggregate), pre-manufactured bridge structure, architectural submittals, elevator, mechanical/electrical, retaining wall materials, landscape and urban design submittals etc.)
- c. SEH will be available to clarify up to 10 contractor RFI's as appropriate during construction.

## **ASSUMPTIONS AND EXCLUSIONS**

1. Project funding is anticipated be from Wheat Ridge. No Federal funding, or related reporting are anticipated.
2. Boundary survey, legal descriptions and preparation of easements or right-of-way documents if required to be provided by others.
3. Geotechnical borings will be staked using site features and a hand-held GPS device; surveying of boring locations is not included.
4. Borings for the greenway/retaining walls will be drilled above the existing slope on the adjacent lots to the west.
5. Hand auger explorations to a depth of five feet each will be completed on the slope near the boring locations to confirm materials encountered in the greenway/retaining wall borings.
6. Selected boring locations will be accessible using a truck-mounted drill rig.
7. Any ROW permit fees for geotechnical drilling and SUE test holes will be waived.
8. Overhead and underground utilities are present throughout the project area. These factors may limit the potential area where the borings can be completed, and final boring locations may vary because of these factors.
9. Assume that contaminated soil/rock will not be encountered during the proposed drilling explorations.
10. Borings in pavement will be backfilled with flow fill and patched with hot patch asphalt. Remaining cuttings will be containerized and removed from the site.
11. Borings on unpaved ground will be backfilled with cuttings. Remaining cuttings will be spread



around the site.

12. Water quality and detention is assumed to be provided at downstream existing facilities.
13. Utility relocation design and plans, if needed, are assumed to be by the respective Utility providers.
14. Public Involvement/Information services, and associated meeting participation is not included.
15. No traffic study is proposed.
16. Assume Permit and application fees to be paid by City.
17. Assume PUC application will not be contested.
18. Construction observations services assumed to be provided by others.

Note: If a scope item is not explicitly included, it is explicitly excluded.

### **SCHEDULE**

SEH has provided the attached preliminary MS Project schedule. We anticipate the following milestones:

Completion of 30% design	October 3, 2019
Completion of 60% design	December 10, 2019
Completion of 90% design	January 27, 2020
Completion of Construction documents	February 10, 2020

A two week review period is anticipated for each submittal.

### **FEE ESTIMATE**

The attached spreadsheet details our proposed Cost plus Fixed Fee for the scope and schedule provided. The fee estimate utilizes SEH's 2019 "Cost Rates", and a Fixed Fee of 10% on labor. Unit rates for new subconsultants will be provided with invoicing. The total, Not-to-Exceed fee for this task is \$555,877.41

Feel free to call with any questions.

Sincerely,

**Short Elliott Hendrickson Inc.**



Scott Jardine, PE, LEED AP  
Project Manager



Rick Coldsnow, PE  
Principal

Attachments:

1. SEH Preliminary Schedule – Ward Station Area Projects, T.O. 5
2. SEH Proposed Fee Estimate



# Pedestrian Bridge and South Plaza

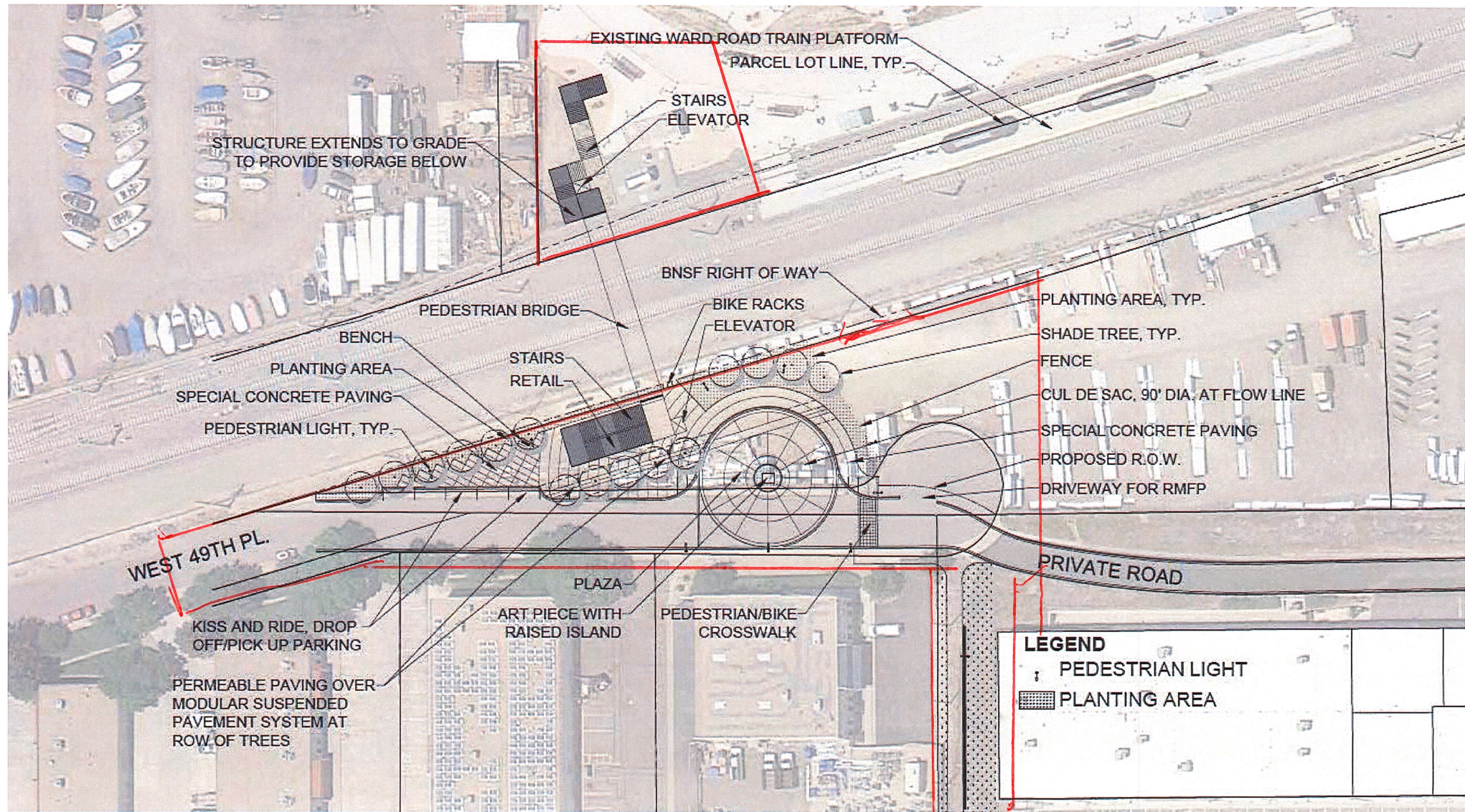
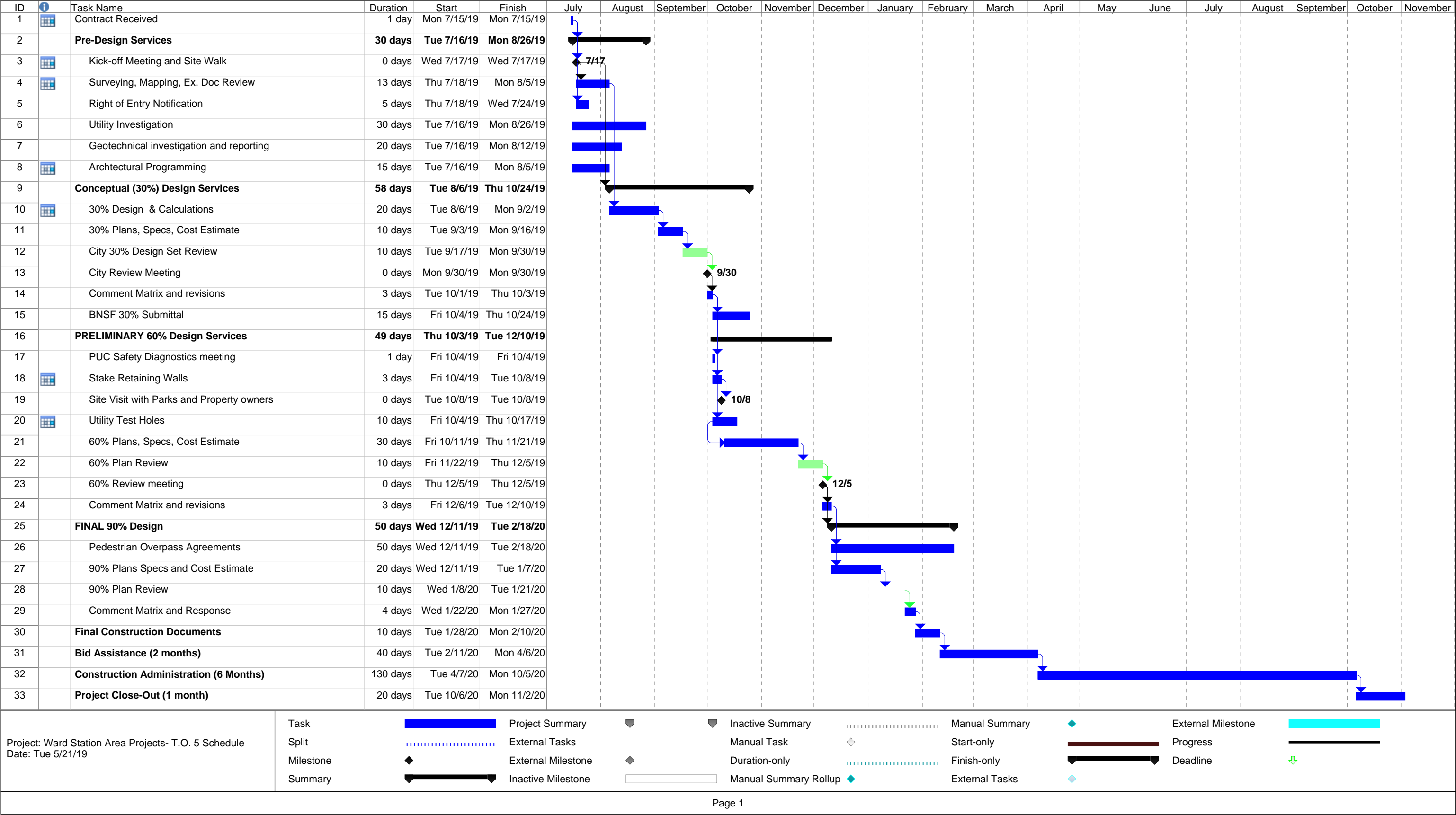


Exhibit 1 Bridge and Plaza Survey Limits



WARD STATION AREA PROJECTS  
TASK ORDER 5  
PRELIMINARY SCHEDULE





Client: City of Wheat Ridge

5/22/2019



Client: City of Wheat Ridge

Total Labor =	Labor + Fixed Fee =	\$379,902.51
SEH Expenses		\$3,066.08
Sub Consultants		\$172,908.82
<b>TOTAL FEE</b>		<b>\$555,877.41</b>




**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: MOTION TO AWARD A CONTRACT AND APPROVE  
SUBSEQUENT PAYMENTS TO HDR, INC., DENVER, CO, IN  
AN AMOUNT NOT TO EXCEED \$118,647 FOR  
PROFESSIONAL SERVICES FOR PROPERTY/EASEMENT  
ACQUISITION SERVICES FOR PEDESTRIAN BRIDGE,  
PLAZA AREAS, AND LINEAR PARK**

☐ PUBLIC HEARING  
☒ BIDS/MOTIONS  
☐ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL:

☐ YES☒ NO  
Director of Public Works  
City Manager**ISSUE:**

The Wheat Ridge · Ward Station planning area is one of four projects in the City's *Investing 4 the Future* bond program which is benefitting from \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase. A pedestrian bridge, plaza areas, and linear park are necessary to provide a direct connection from the station to the properties to the south of the tracks. These facilities require that property and/or easements be acquired. HDR, Inc. has been contracted to perform property acquisition services for the station area. An additional task order needs to be approved to acquire property and/or easements for the improvements.

**PRIOR ACTION:**

For several years, the City has lead extensive visioning and planning efforts focused on the Wheat Ridge · Ward Station planning area. Numerous Council updates and actions have occurred at various stages in these processes. Council was most recently updated on April 1, 2019 on the status of the Wheat Ridge · Ward Station planning area and on private developments in the area. On April 1, 2019, Council directed staff to continue to work on the potential project list that was presented and to enter into negotiations with SEH to complete a scope of work for preliminary designs for the pedestrian bridge and linear park.



**FINANCIAL IMPACT:**

Professional service fees in the amount of \$118,647 are available in the Wheat Ridge · Ward Road Station 2E Bond Fund for right-of-way acquisition services. Staff is currently exploring other funding opportunities to help fund the construction of the pedestrian bridge, plaza areas, and linear park.

**BACKGROUND:**

AECOM completed conceptual (15%) designs for the bridge, south plaza, and linear park, which were reviewed with Council at the April 1 Study Session. Council direct staff to proceed with the design and property acquisition for the pedestrian bridge, south plaza, and linear park. The north plaza is on RTD property and was accommodated in the design of the station.

For the pedestrian bridge, HDR will assist in the negotiations with the agreements with both RTD, who owns the railroad ROW, and BNSF, who leases the space for their tracks. Similarly, HDR will assist in obtaining an easement from RTD for the north plaza which will be located on RTD property at the station.

For the south plaza, HDR will assist in the property acquisition, which will include vacation of a portion of the ROW for the existing cul-de-sac. The cul-de-sac will be moved to the west to better accommodate dropping off G-Line passengers that can then use the pedestrian bridge to access the station.

For the linear park, HDR will assist in obtaining easements for the pedestrian facilities and plantings that are proposed on the slope. The City would then be responsible for the maintenance of the slope.

Task Order #2 authorizes HDR to prepare the necessary documents and coordinate with RTD, BNSF, and the private property owners to obtain the necessary property and/or easements to construct the project.

**RECOMMENDATIONS:**

Staff recommends authorizing Task Order #2 to HDR to obtain the necessary property and/or easements to construct the pedestrian bridge, plaza areas, and linear park.

**RECOMMENDED MOTION:**

“I move to award a contract and approve subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$118,647 for property acquisition services for pedestrian bridge, plaza areas, and linear park.”

Or,

“I move to deny the award of a contract and subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$118,647 for property acquisition services for pedestrian bridge, plaza areas, and linear park for the following reason(s) \_\_\_\_\_.”



**REPORT PREPARED/REVIEWED BY:**

Mark Westberg, Project Manager

Steve Nguyen, Engineering Division Manager

Jennifer Nellis, Purchasing Agent

Patrick Goff, City Manager

**ATTACHMENTS:**

1. HDR – ROW Pedestrian Bridge Task Order





May 24, 2019

City of Wheat Ridge – Public Works

Attn: Mark A. Westberg, PE, CFM

7500 West 29<sup>th</sup> Avenue

Wheat Ridge, CO 80033

**RE: *Scope of Work and Fee for Right-of-Way Services for Ward Station Project for Multi-Use Trail and Plaza***

Dear Mark,

We are pleased to submit our scope and fee estimate for Right-of-Way Services for the Ward Station Project constructing a multi-use trail, plaza and pedestrian overpass over the railroad tracks. The attached scope outlines our project approach along with proposed deliverables that we plan to complete. The proposed fee based on the identified scope of work is \$118,647.00.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'R. Bradley Martin'.

R. Bradley Martin  
Senior Vice President

*Attachments:*

*Scope of Work and Fee Proposal*



## SECTION 1: PROJECT SPECIFIC INFORMATION

### PROJECT BACKGROUND

The Wheat Ridge ▪ Ward Station (Ward Station) is the end of the line station for the RTD G Line commuter rail. The G Line runs 11.2 miles from the Ward Station through Arvada, Adams County and Denver to downtown Union Station. The G line offers the City a redevelopment opportunity in the Ward Station area.

A tremendous amount of planning has been focused on the area of the station in the last 15 years. The Wheat Ridge ▪ Ward Station Vision, issued in 2016, positions Ward Station as the premier location in the metro area for outdoor recreation focused companies and employers by introducing outdoor recreation focused co-working spaces within the station area. The outdoor recreation focus of the station area will be supplemented by on-site recreational amenities that will complement development. The approval of the 2E Investing 4 the Future bond program provides important funding for several infrastructure projects in the Ward Station area. As a result of a competitive request for qualifications (RFQ) process, HDR was awarded the opportunity to provide right-of-way (ROW) services for Ward Station area projects.

This next project in these infrastructure projects requiring ROW is a linear park for the properties near Ward Station to get access to Ward Station through an elevated Multi-Use Path, that runs from the West I-70 North Frontage Road to a plaza at the current West 49<sup>th</sup> Place cul-de-sac, then crosses the Burlington Northern and Santa Fe Railway (BNSF) and Regional Transportation District (RTD) rail lines on an elevated pedestrian bridge, to Ward Station (Project). The City has retained SEH Engineering (SEH) to design this Project. The ROW acquisition initially envisioned for this project is ROW acquisitions from thirteen (13) owners, consisting of fee simple, permanent easements and temporary easement parcels. The anticipated acquisitions are as follows:

**Acquisition Parcels for Multi-Use Path**

Owner Name	Property Address	AIN/Parcel ID	Right of Way (Fee Simple)	Permanent Easement	Temporary Easement	Comments
LF ENTERPRISES LLC	4800 Van Gordon Street	39-174-08-004		X	X	
TABOR STREET REALTY VENTURE LLC	11941 W. I-70 Frontage Road	39-174-08-021		X	X	
YOUNG JA KAHNG LIVING TRUST	11937 W. I-70 Frontage Road	39-174-08-020		X	X	
COTTON FOX LLC	11931 W. I-70 Frontage Road	39-174-08-017		X	X	
LAKEMONT LANDING CONDOMINIUM ASSN INC	11919 W. I-70 Frontage Road	39-174-08-028		X	X	
LAKEMONT III CONDO ASSN INC	11919 W. I-70 Frontage Road	39-174-08-057		X	X	



Owner Name	Property Address	AIN/Parcel ID	Right of Way (Fee Simple)	Permanent Easement	Temporary Easement	Comments
GENE C & SUSAN G PIETRO REVOCABLE TRUST	4836 Van Gordon Street	39-174-08-003			X	TE needed for construction of gabion wall at property line.
VANGORDON PROPERTIES LLC	4840 Van Gordon Street	39-174-08-027			X	TE needed for construction of gabion wall at property line.
VANGORDON PROPERTIES LLC	4880 Van Gordon Street	39-174-08-026			X	TE needed for construction of gabion wall at property line.
WESTERN ROOFING INC	4896 Van Gordon Street	39-174-08-024			X	TE needed for construction of gabion wall at property line.
C & D INVESTMENTS	5075 Tabor Street	39-174-08-076	X		X	Trade of existing ROW for portion of parcel to be acquired anticipated.
BURLINGTON NORTHERN & SANTA FE RAILWAY	N/A	39-174-000-001		X		The allocation of ownership of the railroad ROW between BNSF & RTD is currently unknown. It is anticipated that an easement will be needed from each entity.
REGIONAL TRANSPORTATION DISTRICT	N/A	39-174-000-001		X		The allocation of ownership of the railroad ROW between BNSF & RTD is currently unknown. It is anticipated that an easement will be needed from each entity.

HDR will be responsible for the preparation of legal descriptions, valuations, and acquisition negotiations for the parcels needed from these ownerships. This scope of work defines the tasks needed for these services.

HDR's ROW team will provide the work described in this document.



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## PROJECT GOALS

The goals of the ROW acquisition for the Project are to timely acquire the ROW needed for the Project to support the preconstruction schedule while providing considerate treatment to affected property owners.

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## PROJECT LIMITS

Beginning at Ward Station, across the BNSF and RTD right-of-way to and area near the current cul-de-sac at the end of West 49<sup>th</sup> Place and heading south to the West I-70 Frontage Road North.

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## WORK DURATION

The primary time period for the work is estimated to begin in June 2019. The project schedule and work duration will be determined by the City and HDR, after HDR is under contract for the Project.

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## ROW TEAM RESPONSIBILITIES AND DUTIES

- Preparation of legal descriptions for ROW Parcels.
- Valuation of ROW Parcels.
- Acquisition Negotiation for ROW Parcels.
- Support for Condemnation, if Needed

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## WORK PRODUCT

- ROW Schedule
- ROW Budget
- ROW Project Coordination
- Meeting Minutes
- Legal Descriptions
- Waiver Valuations and Appraisal
- Acquisition Files, including Offer Packets, Agreements, Conveyance Deeds, Easement Agreements, Negotiation Logs
- Condemnation Request Packages (If needed)

Requirements are further described in the sections that follow.

## TABLE OF CONTENTS

This scope of work will consist of the following seven tasks:

1. ROW Project Management, Meetings and Coordination.
2. Title Services - Obtain title commitments and vesting deeds from a subconsultant title company.
3. Legal Descriptions - Subconsultant professional land surveying company (PLS) to prepare legal descriptions for the ROW parcels.
4. Valuation - Waiver valuations and one appraisal will be prepared for ROW parcels.



5. Acquisition Negotiation for Non-Rail Landowners - negotiations with these landowners to acquire the ROW parcels.
6. Closings for Non-Rail Landowners - a subconsultant title company will conduct closings for permanent acquisitions with consensual agreements. HDR will conduct closings for temporary easement only parcels.
7. Acquisition Negotiation for Easement(s), Other Real Estate Agreements, and Coordination with Construction and Maintenance Agreements with BNSF and RTD.

Condemnation Support is not a specific task, however if a condemnation is needed, HDR can provide support for the condemnation, but additional fee for such support will need to be negotiated.

## TASK 1: ROW PROJECT MANAGEMENT, MEETINGS AND COORDINATION

### Task 1.1 Project Records Set Up

Set up parcel files and tracking sheets.

### Task 1.2 Subconsultant Management

This task covers the negotiation and management of contracts with Precision Surveying & Mapping, Inc. (Precision) for survey and preparation of legal descriptions, with the appraisal subconsultant for the appraisals needed for the Project, and with the subconsultant title company for title and closing.

### Task 1.3 Invoicing

Prepare, review and provide to City monthly invoices. This task includes reviewing, processing and paying subconsultants on their subconsultant contracts.

#### Deliverables:

- 16 monthly invoices

### Task 1.4 ROW Kickoff Meeting

The ROW Team will conduct a ROW kickoff meeting with the City. The meeting will include coordination with SEH and the City on the engineering design of the Project, public involvement of affected landowners during the Project's development, the ROW survey and its integration with the engineering design survey, and the ROW process for the Project. An initial ROW Project schedule and budget will be prepared following the meeting. ROW forms to be used will be identified at these meetings. City approvals and approvers for the ROW process will be identified at these meetings.

Following the kickoff meeting, HDR will compile and send out minutes from the meeting.

#### Deliverables:

- One meeting agenda
- Preparation of minutes from meeting

### Task 1.5 Incentive Program

HDR will conduct a meeting with the City to discuss the parameters for an acquisition incentive program for the Project. After decisions are made on the proposed incentive program, HDR will prepare and



submit to the City a written request for approval of the incentive program that will define the parameters of the incentive program.

Following the meeting, HDR will compile and send out minutes of the meetings.

**Deliverables:**

- One meeting agenda
- Preparation of minutes from the meeting

**Task 1.6 External Project Coordination Meetings**

HDR and the City will meet as required (typically two meetings per month) to monitor progress on the ROW process, discuss issues and obtain required City decisions. Discussion items may include, modifications to the schedule and budget, progress on ROW phases (legal descriptions, valuation, acquisition negotiation and condemnation), review of acquisition tracking sheets, responses to counteroffers, strategies for challenging negotiations and other issues, and problem solving.

Following the coordination meetings, HDR will compile and send out minutes of the meeting.

**Deliverables:**

- 18 meeting agendas
- Preparation of minutes from 18 meetings
- One ROW project schedule, updated, as needed
- One ROW project budget, updated as needed
- Acquisition tracking sheets

**Task 1.7 Internal Coordination**

This task is for HDR's tasks associated with managing the project. This task includes the ROW Team's internal coordination, internal ROW Team meetings, updating acquisition tracking sheets, updating the ROW Project schedule and budget, as needed.

## TASK 2: TITLE COMMITMENTS

**Task 2.1 Coordinate and Review Title Documents**

Order and coordinate delivery of title commitments for permanent easement and fee simple (right of way) parcels. Review title commitments for financial liens and other encumbrances relevant to the acquisitions. Order and coordinate delivery of ownership and encumbrance reports and vesting deeds (last conveyance deed in chain of title).

**Title Subconsultant Deliverable No. 1:**

- Nine (9) title commitments from subconsultant title company.
- Four (4) vesting deeds.
- Estimated fee for title work is \$13,625, consisting of \$1,500/commitments X 9 commitments, plus \$25/vesting deed X 4 vesting deeds.

**Assumptions:**

- Nine (9) title commitments and four (4) vesting deeds will be needed for the parcels. This number may change as the design advances and ROW impacts are better defined. If more than nine (9)



title commitments and four (4) vesting deeds are needed, additional fee may need to be negotiated.

### TASK 3: LEGAL DESCRIPTIONS

#### **Task 3.1 Coordination for Survey and Design for ROW Parcels**

Coordinate with Precision, SEH and the City on the survey Precision will need to support preparation of legal descriptions for ROW parcels. Additional coordination to make design decisions relevant to ROW parcel configuration and to determine size, shape, location and type of parcels to be acquired.

#### **Subconsultant PLS (Precision) Deliverable No. 1 – Survey**

- A survey, including project control and topography (if needed) to support preparation of legal descriptions for ROW parcels.
- Right of entries for such survey.

#### **Assumptions:**

- SEH will complete a survey of the existing condition to support design of the Project. SEH will obtain the right of entries needed for this survey. Such right of entries will allow for use by Precision, as needed. Precision will review and consider such survey, but Precision will need to independently verify some information and obtain additional survey to support preparation of legal descriptions. Precision and SEH's surveys will be on the same control and datums. The two surveys from the two consultant firms will complement each other.

#### **Task 3.2 Legal Descriptions**

Coordinate with Precision, SEH and the City on preparation of exhibits and legal descriptions for ROW parcels.

#### **Subconsultant PLS (Precision) Deliverable No. 2 – Legal Descriptions**

- Exhibits and legal descriptions for ROW parcels prepared in compliance with City standards.

#### **Assumptions:**

- This task assumes preparation of exhibits and legal descriptions for: one (1) fee simple (right-of-way), nine (9) permanent easements, thirteen (13) temporary easements and one (1) fee simple City-owned excess right of way parcel (available for trade). If more than these are needed, additional fee may need to be negotiated.

### TASK 4: PARCEL VALUATIONS

#### **Task 4.1 Waiver Valuations**

Review market sales data to determine land values to be used in waiver valuations. Prepare waiver valuations in compliance with City requirements. Submit Waiver Valuations to the City for review and approval. Waiver valuations will be the basis for the offers made to the landowners.

#### **Deliverables:**

- Twelve (12) waiver valuations.



**Assumptions:**

- Twelve (12) waiver valuations will be needed. This number may change as the design advances and ROW impacts are better defined. If more than twelve (12) waiver valuations are needed, additional fee will need to be negotiated.
- If an acquisition is required to be resolved through condemnation, an appraisal of the ROW parcel(s) may be needed to provide valuation evidence in hearings or trials. If an appraisal(s) of the ROW parcel(s) is needed, additional fee for such appraisal(s) will need to be negotiated.

**Task 4.2 Appraisal**

Coordinate with consultant appraiser to deliver appraisal of: (i) just compensation for acquisition parcels needed from C & D Investments, and (ii) value of City-owned parcels eligible to trade to C & D Investments for the acquisition parcels needed. Upon receipt of draft appraisals, HDR will deliver such drafts to the City, and concurrently conduct a content review of the draft appraisals. HDR will gather input from the City on the draft and submit its comments, with the City's, to the appraiser and work with the appraiser to deliver a final appraisal that addresses such Comments.

**Subconsultant (appraisal company) Deliverable:**

- One eminent domain appraisal of the acquisition parcels needed from C & D Investments, and one appraisal of the City-owned parcels eligible to trade to C & D Investments for the acquisition parcels needed.

**Assumptions:**

- This task assumes one (1) eminent domain appraisal of the acquisition parcels needed from C & D Investments, and one (1) appraisal of the City-owned parcels eligible to trade to C & D Investments for the acquisition parcels needed. If additional appraisals are needed, additional fee for such appraisal(s) will need to be negotiated.

**Task 4.3 Landowner Appraisal Review**

Section 38-1-121, C.R.S. requires, for acquisitions with estimated values greater than \$5K, that landowners to be advised of their right to get an appraisal and have the governmental entity reimburse them for the reasonable value of the appraisal if certain conditions are met. If landowners notified of this right take advantage of it and submit appraisals to the City, an appraisal content review of the appraisal will be reviewed by HDR's appraiser to determine if the Section 38-1-121, C.R.S. criteria for payment reimbursement is satisfied. After the content review of landowner(s) appraisals, the HDR review appraiser will make recommendations to the City, as to whether the landowner appraiser's fee should be paid and if modifications to the amount offered should be made.

**Deliverables:**

- Review reports for appraisals submitted.

**Assumptions:**

- Section 38-1-121, C.R.S. requires landowners to be advised of their right to get an appraisal and have the governmental entity pay for it if certain conditions are met, for acquisitions with estimated values greater than \$5K. Landowners may or may not take advantage of this right. This task assumes that 4 of the 13 landowners advised of this right will take advantage of it.

**The cost of landowner appraisals is not included in this HDR SOW and fee estimate and will be paid separately by the City.**



## TASK 5: ACQUISITION NEGOTIATION FOR NON-RAIL LANDOWNERS

### Task 5.1 Preparation and Delivery of Acquisition Documents

Prepare and send notice of intent to acquire, offer letters, summaries of just compensation, final offer letters and additional correspondence as agreed to by the City and HDR.

#### Deliverables:

- Notice of intent to acquire.
- Offer packets.
- Additional correspondence and documents, as needed.
- Final offers, if required.

#### Assumptions:

- Acquisition negotiations from eleven (11) landowners (acquisitions from BNSF RR and RTD are not included in this task) will be needed. This number may change as the design advances and ROW impacts are better defined. If acquisitions from more than eleven (11) landowners are needed, additional fee will need to be negotiated.

### Task 5.2 Conduct Acquisition Negotiations

Negotiate consensual agreements for the acquisition of property rights based on waiver valuations and appraisals, as applicable.

#### Deliverables:

- Signed settlement agreements.
- Justification for administrative settlements and other City required settlement forms.
- Negotiation logs.

#### Assumptions:

- Negotiations will be limited to three in person meetings. Negotiations result in consensual agreements. If an agreement cannot be reached on a negotiation, the matter will be discussed with the City. If the City determines that it will resolve the acquisition through condemnation, HDR will prepare and submit a condemnation packet to the City (the fee for preparation of condemnation packets is in Section 6.1). This SOW and fee estimate do not include tasks and fees for participation in condemnation proceedings. If the City authorizes condemnation on an acquisition and additional ROW services are needed from HDR to support the condemnation, additional SOW and fee for such services will be negotiated.

### Task 5.3 File Maintenance, QA/QC Review and Submittal

One hard copy file will be maintained by HDR for each acquisition. At a minimum, the file will contain: the notice of intent to acquire, appraisal or value finding; offer letter; closing documents; typed and signed negotiation logs of contacts with owners; and the related correspondence regarding the parcel acquisition. Upon completion of each acquisition, files will be finalized, QC'd and delivered to the City.

#### Deliverables:

- Final files – hard copy and digital

#### Assumptions:

- Eleven (11) final files will be needed.



## TASK 6: CLOSINGS FOR NON-RAIL LANDOWNERS

### **Task 6.1 Coordinate Closings with Title Company or Prepare Condemnation Package for Attorneys**

For acquisitions including permanent easement and fee simple (right-of-way) parcels resolved through consensual agreements, coordinate closings with subconsultant title company, including release or subordination of financial liens. For acquisitions of temporary easement only parcels resolved through consensual agreements, HDR's real estate specialists will close the acquisitions. If an agreement cannot be reached on an acquisition negotiation, the matter will be discussed with the City. If the City determines that it will resolve the acquisition through condemnation, submission of a condemnation packet will be a substitute for the closing coordination.

#### **Deliverables:**

- Closing packets and final signed and recorded agreements from closings. Seven (7) title company closings and four (4) HDR closings are anticipated.
- Title insurance policies.
- Substitution of a condemnation packet for negotiations that cannot be resolved by a consensual agreement, which the City authorizes condemnation.

#### **Title Subconsultant Deliverable No. 2:**

- Seven (7) closings.
- Seven (7) title Insurance Policies

#### **Assumptions:**

- Closings that include acquisition of permanent easement and fee simple (right-of-way) parcels from seven (7) landowners through the subconsultant title company will be needed. Closings of temporary easement only parcels through HDR will be needed. This number may change as the design advances and ROW impacts are better defined. If more than these indicated are needed, additional fee will need to be negotiated.

**For closings conducted by the Subconsultant Title Company, the City will pay all Subconsultant Title Company's closing fees, including recording fees, costs associated with lien releases, if any, and the cost of title insurance policies.**

## TASK 7: ACQUISITION NEGOTIATION FOR EASEMENT(S), OTHER REAL ESTATE AGREEMENTS, AND COORDINATION WITH CONSTRUCTION AND MAINTENANCE AGREEMENTS WITH BNSF AND RTD

### **Task 7.1 Preparation and Delivery of Acquisition Documents**

Prepare and send to BNSF and RTD notice of intent to acquire, offer letters, summaries of just compensation, final offer letters and additional correspondence as agreed to by the City and HDR.

#### **Deliverables:**

- Notice of intent to acquire.
- Offer packets.
- Additional correspondence and documents, as needed.
- Final offers, if required.



**Assumptions:**

- Acquisition negotiations from BNSF and RTD will be needed. If acquisitions from more than BNSF and RTD are needed, additional fee will need to be negotiated.
- BNSF's interest in the railroad property that the pedestrian bridge will cross over is a reservation out of a quit claim deed that reserves the right of BNSF to, amongst other things, freight rail purposes. As a result, it is anticipated that some kind of permission instrument for the pedestrian bridge will need to be negotiated, possibly acquired, from BNSF.

**Task 7.2 Conduct Acquisition Negotiations and Coordinate with Engineering Design and Separate Negotiation of Construction and Maintenance Agreement**

Negotiate consensual agreements for the acquisition of the easements, or other real estate agreements needed from BNSF and RTD based on waiver valuations. Historically, BNSF and RTD need to know and understand the design of improvements to be constructed in the easement and the impacts on their rail facilities before they will enter into meaningful negotiations on the easement agreements. Also, BNSF, and possibly RTD, require separate construction and maintenance agreements (C&M) that define the rights and responsibilities of the City and the rail entities during construction of the improvements. The easement agreements and C&M agreements are separate, but related agreements. SEH is responsible for the engineering design and for negotiation of the C&M agreements. HDR will need to coordinate with SEH, BNSF, RTD and the City on these joint efforts for negotiation of the easements. Closings for these easements will likely not be handled through the subconsultant title company.

**Deliverables:**

- Signed easement agreements, or other real estate agreements.
- Justification for administrative settlements and other City required settlement forms.
- Negotiation logs.

**Assumptions:**

- Negotiations with BNSF and RTD can be complex, time consuming and sometimes frustrating, if the entities are not responsive. For this reason, negotiations of the easements needed from BNSF and RTD have been broken out as a separate task.

**Task 7.3 File Maintenance, QA/QC Review and Submittal**

One hard copy file will be maintained by HDR for each acquisition. At a minimum, the file will contain: the notice of intent to acquire, appraisal or value finding; offer letter; closing documents; typed and signed negotiation logs of contacts with owners; and the related correspondence regarding the parcel acquisition. Upon completion of each acquisition, files will be finalized, QC'd and delivered to the City.

**Deliverables:**

- Final files – hard copy and digital

**Assumptions:**

- Two (2) final files will be needed.

## CONDEMNATIONS

**Support for Condemnation Actions**

If condemnations are filed, HDR may be requested to provide services to support the condemnation, including testimony at depositions and hearings, participation in litigation preparation and strategy



meetings, participation in mediations or other alternative dispute resolution efforts, and preparation of exhibits and trial exhibits. No fee proposal is included for this task because it is difficult to predict how many, if any, condemnations will be filed. If condemnations are filed and HDR is requested to provide support services for such condemnations, a separate fee will need to be negotiated for such services.

**Assumptions:**

- Aside from the possible fees for HDR condemnation support services described herein, the City will be responsible for all other costs of condemnations, including court filing fees, attorney's fees and court costs.

## ROW PROJECT SCHEDULE

The HDR team will work with Wheat Ridge to develop a schedule for the tasks described herein. HDR will monitor progress on the schedule and work with Wheat Ridge to update it, if needed.



## CITY OF WHEAT RIDGE/ROW FOR PLAZA AND ELEVATED MULTI-USE TRAIL

Fee Estimate

5/24/2019

HDR Labor											
Staff Name		Jamieson	Lee	Vallard	Pietri	Lopez	Fisher	Diekmann	Bryan	Subtotal Hours by Task	Subtotal Fee by Task
Billing Category		Sr. Project Manager I	Sr. Project Professional II	ROW Agent II	ROW Agent I	Planner Jr.	Project Controller II	Project Coordinator	Administrative		
Billing Rate		\$212.00	\$190.00	\$130.00	\$92.00	\$84.00	\$104.00	\$78.00	\$67.00		
1	ROW PROJECT MANAGEMENT, MEETINGS AND COORDINATION	17	47	25	2	24	38	4	6	163	\$22,650.00
1.1	Project Records Set Up					4	4	4		12	\$1,064.00
1.2	Subconsultant Management		4	4		2	2		6	18	\$2,058.00
1.3	Invoicing	4	8	2			32			46	\$5,956.00
1.4	ROW Kickoff Meeting	3	3	3						9	\$1,596.00
1.5	Incentive Program	2	2	4						8	\$1,324.00
1.6	External Project Coordination Meetings	4	20	8		10				42	\$6,528.00
1.7	Internal Coordination	4	10	4	2	8				28	\$4,124.00
2	TITLE COMMITMENTS	0	2	0	0	6	0	0	0	8	\$884.00
2.1	Coordinate and Review Title Documents		2			6				8	\$884.00
3	LEGAL DESCRIPTIONS	4	22	0	0	0	0	0	0	26	\$5,028.00
3.1	Coordination for Survey and Design for ROW Parcels	2	10							12	\$2,324.00
3.2	Legal Descriptions	2	12							14	\$2,704.00
4	PARCEL VALUATIONS	2	6	48	4	24	0	0	0	84	\$10,188.00
4.1	Waiver Valuations	2	2	16	4	24				48	\$5,268.00
4.2	Appraisal		2	20						22	\$2,980.00
4.3	Landowner Appraisal Review		2	12						14	\$1,940.00
5	ACQUISITION NEGOTIATION FOR NON-RAIL LANDOWNERS	6	20	4	14	253	0	0	0	297	\$28,132.00
5.1	Preparation and Delivery of Acquisition Documents	2	8		8	55				73	\$7,300.00
5.2	Conduct Acquisition Negotiations	4	12	4		176				196	\$18,432.00
5.3	File Maintenance, QA/QC Review and Submittal				6	22				28	\$2,400.00
6	CLOSINGS FOR NON-RAIL LANDOWNERS	0	2	0	4	22	0	0	0	28	\$2,596.00
6.1	Coordinate Closings with Title Company or Prepare Condemnation Package for Attorneys		2		4	22				28	\$2,596.00



## CITY OF WHEAT RIDGE/ROW FOR PLAZA AND ELEVATED MULTI-USE TRAIL

Fee Estimate

5/24/2019

HDR Labor											
Staff Name		Jamieson	Lee	Vallard	Pietri	Lopez	Fisher	Diekmann	Bryan	Subtotal	
7	ACQUISITION NEGOTIATION FOR EASEMENT(S), OTHER REAL ESTATE AGREEMENTS, AND COORDINATION WITH CONSTRUCTION AND MAINTENANCE AGREEMENTS WITH BNSF AND RTD	28	40	0	6	14	0	0	0	88	\$15,264.00
7.1	Preparation and Delivery of Acquisition Documents	16	16		2	8				42	\$7,288.00
7.2	Conduct Acquisition Negotiations and Coordinate with Engineering Design and Separate Negotiation of Construction and Maintenance Agreement	12	24		2	2				40	\$7,456.00
7.3	File Maintenance, QA/QC Review and Submittal				2	4				6	\$520.00
Total HDR Labor Hours		57	139	77	30	343	38	4	6	694	
Total HDR Labor Fee		\$12,084.00	\$26,410.00	\$10,010.00	\$2,760.00	\$28,812.00	\$3,952.00	\$312.00	\$402.00		\$84,742.00
Direct Expenses											
5.1	Mileage										\$200.00
5.2	Printing/Reproduction										\$100.00
Subconsultants											
1	Title Company										\$13,625.00
2	Precision Surveying & Mapping, Inc.										\$9,480.00
3	Appraisal Subconsultant										\$10,500.00
TOTAL PROJECT FEE											
											\$118,647.00





**Precision Survey & Mapping, Inc.**

professional land surveying consultants

9025 E Kenyon Ave., Suite 150, Denver, CO 80237  
tel.: (303) 753-9799, mob.: (303) 885-7161  
[www.precision-survey.com](http://www.precision-survey.com)

May 20, 2019

**Mel Lee-Senior Right of Way Acquisition/Relocation Agent  
HDR. Inc.**

**1670 Broadway, Suite 3400  
Denver, CO 80202-4824  
D 303.524-8376 M 720-320-8022  
[Melinda.lee@hdrinc.com](mailto:Melinda.lee@hdrinc.com)**

**Re: Wheat Ridge Plaza and Elevated Trail Project-Revised 5-21-19**

Dear Mel:

Precision Survey & Mapping, Inc. is pleased to submit a revised fee proposal for the Wheat Ridge Plaza and Elevated Trail Project. Thank you again for the opportunity to provide our Land Surveying Services. Please feel free to call with any questions.

Sincerely,  
Christopher P. Juliana, PLS





## **PURPOSE OF PROJECT**

The purpose of the project is to aid in the Right-of-Way Acquisition associated with the Wheat Ridge Elevated Trail Project.

## **SCOPE OF WORK**

Precision Survey & Mapping, Inc. (PSM) will provide surveying services for the Wheat Ridge Plaza and Elevated Trail Project. The Scope of Work will include necessary project management, administration, field work and office work associated with the preparation of Exhibit and Legal Description associated with the acquisition of right-of-way, permanent and temporary construction easements. The scope of work is more particularly described as follows and the project area is more particularly shown on the attached Exhibit "A".

## **PRE-SURVEY CONFERENCE**

Participate in a pre-survey conference with the HDR ROW team.

## **OBTAIN RIGHT OF ENTRY**

PSM will facilitate Right of Entry from all land owners.

## **PROPERTY BOUNDARY/RECORDS RESEARCH**

- Acquire records research including, assessor's records, deeds, subdivision plats, land survey plats, monument records, road right-of-way/county commissioner road petitions and BLM Plats.
- Property lines/right-of-way lines of subject property or properties will be established.
- Provide necessary office calculations and boundary line analysis for determination of property and right-of-way lines.

## **TITLE INFORMATION BINDERS**

- Provide labor for review of Title Information Binders for affected properties. Any easements and/or encumbrances discovered in said Title Information Binders will be reflected on the base survey.

## **CONTROL SURVEY**

- Establish horizontal control based on Colorado State Plane (NAD 83) Datum (Modified to ground). A minimum of two permanent control points will be set.
- PSM shall verify that the proposed horizontal and vertical datums, listed above, are in compliance with the datum requirements set forth by the City of Wheat Ridge.

## **PREPARATION OF EXHIBIT & LEGAL DESCRIPTIONS**

PSM will prepare Exhibit and Legal Descriptions for required right-of-way acquisition, permanent and temporary construction easements. All Exhibit & Legal Descriptions will be certified by a Professional Land Surveyor registered in the State of Colorado.





## **SURVEY STAKING**

Provide necessary field and office work for the proposed survey staking of right-of-way acquisitions, permanent and temporary construction easements. Survey points will be marked by a 60d spike nail with a florescent pink hub chaser attached thereto and a 48" surveyors lath with surveyors flagging marked appropriately.

## **NOTES**

- HRD will procure required Title Information Binders and provide said Title Information Binders to PSM. Information Binders will be relied upon for ownership of record, and to reflect easements and encumbrances of record.

## **DELIVERABLES**

- Provide AutoCAD Civil 3D Drawing File or other desired electronic format.
- Provide Adobe PDF files of completed Exhibit & Legal Descriptions.

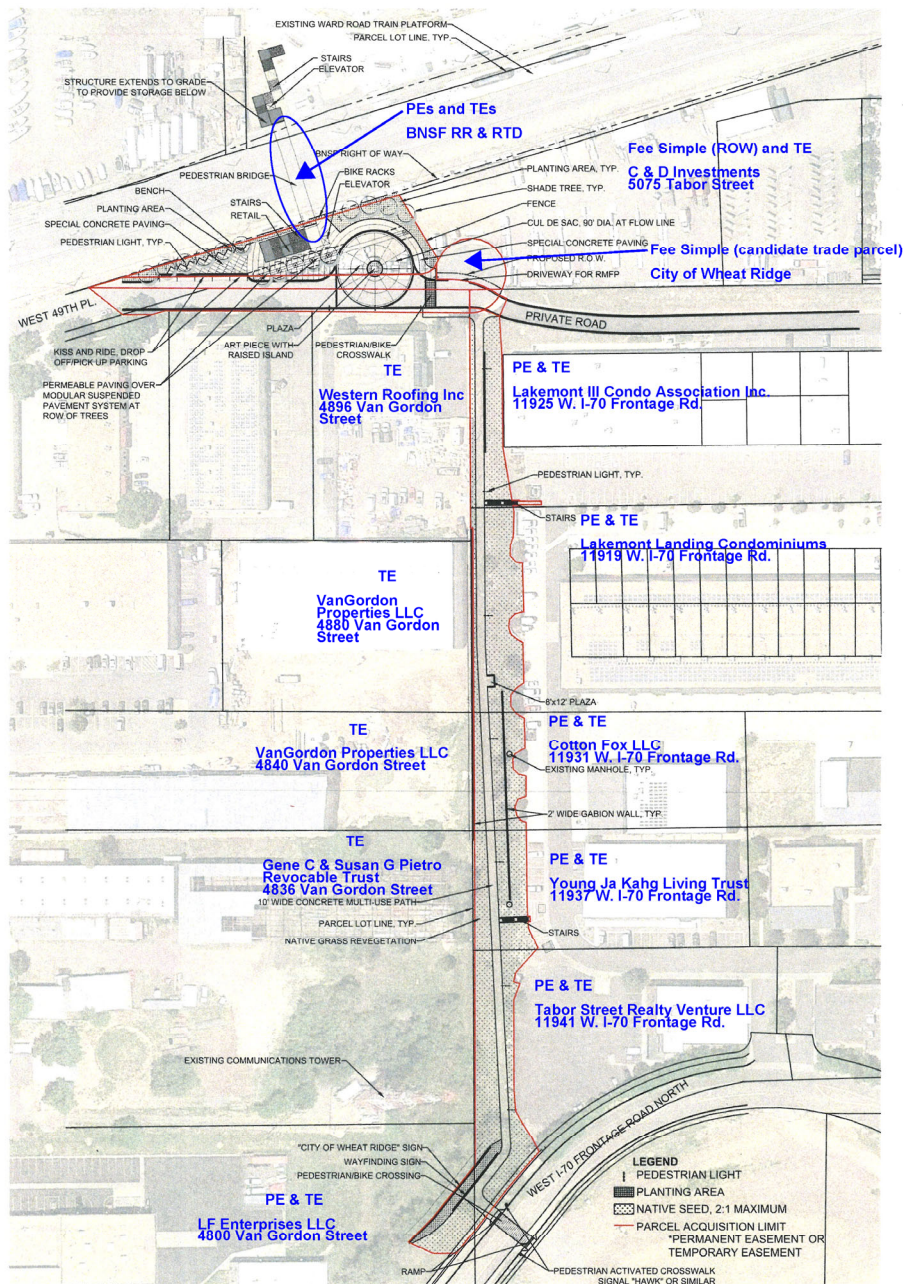
## **FEE SCHEDULE**

- **SURVEYING FEE: \$9,480**





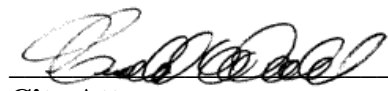
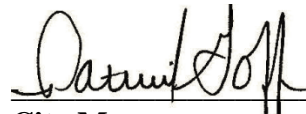
**EXHIBIT "A"**



INVESTING 4 THE FUTURE  
WHEAT RIDGE - WARD ROAD STATION  
LINEAR PARK POTENTIAL PARCEL ACQUISITION  
MARCH 12, 2019





**REQUEST FOR CITY COUNCIL ACTION****TITLE: COUNCIL BILL NUMBER 09-2019 - AN ORDINANCE  
REAPPOINTING PRESIDING MUNICIPAL JUDGE  
CHRISTOPHER RANDALL AND APPROVING A  
PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT**☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☐ RESOLUTIONS☐ ORDINANCES FOR 1<sup>ST</sup> READING (06/10/2019)  
☒ ORDINANCES FOR 2<sup>ND</sup> READING (06/24/2019)QUASI-JUDICIAL: ☐ YES☒ NO  
\_\_\_\_\_  
City Attorney  
\_\_\_\_\_  
City Manager**ISSUE:**

The City's Home Rule Charter provides for appointment of the Municipal Court Judge for a term of two years. The current term of Presiding Judge Christopher Randall expires July 1, 2019.

**PRIOR ACTION:**

The Judge was reappointed in June 2017.

**FINANCIAL IMPACT:**

The Judge is presently compensated at \$98.97 per hour. This rate has been in effect since 2017. The Judge is not requesting any change in this rate.

**BACKGROUND:**

The Judge has provided a memorandum (attached) requesting reappointment.

**RECOMMENDED MOTION:**

"I move to approve Council Bill 09-2019, an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement, on second reading, and that it take effect upon adoption."

Or



"I move to postpone indefinitely Council Bill 09-2019, an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement for the following reason(s) \_\_\_\_\_."

**REPORT PREPARED BY:**

Gerald Dahl, City Attorney

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Council Bill 09-2019
2. Letter from Judge Randall
3. Memorandum from Judge Randall
4. Municipal Judge Services Agreement



**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER URBAN**  
**COUNCIL BILL NO. 09**  
**ORDINANCE NO. \_\_\_\_\_**  
**Series of 2019**

**TITLE: AN ORDINANCE REAPPOINTING PRESIDING MUNICIPAL  
JUDGE CHRISTOPHER RANDALL AND APPROVING A  
PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT**

**WHEREAS**, the current presiding municipal judge, Christopher Randall, was reappointed effective July 1, 2017 for a two-year term expiring on June 30, 2019; and

**WHEREAS**, the Presiding Judge has continued to serve since that date; and

**WHEREAS**, pursuant to Charter Section 8.3, the City Council shall appoint all judges for a term of two years; and

**WHEREAS**, Judge Randall has requested reappointment at the end of his current term; and

**WHEREAS**, the Council wishes to reappoint Judge Randall, and approve other changes to the Agreement; and

**WHEREAS**, Charter Section 8.5 requires the Council to set the Judge's compensation by ordinance.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Pursuant to Sections 8.3 and 8.5 of the Home Rule Charter, Presiding Municipal Judge Christopher Randall is hereby reappointed for a term of two years, expiring on July 1, 2021. The Presiding Judge's compensation shall be **\$98.97** per hour. The terms and conditions of the Presiding Judge's appointment shall be as set forth in the Presiding Municipal Judge Services Agreement, effective as of July 1, 2019, attached hereto and incorporated herein by this reference.

**Section 2. Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 3. Effective Date.** This Ordinance shall take effect upon adoption at second reading, as permitted by the Charter.



**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 10<sup>th</sup> day of June, 2019, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for June 24, 2019, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of \_\_\_\_\_ to \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 2019.

SIGNED by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Bud Starker, Mayor

ATTEST:

\_\_\_\_\_  
Janelle Shaver, City Clerk

Approved As To Form

\_\_\_\_\_  
Gerald E. Dahl, City Attorney

First Publication: June 13, 2019

Second Publication:

Wheat Ridge Transcript

Effective Date:





City of Wheat Ridge Municipal Building 7500 W. 29<sup>th</sup> Ave. Wheat Ridge, CO 80033-8001 P: 303.235.2835  
F: 303.235.2829

June 04, 2019

Honorable Bud Starker, Mayor  
Members of the Wheat Ridge City Council  
Patrick Goff, City Manager  
City of Wheat Ridge  
7500 W. 29<sup>th</sup> St.  
Wheat Ridge, CO 80033

Dear Mayor Starker, City Manager, and Members of City Council:

The City Charter creates a municipal court and directs the city council to appoint a presiding judge. The Charter requires that all municipal judges have been on the bench or have practiced law for a period of years. I have thirty-three (33) years in the practice of law and twenty-seven (27) years on the bench of which seventeen (17) have been as the presiding judge in Wheat Ridge.

The Charter states that Council shall appoint a presiding judge for a term of two (2) years. By charter, the duties of the judge are to supervise court personnel and submit a yearly budget. In practice, the Colorado Supreme Court establishes a mandate as well: to justly determine all municipal ordinance violations, ensure criminal law procedures, administer cases fairly, and follow city, state, and federal laws and constitutions. Over the past two years there has been an explosion of legislation directed at municipal courts. As a result, the presiding judge reviews and incorporates new legislation into the operation of the court.

The Colorado Code of Judicial Conduct (Code) guides judicial ethics and requires independence, impartiality, competence, and integrity. Inherent in the Code is the precept that judges must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

I began as Presiding Judge in Wheat Ridge in January 2002, pursuant to a services agreement and have been the Presiding Judge continuously for seventeen (17) years. Each services agreement is for a two-year term. My most recent two-year contract for services began July 2017 and ends June 2019. I am requesting renewal of the contract. Please see the enclosed Memo for information about court, accomplishments, projects, and goals.

I am not requesting a change in salary. I currently receive employee benefits. I am requesting a clarification that the Family Medical and Leave Act apply to my job classification.

**ATTACHMENT 2**



I am classified as a thirty (30) hour per week employee, so am requesting that I be able to flex the hours worked per pay period. That is, hours worked over 30 hours one week could be added to hours worked under 30 hours another week. Due to the number of years I have worked here, personal time off would accrue at the sixteen (16) plus year level or 6.94 hours per pay period.

Year to date, I am working an average of thirty-two (32) hours per week. Regular court sessions take about twenty-four (24) hours a week. Most court days take ten hours to complete. Preparation for jury trials and the jury trials add a few days per year. Other work hours are related to new legislation, extended court sessions, managerial duties, director obligations, legal research, administrative matters, budget, personnel issues, and meetings.

This is an dynamic City with an interesting court docket. I enjoy the challenge and energy of the City and the court. I look forward to another two years to continue to provide service.

Sincerely yours,

*/s/ Christopher D Randall*

Christopher D. Randall

Presiding Judge

Wheat Ridge Municipal Court

Attached: Memo





# Memorandum

**TO:** City Council, Mayor, and City Manager

**FROM:** Christopher D Randall, Presiding Judge and Department Director

**DATE:** June 10, 2019

**SUBJECT:** Presiding Judge and Department Director Contract Renewal

---

## BACKGROUND

I began as Presiding Judge and Department Director in 2002 and have been in that position continuously for seventeen years. I am requesting renewal of the current two-year contract that ends June 30, 2019.

## COURT

The Colorado Constitution and City Code provide for the creation of a municipal court. Wheat Ridge Municipal Court is a court of record that handles a wide variety of mostly criminal matters. Appeals are taken to the Jefferson County District Court. Municipal court shall be presided over by a Presiding Judge. Court is in session on Mondays, Wednesdays, and Thursdays, so there are approximately 150 court-sessions per year. I work on non-court days as necessary for meetings, training, seminars, conferences, recruiting, warrants, affidavits, prisoners, and other court business.

## QUALIFICATIONS

I have been licensed as an attorney in Colorado since 1987. I became an administrative law judge in 1991 and began judging in municipal court in 1992. Wheat Ridge City Council appointed me as the Presiding Judge and Department Director in 2002. I have lived in Wheat Ridge and currently live in Lakewood.

## PHILOSOPHY

Municipal judges are obligated to follow the Constitution of the United States, the Constitution of Colorado, and the laws and ordinances of the City. Court rules, established by the Colorado Supreme Court, require that municipal court provide for the just determination of ordinance violations. Procedure is to be simple; the court administered fairly; and unjustifiable expense and delay eliminated. The court considers each case separately, and provides thorough, practical, and professional case management. The judiciary is independent of and acts as a check and balance on the executive (police) and legislative (city council) branches of government. A healthy and responsible government maintains an independent judiciary.



## SENTENCING

The city code provides for a general penalty of up to one year of incarceration or up to a one-thousand dollar (\$1,000.00) fine or both. A sentence of this severity however rarely befalls anyone. Restitution for pecuniary loss for victims is required pursuant to city ordinance and state statute. (Due to prohibitory legislation restitution usually goes unpaid since courts now have little recourse against nonpayers.) Probation is a possibility with most sentences.

The purposes of sentencing are as follows: to punish, assure fair treatment, assure consistent treatment, deter crime, promote respect for the law, promote rehabilitation, address the offender's individual characteristics, reduce the potential that the offender will reoffend, promote responsibility and accountability, provide restoration and healing for victims and the community, and address the offender's individual risks and needs. Judges use reason and common sense in sentencing. Each sentence is "custom tailored" for that person's background and circumstances.

## DEPARTMENT DIRECTOR

The Presiding Judge in Wheat Ridge is also the Department Director. This expands the Presiding Judge's duties. The Department Director responsibilities require not only presiding on the bench three plus days a week, but administrative, operational, personnel, budget, security, legal, legislative, and purchasing issues. This adds to the complexity, responsibility, and work load of the Presiding Judge. As the Department Director, I also participate in various professional associations regarding education, advocacy, and court improvement.

## WHEAT RIDGE MUNICIPAL COURT

Wheat Ridge is a somewhat unique city from a municipal court perspective. It is surrounded by and has traversing through it several major cities and thoroughfares. This leads to a robust traffic docket and the unsolicited entry of individuals from several surrounding jurisdictions. Our client base for the most part is the 2,900,000 people who live in the Denver metropolitan area. Due to the amount of retail business in Wheat Ridge, there are a significant number of theft summonses. Certain locations in the City attract a diverse and challenging population. Many persons have mental health and/or substance abuse issues. The Court sees in-custody persons (jail detainees) at least three times a week. There are court marshals for court security and prisoner transport. There is an active and challenging juvenile docket, mostly directed to substance use. Court also handles animal, zoning, building code, and nuisance violations. The adult docket is significant and features individuals with lengthy and/or violent criminal histories.

## CHALLENGES FOR MUNICIPAL COURT



## LOCAL CONTROL

State legislation over the last few years has diminished local control. It has impacted the ability to collect fines, fees, costs, and restitution. Attorney appointments are now mandatory for most persons who are in-custody. Certain criminal convictions must be automatically expunged. Courts are now mandated to release most persons on personal recognizance bonds, regardless of their violence level, safety, criminal history, or their number of failures to appear in court.

## HOMELESSNESS

Homelessness has placed burdens on police calls for service, emergency rooms, detoxification facilities, treatment facilities, businesses, courts, parks, and trails.

## DRUG ABUSE

Drug abuse is a prominent and daily factor when arraigning, sentencing, and supervising offenders. Many persons abusing substances also engage in other criminal activity. Many resist treatment and further harm themselves and society.

## INABILITY TO COLLECT RESTITUTION

Legislation no longer permits the issuance of bench warrants for the arrest of persons who fail to pay for the loss and harm they have done to others. Victim's bills for property damage, medical treatment, and veterinarian care go unreimbursed.

## JAIL BED LIMITATION

The Jefferson County Jail has limited the number of beds that each city can use. This can at times impact the type of and an appropriate sentence.

# ACCOMPLISHMENTS

## CITY-ORIENTED ACHIEVEMENTS

Continue improvements to the Performance Management Program  
Instructor with the Wheat Ridge Civic Academy  
Instructor with the Wheat Ridge Citizen's Police Academy  
Past President of the Colorado Municipal Judges Association  
Update municipal judges' lobbyist – Dentons LLC - on proposed legislation  
Weekly Executive Management Team (EMT) meetings  
Attend monthly state and local municipal judges meetings  
Support the ACTION core values  
Attend various City and community functions, events, and festivals  
Attend various Jefferson County functions and events  
Attend annual legislative dinner  
Take advantage of the Wellness Program and take classes at the Recreation Center  
Attend city sponsored trainings  
Recommend improvements to NeoGov annual evaluation template  
Welcome and assist new Administrative Services Director



## COURT-ORIENTED ACHIEVEMENTS

The Employee Recognition Committee and the Executive Management Team awarded court staff the annual ACTION *Change* Award for 2018.

Help create annual goals and objectives for Performance Management Program (PMP)

Meet with some team members for PMP mid-year check in

Write or edit annual evaluations.

Provide information about court and proposed legislation to the Colorado Municipal League and state legislators

Revise job duties, screen, interview, and make offer for Court Marshal position

Mentor Deputy Court Administrator

Assist Court Administrator with budget

Hear cases involving persons in custody within two days; work on day off

Appoint attorneys for persons in custody on fast track basis

Develop process to collect fines, fees, and costs in light of oppositional legislation

Develop process to hold non-payers accountable for willful failure to pay restitution to injured victims.

Continue the “walk-in” court to allow people to resolve outstanding bench warrants

Expand and improve alternatives in sentencing including the payment plan process

Use web based databases to locate non-appearing defendants

Use web based databases to determine accuracy of applications for services or court appointed counsel

Maintain legal library, both hard copy and web-based

Continue to recommend special populations fund to help pay for sentencing requirements for indigents. City Council is commended for this unique and successful budget item.

Coach staff on an almost daily basis

Review motions (written requests) and issue written orders

Engage in legal research on an almost daily basis

Resolve old cases particularly those involving Department of Corrections (DOC) inmates

Contact DOC and City IT department to consider feasibility of audio-video connection with DOC

Improve court security with weekly meetings with marshals and security guard

Repair X-ray scanner

Review effectiveness of G4S security guard service

Streamline crowd movement in and out of court

Modify one court door to require electronic pass key

Improve and add flexibility to bail bond process; increased use of personal recognizance and low cash bonds

Monitor the appearance rate with various types of bonds

Assess defendant risks using statutory factors to determine bail bonds

Develop new court forms to improve accuracy and efficiency or to comply with new legislation

Individualize sentencing, especially for the low-functioning, transient, homeless, mentally ill, veteran, and substance abusing populations.

Attend legal and judicial seminars

Continue IGA that permits first time juvenile alcohol and marijuana users the ability to obtain drug and alcohol treatment and avoid a conviction and fine

Improve program for sealing and expungement of juvenile and adult criminal records

Respond to requests for criminal justice records

Work with police department on court/police issues

Work with police department on body camera introduction



Maintain electronic process for probable cause and arrest warrants on weekends  
Meet with county law enforcement to discuss jail populations  
Review files beforehand to make audio-visual detainee process more efficient and secure  
Member of judges' legislative strategy committee  
Moderate and attend monthly court staff meetings  
Attend bi-annual Colorado Municipal Court Judges Association judicial conferences  
Re-classify court clerks to judicial assistants.  
Distribute and discuss WRPD Employee Safety bulletins  
Organize team building events  
Address protestors, auditors, and agitators  
Attend annual employee awards breakfast  
Modify two animal control violations to allow expedited plea and fine payment without court appearance  
Amend and supplement personnel policy  
Revise jury instructions

Note: I did not accomplish these things alone. Most of these accomplishments would not have been possible without the assistance of the court administrator, court staff, IT, or city staff.

## 2019 PRIORITIES

Obtain training and create strategic plan with Leadership Foundation Program.  
Become fully staffed - recruit Court Marshal.  
Plan for retirement of a judicial assistant.  
Plan for loss of probation officer.  
Retain good employees.  
Renovate judicial assistant work space.  
Improve courtroom security; add bullet resisting material to witness box.  
Replace courtroom seating  
Investigate and possibly add a collection agency  
Go live with on-line payments  
Research and implement a formal risk assessment tool for bond selection and sentencing  
Comply with new legislation; comply with proposed legislation.  
Amend personnel policy and guidelines.  
View other teen courts; possibly implement in Wheat Ridge  
Investigate more services for probationers, particularly veterans.  
Improve sealing and expungement of records.  
Train staff and seek outside training opportunities.  
Provide input to Colorado Municipal League, Dentons LLC (judges' lobbyist), elected officials, and interested others on proposed legislation.  
Work with administrative staff  
Work with police department  
Have administration and police department evaluate court

## PROFESSIONAL MEMBERSHIPS

Colorado Supreme Court (1987-2019)  
Colorado Municipal Judges Association (1992-2019)  
Municipal Judges of Jefferson County monthly meetings (2016-2019)



Quarterly legislative strategy sessions with municipal judges (2017-2019)

## PROFESSIONAL BOARD MEMBERSHIPS

Board of Governors for the First Judicial District Bar Association (2014-2015)

Board of Directors and President of the Colorado Municipal Judges Association (2009-2015)

## OTHER BOARD MEMBERSHIPS

Belmar (Lakewood) Row Homes, Home Owner's Association – Secretary

## INTERNAL RECOGNITION

I have given and received several "Give-A-Wow" awards. These recognize employees for contributions to the ACTION core values of accountability, change, teamwork, integrity, opportunity, and now! These are available for review.

## CUSTOMER COMMENTS

The court makes available to the public court evaluation forms. The comments below are available for review. Comments about the Presiding Judge include:

Judge was courteous, respectful, and knowledgeable.

The court experience was excellent.

Everyone was courteous and helpful.

Judge was fair.

This judge was way better than the Westminster judge.

Staff patient, courteous, and did their jobs well.

Judge had excellent demeanor. I was impressed with the court's professional demeanor, the speed of the court, and the cleanliness of the building.

Everyone is very nice.

I liked how well they all worked together to make my court and problems go [unreadable].

## CLASSIFICATION

I work an average of thirty-two (32) hours per week. I am classified for benefits purposes as a 30-hour per week employee. I receive benefits for the most part as if I were a regular employee. Regular court sessions take about twenty-four (24) hours a week. Preparation for jury trials and the trials add a few days per year. Other hours are related to longer court sessions, managerial duties, legal research, administrative matters, budget, personnel, recruiting, interviewing, legislation, training, and meetings.

## CONTRACT



There is no request to modify the hourly pay rate. Although I believe that the Family and Medical Leave Act currently applies to my employment classification, I am requesting that it be included in the contract. Due to longevity (16+ years), personal time off would accrue at the 16-year level (6.94 hours per pay period). Additionally, since I occasionally work under 30 hours some weeks and over 30 hours some weeks, I request that I exercise flex time to accrue 60 hours per (two week) pay period.

#### CONCLUSION

I request reappointment and would be honored to continue to sit as the Presiding Judge and to act as the Department Director for the Wheat Ridge Municipal Court.

/s/ Christopher D Randall

CHRISTOPHER D RANDALL

June 04, 2019



**CITY OF WHEAT RIDGE  
PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT**

**THIS PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT** is entered into and effective as of the 1st day of July 2019 ("Effective Date"), by and between the **CITY OF WHEAT RIDGE, COLORADO** (the "City") and **CHRISTOPHER D. RANDALL**, ("Presiding Judge"), together referred to herein as the "Parties." In consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

**ARTICLE 1 – SERVICES**

Pursuant to Chapter VIII of the Wheat Ridge Home Rule Charter (the "Charter"), Presiding Judge shall have the following duties:

- A. Ensure the presence of a municipal judge at all Wheat Ridge Municipal Court ("Municipal Court") cases, by either presiding over such cases personally or by scheduling an Associate Judge to hear such case(s) and by establishing an on-call municipal judge schedule;
- B. Formulate and amend the local rules of the Municipal Court with the approval of the Colorado Supreme Court;
- C. Supervise the Associate Judges, if any, and all Municipal Court personnel; serve as Department Head for the Municipal Court staff; attend Department Director meetings, in person or by designee, and meetings with the City Manager, City Attorney and City Council as needed; and
- D. Responsible for preparation of annual department budget, monitoring of operational expenses and overall delivery of court services.

**ARTICLE 2 – QUALIFICATIONS**

The Presiding Judge shall continuously maintain the following qualifications:

- A. Licensed to practice law in all Colorado courts, including the U.S. District Court for the District of Colorado; and
- B. Resident within 40 miles of the Wheat Ridge Municipal Court.

**ARTICLE 3 - TERM; TERMINATION**

Pursuant to Section 8.3 of the Charter, this Agreement shall be for a two (2) year term, ending on July 1, 2021. This Agreement may be terminated during its term for any of the reasons enumerated in Section 8.3 of the Charter.

**ARTICLE 4 – COMPENSATION, PERFORMANCE**

The Parties agree that Presiding Judge shall be compensated at **\$98.97** per hour for services rendered under this Agreement. Presiding Judge may also be compensated for reimbursable expenses properly invoiced to the City as set forth below. For purposes of this Agreement, "reimbursable expenses" shall mean those expenses directly incurred by Presiding



Judge in the performance of his duties under this Agreement, including mileage and travel expense.

Presiding Judge shall be paid via the current City system for recording and compensating hourly employees.

A. Funding.

This Agreement is specifically subject to the provisions of Section 2-3(c) of the Code of Laws of the City of Wheat Ridge, which limits the amount for which the City shall be liable to the amount expressly appropriated by the City Council, either through budgeted appropriation, or contract or bid appointment. The Parties further recognize and agree that the City, as a political subdivision of the State of Colorado, is subject to the Constitution and laws of the State of Colorado. Notwithstanding any provision of this Agreement to the contrary, the obligation of the City to make payment to Presiding Judge is expressly subject to annual appropriations by the City of funds for the next ensuing budget year.

B. Performance

Pursuant to Section 8.3 of the Home Rule Charter, Presiding Judge is appointed for a two year term. In contrast to other employees of the City, the Judge's compensation is set by the Council by ordinance, rather than through the annual performance review process for other city employees. Also, the Presiding Judge is not an at-will employee as all other city employees are. In recognition of these distinctions, the parties agree that the Council functions as the performance review body for the Presiding Judge, exercising that authority by ordinance as required by the Charter.

**ARTICLE 5 – INDEMNIFICATION, INSURANCE AND BENEFITS**

- Pursuant to the Colorado Governmental Immunity Act, §§ 24-10-101 *et seq.*, C.R.S., Presiding Judge is an appointed official of the City entitled to any and all benefits of law pertaining to judicial or sovereign immunity and to coverage by the City's insurance applicable to persons holding such a position for claims brought against him in his official capacity or arising out of his performance of his official duties as described. Presiding Judge shall be eligible to participate in the following insurance and benefit programs available to City employees, at a level equal to the average number of hours of work per week performed by the Presiding Judge, which for purposes of this Agreement, the Parties agree shall be a minimum of **thirty (30)** hours per week:

- Benefits as outlined in the 2018 Employee Benefits Guide or as revised for 2019 or 2020. The City agrees to pay the applicable premium for the rate level, consistent with the City insurance plan as amended from time to time.;

- Official holidays (6 hours of holiday pay per holiday recognizing ten (10) holidays per year per the most current City Personnel Policies);

- Personal time off (PTO) leave accrued per pay period dependent upon the number of hours of work per week: a 30-hour per week employee with the Presiding Judge's current longevity receives 6.94 hours of PTO leave per pay period;



- Jury duty pay;
- Family Medical and Leave Act coverage;
- As a department head, Presiding Judge receives the annual allowance for cellular telephone use.

For all such insurance and benefit programs, to the extent the programs or any of their features are altered, amended, or eliminated with respect to all eligible City employees, such alteration, amendment or elimination shall also apply to Presiding Judge in the same manner.

## **ARTICLE 6 – CHARTER, LAWS AND ORDINANCES**

Presiding Judge shall at all times during the performance of this Agreement, strictly adhere to all applicable federal, state and local laws, rules, regulations, and ordinances that affect or govern the work as herein contemplated.

## **ARTICLE 7 – EQUAL EMPLOYMENT OPPORTUNITY**

The Presiding Judge shall not discriminate against any employee or applicant for employment because of age, race, color, religion, sex, or national origin. The Presiding Judge shall adhere to acceptable affirmative action guidelines in selecting employees and shall ensure that employees are treated equally during employment, without regard to their age, race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

## **ARTICLE 8 – JUDICIAL INDEPENDENCE**

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a vital role in preserving the principles of justice and the rule of law. Judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. Presiding Judge is expected to uphold these principles.

## **ARTICLE 9 – JUDICIAL IMPARTIALITY**

Presiding Judge shall uphold and apply the law, and shall perform all duties of judicial office impartially. Impartially means absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before the judge. Presiding Judge shall perform the duties of the judicial office, including administrative duties, without bias or prejudice. Presiding Judge shall not be swayed by public clamor or fear of criticism. Presiding Judge shall not permit social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment. Presiding Judge shall not convey or permit others to convey the impression that any person is able to influence the judge.

## **ARTICLE 10 - EX PARTE COMMUNICATION**



Presiding Judge shall not initiate, permit or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning pending or impending matters.

#### **ARTICLE 11 – LAW AND VENUE**

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this Agreement. The Parties agree that venue and jurisdiction for disputes regarding any aspect of this Agreement is proper and exclusive with the District Court of Jefferson County, Colorado.

#### **ARTICLE 12 – NOTICES**

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 certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below. Such notice shall be deemed to have been given when deposited in the United States Mail.

**If to the City:** City Manager  
7500 W 29<sup>th</sup> Avenue  
Wheat Ridge, CO 80033  
Fax: (303) 234-5924

With a copy to: City Attorney  
7500 W 29<sup>th</sup> Avenue  
Wheat Ridge, CO 80033  
Fax: (303) 234-5924

**If to Presiding Judge:** Christopher D. Randall, Esq.  
7500 W. 29<sup>th</sup> Avenue  
Wheat Ridge, CO 80033  
Fax (303) 980-1721

#### **ARTICLE 13 – ASSIGNMENT AND SUBCONTRACTORS**

The duties and obligations of Presiding Judge may not be assigned, delegated, or subcontracted except with the express written consent of the City.

#### **ARTICLE 11 – SEVERABILITY**

To the extent that the Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

#### **ARTICLE 12 – INTEGRATION OF UNDERSTANDINGS**

This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall



have any force and effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in writing and signed by Presiding Judge and an authorized representative of the City.

### **ARTICLE 13 – AMENDMENTS**

The City may, from time to time, require changes in the scope of services of the Presiding Judge to be performed herein. Such changes, including any increase or decrease in the amount of the Judge's compensation, must be mutually agreed upon in writing by the City and the Presiding Judge, as an amendment to this Agreement.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement in two (2) copies, each of which shall be deemed an original, as of the day and year first written above.

**ATTEST:**

**CITY OF WHEAT RIDGE, COLORADO**

\_\_\_\_\_  
Janelle Shaver, City Clerk

By: \_\_\_\_\_  
Bud Starker, Mayor

Seal

APPROVED AS TO FORM:

\_\_\_\_\_  
Gerald E. Dahl, City Attorney

**PRESIDING JUDGE**

\_\_\_\_\_  
Christopher D. Randall



**REQUEST FOR CITY COUNCIL ACTION****TITLE: COUNCIL BILL NO. 08-2019 – AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF ANIMAL-RELATED FACILITIES (CASE NO. ZOA-19-01)**

☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☐ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING (06/10/2019)  
☒ ORDINANCES FOR 2<sup>ND</sup> READING (06/24/2019)

QUASI-JUDICIAL: ☐ YES

☒ NO

  
Community Development Director

  
City Manager

**ISSUE:**

The purpose of the proposed ordinance is to define “animal daycare facility” and allow it as a special use in the Commercial-One and Commercial-Two zone districts, add supplementary regulations for animal-related facilities (including specifications related to outdoor play yards), and update the definitions and use table for consistency and clarity.

**PRIOR ACTION:**

Staff discussed this issue with City Council at study sessions on December 17, 2018 and April 15, 2019. At the April study session, Council directed staff to draft a code amendment allowing animal daycares with outdoor play yards as a special use in the C-1 and C-2 zone districts and to consider supplementary regulations. At a public hearing on May 16, 2019, Planning Commission voted to recommend approval of the proposed ordinance. Meeting minutes from the Planning Commission public hearing are attached. Council approved the ordinance on first reading on June 10, 2019.

**FINANCIAL IMPACT:**

The proposed ordinance is not expected to have a direct financial impact on the City. If the ordinance results in more animal-related commercial businesses, the City may benefit from land use application fees, business license fees, building permit fees, and potential tax revenue.



**BACKGROUND:**

Staff presented an analysis of the code as it relates to animal-related facilities and zoning maps at an April 15, 2019 City Council Study Session. Council consensus was to permit animal daycares with outdoor play yards as a special use in the C-1 and C-2 zone districts. Council also directed staff to research and propose supplemental regulations on this use, specifically to consider some limitations on the outdoor play yard and boarding given proximity between C-1, C-2, and residential zone districts.

Based on review of other cities' regulations for animal-related facilities and in collaboration with the Police Department, specifically the Community Services Officers who enforce kennel licensing and serve as animal control officers in the field, the attached ordinance was drafted.

Summarized below are some of the key highlights of the ordinance and the reasoning behind the proposed regulations:

- The code amendment proposes to limit the number of animals outside to a maximum of 15 at any given time for animal daycare facilities in the C-1 and C-2 zone districts.
  - This number is aligned with the State of Colorado's Pet Animal Care and Facilities Act (PACFA) allowance of one human supervisor for every 15 dogs.
  - Limiting the number to 15 animals reduces the intensity of the outdoor use area given that C-1 and C-2 zoned properties are often close to residential zoning/uses. In addition, C-1 and C-2 zoned properties are often smaller than agriculturally zoned properties, which require a minimum lot size of one acre to accommodate animal-related uses.
- The code amendment proposes to establish setbacks for outdoor play yards to be at least 20 feet from side and rear property lines where they are adjacent to residentially zoned or used property (for C-1 or C-2 zoned properties).
  - In A-1 and A-2 zone districts, a 25-foot setback applies between outdoor play yards and adjacent residential zoning or uses. A slightly reduced setback in C-1 and C-2 is proportional with the often smaller lot sizes.
  - The proposal is consistent with Denver and Lakewood, who also require 20-foot setbacks.
- The code amendment proposes to allow overnight boarding as an accessory use in animal daycare facilities (in C-1 or C-2 zone districts), up to 25% of the gross floor area of the structures associated with the animal daycare.
  - This is to distinguish the daycare use from a kennel, which allows overnight boarding as the primary use.
  - This code language is consistent with language elsewhere in the code quantifying the extent of an accessory use. A numeric standard provides clarity for business owners.
- The code amendment updates definitions and use table listings for animal-related facilities for consistency, clarity, and ability to cross-reference.
  - For example, terms used for veterinary hospitals in the use table were updated to match the terms listed under definitions.



- The “animal daycare facility” use is also added as a special use in the A-1 and A-2 zone districts. The intent is to provide clarity and to distinguish it from the “dog kennels, catteries, veterinary hospitals” use.

**RECOMMENDATIONS:**

Staff recommends approval of the ordinance.

**RECOMMENDED MOTION:**

“I move to approve Council Bill No. 08-2019 an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities, on second reading and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely the ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities, for the following reason(s)  
\_\_\_\_\_.”

**REPORT PREPARED/REVIEWED BY:**

Zareen Tasneem, Planner I

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Council Bill No. 08-2019
2. Planning Commission Meeting Minutes



**CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER WEAVER  
COUNCIL BILL NO. 08-2019  
ORDINANCE NO. \_\_\_\_\_  
Series 2019**

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF ANIMAL-RELATED FACILITIES (CASE NO. ZOA-19-01)**

**WHEREAS**, the City Council of the City of Wheat Ridge is authorized by the Home Rule Charter and the Colorado Constitution and statutes to enact and enforce ordinances for the preservation of the public health, safety and welfare; and

**WHEREAS**, in the exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the Code) pertaining to zoning, land use, and development; and

**WHEREAS**, the City Council has identified a need to clarify regulations pertaining to animal-related uses and outdoor activities associated therewith; and

**WHEREAS**, the City Council has determined it appropriate to allow by special use animal daycare facilities in certain commercial zone districts; and

**WHEREAS**, the City Council finds that this amendment does not diminish the quality or character of its commercial corridors or neighborhoods.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Code Section 26-123 (Definitions) of the Code is amended by the addition of a new definition in its appropriate alphabetical location:

***ANIMAL DAYCARE FACILITY. A FACILITY LICENSED BY THE STATE OF COLORADO AND THE CITY OF WHEAT RIDGE POLICE DEPARTMENT WHERE ANIMALS MAY BE GROOMED, TRAINED, EXERCISED, AND/OR SOCIALIZED.***

**Section 2.** Section 26-204 of the Code, entitled Table of Uses for Agricultural and Public Facilities and Table of Uses for Commercial and Industrial Districts, is amended as follows with the rows in their appropriate alphabetical locations:

Table of Uses—Agricultural and Public Facilities

<i>Uses</i>	<i>Notes</i>	<i>A-1</i>	<i>A-2</i>	<i>PF</i>
<b>ANIMAL DAYCARE FACILITY</b>	<b>SEE § 26-644</b>	<b>S</b>	<b>S</b>	
...				



Dog kennels, catteries, veterinary hospitals	Provided that outside runs, <b>PLAY YARDS, PENS, OR TRAINING AREAS</b> which are adjacent to residentially zoned or used property are no closer than 25 feet to a side or rear lot line	S	S	
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Table of Uses—Commercial and Industrial Districts

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
<b>ANIMAL DAYCARE FACILITY</b>	<b>SEE § 26-644</b>			<b>S</b>	<b>S</b>	
...						
Kennels	<b>SEE § 26-644</b>					S
...						
<del>Animal veterinary hospitals and clinics</del> <b>VETERINARY HOSPITAL</b>	With outside runs, <b>PLAY YARDS, PENS, OR TRAINING AREAS</b> ; no cremation				P	P
	<b>WHERE THERE ARE NO OUTSIDE RUNS, PLAY YARDS, PENS, OR TRAINING AREAS; NO CREMATION</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<del>Animal veterinary hospitals and clinics</del> <b>VETERINARY HOSPITAL (SMALL ANIMAL, ENCLOSED)</b>	Where there are no outside pens or runs for dogs, <b>RUNS, PLAY YARDS, OR TRAINING AREAS</b> ; no cremation	S	P	P	P	P

**Section 3.** Section 26-644 (Animal-related facilities) is hereby added to Article VI. Supplementary Regulations:



**SEC. 26-644. ANIMAL-RELATED FACILITIES.**

- A. ALL KENNELS AND ANIMAL DAYCARE FACILITIES SHALL OBTAIN A KENNEL LICENSE FROM THE CITY OF WHEAT RIDGE POLICE DEPARTMENT.**
- B. ANIMAL DAYCARE FACILITIES IN MIXED USE ZONE DISTRICTS ARE SUBJECT TO THE FOLLOWING REGULATIONS:**
- 1. ANIMALS SHALL NOT BE KEPT OR BOARDED OVERNIGHT, BRED, SOLD, OR LET FOR HIRE.**
  - 2. NO OUTDOOR PLAY YARDS, RUNS, PENS, OR TRAINING AREAS ARE ALLOWED.**
- C. ANIMAL DAYCARE FACILITIES IN THE C-1 AND C-2 ZONE DISTRICTS ARE SUBJECT TO THE FOLLOWING REGULATIONS:**
- 1. NO MORE THAN 15 ANIMALS SHALL BE OUTSIDE AT ANY GIVEN TIME.**
  - 2. OUTDOOR PLAY YARDS SHALL BE SETBACK AT LEAST 20 FEET FROM SIDE AND REAR PROPERTY LINES WHERE THEY ARE ADJACENT TO RESIDENTIALLY ZONED OR USED PROPERTY.**
  - 3. OUTDOOR PLAY YARDS SHALL BE SCREENED FROM VIEW SO AS NOT TO BE VISIBLE FROM ANY PUBLIC STREET OR ADJACENT PROPERTY.**
  - 4. ANY OUTDOOR PLAY YARD SHALL ONLY BE USED FROM DAWN UNTIL DUSK FOR SUPERVISED EXERCISE AND TRAINING USE. THIS SHALL NOT PROHIBIT THE OCCASIONAL USE OF OUTDOOR AREAS FOR SUPERVISED ANIMAL RELIEF OUTSIDE OF THESE HOURS.**
  - 5. OVERNIGHT BOARDING SHALL NOT EXCEED TWENTY-FIVE (25) PERCENT OF THE GROSS FLOOR AREA OF THE STRUCTURES ASSOCIATED WITH THE ANIMAL DAYCARE. OVERNIGHT BOARDING SHALL BE ENCLOSED WITHIN A SOUNDPROOF BUILDING.**
- D. KENNELS AND ANIMAL DAYCARE FACILITIES WHICH ARE SUBJECT TO THE SPECIAL USE PERMIT PROCESS, PER SECTIONS 26-114 AND 26-204, IN ZONE DISTRICTS WHERE INDICATED IN THIS CHAPTER ARE, IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED TO THE SPECIAL USE PERMIT.**

**Section 4.** Section 26-1111 of the Code, Permitted Uses, is amended as follows with the rows in their appropriate alphabetical location:

<i>Permitted Uses</i>				
<i>Uses</i>	<i>MU-C</i>	<i>MU-C Interstate</i>	<i>MU-C TOD</i>	<i>MU-N</i>
<del>Animal daycare, indoor with no outdoor runs or pens</del> <b>FACILITY (SEE § 26-644)</b>	P	P	P	P
...				



Veterinary clinics and hospitals, no outdoor runs or pens, <b>PLAY YARDS, PENS, OR TRAINING AREAS</b>	P	P	P	P
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**Section 5.** Code Section 26-1119 (Definitions) of the Code is amended as follows in the appropriate alphabetical location:

*Animal daycare facility.* A facility licensed by the State of Colorado **AND THE CITY OF WHEAT RIDGE POLICE DEPARTMENT** where animals may be groomed, trained, exercised, and socialized, ~~but not kept or boarded overnight, bred, sold, or let for hire.~~

**Section 6. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 7. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 8. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 10<sup>th</sup> day of June, 2019, ordered published with Public Hearing and consideration on final passage set for Monday, June 24, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of \_\_\_\_ to \_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 2019.

**SIGNED** by the Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Bud Starker, Mayor



ATTEST:

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Janelle Shaver, City Clerk

Approved as to form

---

Gerald E. Dahl, City Attorney

First Publication: June 13, 2019

Second Publication:

Wheat Ridge Transcript

Effective Date:



**With the following conditions:**

- 1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.**
- 2. Prior to issuance of building permits, the applicant shall enter into a subdivision improvement agreement and shall provide homeowner's association covenants for review and approval by staff.**

**Motion passed 8-0.**

- B. Case No. ZOA-19-01:** An ordinance amending Chapter 26 of the Code of Laws concerning the regulation of animal-related facilities.

Ms. Tasneem gave a short presentation regarding the ordinance. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner PETERSON asked if the 15 animals outside under supervision is also State law.

Ms. Tasneem said it is a ratio established by State law.

Commissioner PETERSON made a comment that he does not think the word additional needs to be used in sections B and C of the proposed supplementary regulations because it is contradicting.

Ms. Mikulak explained the word additional can be struck from sections B and C in the ordinance as long as staff and business owners understand where they should be looking for the regulations that apply and that could be a condition of approval in the motion.

Commissioner ANTOL asked what the demand for this ordinance has been, with regards to outside dog runs.

Ms. Tasneem said a few requests primarily in the C-1 zone district have been persistent.

Commissioner ANTOL asked about staff's research into what other municipalities have experienced with outdoor runs in commercial zonings adjacent to residential zone districts.



Ms. Tasneem explained that Edgewater currently has no animal daycares; Golden has one; Arvada has animal daycares primarily in its industrial zone districts; Denver allows animal daycares in commercial districts but with restrictions; and Lakewood allows animal daycares with stipulations.

Commissioner ANTOL inquired, of the two requests, how many are adjacent to residential districts and asked what distance is required between the commercial property and residential property for an animal daycare's outside runs.

Ms. Tasneem said one of the request backs-up to a residential property and the distance is approximately 20 feet.

Ms. Mikulak added that the reason the ordinance proposes animal daycares as a Special Use Permit is because each property is different and can be looked at case by case through the SUP process.

Commissioner ANTOL also asked what the maximum number of animals can be if the gross floor area for a kennel is 25% for overnight stays.

Ms. Mikulak explained that it will vary because state law dictates the size of the cage based on the size of the animal. The 25% threshold is intended to express what is use is accessory to the primary function.

Commissioner LARSON asked how the daycare is defined and if it allows overnight boarding.

Ms. Tasneem mentioned staff is trying to clarify the definitions and uses in the commercial zone districts to allow overnight boarding only as an accessory use in animal daycares.

Commissioner VOS wondered why a Special Use Permits for animal daycares are not across the board in all zone districts to make it easier to look at, especially due to the noise of barking.

Ms. Mikulak explained that the City's animal related uses have been functioning well and the direction City Council has given staff is not to be more restrictive where these uses are already permitted in agricultural and industrial zone districts, but to add this use in a limited way in commercial zone districts. She added that staff is trying to balance this more permissive approach with the potential impact to the surrounding area.

Commissioner VOS asked if the neighbors could complain about a noise nuisance.

Ms. Mikulak said if the noise is frequent, habitual and unprovoked, then Code Enforcement can get involved in an animal noise complaint.



Commissioner VOS asked if animal daycares will be subject to State licensing.

Ms. Tasneem said yes it is regulated by the State of Colorado's Pet Animal Care and Facilities Act (PACFA).

Commissioner LEO wanted clarification on which zone districts animal daycares are allowed in with outside runs and the hours of operation.

Ms. Mikulak explained that any animal use that has an outdoor component is allowed in A-1, A-2, C-1, and C-2 with a Special Use Permit. If adjacent to residentially used or zoned properties, then setbacks will apply. She also explained that outdoor play yards could operate from dawn until dusk.

Commissioner OHM asked if there can be an outdoor dog park in a residential area.

Ms. Mikulak said yes, but not as a commercial business.

Commissioner OHM then asked what type of material can be used for outdoor runs.

Ms. Mikulak said it can vary, but it has to be sturdy and meet operational standards and the run needs to be screened. Details like this will be included in the SUP and looked at through that process.

Commissioner OHM mentioned he would like to see set hours of operation for the outdoor runs instead of dawn to dusk.

Commissioner PETERSON said he thinks set hours are unnecessary because the times in which animals will be dropped off at the daycare will be around the time people go to work and come home from work.

Commissioner OHM suggested that set times be only for the outdoor runs.

Ms. Mikulak added that the benefit of an SUP is that conditions can be added to it, such as restrictive hours for animals in outdoor runs. She reminded the Commissioners that this ordinance is a baseline regulation and more conditions could be added if there was a context-specific concern with an SUP application.

There continued to be more discussion on hours of operation, which districts will require SUPs, and the proposed regulatory framework changes.

Commissioner SIMBAI asked about the process for an ordinance.

Ms. Mikulak explained that after tonight there will be first reading at City Council which will set the public hearing and will be effective 15 days after the public



hearing if it is approved by City Council. She added that any amendments in tonight's motion will be communicated to City Council. Also, any robust discussions by Planning Commission will be communicated to City Council as well, even if an amendment is not added to the motion.

Commissioner PETERSON asked how it is decided if a business is a kennel with overnight stay or an animal daycare.

Ms. Mikulak and Ms. Tasneem explained animal daycares in C-1 and C-2 would only be allowed to have overnight boarding as an accessory use, up to 25% of their gross floor area. Staff will ask a business owner to submit a letter describing their operations, and then staff will determine the land use category in which the operation falls.

**Julie McClain, Business Owner**  
**3335 Zephyr Court**

Ms. McClain explained that restricting the hours of operations for the outdoor play yards to 7am-7pm is reasonable. She also said most dog owners don't ask to check in their dogs before 6:30am. Ms. McClain also said she agrees with the SUP process and its nice each business is looked at individually.

Commissioner LARSON asked Ms. McClain to identify the business with which she is associated.

Ms. McClain said Zen Doggie Den.

**It was moved by Commissioner LARSON and seconded by Commissioner PETERSON to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities.**

**A friendly amendment was made to strike the word additional from the first sentence of section B and also strike the word additional from the first sentence of section C in the supplemental regulations.**

There was discussion of an edit regarding hours of operation.

**It was moved by Commissioner KERNS and seconded by Commissioner LEO to amend the hours of operation for outdoor runs from dawn to dusk to 7am to 7pm.**

**Motion denied 3-5 with PETERSON, ANTOL, VOS, SIMBAI and LARSON denying.**

**Chair OHM called for a vote on the main motion. Motion carried 8-0.**



**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: RESOLUTION NO. 35-2019 – A RESOLUTION APPROVING A MAJOR SUBDIVISION PLAT WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED MIXED USE – NEIGHBORHOOD (MU-N) AND LOCATED AT 10191 W. 38<sup>th</sup> AVENUE (CASE NO. WS-19-02 / GEMINI)**


☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☒ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL: ☒ YES

☐ NO

  
**Community Development Director**

  
**City Manager**

**ISSUE:**

The applicant is requesting approval of a major subdivision with right-of-way dedication for an approximately 0.466-acre property located at 10191 W. 38<sup>th</sup> Avenue. The purpose of this subdivision request is to establish lot lines, easements, and right-of-way dedication for an 8-unit duplex development in the Mixed Use – Neighborhood (MU-N) zone district.

**PRIOR ACTION:**

Planning Commission heard the request at a public hearing on June 6, 2019 and recommended approval of the major subdivision for the following reasons:

1. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.
2. All agencies can provide services to the property with improvements installed at the developer's expense

Attached is a copy of the Planning Commission staff report, which provides a detailed description of the application. Draft meeting minutes from the June 6, 2019 public hearing are also attached.



**FINANCIAL IMPACT:**

Fees in the amount of \$2,025 were collected for the review and processing of Case No. WS-19-02. Fees in lieu of parkland dedication in the amount of \$14,151.34 will be due prior to issuance of building permits. Permit fees and use tax will be paid for each duplex building permit and for all site work and right-of-way permits.

**BACKGROUND:**

The subject property is located on the north side of W. 38<sup>th</sup> Avenue between Kipling Street and Lena Gulch. It is approximately 0.466 acres and currently contains a single-family home.

The site is zoned Mixed Use – Neighborhood (MU-N) which allows multifamily development (including duplexes) up to a density of 21 units per acre. City Council rezoned the property to MU-N in 2015.

There are a mix of zone districts and uses in the area. The south side of W. 38<sup>th</sup> Avenue is zoned Commercial-One (C-1) and includes the Morningstar assisted living facility and Kipling Ridge shopping center. The property to the east is zoned Planned Commercial Development (PCD) and contains a dentist office. Further east, along Kipling Street, the properties are zoned Mixed Use – Commercial (MU-C) and C-1 and contain a Circle K store that is under construction. The property to the west is zoned Residential-One (R-1) and contains a single-family home on a small lot. Across Lena Gulch to the northwest is the Cambridge Park Planned Residential Development (PRD).

Key components of the subdivision are described below. The plat document and additional detail are included in the attached Planning Commission staff report.

The purpose of a subdivision plat is not to review specific site plan or architectural details, but rather to confirm appropriate lot configuration, access, rights-of-way, easements, and utility service to the site in order to create developable parcels for a land use that is already permitted by the underlying zoning.

*Proposed Plat*

The proposed subdivision document is comprised of two pages and establishes eight lots, each approximately 2,400 to 2,500 square feet. The underlying zoning (MU-N) does not have minimum lot size standards or other dimensional requirements. MU-N does require minimum landscape coverage, building setbacks, and building step-backs which are confirmed through the administrative site plan review process.

The lots are organized on the east and west sides of a central drive provided in an access easement. The outside boundaries of the site are not changing. Several easements are created by the plat to allow for adequate infrastructure and access to the site, including the aforementioned access, emergency, and utility easement, plus drainage easements and a small Lena Gulch easement in the extreme northwest corner of the site. No structures or development will be located in this area.



Right-of-way dedication is being proposed along 38<sup>th</sup> Avenue to facilitate construction of a sidewalk.

*Required Agreements*

The applicant is responsible for installing a 6-foot wide detached sidewalk along the 38<sup>th</sup> Avenue frontage and on-site improvements including the drainage system, utilities, driveway, and landscaping. These obligations will ultimately be memorialized in a Subdivision Improvement Agreement (SIA) between the City and developer. The SIA dictates construction and maintenance responsibilities as well as the timing of permit issuance relative to the completion of public improvements. A condition of approval is included to this effect.

The City plans to construct infrastructure improvements along 38<sup>th</sup> Avenue from Lena Gulch to Johnson Street under the 2020 budget cycle. Other improvements in the area, including curb, gutter, amenity zones (with street trees and pedestrian lights), and revised turning lanes, will be constructed by Public Works.

**RECOMMENDATIONS:**

A subdivision plat is a technical document and review is a ministerial action. The plat complies with the requirements of the subdivision regulations (Article VII in Chapter 26 of the Municipal Code) and is consistent with the Mixed-Use Neighborhood (MU-N) zoning requirements. For that reason, staff is recommending approval of the request.

**RECOMMENDED MOTION:**

“I move to approve Resolution No. 35-2019, a resolution approving a major subdivision with right-of-way dedication for property located at 10191 W. 38<sup>th</sup> Avenue and zoned Mixed Use – Neighborhood (MU-N), for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer’s expense.

and with the following conditions:

1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a subdivision improvement agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowner’s association covenants for review and approval by staff.



Or,

“I move to deny Resolution No. 35-2019, a resolution approving a major subdivision with right-of-way dedication for property located at 10191 W. 38<sup>th</sup> Avenue and zoned Mixed Use – Neighborhood (MU-N), for the following reasons:

- 1.
- 2.
3. ”

**REPORT PREPARED/REVIEWED BY:**

Scott Cutler, Planner II

Stephanie Stevens, Senior Planner

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Resolution No. 35-2019
2. Planning Commission Staff Report with Plat Document
3. Planning Commission Draft Meeting Minutes



**CITY OF WHEAT RIDGE, COLORADO**  
**RESOLUTION NO. 35**  
**Series of 2019**

**TITLE: A RESOLUTION APPROVING A MAJOR SUBDIVISION PLAT WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED MIXED USE - NEIGHBORHOOD (MU-N) AND LOCATED AT 10191 W. 38<sup>TH</sup> AVENUE (CASE NO. WS-19-02 / GEMINI)**

**WHEREAS**, Chapter 26, Article IV of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of subdivision plats; and,

**WHEREAS**, an application for a subdivision plat with right-of-way dedication was received from John Roach to subdivide property for duplex development located at 10191 W. 38<sup>th</sup> Avenue in the Mixed Use - Neighborhood zone district; and,

**WHEREAS**, all referral agencies have reviewed the request and can serve the property; and,

**WHEREAS**, the City Council has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, AS FOLLOWS:**

**A MAJOR SUBDIVISION PLAT WITH RIGHT OF WAY DEDICATION FOR PROPERTY ZONED MIXED USE – NEIGHBORHOOD (MU-N) LOCATED AT 10191 W. 38<sup>th</sup> AVENUE IS HEREBY APPROVED FOR THE FOLLOWING REASONS:**

1. City Council has conducted a proper public hearing, meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed and the developer's expense.

And, with the following conditions:

1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a subdivision improvement agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowners' association covenants for review and approval by staff.



**DONE AND RESOLVED** by the City Council this 24<sup>th</sup> day of June, 2019.

---

Bud Starker, Mayor

ATTEST:

---

Janelle Shaver, City Clerk



**CITY OF WHEAT RIDGE  
PLANNING DIVISION STAFF REPORT**

**TO:** Planning Commission **MEETING DATE:** June 6, 2019

**CASE MANAGER:** Scott Cutler

**CASE NO. & NAME:** WS-19-02 / Gemini Subdivision

**ACTION REQUESTED:** Approval of a major subdivision (8 lots).

---

**LOCATION OF REQUEST:** 10191 W. 38<sup>th</sup> Avenue

**APPLICANT/OWNER (S):** Nick Young (applicant); John Roach, Helen Degennaro, and Gregg Markos (owners)

**APPROXIMATE AREA:** 20,297 square feet (0.466 acres)

---

**PRESENT ZONING:** Mixed Use - Neighborhood (MU-N)

**COMPREHENSIVE PLAN:** Community Commercial Center; Neighborhood

---

**ENTER INTO RECORD:**

(X) CASE FILE & PACKET MATERIALS

(X) SUBDIVISION REGULATIONS (X) DIGITAL PRESENTATION

---

**Location Map**



Site



## **JURISDICTION:**

All notification and posting requirements have been met; therefore, there is jurisdiction to hear this case.

### **I. REQUEST**

Case No. WS-19-02 is an application for a major subdivision for property located at 10191 W. 38<sup>th</sup> Avenue. Eight (8) lots are proposed, with access easements and drainage easements also included in the subdivision plat. A plat is required to facilitate a new duplex development on the site. The plat will allow for fee simple ownership of each unit (similar to a townhome).

Staff is reviewing a site plan application for the property, which is subject to administrative review only. Civil construction documents are under review by Public Works. Formal approval of the site plan is contingent on the approval of the plat by City Council.

The purpose of a subdivision plat review is to confirm appropriate lot configuration, access, rights-of-way, easements, and utility service to the site for a land use that is already permitted by the underlying zoning.

### **II. EXISTING CONDITIONS/PROPERTY HISTORY**

The subject property is located in western Wheat Ridge, on the north side of W. 38<sup>th</sup> Avenue between Kipling Street and Lena Gulch. The site currently contains a single-family home (*Exhibit 1, Aerial*). Lena Gulch is located to the north and northwest of the property.

The property is zoned Mixed Use – Neighborhood (MU-N). It was rezoned to MU-N in 2015 by City Council. The zoning map (*Exhibit 2*) shows a mix of zone districts in the area. The south side of W.38<sup>th</sup> Avenue is zoned Commercial-One (C-1) and includes the Morningstar assisted living facility and Kipling Ridge shopping center. The property to the east is zoned Planned Commercial Development (PCD) and contains a dentist office. Closer to Kipling Street, the property is zoned Mixed Use – Commercial (MU-C) and C-1, and contains a Circle K store that is under construction. The property to the west is zoned Residential-One (R-1) and contains a single-family home on a small lot. Across Lena Gulch to the northwest is the Cambridge Park Planned Residential Development (PRD).

The property is currently unplatted and is 20,297 square feet (0.466 acres).

### **III. PROPOSED SUBDIVISION PLAT**

#### *Plat Document*

The proposed plat document consists of two pages (*Exhibit 3*). The cover page includes a legal description of the property; signature blocks for the owners, City, surveyor, and County; standard declarations and notes; and easement notes. The second page consists of the plat map itself and a lot data table.

#### *Lot Configuration*

The lot configuration matches corresponds to the proposed development pattern allowing for eight lots. Each lot is approximately 2,400 to 2,500 square feet and will function as townhome lots. The underlying zoning (MU-N) does not have minimum lot size standards or other dimensional



requirements; however, MU-N does require minimum landscape coverage which is confirmed through the administrative site plan process. The lots are organized on the east and west sides of a central drive provided in an access easement. The outside boundaries of the site are not changing. The site has 145 feet of frontage on W. 38<sup>th</sup> Avenue.

#### *Public Improvements & Right-of-Way Dedication*

When new properties are created through the subdivision process, staff reviews adjacent street improvements to confirm that they meet current roadway design standards. Four (4) feet of right-of-way is being dedicated along the 38<sup>th</sup> Avenue frontage to facilitate the construction of a 6-foot wide detached sidewalk.

W. 38<sup>th</sup> Avenue from Lena Gulch (west of the property) to Johnson Street (east of Kipling Street) is subject to a transportation infrastructure improvement project in the 2020 budget cycle. Final designs are being reviewed by Public Works, which includes the addition of curb, gutter, and sidewalks where there are none, amenity zones including street trees and pedestrian lights, and revised turning lanes on 38<sup>th</sup> Avenue at the Kipling Street intersection.

#### *Easements*

Several easements are created by this plat to allow adequate infrastructure and access. These include the following:

- A cross-access, emergency access, and utility easement will run from W. 38<sup>th</sup> Avenue north into the site, bisecting the site and essentially creating a private alley serving all 8 lots.
- Two 8-foot wide drainage easements, one on the east and west side of the property.
- A 10-foot wide drainage easement between Lots 3 and 5, and Lots 4 and 6.
- Lena Gulch Drainage and Flood Control Easement in the extreme northwest corner of the site; no structures or development will be located in this area because of the 100-year floodplain boundary.

#### *Parkland Dedication*

The subdivision regulations include a parkland dedication requirement for all residential subdivisions based on the assumption that additional residents in the City will impact the demand for parks and open space. When land is not dedicated for a public park, a fee is required in lieu. Per code and Council Resolution, the fee is \$2,021.57 per unit in an urban renewal area to be paid at recordation.

## **IV. AGENCY REFERRAL**

All affected service agencies were contacted for comment on the zone change request and regarding the ability to serve the property. Specific referral responses follow:

**Wheat Ridge Public Works:** The plat document is approvable as of May 14, 2019. Civil construction documents are under review.

**West Metro Fire Protection District:** No concerns, can serve.

**Consolidated Mutual Water District:** Can serve.

**Westridge Sanitation District:** Can serve.



**Xcel Energy:** No objections. Utility coordination is ongoing.

**Century Link:** No comments.

**Comcast:** No comments.

## **V. STAFF CONCLUSIONS AND RECOMMENDATION**

Staff has concluded that the proposed subdivision plat results in a logical lot layout. Staff further concludes that the subdivision plat complies with the standards in Article IV of the City Code (subdivision regulations) and that all utility agencies can continue to serve the property. The plat will allow the development to proceed with construction. For these reasons, staff recommends approval of the subdivision plat.

## **VI. SUGGESTED MOTIONS**

### **Option A:**

“I move to recommend APPROVAL of Case No. WS-19-02, a request for approval of a major subdivision on property located at 10191 W. 38<sup>th</sup> Avenue, for the following reasons:

1. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.
2. All agencies can provide services to the property with improvements installed at the developer’s expense.

With the following conditions:

1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a subdivision improvement agreement and lot sale restriction covenant agreement prior to the recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowner’s association covenants for review and approval by staff.

**Option B:** “I move to recommend DENIAL of Case No. WS-19-02, a request for approval of a major subdivision on property located at 10191 W. 38<sup>th</sup> Avenue, for the following reasons:

1. ...”

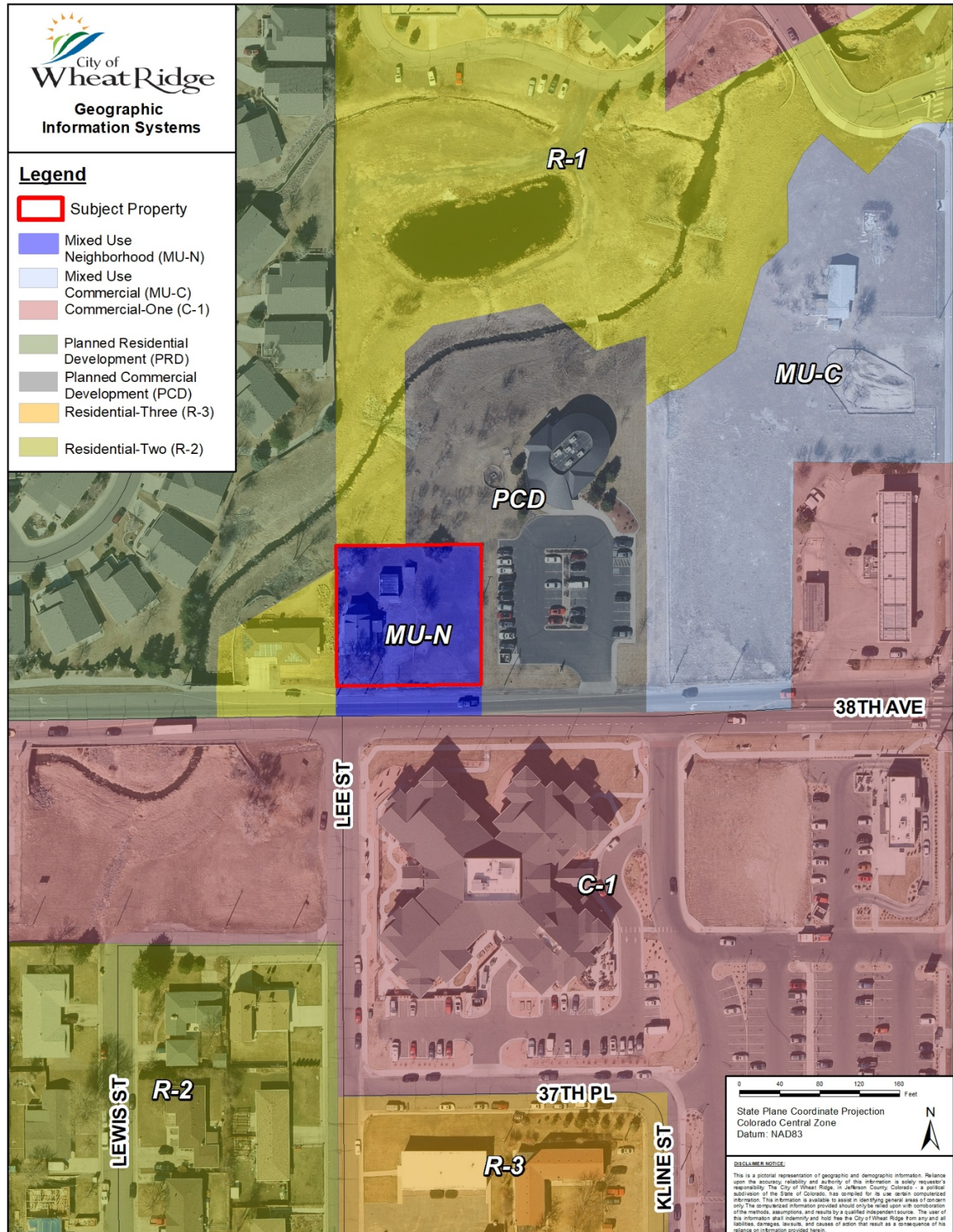


# EXHIBIT 1: AERIAL





# EXHIBIT 2: ZONING MAP





## **EXHIBIT 3: SUBDIVISION PLAT**

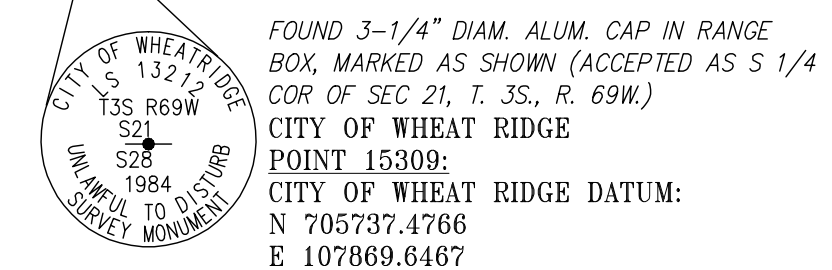
Attached as an 11x17 document on the following page.







**A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 21,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE,  
COUNTY OF JEFFERSON, STATE OF COLORADO  
SHEET 2 OF 2**



LOT No.	SQ. FT.	ACREAGE
1	2,434 s.f.	0.0559 ac.
2	2,375 s.f.	0.0545 ac.
3	2,495 s.f.	0.0573 ac.
4	2,495 s.f.	0.0573 ac.
5	2,458 s.f.	0.0564 ac.
6	2,458 s.f.	0.0564 ac.
7	2,471 s.f.	0.0567 ac.
8	2,531 s.f.	0.0581 ac.
R/W Ded.	580 s.f.	0.0133 ac.
<b>TOTAL</b>	<b>20,297 s.f.</b>	<b>0.4660 ac.</b>

THE GRANTORS DO HEREBY GRANT AND CONVEY TO THE CITY OF WHEAT RIDGE ("THE CITY") A PERPETUAL EASEMENT ("EASEMENT") TO THE PROPERTY OVER THAT CERTAIN AREA OF THE PROPERTY AS GRAPHICALLY SHOWN ON THIS PLAT FOR THE PURPOSE OF AUTHORIZING THE CITY TO CONSTRUCT AND MAINTAIN HEREON ANY FLOOD CONTROL CHANNELS, STRUCTURES OR OTHER IMPROVEMENTS DEEMED NECESSARY BY THE CITY.

THE EASEMENT GRANTED HEREBY INCLUDES, WITHOUT LIMITATION, A GRANT OF AUTHORITY TO THE CITY TO ENTER THE PROPERTY FOR THE PURPOSE OF SURVEYING AND INSPECTION; TO CONSTRUCT SUCH IMPROVEMENTS, INCLUDING CHANNELIZATION, EMBANKMENTS, MAINTENANCE ROADS AND OTHER FLOOD CONTROL IMPROVEMENTS DEEMED NECESSARY; TO ENTER THE PROPERTY FOR PURPOSES OF INSPECTING AND MAINTAINING SUCH IMPROVEMENTS AND FOR THE PURPOSES OF ALLOWING AND DRAINAGE AND FLOOD WATER TO ENTER AND FLOW OVER SAID PROPERTY AS WELL AS ANY OTHER USE NOT ENUMERATED HEREIN WHICH IS CONSISTENT WITH THE PURPOSES OF THIS EASEMENT.

○ MONUMENT FOUND, AS NOTED

● SET REBAR & 1-1/2" DIAMETER YELLOW PLASTIC CAP, PLS 37929, TYPICAL UNLESS NOTED OTHERWISE

(C) CALCULATED

(M) MEASURED

**16** LOT NUMBER

(R) RECORD

----- EXISTING RECORD EASEMENT LINE

----- NEW EASEMENT GRANTED BY THIS PLAT (DIMENSIONED IN [ ] BRACKETS)

===== NEW LOT LINE HEREBY CREATED BY THIS PLAT

\_\_\_\_\_ ADJOINING PARCEL OR LOT LINE

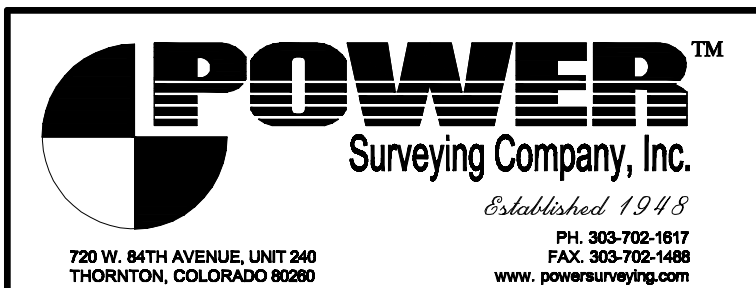
\_\_\_\_\_ CENTER LINE

===== PUBLIC LANDS SURVEY SECTION LINE

===== PLAT BOUNDARY LIMITS

EDGE DATUM:

### PLAN VIEW




TYPE OF SUBMITTAL:	MAJOR SUBD. PLAT
PREPARATION DATE:	JANUARY 14, 2019
REVISION DATE:	
REVISION DATE:	
REVISION DATE:	
JOB NO. 501-18-281	501-18-281.dwg
SHEET 2 OF 2	



No one wished to speak at this time.

## 7. PUBLIC HEARING

- 
- A. **Case No. WS-19-02:** an application filed by John Roach for approval of an 8-lot major subdivision for property zoned Mixed Use-Neighborhood (MU-N) located at 10191 West 38<sup>th</sup> Avenue.

Mr. Cutler gave a short presentation regarding the major subdivision and the application. He entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. He stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner PETERSON asked to have Conditions 2 & 3 of the suggested motion explained and if Staff looks at certain standards.

Mr. Cutler explained that the Subdivision Improvement Agreement (SIA) gets signed after the plat has been approved by City Council and obligates the developer to construct the public improvements such as sidewalk along 38<sup>th</sup> Avenue as well as onsite improvements. He then explained that the lot sale restriction covenant agreement is required by the City for any townhome development and that is an assurance that certain things like a drive access to the lots will be built. Finally he explained that the HOA Covenants is specific to sites to ensure common maintenance areas such as the driveway and drainage area will be maintained.

Commissioner Peterson also asked what the orientation of the duplexes will be.

Mr. Cutler said one building will be on lots 1 & 3, lots 2 & 4, lots 5 & 7 and lots 6 & 8, totaling 4 buildings.

Commissioner SIMBAI asked if parking will be looked at in this subdivision case.

Mr. Cutler answered no that will be a part of the Site Plan.

Commissioner VOS wanted confirmed that there was public noticing for this case.

Mr. Cutler said that Public Hearing signs were posted and neighbors within a 300ft. radius were notified by a mailing.

Commissioner VOS wanted the 3<sup>rd</sup> paragraph of page 3 in the Staff Report explained.

Mr. Brossman said there will be a project on the east side of Kipling to Lena Gulch. He explained Public Works is currently designing that particular area and because this property falls within that project the City will be taking fees in lieu of



some of the required infrastructure for the right-of-way (ROW) improvements because the City is going to be constructing this project as a whole instead of in pieces so there will continuity from beginning to end; the City is still in the design phase currently.

Commissioner VOS asked what is being designed for this project.

Mr. Brossman explained the City is trying to fix the traffic situation at east bound 38<sup>th</sup> Avenue to north bound Kipling Street by adding extra turn lanes which means the infrastructure needs to be completed to the west.

Commissioner VOS asked why there is no park on this site.

Mr. Cutler explained that the site is a little under half an acre and adjacent to the Recreation Center.

Commissioner LEO asked about the easement on Lot 7 being released.

Mr. Brossman explained that the drainage way easement was wider than it needed to be. Lena Gulch was rechanneled in the late 1980's, meaning the channel became smaller, but the easement stayed the same. He said that during discussions with the current Flood Plain Administrator in Public Works it was decided the easement could be reduced to make the land more useable.

Commissioner KERNS asked if the size of the sidewalk.

Mr. Brossman said there will be a 6ft. detached sidewalk with a 6ft. tree lawn with an additional 4ft. of ROW.

Commissioner ANTOL asked if the 6ft. sidewalk is standard for this area or if it should be 8ft.

Mr. Brossman said the standards are different for the different corridors and 6ft. is standard for this corridor.

**Jan Rose, Resident**  
**10221 West 38<sup>th</sup> Avenue**

Ms. Rose explained she is the resident to the west of this subdivision and her concerns are:

- The 50ft buildings potentially blocking her 24 solar panels.
- Her property line and she does not want her fence modified during construction because she has 2 dogs in the back yard.
- Constructions trucks parking in front of her property.

Ms. Rose added that she would like to see her property rights protected.



Commissioner VOS asked about all the trees on the property and if any of them will be saved. She also would like to see a conversation between the two property owners with regards to concerns.

**John Roach, Applicant**  
**10220 West 26<sup>th</sup> Avenue, Lakewood**

Mr. Roach explained there is only one tree on the property next to the current house and maybe one more by the driveway and they will come out to put the units in. The other trees are outside the property line and will not be touched. Mr. Roach added he would like to have good relations with the neighbors and will reach out to Ms. Rose about some of her concerns.

Mr. Cutler then responded to Ms. Rose's concerns with regards to the duplex building height. He said any residential building in the Mixed Use-Neighborhood (MU-N) zone district is limited to 35ft. in height and there is a 20ft. setback for a 3<sup>rd</sup> floor if there is one and a 15ft. setback for the first 2 floors. He added the case tonight is a subdivision and it is a use by right in the MU-N zone district to develop the 8 units. Mr. Cutler explained that there could be more units on this site, but the developer decided to do fewer.

Commissioner PETERSON had concerns about the blocking of Ms. Rose's solar concerns and asked if an expert could look at the solar panel concern.

Commissioner KERNS commented on the solar panels and said they are oriented south and west, there are none oriented southeast or east and due to this orientation a 35ft. building located to the east will not affect the solar exposure.

Commissioner KERNS also commented on the parking lane in front of Ms. Rose's property and said it is a public ROW and it is legal for anyone to park there. However, she can call code enforcement regarding the constant running of the diesel trucks while parked there.

Mr. Brossman added the work in the street should be done soon.

**It was moved by Commissioner LEO and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WS-19-02, a request for approval of a major subdivision on property located at 10191 W. 38<sup>th</sup> Avenue, for the following reasons:**

- 1. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.**
- 2. All agencies can provide services to the property with improvements installed at the developer's expense.**

**With the following conditions:**



1. **Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.**
2. **The developer shall enter into a subdivision improvement agreement and lot sale restriction covenant agreement prior to the recordation of the subdivision plat.**
3. **Prior to issuance of building permits, the developer shall provide homeowner's association covenants for review and approval by staff.**

**Motion carried 7-0.**

- B. Case No. WS-19-03:** an application filed by Redland for approval of a Major Subdivision with right-of-way (ROW) dedication for property zoned Mixed Use-Commercial (MU-C) located at 4331 Vance Street.

Ms. Stevens gave a short presentation regarding the major subdivision and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner PETERSON asked where 43<sup>rd</sup> Avenue terminates.

Ms. Stevens explained that 43<sup>rd</sup> Avenue will connect to an access easement that is currently on the west side of the property which will help the flow of traffic to and from 44<sup>th</sup> Avenue.

Commissioner PETERSON then inquired if there will be a right only from the access easement onto 44<sup>th</sup> Avenue.

Mr. Brossman added that the median on 44<sup>th</sup> Avenue will be elongated to prohibit left turns into and out of the drive.

Commissioner PETERSON also asked about the open space proposed for the north end of the lot 3 project and who can use this.

Ms. Stevens said it is primarily meant to be a park/open space for the Town Center residents in lots 1-3, but others can use it as well.

Commissioner PETERSON said he has concerns about the residents crossing Vance with increased traffic.

Commissioner VOS asked if the only reason to extend 43<sup>rd</sup> Avenue is to have better access to 44<sup>th</sup> Avenue via the access easement. She also inquired who will be paying for the connection.



**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: RESOLUTION NO. 36-2019 – A RESOLUTION APPROVING A MAJOR SUBDIVISION WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED MIXED USE COMMERCIAL (MU-C) LOCATED AT 4331 VANCE STREET (CASE NO. WS-19-03 / TOWN CENTER NORTH SUBDIVISION FILING NO. 3)**


☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☒ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL: ☒ YES

☐ NO

  
Community Development Director

  
City Manager

**ISSUE:**

The applicant is requesting approval of a re-subdivision with right-of-way dedication on property zoned Mixed Use-Commercial and located on the south side of West 44<sup>th</sup> Avenue between Vance Street and Wadsworth Boulevard (4331 Vance Street). The purpose of the proposed plat is to establish a developable lot for multifamily construction as well as dedication of a new public street and publicly accessible (but privately owned) open space.

**PRIOR ACTION:**

Planning Commission reviewed this request at a public hearing held on June 6, 2019 and recommended approval of the major subdivision for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The requirements of Article IV of the zoning and development code have been met.
3. The subdivision will facilitate development of the site in compliance with the approved Concept Plan.



With the following conditions:

1. The revisions requested by the Public Works Department related to labels, notes, and typos shall be addressed prior to the City Council public hearing.
2. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.

The first condition has been addressed by the applicant, and is therefore not included in City Council's recommended motion. Attached are the staff report and draft meeting minutes from the June 6 Planning Commission meeting, as well as the revised plat addressing the previously mentioned condition of approval.

**FINANCIAL IMPACT:**

Fees in the amount of \$1,555 were collected for the review and processing of Case No. WS-19-03. Park land fees in lieu of land dedication were waived as part of the original subdivision approval. Building permit fees and use tax will be required at time of building permit and for all site work and right-of-way permits.

**BACKGROUND:**

*Existing Conditions*

The property is located on the south side of West 44<sup>th</sup> Avenue between Vance Street and Wadsworth Boulevard (4331 Vance Street). The property is zoned Mixed Use-Commercial (MU-C) and is subject to compliance with an existing concept plan entitled Town Center North, which was approved in 2011. This site is the third phase of the overall 7.8-acre Town Center North project. The first and second phase on Lots 1 and 2, immediately to the east of the subject site, contain affordable senior apartments. The subject site is vacant and planned for development of age restricted, market rate apartments. The majority of the surrounding area is zoned MU-C and primarily contain retail and restaurant uses. To the southeast of the development, across 43<sup>rd</sup> Avenue, lies a residential neighborhood zoned R-2.

The Town Center North properties were originally acquired by the City's Urban Renewal Authority in 2008 and 2009, and at the time contained one vacant lot, a large parking lot, an old transmission shop and a large antique store which were demolished in 2010. The Town Center North properties and surrounding sites were rezoned to MU-C and the Town Center North Concept Plan was approved to help advance redevelopment of a priority area within the City in 2010. Phases one and two of the Town Center North project were approved in 2011 and 2014 respectively.

*Proposed Plat*

The primary purpose of this plat is not to reconfigure the lot, but rather to dedicate the public street and create appropriate easements. The lot has been reduced in size to reserve right-of-way dedication that will accommodate the extension of 43<sup>rd</sup> Avenue. The plat dedicates the new street on the south side of the property as Tract A. The dedication width is 56 feet which will accommodate curb and gutter, as well as an attached sidewalk and parallel parking on the north



side. Additionally, a public access easement is shown along the west side of the lot where the existing private access drive will be maintained and upgraded to include an attached sidewalk. A subdivision improvement agreement will be required which will obligate the developer to construct all perimeter and interior improvements. Easements are being proposed to accommodate emergency access and public access on the west side, public access to the open space on the north, and drainage and utilities.

*Publicly Accessible Open Space*

As part of the original subdivision application that was approved in 2011, there was a request for a waiver from the parkland dedication requirement, which was presented to the Parks & Recreation Commission, Planning Commission, and City Council as part of the subdivision approval. As a result, no fees were paid in lieu, but the approval required that 0.15 acres of public open space be designed as part of the project. This obligation has been deferred to the subject property and is provided within a public access easement containing 0.24 acres on the north side of the lot.

**RECOMMENDATIONS:**

A subdivision plat is a technical document and review is a ministerial action. The plat complies with the requirements of the subdivision regulations (Article VII in Chapter 26 of the Municipal Code) and is consistent with the approved Concept Plan. For that reason, staff is recommending approval of the request.

**RECOMMENDED MOTION:**

“I move to approve Resolution No. 36-2019, a resolution approving a major subdivision with right-of-way dedication for property zoned Mixed Use Commercial (MU-C) located at 4331 Vance Street (Case No. WS-19-03/Town Center North Subdivision Filing No. 3), for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.
5. The subdivision will facilitate development of the site in compliance with the approved Town Center North Concept Plan.

With the following condition:

1. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.

Or,



“I move to deny Resolution No. 36-2019, a resolution approving a major subdivision with right-of-way dedication for property zoned Mixed Use Commercial (MU-C) located at 4331 Vance Street (Case No. WS-19-03/Town Center North Subdivision Filing No. 3), for the following reasons:

- 1.
- 2.
3. ”

**REPORT PREPARED/REVIEWED BY:**

Stephanie Stevens, Senior Planner

Scott Cutler, Planner II

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Resolution No. 36-2019
2. Planning Commission Staff Report
3. Planning Commission Draft Meeting Minutes
4. Proposed Plat – Town Center North Subdivision Filing No. 3



**CITY OF WHEAT RIDGE, COLORADO  
RESOLUTION NO. 36  
SERIES OF 2019**

**TITLE: A RESOLUTION APPROVING A MAJOR SUBDIVISION WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED MIXED USE COMMERCIAL (MU-C) LOCATED AT 4331 VANCE STREET (CASE NO. WS-19-03 / TOWN CENTER NORTH SUBDIVISION FILING NO. 3)**

**WHEREAS**, Chapter 26, Article IV of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of Subdivision Plats; and,

**WHEREAS**, an application for a subdivision plat with right-of-way dedication was received from Redland to re-subdivide Lot 1 of the Town Center North Subdivision in the Mixed Use Commercial zone district; and,

**WHEREAS**, all referral agencies have reviewed the request and do not have concerns; and,

**WHEREAS**, all requirements of the zoning code and Subdivision Regulations have been met; and,

**WHEREAS**, the City Council has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, AS FOLLOWS:**

**A MAJOR SUBDIVISION WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED MIXED USE COMMERCIAL (MU-C) LOCATED AT 4331 VANCE STREET (CASE NO. WS-19-03 / TOWN CENTER NORTH SUBDIVISION FILING NO. 3) IS HEREBY APPROVED FOR THE FOLLOWING REASONS:**

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.
5. The subdivision will facilitate development of the site in compliance with the approved Town Center North Concept Plan.

With the following condition:

1. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.



**DONE AND RESOLVED** by the City Council this 24<sup>th</sup> day of June, 2019.

By:

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Bud Starker, Mayor

ATTEST:

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Janelle Shaver, City Clerk



**CITY OF WHEAT RIDGE  
PLANNING DIVISION STAFF REPORT**

**TO:** Planning Commission **MEETING DATE:** June 6, 2019

**CASE MANAGER:** Stephanie Stevens

**CASE NO. & NAME:** WS-19-03 / Town Center North Subdivision Flg. No. 3

**ACTION REQUESTED:** Request for approval of a re-subdivision with right-of-way dedication

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**LOCATION OF REQUEST:** South side of W. 44<sup>th</sup> Avenue between Vance Street and Wadsworth Boulevard (4331 Vance Street)

**APPLICANT (S):** Redland

**OWNER (S):** Tyler Downs, Olive Street Development, LLC

**APPROXIMATE AREA:** 120,877 square feet (2.7750 acres)

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**PRESENT ZONING:** Mixed Use-Commercial (MU-C)  
**PRESENT LAND USE:** Vacant with planned multi-family residential

**ENTER INTO RECORD:**

(X) CASE FILE & PACKET MATERIALS	(X) SUBDIVISION REGULATIONS
(X) ZONING ORDINANCE	(X) DIGITAL PRESENTATION

**Location Map**





## **JURISDICTION:**

All notification and posting requirements have been met; therefore, there is jurisdiction to hear this case.

### **I. REQUEST**

The applicant is requesting approval of a re-subdivision with right-of-way dedication on property zoned Mixed Use-Commercial and located on the south side of West 44<sup>th</sup> Avenue between Vance Street and Wadsworth Boulevard (4331 Vance Street). The purpose of the proposed plat is to establish a developable lot for multifamily construction as well as dedication of a new public street and publicly accessible (but privately owned) open space.

This application constitutes a re-subdivision of Lot 3, Town Center North Subdivision, to be known as Lot 1, Town Center North Subdivision Filing No. 3, which is currently vacant land. Staff is currently in process of reviewing a concurrent site plan which proposes a 4-story, 140-unit apartment building on the subject site. This project represents the third and final phase of the Town Center North development located immediately to the east, of which the previous phases one and two site plans were approved in 2011 and 2014 respectively.

Because of right-of-way dedication of a new public street, the application is being processed as a major subdivision. This requires Planning Commission to make a recommendation to City Council who is the final authority for approval.

### **II. EXISTING CONDITIONS**

The property is located on the south side of West 44<sup>th</sup> Avenue between Vance Street and Wadsworth Boulevard (4331 Vance Street) (*Exhibit 1, Aerial*). The property is zoned Mixed Use-Commercial (MU-C) and is subject to compliance with an existing concept plan entitled Town Center North, which was approved in 2011. This site is the third phase of the overall 7.8-acre Town Center North project. The first and second phase on Lots 1 and 2, immediately to the east of the subject site, contain affordable senior apartments. The subject site is vacant and planned for development of age restricted, market rate apartments. The majority of the surrounding area is zoned MU-C and primarily contain retail and restaurant uses (*Exhibit 2, Zoning*). To the southeast of the development, across 43<sup>rd</sup> Avenue, lies a residential neighborhood zoned R-2.

The Town Center North properties were originally acquired by the City's Urban Renewal Authority in 2008 and 2009, and at the time contained one vacant lot, a large parking lot, an old transmission shop and a large antique store which were demolished in 2010. A brief history of development approvals since the time the City's Urban Renewal Authority acquired the property is outlined as follows:

- In 2010, the Town Center North properties and surrounding sites were rezoned to MU-C to help advance redevelopment of a priority area within the City.
- In 2011, the Town Center North property was subdivided into 3 lots known as Town Center North Subdivision. A concept plan and site plan were approved which allowed for development of the first phase of the project, an 88-unit senior apartment building on Lot 2 (directly east of subject site).



- In 2014, a concept plan amendment, subdivision plat, and site plan were approved which allowed for development of the second phase of the project, a 50-unit senior apartment building on Lot 1 (northeast of subject site).

### **III. PROPOSED SUBDIVISION PLAT**

#### *Plat Document*

The current application is called Town Center North Subdivision Filing No. 3 and is considered a replat of Lot 3, Town Center North Subdivision which was originally approved in 2011.

The proposed plat document consists of two sheets. The first sheet includes a legal description of the property; signature blocks for the owner, City, surveyor and County; and standard declarations and notes. The second sheet includes the proposed lot layout, including lot lines, tracts, and easements (*Exhibit 3, Proposed Plat – Town Center North Subdivision Filing No. 3*).

#### *Lot Configuration*

There is no change to the total number of lots in the project. The lot has been reduced in size to reserve right-of-way dedication that will accommodate the extension of 43<sup>rd</sup> Avenue. The primary purpose of this plat is not to reconfigure the lot, but rather to dedicate the public street and create appropriate easements.

#### *Public Improvements*

Since the original concept plan, the project area has anticipated the extension of W. 43<sup>rd</sup> Drive. The plat dedicates the new street on the south side of the property as Tract A. Note 1 on the cover sheet clarifies the purpose of Tract A as dedication of right-of-way (extending 43<sup>rd</sup> Avenue). The dedication width is 56 feet which will accommodate curb and gutter, as well as an attached sidewalk and parallel parking on the north side. Additionally, a public access easement is shown along the west side of the lot where the existing private access drive will be maintained and upgraded to include an attached sidewalk. A subdivision improvement agreement will be required which will obligate the developer to construct all perimeter and interior improvements.

#### *Publicly Accessible Open Space*

The original 2011 subdivision for this lot and the adjacent senior apartments pre-dates the City's updates to the parkland dedication requirements. At the time, there was substantially more discretion and inconsistency in how the parkland dedication requirement was applied.

As part of the original subdivision application, there was a request for a waiver from the parkland dedication requirement, which was presented to the Parks & Recreation Commission, Planning Commission, and City Council as part of the subdivision approval. As a result, no fees were paid in lieu, but the approval required that 0.15 acres of public open space be designed as part of the project. This obligation has been deferred to the subject property and is provided within a public access easement on the north side of the lot. The open space is required to be publicly accessible, and Note 2.A on the cover sheet establishes this access. It will be designed to include sitting areas and walking paths available to the residents of the three apartment buildings, nearby employees and the general public.



### *Drainage*

This application does not modify the design of the drainage system, in which stormwater will be detained via the existing shared underground drainage system on Lot 1 of the Town Center North Subdivision. That system was previously designed to accommodate the additional impervious surface contemplated for the subject property.

### *Easements*

Easements being proposed to change with the subject plat include:

- A 27.5' emergency access easement is proposed along the existing ingress and egress easement the borders the site on the west side, to provide for fire access and public access.
- A public access easement containing 0.2397 acres is proposed along the north property line to fulfill park land dedication requirements for the overall subdivision in compliance with the Town Center North concept plan of record.
- A 15' drainage easement is proposed on the norther portion of the site to house the storm sewer pipe.
- An existing 5' utility and drainage easement along the southern property boundary is proposed to be abolished; utilities and drainage infrastructure will be accommodated within the proposed right-of-way.

No other easements for the site have changed as part of this application.

## **IV. AGENCY REFERRALS**

As part of the preceding land use case applications, the project had been referred to all affected service agencies and the applicant is actively working with all agencies. Because the lot line adjustments do not represent a fundamental change in the nature of the development or agencies' ability to serve the project, the updated plat was sent on a limited referral. Referral responses include the following:

**Wheat Ridge Public Works:** The plat has been reviewed and is approvable pending a few minor revisions related to labels, notes, and typos; this is included as a condition of approval.

**Wheat Ridge Building Division:** No objections to the proposed subdivision modifications.

**Wheat Ridge Police Department:** No objections to the proposed subdivision modifications.

**Wheat Ridge Urban Renewal Authority:** No objections to the proposed subdivision modifications, and finds this development does not conflict with the Wadsworth Corridor Urban Renewal Plan.

**West Metro Fire Protection District:** No objections to proposed subdivision modifications. Noted requirements for continued coordination during plan review and development.

**Xcel Energy:** No objections to proposed subdivision modifications. Noted requirements for continued coordination during utility design and development.

**Century Link:** No objections to proposed subdivision modifications.



**Wheat Ridge Sanitation District:** No objections to proposed subdivision modifications.  
Noted requirements for continued coordination during utility design and development.

No comments were received from Wheat Ridge Parks and Recreation, Wheat Ridge Water District, or Comcast. Referral recipients are advised that no comment received indicates having no objections or concerns regarding the proposal.

## **V. STAFF CONCLUSIONS AND RECOMMENDATIONS**

Staff concludes that the proposed subdivision plat results in a logical lot layout for the proposed future development. Staff further concludes that the subdivision plat complies with the standards in Article IV of the zoning and development code (subdivision regulations) and that all utility agencies can serve the property with improvements installed at the developer's expense. For these reasons, staff recommends approval of the subdivision plat with the conditions listed below.

## **VI. SUGGESTED MOTIONS**

Option A: "I move to recommend APPROVAL of Case No. WS-19-03, a request for approval of a re-subdivision with right-of-way dedication on property zoned Mixed Use-Commercial (MU-C) and located at 4331 Vance Street, for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The requirements of Article IV of the zoning and development code have been met.
3. The subdivision will facilitate development of the site in compliance with the approved Concept Plan.

With the following condition:

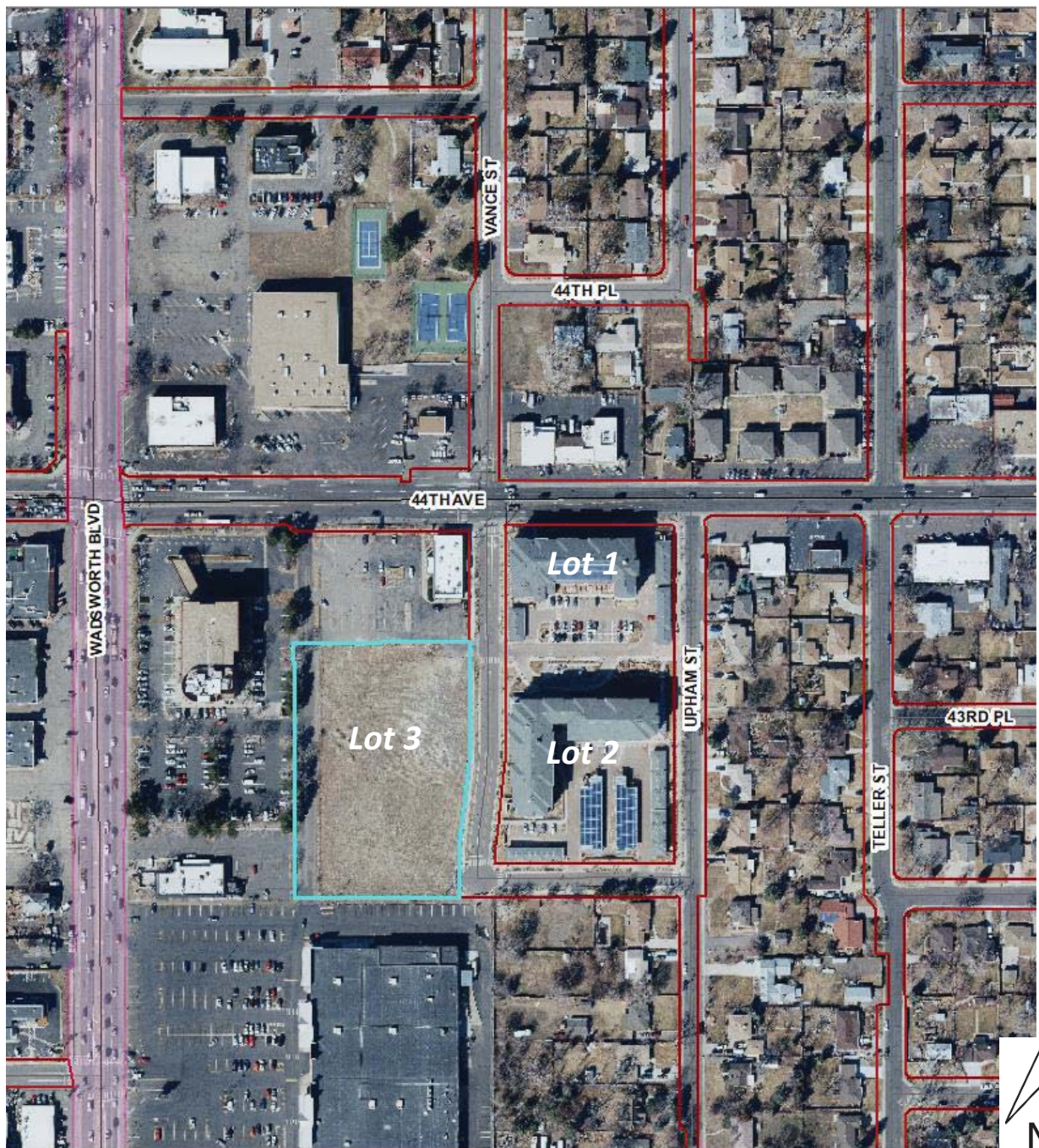
1. The revisions requested by the Public Works Department related to labels, notes, and typos shall be addressed prior to the City Council public hearing.
2. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.

Option B: "I move to recommend DENIAL of Case No. WS-19-03, a request for approval of a re-subdivision with right-of-way dedication on property zoned Mixed Use-Commercial (MU-C) and on the south side of West 44th Avenue between Vance Street and Wadsworth Boulevard (4331 Vance Street), for the following reasons:

- 1.
2. ..."



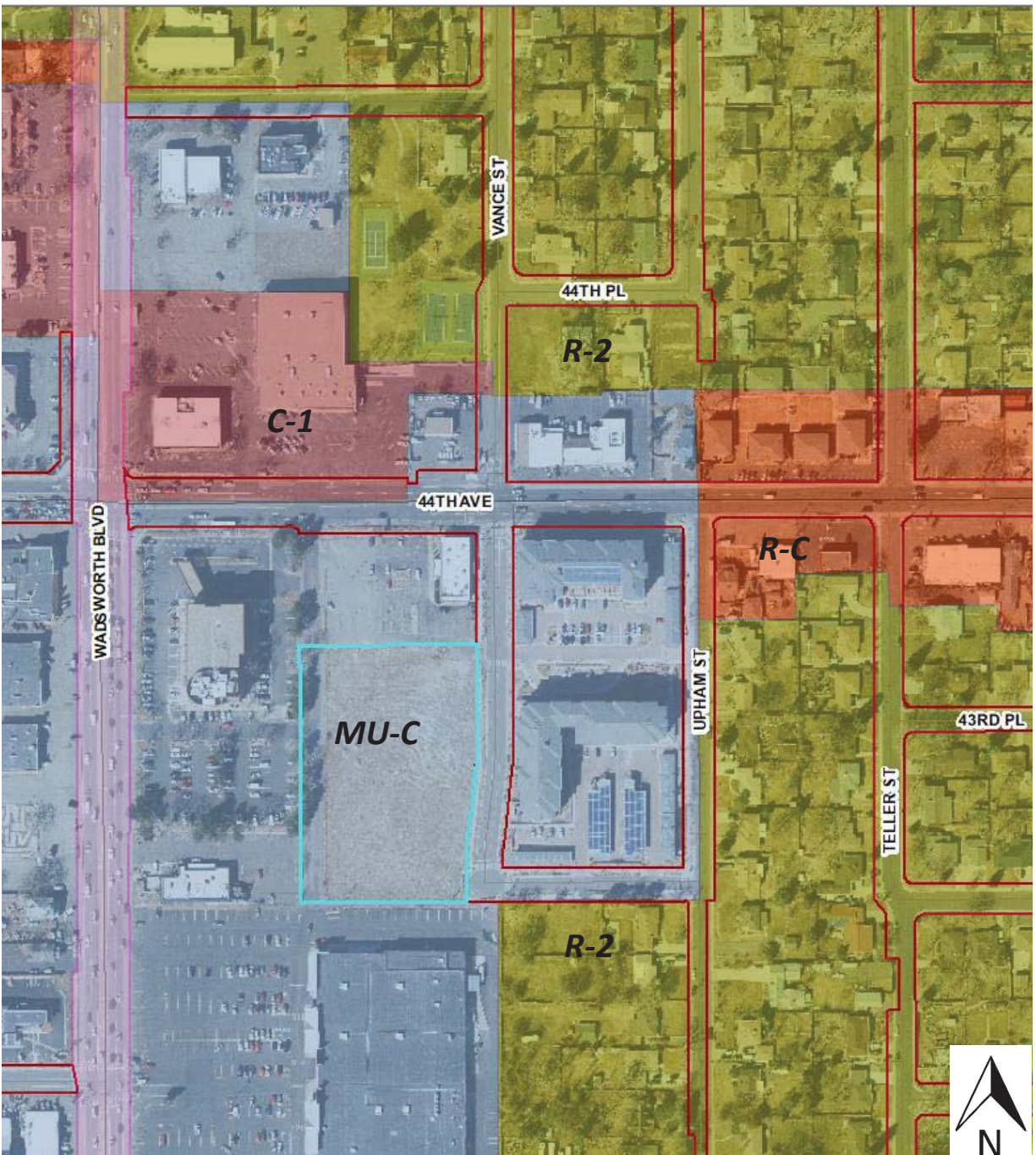
# EXHIBIT 1: AERIAL



The subject site is outlined in blue.



## EXHIBIT 2: ZONING MAP



The subject site is outlined in blue.



# **EXHIBIT 3: PROPOSED PLAT – TOWN CENTER NORTH SUBDIVISION FILING NO. 3**

[see attached]

EXHIBIT 3 OF THE PLANNING COMMISSION STAFF REPORT HAS  
BEEN INTENTIONALLY REMOVED FROM THE COUNCIL ACTION FORM.  
A REVISED PLAT IS PROVIDED AS A SEPARATE ATTACHMENT.



1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a subdivision improvement agreement and lot sale restriction covenant agreement prior to the recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowner's association covenants for review and approval by staff.

Motion carried 7-0.

- B. **Case No. WS-19-03:** an application filed by Redland for approval of a Major Subdivision with right-of-way (ROW) dedication for property zoned Mixed Use-Commercial (MU-C) located at 4331 Vance Street.

Ms. Stevens gave a short presentation regarding the major subdivision and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner PETERSON asked where 43<sup>rd</sup> Avenue terminates.

Ms. Stevens explained that 43<sup>rd</sup> Avenue will connect to an access easement that is currently on the west side of the property which will help the flow of traffic to and from 44<sup>th</sup> Avenue.

Commissioner PETERSON then inquired if there will be a right only from the access easement onto 44<sup>th</sup> Avenue.

Mr. Brossman added that the median on 44<sup>th</sup> Avenue will be elongated to prohibit left turns into and out of the drive.

Commissioner PETERSON also asked about the open space proposed for the north end of the lot 3 project and who can use this.

Ms. Stevens said it is primarily meant to be a park/open space for the Town Center residents in lots 1-3, but others can use it as well.

Commissioner PETERSON said he has concerns about the residents crossing Vance with increased traffic.

Commissioner VOS asked if the only reason to extend 43<sup>rd</sup> Avenue is to have better access to 44<sup>th</sup> Avenue via the access easement. She also inquired who will be paying for the connection.



Mr. Brossman explained it is part of a logical transportation network and if for some reason the restaurant to the west were to ever redevelop or go away, then 43<sup>rd</sup> could go straight through to Wadsworth Blvd, but this is something CDOT would have to approve also. He added the developer will be paying for the 43<sup>rd</sup> Avenue connection.

Commissioner VOS then asked about the entry into the building and which direction it will face and if the access easement will be improved.

Ms. Stevens said that there will be an internal parking garage and the building wraps on all 4 sides along with entries on all 4 sides of the building. She added that the access easement will be improved to street standards.

Commissioner LEO asked if this is still owned by the City's Urban Renewal Authority.

Ms. Stevens confirmed it was until it was economically viable and then handed to the developer and is still a part of the Wadsworth Urban Renewal area.

Commissioner PETERSON he has concerns about the access easement becoming a shortcut through the Big Lots parking lot.

Ms. Stevens said this is being looked at to mitigate, but parking lots are public and can be driven through.

Commissioner VOS asked the applicant if he wanted 43<sup>rd</sup> extension or the City.

**Tyler Downs, Applicant  
1801 Broadway, Denver**

Mr. Downs explained the extension of 43<sup>rd</sup> Avenue was a request by the City and is fine with it to complete the transportation grid.

Commissioner VOS asked about the orientation of the doors to the apartments, how many stories the building will be and if there will be any retail.

Mr. Downs explained the apartment will be accessed from common hallways indoors; the buildings are 4 stories same as the other 2 buildings and while it was explored, there will not be any retail.

**It was moved by Commissioner KERNS and seconded by Commissioner LEO to recommend APPROVAL of Case No. WS-19-03, a request for approval of a re-subdivision with right-of-way dedication on property zoned Mixed Use-Commercial (MU-C) and located at 4331 Vance Street, for the following reasons:**



1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The requirements of Article IV of the zoning and development code have been met.
3. The subdivision will facilitate development of the site in compliance with the approved Concept Plan.

With the following conditions:

1. The revisions requested by the Public Works Department related to labels, notes, and typos shall be addressed prior to the City Council public hearing.
2. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.

Motion carried 7-0.

- C. **Case No. WS-19-01:** an application filed by Riverside Terrace, LLC for approval of a major subdivision for property zoned Residential-Three (R-3) to allow for 18 single-family townhome units located at 11661 West 44<sup>th</sup> Avenue.

Mr. Cutler gave a short presentation regarding the major subdivision and the application. He entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. He stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner PETERSON asked what the cross access drive would look like with respect to the property to the northwest.

Mr. Cutler explained that the upper Tract C will make the connection between this property and the property to the northwest; the City would request that there be a continuous drive and sidewalk connection, if the adjacent property moves forward.

Commissioner PETERSON asked what Tract C will look like if the property to the northwest does not move forward.

Mr. Cutler said that the Arvada Fire District would require a fire truck turn around and there would be a permanent easement put in which would be a separate recorded agreement.

Commissioner SIMBAI asked when the outbuildings were demolished in 2019 and who will be responsible for the streetlights.



# TOWN CENTER NORTH SUBDIVISION FILING NO. 3

A REPLAT OF LOT 3, TOWN CENTER NORTH SUBDIVISION,  
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON,  
STATE OF COLORADO  
SHEET 1 OF 2

## OWNER'S CERTIFICATE

WE, OLIVE STREET DEVELOPMENT CO LLC, BEING THE OWNERS OF REAL PROPERTY CONTAINING 2.7750 ACRES DESCRIBED AS FOLLOWS:

LOT 3, TOWN CENTER NORTH SUBDIVISION, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, RECORDED NOVEMBER 7, 2011 AT RECEPTION NO. 2011100989.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED INTO A LOT AND TRACTS UNDER THE NAME AND STYLE OF TOWN CENTER NORTH SUBDIVISION FILING NO. 3, A SUBDIVISION OF A PART OF THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIALLY OWNED AND/OR MUNICIALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORM WATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

BY: OLIVE STREET DEVELOPMENT CO, LLC, A COLORADO LIMITED LIABILITY COMPANY  
BY: WAZEE PARTNERS, WRCA, LLC, A COLORADO LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: TYLER DOWNS, AS MANAGER

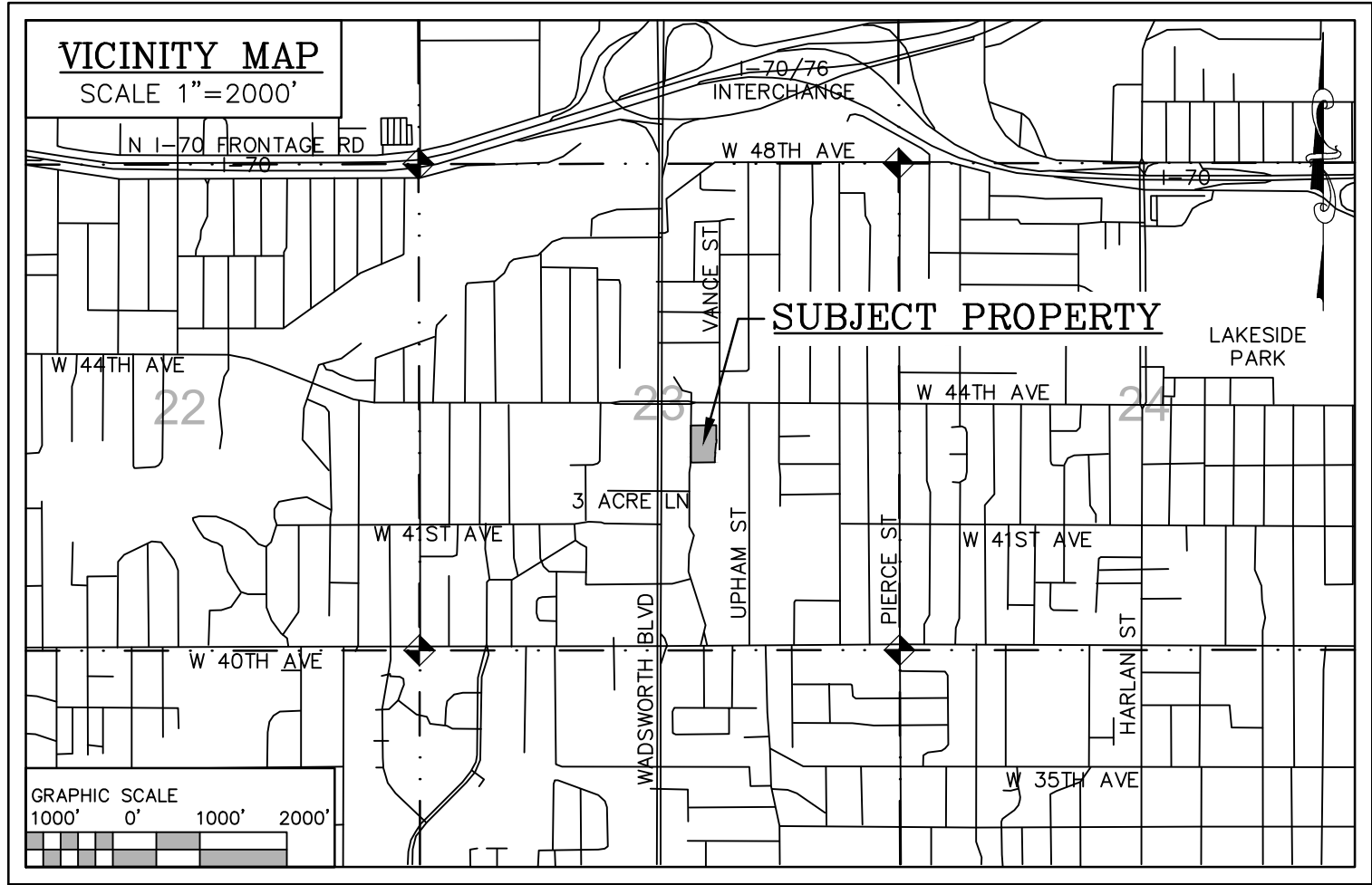
STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC \_\_\_\_\_



## GENERAL NOTES

- TRACT A, CONTAINING 15,325 SQUARE FEET, OR 0.3518 ACRES, MORE OR LESS, IS HEREBY DEDICATED TO THE CITY OF WHEAT RIDGE AS PUBLIC RIGHT-OF-WAY.
- EASEMENTS:
  - PUBLIC OPEN SPACE IS PROVIDED IN ACCORDANCE WITH TOWN CENTER NORTH CONCEPT PLAN, ON RECORD AT RECEPTION NO. 2014094015, INCLUDING A 0.15 ACRE PUBLIC OPEN SPACE CONTAINING A PUBLIC ACCESS EASEMENT ON SUBJECT LOT 1, TOWN CENTER NORTH SUBDIVISION FILING NO. 3 (PREVIOUSLY LOT 3, TOWN CENTER NORTH SUBDIVISION).
  - ALL NEWLY PROPOSED EASEMENTS GRANTED BY THIS REPLAT ARE IDENTIFIED AS "HEREBY GRANTED" AND ARE DESCRIBED ON SHEET 2 OF THIS REPLAT.
  - ALL EXISTING EASEMENTS TO REMAIN ON THIS REPLAT ARE IDENTIFIED AS "TO REMAIN" AND ARE DESCRIBED ON SHEET 2 OF THIS REPLAT.
  - EXISTING 5' DRAINAGE AND UTILITY EASEMENTS, RECEPTION NO. 2011100989, SHOWN ON THIS REPLAT WERE GRANTED FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION CABLE, DRAINAGE AND TELECOMMUNICATIONS FACILITIES. UTILITIES SHALL ALSO BE PERMITTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES AND WATER METERS SHALL NOT BE ALLOWED WITHIN SAID UTILITY EASEMENTS.
  - PROPERTY SUBJECT TO DRAINAGE EASEMENT CONTAINING 5,695 SQUARE FEET, OR 0.1307 ACRES, MORE OR LESS, CREATED FOR THE PURPOSES OF ACCESS, INSTALLATION, AND MAINTENANCE OF DRAINAGE UTILITIES AND STRUCTURES BY THIS PLAT.
  - PER COLORADO REVISED STATUTES SEC. 38-51-106(L), ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37 DIVIDED BY 12 U.S. SURVEY FEET ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
  - ZONING: SUBJECT PROPERTY ZONED MU-C (MIXED USE COMMERCIAL), PER CITY OF WHEAT RIDGE OFFICIAL ZONING MAP OBTAINED FROM CITY OF WHEAT RIDGE PLANNING AND DEVELOPMENT SERVICES. SEE CITY OF WHEAT RIDGE MIXED USE COMMERCIAL ZONE DISTRICT HANDOUT FOR ZONING RESTRICTIONS AND REQUIREMENTS.
  - BENCHMARK: CITY OF WHEAT RIDGE PERMANENT HIGH ACCURACY CONTROL POINT "PHAC 3" A FOUND 9/16" Ø STAINLESS STEEL ROD LOCATED NEAR THE INTERSECTION OF VANCE STREET AND W 45TH AVENUE.  
CITY OF WHEAT RIDGE DATUM ELEVATION: 5388.09
  - BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN AS EVIDENCED BY THE CENTER QUARTER CORNER OF SECTION 23, A 3.25" BRASS CAP STAMPED "LS 13212" IN BOX FROM WHENCE THE EAST QUARTER CORNER OF SAID SECTION, A 3.25" BRASS CAP STAMPED "LS 13212" IN BOX BEARS N89°41'34"E A DISTANCE OF 2627.84 FEET PER THE CITY OF WHEAT RIDGE, COLORADO RECORDS. THE TOWN CENTER NORTH SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2011100989 OF THE RECORDS OF JEFFERSON COUNTY, SHOWS THE RELATIONSHIP THE BASIS OF BEARINGS HAS TO THIS PROPERTY.

## CITY DATUM

A. THE CURRENT CITY DATUM COORDINATE SYSTEM USED IS A GROUND-BASED MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502.

B. VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

C. GROUND TO GRID COMBINED SCALE FACTOR IS 0.99974780300, SCALED FROM BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 STATE PLANE COORDINATES: PHAC 1: NORTHING: 1701258.75, EASTING: 3118217.58, ELEVATION: 5471.62.

## STATEMENT OF ACCURACY

THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM, AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE (FGDC-STD-007.2-1998).

## CITY CERTIFICATION

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ BY THE CITY OF WHEAT RIDGE.

ATTEST

CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_

DIRECTOR OF PUBLIC WORKS \_\_\_\_\_

## PLANNING COMMISSION CERTIFICATION

RECOMMENDED FOR APPROVAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ BY THE WHEAT RIDGE PLANNING COMMISSION.

CHAIRPERSON \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I, JEFFREY J. MACKENNA DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF TOWN CENTER NORTH SUBDIVISION FILING NO. 3 WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENTS SAID SURVEY.

SIGNATURE \_\_\_\_\_

## CLERK AND RECORDER'S CERTIFICATE

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

JEFFERSON COUNTY CLERK AND RECORDER \_\_\_\_\_

BY: DEPUTY CLERK \_\_\_\_\_

SITE DATA		
AREA	SQ. FT.	ACRES
GROSS	120,877	2.7750
RIGHT-OF-WAY	15,325	0.3518
NET	105,552	2.4232

## ENGINEER

REDLAND  
ATTN: TRAVIS FRAZIER  
1500 WEST CANAL COURT  
LITTLETON, CO 80120  
(720)829-6783

## ARCHITECT

KEPHART  
ATTN: DOUG VAN LERBERGHE  
2555 WALNUT STREET  
DENVER, CO 80205  
(303)832-4474

## SURVEYOR


FALCON SURVEYING, INC.  
ATTN: JEFFREY MACKENNA  
9940 W 25TH AVENUE  
LAKEWOOD, CO 80215  
(303)202-1560

SHEET INDEX	
DESCRIPTION	SHEET NO.
COVER SHEET	1
PLAN VIEW	2

## CASE HISTORY

WS-19-03, WSP-19-01, WCP-14-02,  
MS-14-05, WSP-14-03, WSP-13-01,  
WCP-13-01, MS-11-02, WCP-11-01,  
WSP-11-01, WZ-10-07, MS-82-09,  
MS-81-09, MS-81-19, WZ-77-22

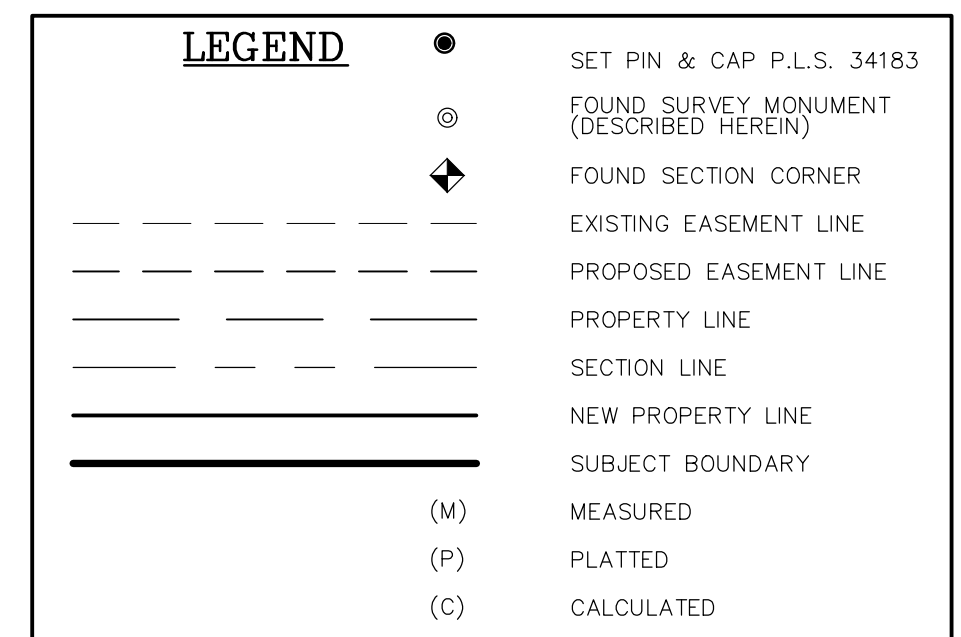
## COVER SHEET

	9940 WEST 25TH AVENUE LAKEWOOD, CO 80215 303-202-1560 WWW.FALCONSURVEYING.COM	
	DATE: 06/10/19	REV:
	REV:	REV:
	DRAWN BY: SLE	CHK'D BY: JLM
DATE OF FIELD SURVEY: 01/17/19		JOB NO. 190104 190104_MSP.DWG


# ATTACHMENT 4



A REPLAT OF LOT 3, TOWN CENTER NORTH SUBDIVISION,  
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON,  
STATE OF COLORADO

[illegible]

( IN US SURVEY FEET )  
1 inch = 30 ft.

	9940 WEST 25TH AVENUE LAKEWOOD, CO 80215 303-202-1560 WWW.FALCONSURVEYING.COM	
	DATE: 06/10/19	REV:
	REV:	REV:
	DRAWN BY: SLE      CHK'D BY: JYM      JOB NO. 190104 DATE OF FIELD SURVEY: 01/17/19      190104_MSP.DWG	

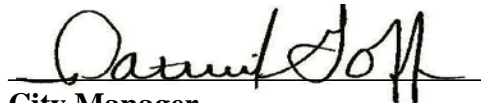


**REQUEST FOR CITY COUNCIL ACTION****TITLE: RESOLUTION 37-2019 - A RESOLUTION APPROVING THE SERVICE PLAN FOR THE RIDGETOP VILLAGE METROPOLITAN DISTRICT**

- ☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☒ RESOLUTIONS

- ☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL:

☐ YES☒ NO**City Attorney****City Manager****ISSUE:**

City Council is asked to approve the service plan for the Ridgetop Village Metropolitan District, a taxing district to be used to finance certain improvements for a residential development. Service plan approval is the means by which the City oversees the creation of such districts, which are ultimately approved for formation by the district court.

**PRIOR ACTION:**

The Council received a presentation from legal counsel for the project developer at a study session on June 3, 2019, during which the legal counsel described the purposes for creation of the district.

**FINANCIAL IMPACT:**

No financial impacts on the City. The District would be authorized to impose a mill levy on the properties within the District for the purpose of supporting bonds for construction of improvements and for the purpose of maintaining them.

**BACKGROUND:**

On May 13, 2019, City Council approved a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 4000 to



4066 Upham Street for a 38-unit townhome project. The City received a draft Service Plan for the Ridgetop Metropolitan District on March 26, 2019.

The proposed Service Plan describes and sets forth those powers and authorities the District shall have as allowed by Colorado law. The exercise of such powers, however, will at all times be governed by and subject to the terms of a City IGA. State law allows local governments to exert significant control over the organization and operation of special districts. The service plan approval process is the key to exercising that control.

Metropolitan districts in Colorado are a common tool for financing the public infrastructure portion of development projects. All special districts in Colorado organized under Title 32 of the Colorado Revised Statutes (C.R.S.) are required to file a service plan with the city council of the municipality in which the district is proposed. The purpose of the District is to provide public infrastructure improvements within and without the Property. The District will acquire and/or design, finance, construct and install public improvements for the use and benefit of the residents and taxpayers located within the boundaries of the District.

**RECOMMENDATION:**

Staff recommends approval of the resolution.

**RECOMMENDED MOTION:**

“I move to approve Resolution No. 37-2019, a resolution approving the Service Plan for the Ridgetop Village Metropolitan District.”

Or,

“I move to postpone indefinitely Resolution No. 37-2019, a resolution approving the Service Plan for the Ridgetop Village Metropolitan District, for the following reason(s):  
\_\_\_\_\_”

**REPORT PREPARED BY:**

Gerald Dahl, City Attorney

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Resolution 37-2019
2. Service Plan for Ridgetop Village Metropolitan District



**CITY OF WHEAT RIDGE, COLORADO**  
**RESOLUTION NO. 37**  
**Series of 2019**

**TITLE: A RESOLUTION APPROVING THE SERVICE PLAN FOR  
THE RIDGETOP VILLAGE METROPOLITAN DISTRICT**

**WHEREAS**, the Ridgetop Village Metropolitan District (“District”) is being organized pursuant to the Colorado Special District Act §§ 32-1-101, *et seq.*, C.R.S.; and

**WHEREAS**, the District has submitted the District’s Service Plan for City Council approval (the “Service Plan”), a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference; and

**WHEREAS**, the Service Plan provides for the District’s provision and financing of public improvements and services for the development of a residential project within the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Wheat Ridge, Colorado, as follows:

- 1) The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City.
- 2) The City further finds and determines that all applicable requirements of §§ 32-1-202(2), 32-1-203(2) and 32-1-204.5, C.R.S. relating to the submittal and requirements of the Service Plan and the consideration thereof by the City, have been met.
- 3) Based upon the Service Plan, the City hereby determines as follows:
  - a) The Service Plan meets the requirements of § 32-1-202(2), C.R.S. regarding the contents thereof.
  - b) The Service Plan meets the requirements of § 32-1-203(2) as follows:
    - i) The Service Plan demonstrates a sufficient existing and projected need for service in the area to be serviced by the District.
    - ii) Without the District, the existing service in the area is inadequate to serve the services proposed to be provided within the District’s boundaries.
    - iii) The District is capable of providing economical and sufficient service to the area within its proposed boundaries.
    - iv) The area included within the District’s boundaries and financing mechanisms contemplated in the Service Plan have, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.



- 4) Pursuant to § 32-1-204.5(1), C.R.S., the City does hereby approve the Service Plan as submitted to the City on March 26, 2019.
- 5) A certified copy of this Resolution shall be attached to the Service Plan as Exhibit E, filed in the records of the City, and the Petition for Organization of the District shall be required to comply with all other filings required by law.
- 6) All resolutions or parts thereof in conflict with the provisions hereof shall be and the same are hereby repealed.

**DONE AND RESOLVED** this 24<sup>th</sup> day of June, 2019.

By: \_\_\_\_\_  
Bud Starker, Mayor

ATTEST:

\_\_\_\_\_  
Janelle, Shaver, City Clerk



**SERVICE PLAN FOR  
RIDGETOP VILLAGE METROPOLITAN DISTRICT  
City of Wheat Ridge, Colorado**

**Prepared by:**

**Spencer Fane LLP**

**1700 Lincoln Street, Suite 2000**

**Denver, Colorado 80203**

**Submitted: March 26, 2019**



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## **I. INTRODUCTION**

### **A. Overview.**

This Service Plan ("Service Plan"), submitted in accordance with Part 2 of the Special District Act (Section 3-2-1-201, et seq., C.R.S.), sets forth a proposal for the formation of the Ridgetop Village Metropolitan District ("District"), which is intended to serve 38 units at 4000 Upham Street located entirely within the City of Wheat Ridge, Colorado (the "Development"). The developer of the project and proponent of the District is Upham Partners, LLC (the "Proponent" or "Developer"). The property within the Development and the District is owned 100% by the Proponent. The Development will be developed pursuant to such land use submittals approved by the City of Wheat Ridge (the "City").

The District may authorize bonded and other indebtedness to finance a portion of the infrastructure necessary to develop the property located within its boundaries. The basic charge of the District is to provide services and improvements in place of a homeowners association and facilitate the same through the issuance of debt to fund the construction, operations, and maintenance of the public services and facilities to be constructed and managed by the District.

### **B. District Services.**

The District will construct, acquire, own and operate public services and facilities for the Development, not otherwise dedicated to other appropriate service entities, as more specifically set forth in this Service Plan. The District will also fund and provide metropolitan district services along with covenant enforcement.

### **C. Configuration and Boundaries.**

The District boundaries will include approximately 1.8 acres. A legal description of the boundaries of the District and a map depicting the boundaries are attached as Exhibit A. At build-out, it is anticipated that the District may contain up to approximately 38 residential units within the Development. Projections and phasing for the Development are more particularly set forth in Exhibit B, the Financial Plan attached to this Service Plan. The projected population at full build-out is 76 persons (assuming 38 units and 2.0 person average occupancy per residential unit of development.)

Areas outside of the District may be included within the District's boundaries upon petition by the owners of said properties. Changes in boundaries shall be made only in compliance with the Special District Act. The area within the District is currently undeveloped and the current population of the District is zero. At build-out of the Development, the expected assessed valuation is estimated at \$2,150,858.



**D. Existing Services and Districts.**

There are currently no other entities in existence in the Development which have the ability or desire to undertake the design, financing, construction, operation and maintenance of the improvements designated herein which are needed for the Development. It is also the Proponent's understanding that the City does not consider it feasible or practicable to provide the necessary services and facilities for the Development.

**E. General Financial Information and Assumptions.**

For purposes of this Service Plan the current assessed valuation of all taxable property within the boundaries of the District is assumed to be \$0.

The anticipated costs of improvements necessary to provide access to and appropriate public services within the Development are estimated in Exhibit C. Costs are shown for each general category of improvements. As referenced in Exhibit D, the improvements are currently anticipated to be constructed in 2019-2020. The construction of the improvements will depend largely on final development approvals and market conditions.

The District may obtain financing for the capital improvements needed for the Development through the issuance of general obligation bonds or other debt instruments. General obligation debt will be payable from revenues derived from ad valorem property taxes and from other sources. The preliminary financial forecasts for the District are contained in the Financial Plan. The Financial Plan demonstrates one method which might be used by the District to finance the cost of infrastructure. At the time bonds or other debt instruments are proposed to be issued, alternative financial plans may be employed and be utilized by the District. The figures contained herein depicting costs of infrastructure and operations will not constitute legal limits on the financial powers of the District; provided, however, the District shall not be permitted to issue bonds which are not in compliance with the bond registration and issuance requirements of Colorado law.

**F. Consultants.**

The assumptions contained within this Service Plan were derived from a variety of sources. Information regarding the present status of property within the District, as well as the current status and projected future level of services, was obtained from the Proponent. Legal advice in the preparation of this Service Plan was provided by Spencer Fane LLP, which represents numerous special District throughout Colorado. Financial recommendations and advice in the preparation of the Service Plan were provided by the Developer with the assistance of RBC Capital Markets.

**Consultant Contact Information:**

Legal: Spencer Fane LLP  
1700 Lincoln Street, Suite 2000 Denver, CO 80203  
(303) 839-3800  
(303) 839-3838 Fax



Attn: Russ Dykstra, Esq.

Financial: RBC Capital Markets, LLC  
1801 California Street, Suite 3850  
Denver, Colorado 80202  
Attn: Michael Persichitte

Engineering: Brightlighter Engineering  
3253 N. Gaylord Street, Denver, CO 80205  
(720) 504-8629

## **II. DESCRIPTION OF PLANNED DEVELOPMENT**

### **A. General.**

The Development is projected to contain approximately 38 residential units. The District is necessary to facilitate public infrastructure for the Development.

### **B. Vicinity.**

The District is located in the north-western portion of the Denver metropolitan area, in the City of Wheat Ridge, Jefferson County, Colorado. The District lies at 4000 Upham Street.

## **III. DESCRIPTION OF PROPOSED METROPOLITAN DISTRICT SERVICES**

### **A. Need for the District.**

The property contained within the boundaries of the District presently consists of undeveloped land. It is anticipated that such property will see development and construction activity in the near future pursuant to the development standards of the City. The District is an integral tool in providing the necessary public infrastructure.

### **B. General Service Authority.**

In addition to the statutory powers given to the District as set forth in Title 32, C.R.S., the District will have the power and authority to provide the services listed below. The specific improvements identified by the District as capital construction items will depend on the financial ability of the District, but any one or a number of the improvements described below may be constructed by the District, either within or outside the boundaries of the District. It is intended, in any event, that the District will operate and maintain all facilities not dedicated to or owned by the City or other appropriate jurisdiction or governmental entity. Improvements will only be dedicated or otherwise made the responsibility of other entities in accordance with the City approved development plans for the project, compliance with applicable standards and acceptance by such entities.



**(1) Sanitation and Storm Drainage.**

The District shall have the authority to design, acquire, install, construct, operate and maintain storm or sanitary sewers, or both, flood and surface drainage improvements including but not limited to water quality ponds and other storm water facilities, culverts, dams, retaining walls, access ways, inlets, detention ponds and paving, roadside swales and curb and gutter, treatment and disposal works and facilities, and all necessary or proper equipment and appurtenances incident thereto, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements to said facilities or systems. Sanitary sewer infrastructure installed or constructed by the District will be dedicated to the City or other appropriate entity for ownership and maintenance. All sanitary sewer improvements shall be constructed in accordance with the rules, regulations and policies of the City. The District shall not allow for any connections to the sanitary sewer improvements nor shall they collect tap fees, service charges, permit fees or other fees for sanitary sewer service(s) provided by the City or other applicable entity. The sanitary sewer powers of the District shall be limited to the financing and construction of sanitary sewer improvements for the Development and conveyance of same to the City or other appropriate entity. The District will own and maintain storm sewer infrastructure, including storm water quality features.

**(2) Water.**

The District shall have the authority to design, acquire, install, construct, operate and maintain a complete water and irrigation water system including but not limited to water rights, water supply, water quality, treatment, storage, transmission and distribution systems for domestic and other public or private purposes, together with all necessary and proper reservoirs, treatment works and facilities, wells, water rights, equipment and appurtenances incident thereto which may include, but shall not be limited to, transmission lines, distribution mains and laterals, storage facilities, land and easements, together with extensions of and improvements to said systems. The intent is that any water infrastructure the District installs or constructs will be dedicated to the City or other appropriate entity for ownership and maintenance. The District will maintain authority to operate and maintain a potable or non-potable irrigation system. All water improvements shall be constructed in accordance with the rules, regulations and policies of the City. The District shall not allow for any connections to the water improvements nor shall they collect tap fees, service charges, permit fees or other fees for water service(s) provided by the City or other applicable entity. The water provision powers of the District shall be limited to the financing and construction of water improvements for the Development and conveyance of same to the City or other appropriate entity.

**(3) Streets.**

The District shall have the authority to design, acquire, install, construct, operate and maintain street and roadway improvements including but not limited to curbs, gutters, culverts, storm sewers and other drainage facilities, detention ponds, retaining walls and appurtenances, as well as sidewalks, bridges, parking facilities, paving, lighting, grading, streetscaping or landscaping, entry features, monuments, undergrounding of public utilities, snow removal equipment, or tunnels and other street improvements, together with all necessary,



incidental and appurtenant facilities, signage, land and easements, and all necessary extensions of and improvements to said facilities. Any and all streetscaping, landscaping, or entry monumentation in rights-of-way shall be maintained by the District. All improvements shall be designed and constructed in accordance with all applicable City standards and regulations. The District will, upon acceptance by the City, dedicate all public street and roadway improvements to the City for ownership and maintenance of such improvements in accordance with City criteria for the project.

**(4) Traffic and Controls.**

The District shall have the authority to design, acquire, install, construct, operate and maintain traffic and safety protection facilities and services through traffic and safety controls and devices on arterial streets and highways, as well as other facilities and improvements including, but not limited to, signalization at intersections, traffic signs, area identification signs, directional assistance, and driver information signs, together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements to said facilities. The District will, upon acceptance by the City, dedicate all traffic and safety protection facilities to the City for ownership and maintenance of such facilities in accordance with City criteria.

**(5) Transportation.**

The District shall have the authority to establish, maintain, and operate a system to transport the public by bus, rail, car-share or any other means of conveyance or any combination thereof and to enter into agreements and contracts for such service within or without the boundaries of the District.

**(6) Television Relay and Translation.**

The District shall have the authority to design, acquire, install, construct, operate and maintain television relay and translation facilities, including communications facilities together with all necessary, incidental and appurtenant facilities, land and easements, and all necessary extensions of and improvements to said facilities and systems within and without the boundaries of the District.

**(7) Mosquito Control.**

The District shall have the authority to design, acquire, install, construct, operate and maintain systems and methods for the elimination and control of mosquitoes in accordance with regulations and standards of the Jefferson County Health Department.

**(8) Covenant Enforcement.**

Pursuant to Section 32-1 -1004(8), C.R.S., the Board of Directors of the District shall have the power to furnish covenant enforcement and design review services if: (a) the District is named as the enforcement or design review entity in the declaration, rules and regulations, or any similar document containing the covenants to be enforced for the



Development; and (b) the revenues used to furnish such services are derived from the property within the District.

**(9) Security Services.**

The Board of Directors of the District shall have the power to furnish security services within the Development. Such power may be exercised by the District only after the District has provided written notification to, consulted with, and obtained the written consent of all local law enforcement agencies having jurisdiction in and over the Development and the City. In accordance with Section 32-1-1004(7) C.R.S., any local law enforcement agency having jurisdiction may subsequently withdraw its consent after consultation with and providing written notice of the withdrawal to the Board of Directors of the District. At the current time, it is not anticipated that the District will provide security services; however, it may be required in the future. Prior to initiating any security-related services, the Board of Directors of the District shall provide advance written notification to the City, which written notification shall include a description of the nature and extent of the security services to be furnished by the District.

**(10) Legal Powers.**

The powers of the District will be exercised by its Board of Directors to the extent necessary to provide the services contemplated in this Service Plan. The foregoing improvements and services, along with all other activities permitted by law, will be undertaken in accordance with, and pursuant to, the procedures and conditions contained in the Special District Act, other applicable statutes, and this Service Plan, as any or all of the same may be amended from time to time.

**(11) Other.**

In addition to the powers enumerated above, the District shall also have the following authority:

(a) To amend this Service Plan as needed, subject to Section 32-1-207, C.R.S., including, by written notice to the City pursuant to Section 32-1-207, C.R.S., of proposed actions which the District believes are permitted by this Service Plan but which may be unclear. It shall be the responsibility of the District to contact the City to seek an interpretation as to whether a disputed proposed action is allowed by this Service Plan. If the City determines that the proposed action constitutes a material modification of the Service Plan, the District shall comply with Section 32-1-207, C.R.S., to amend the Service Plan; and

(b) To forego, reschedule, or restructure the financing and construction of certain improvements and facilities, in order to better accommodate the pace of growth, resource availability, and potential inclusions of property within the District, or if the development of the improvements and facilities would best be performed by another entity; and

(c) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District pursuant to Section 32-1-101, et seq., C.R.S. as may be amended.



#### **IV. DESCRIPTION OF FACILITIES AND IMPROVEMENTS**

The District will be permitted to exercise its statutory powers and authority as set forth herein to finance, construct, acquire, operate and maintain the public facilities and improvements described in Section III of this Service Plan either directly or by contract. Where appropriate, the District will contract with various public and/or private entities to undertake such functions.

Exhibit D shows the conceptual layouts of the public facilities and improvements within the Development as described in Section III hereof. It is anticipated that the improvements depicted in Exhibit C will be constructed in phases as determined by development of the project. To the extent practicable, Exhibit D reflects the conceptual layout of the public facilities and improvements to be constructed during each phase. Additional improvements may be constructed depending on final development plans and inclusions of additional property within the District. Detailed information for each type of improvement needed for the District is set forth in the following pages. It is important to note that the preliminary layouts are conceptual in nature only, and that modifications to the type, configuration, cost, and location of improvements will be necessary as development proceeds. Either the District or the Proponent may construct the street and roadway improvements and main water and sewer improvements necessary to serve the Development. Where applicable, the public facilities and improvements described in Section III of this Service Plan will be designed in conformance with the criteria and standards of the City.

The following sections contain general descriptions of the contemplated facilities and improvements which will be constructed, owned and operated (where applicable) by the District, and which facilities and improvements are to be financed pursuant to the limited debt issuance capability of as set forth in Section VI of this Service Plan.

##### **A. General.**

Construction of all planned facilities and improvements will be scheduled to allow for proper sizing and phasing to keep pace with the need for service. All descriptions of the specific facilities and improvements to be constructed, and their related costs, are estimates only and are subject to modification as engineering, development plans, economics, requirements of the City, and construction design or scheduling may require. As depicted herein, the majority of capital improvements to be constructed by the District are necessary in the initial years of development. Such improvements may be required in part by development agreements affecting the Development, and in order to provide initial water, sewer and roadway systems to support property owners and residents. Funding for these initial improvements is expected to occur through advances made by the Developer or through credit enhanced financings. The District may acquire public improvements and facilities constructed by the Developer or may reimburse the Developer for the costs of public facilities or improvements that the Developer conveys to the City or other applicable entity. Estimated costs of the facilities are included as Exhibit C to this Service Plan.



## **B. General Design Standards.**

For consistency, improvements within the District will be designed and installed by the District in conformance with current standards of the City and other entities having jurisdiction. Designs and contract documents prepared for improvements must be reviewed and approved by the District and must be in accordance with the applicable standards and specifications as set forth herein.

### **(1) Wastewater**

The sanitary sewer lines will be designed and installed to conform to the current standards and recommendations of the Colorado Department of Health and the City and any other entity with jurisdiction over the District. In addition to sanitary sewer systems and facilities, the District plans to install, operate and maintain the necessary storm drainage system to serve the Development. The proposed elements of the storm drainage system will provide a network of culverts, roadside swales, pipes, detention and water quality ponds, inlet and outlet structures, and curb and gutter designed and installed in accordance with applicable City criteria, local, state and federal regulatory standards and sound engineering judgment. The District will also improve the natural channels and drainage ways to prevent erosion and channel degradation. The District will, where appropriate and if the District owns the underlying property, dedicate drainage easements to the City giving the City the right to enter, inspect and maintain, per City criteria, the storm drainage system to the extent such improvements are not maintained by the District.

All major storm drainage facilities will be designed to conform to the Stormwater/Water Quality Standards of the City and the applicable standards of the Urban Drainage and Flood Control District, if any. The District may collect rates, fees, and charges for stormwater facilities, services, and programs.

### **(2) Water**

#### **(a) Overall Plan.**

The water system will be comprised of a water distribution system consisting of buried water mains, fire hydrants, booster pumps, water well pumps and related appurtenances located predominately within the District's boundaries. The final configuration of the internal water system is yet to be designed. When design and construction are finalized, the system will serve the Development from adjacent streets and roads. All major elements of the water facilities will be designed and installed by the District.

#### **(b) Design Criteria.**

The proposed domestic potable water distribution system is expected to include pressurized water mains with multiple pressure zones. Water system components will be installed in accordance with the applicable standards of all entities with jurisdiction over the District. The proposed water system shall be constructed in compliance with applicable rules, regulations or standards established by the State and any other entity with jurisdiction over the



District. The Drinking Water Design Criteria of the Colorado Department of Health will also be followed where applicable. The water system will also be designed based on applicable fire protection requirements. The development plan for the proposed water system is yet to be specifically designed.

### **(3) Street System and Traffic Safety**

#### **(a) General.**

The District proposes to construct a collector street system to serve the Development. The existing and proposed elements of the street system will provide a network of local streets to serve the flow of traffic within the District. All facilities will be designed and installed in accordance with the City approved standards, other applicable regulatory standards, and sound engineering judgment.

#### **(b) Streets.**

All street and roadway improvements will be designed and installed in accordance with City and CDOT approved criteria and pursuant to rules and regulations adopted by the District, if any. In the event that interior streets are privately owned or constructed by the District, the District shall retain responsibility for operation and maintenance of such streets it constructs unless otherwise approved at the time of final platting by the City.

Traffic controls and signage conforming to City and CDOT criteria, standards, and specifications shall be provided along streets to aid the flow of traffic within the Development. To the extent that street lights are not installed by the Developer or others, they may be installed by the District along collector roadways.

#### **(c) Landscaping**

The District may install, and if it does shall maintain, landscape buffers in accordance with City criteria. In addition, the District may acquire or install, and if it does shall maintain, landscaping along internal streets and entry features at major entrances. Additional features may be installed and maintained by the developers of the individual parcels

#### **(d) Signals and Signage.**

Signals and signage may be installed by the District or the Developer as required by City criteria. Upon installation, and acceptance by the City, the signals and signage within the City rights of way shall be dedicated to and owned by the City. Signals and signage installed or acquired by the District shall conform to the Manual of Uniform Traffic Control Devices (MUTCD) criteria.

### **C. Estimated Cost of Facilities.**

The estimated cost of the facilities to be constructed, installed and/or acquired by the District for purposes of serving the Development are set forth in Exhibit C. The current estimated



costs are approximately \$1,730,400, and are based on the anticipated build-out of the Development. The figures provided are in 2019 dollars and represent a preliminary estimate of the actual capital costs associated with the planned improvements and facilities. Actual costs, as well as the timing and sequence of construction, may vary from the stated amounts and phasing to reflect fluctuations in general price levels, the pace and scope of improvements within the District, and other contingencies. It is anticipated that the Developer will advance funds for the construction and operation of improvements until such time as development within the District is sufficient to support such activities and reimburse the Developer.

## **V. PROPOSED AND EXISTING AGREEMENTS**

All intergovernmental agreements must be for facilities, services and agreements lawfully authorized to be provided by the District, pursuant to Colorado Constitution, Article XIV, Section 18 (2)(a) and Sections 29-1-201, et seq., C.R.S. To the extent practicable, the District may enter into intergovernmental and private agreements to better ensure long-term provision of the improvements and services and effective management. Agreements may also be executed with property owner associations and other service providers.

## **VI. FINANCIAL PLAN**

The maximum voted interest rate on bonds is 12%. The proposed maximum underwriting discount will be 3.5%. It is estimated that the general obligation bonds, when issued, will mature as permitted by State statute. The estimated costs of the organization and initial operation of the District through December 31, 2019, including legal, engineering, administrative and financial services, are expected to be approximately \$100,000. Organizational costs may be reimbursed to the Proponent by the District out of its initial revenue sources including but not limited to bond issue proceeds.

Exhibit C contains cost estimates for key proposed improvements and the projected capital costs of such improvements. Notwithstanding the cost estimate allocations set forth in Exhibit C, the District shall be permitted to reallocate costs between categories of improvements as it deems necessary in its discretion. The combined total estimated cost of improvements which the District may construct to serve the Development total approximately \$1,730,400, inclusive of contingencies. These amounts may be adjusted upwards as the needs of the Development evolve. However, the District will only finance those costs that can be paid taking into account the Mill Levy Cap (defined below). The total amount of bonds issued by the District shall not exceed \$2,000,000, excluding any subsequent refunding of bonds, without City approval. All facilities described herein will be designed in such a way as to assure that the facility and service standards will be in conformance with those of the City and of other local governmental entities which may be affected thereby. All descriptions of the specific facilities and improvements to be constructed, and their related costs, are estimates only and are subject to modification as engineering, development plans, economics, City requirements, and construction scheduling may require. It is anticipated that the Developer will advance funds for the construction and operation of improvements until such time as development within the District is sufficient to support such activities and reimburse the Developer.



It is currently anticipated that the District will issue either general obligation and/or revenue bonds in amounts sufficient to permit the District to construct a portion of the needed facilities. General obligation debt will be supported by ad valorem mill levies and other available revenues of the District. The Financial Plan attached hereto as Exhibit B shows construction beginning in 2019 and ending in build-out at 2020, and demonstrates how the proposed services and facilities may be financed and operated by the District and identifies the proposed debt issuance schedule of the District.

The Financial Plan contemplates both traditional bond financings and "developer advances" for that portion which cannot be funded initially from bond proceeds. The latter will be reimbursed as the District is financially able to do so.

All general obligation bonds issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes to be imposed upon all taxable property within the boundaries of the District, which will not exceed fifty one and seven hundred thirty six hundredths (51.736) mills except as otherwise allowed by this Service Plan (the "Mill Levy Cap").

The mill levy imposed by the District may consist of up to fifty one and seven hundred thirty six hundredths (51.7360) mills dedicated to payment of the general obligation debt. The Mill Levy Cap shall be subject to adjustment if the laws of the State change with respect to the assessment of property for taxation purposes, the ratio for determining assessed valuation changes, or other similar changes occur. In any of these events, the mill levy shall be automatically adjusted so that the overall tax liability of property owners neither increases nor decreases as a result of any such changes, thereby maintaining a constant level of tax receipts of the District and overall tax payments from property owners. Any debt issued by the District must be issued in compliance with the requirements of Colorado law.

The Financial Plan attached hereto demonstrates one method that might be used by the District to finance the cost of infrastructure. The financial plan attached hereto as Exhibit B is only an example of what might be done, and is meant to show the capacity of the District to issue debt. As such, the dates, mill levies, valuations, amount of the bond proceeds, and revenues will differ when debt is issued, and this forecast will not be binding on the District as long as the debt falls within the restrictions in this Section VI. Due to limited initial support expected to be received from the Developer, the Financial Plan demonstrates that the cost of infrastructure described herein can be provided with reasonable mill levies assuming reasonable increases in assessed valuation and assuming the rate of build-out estimated in the Financial Plan.

In addition to revenues from the mill levy, the District anticipate revenue from specific ownership taxes, investment income, public improvement fees, user fees, and other sources, as further set forth and projected in the Financial Plan.

#### **A. Other Financial Information.**

The information contained in the Financial Plan is preliminary in nature. Upon approval of this Service Plan, the District will continue to develop and refine cost estimates contained



herein and prepare for bond issues. All cost estimates will be inflated to then-current dollars at the time of bond issuance and construction. All construction cost estimates assume construction to applicable local, state or federal requirements.

In addition to ad valorem property taxes, and in order to offset the expenses of the anticipated construction as well as operations and maintenance, the District will also rely upon various other revenue sources authorized by law. These will include the power to assess fees, rates, tolls, penalties, or charges as provided in Section 32-I-1001(1), C.R.S., as amended from time to time. The Financial Plan assumes various sources of revenue, including ad valorem property taxes, specific ownership taxes, and investment income on retained amounts.

A system of fees and charges may also be established for landscape maintenance, drainage maintenance, and transportation improvements and other improvements not owned and operated by the City or other entity.

The Financial Plan does not project any significant accumulation of fund balances which might represent receipt of revenues in excess of expenditures under TABOR. To the extent annual revenues of the District exceed expenditures in this manner, the District will comply with the provisions of TABOR and either refund the excess or obtain voter approval to retain such amounts. Initial spending and revenue limits of the District, as well as mill levies, will be established by an election which satisfies TABOR requirements. In the discretion of its Board, the District may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by the District will remain under the control of the District's Board of Directors.

#### **B. Elections.**

The District will seek the authorization of electors to issue bond debt, the proceeds of which will provide the capital improvements and services contemplated by this Service Plan. While the District may be authorized by voters to issue a greater amount of bond debt, the District shall not issue debt in excess of what can be repaid within statutory limitations and the Mill Levy Cap. The reasons for voting on a greater amount of debt than is authorized in this Service Plan are to allow reallocation of debt from one category to another (such as from water to streets), to allow flexibility in light of potential ballot initiatives or changes in state law, and to avoid election costs in the event additional debt financing is needed to adjust to future conditions as determined in the future by the District and the City. Should the District be unable to issue sufficient debt under these restrictions to fund the public improvements, the traditional methods of financing infrastructure through developer advances will be required to meet the needs of the Development.

The District shall call an election on the questions of setting in place the proposed financial structure as required by TABOR. This election will be conducted as provided in the Uniform Election Code of 1992, the Special District Act and TABOR.



**C. Provision for Bond Mill Levy Cap.**

**(1) Bonds.**

All bonds issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes to be imposed upon all taxable property within the boundaries of the District, subject to the following limitations:

(a) For all general obligation debt, including refunding debt, the maximum mill levy the District can promise to impose to the payment of such debt shall be: fifty (50) mills; provided, however, the mill levy limitation applicable to such debt may be increased or decreased to reflect changes in the method of calculating assessed valuation with tax year 2016 as the base year for calculation of any such adjustments, such increases or decreases to be determined by the Board of Directors of the District in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual value to assessed value shall be deemed a change in the method of calculating assessed valuation available revenues.

(b) The District may also pay debt with any and all other legally available funds.

**D. Additional Bond Limitations.**

In addition to the limitations set forth in this Service Plan, all bonds issued by the District shall also be subject to the limitations of State law. In the event of a conflict between the limitations of this Service Plan and State law, the more restrictive provision shall control.

**E. Operations.**

The District will require operating funds to plan and cause the public improvements to be constructed. Additional costs to the capital costs indicated herein are expected to include: the operation and maintenance of improvements by the District from the time of their construction to the time of their acceptance by the City or others; operation and maintenance of improvements, if any, which the City or others do not accept; and expenses related to operation of the District, such as reimbursement of legal, engineering, accounting and administrative services, preparation of budgets, audits, map filings, elections, informational filings, and the like. The first year's operating budget is estimated to be approximately \$25,000. As shown in the Financial Plan, the District's operating budget is projected to increase over time as maintenance requirements within the District increase. It is anticipated that future operational revenues and funding for other obligations of the District will be raised by Developer advances, user fees, and an operating mill levy. As the District is able, it may reimburse the Developer in subsequent years for operations advances. The proposed operating revenue derived from property taxes for the first budget year of the District is \$0. If necessary, however, the District may supplement these revenues with additional other revenue sources as allowed by law, such as fees or charges related to the improvements or services provided by the District.



#### **F. Enterprises.**

In the discretion of the Board of Directors of the District, using the procedures and criteria provided by TABOR and State law, the District may set up enterprises to manage, fund, and operate such facilities, services, and programs as may qualify for enterprise status. To the extent allowed by law, any enterprise created by the District will remain under the control of the Board of Directors of the District.

#### **VII. ANNUAL REPORT**

The City may request the District to file, not more than once a year, a special district annual report. The annual report shall be filed with the City, the Division of Local Government, and the State Auditor, and such report shall be deposited with the County Clerk and Recorder for public inspection, and a copy of the report shall be made available by the District to any interested party pursuant to Section 32-1-204 (1), C.R.S. Such annual report shall include a summary of all relevant financial conditions of the District. The City may review the annual reports in a regularly scheduled public meeting, and such review shall be included as an agenda item in the public notice for such meeting.

The District's fiscal year shall end on December 31st. The content of the annual report shall comply with the requirements of Section 32-1-207(3)(c), C.R.S.

#### **VIII. MATERIAL MODIFICATIONS**

It shall be the responsibility of the District to contact the City to seek an interpretation as to whether a questionable proposed action is allowed by this Service Plan.

In the event that the District desires to make a modification to this Service Plan, which modification may be material, the District shall submit such proposed modification to the City for determination of whether the modification is material. If the City determines that the proposed modification is material, then the District shall obtain the prior approval of the City before making any material modifications to this Service Plan in accordance with Section 32-1-207, et seq., C.R.S., including, by written notice to the City pursuant to Section 32-1-207, C.R.S., of proposed actions which the District believes are permitted by this Service Plan but which may be unclear.

Material modifications shall include modifications of a basic or essential nature including, but not limited to, any additions to the types of services initially provided by the District or change in debt limit. Approval shall not be required for mechanical modifications to this Service Plan necessary for the execution of the Financial Plan.

This Service Plan has been designed with sufficient flexibility to enable the District to provide required services and facilities under evolving circumstances without the need for numerous amendments. While the assumptions upon which this Service Plan are generally based are reflective of anticipated zoning for the Development, the cost estimates and Financial Plan are sufficiently flexible to enable the District to provide necessary services and facilities without the need to amend this Service Plan as zoning changes. Modification of the services and



facilities, and changes in proposed configurations, locations, or dimensions of various facilities and improvements shall be permitted to accommodate development needs consistent with then-current zoning for the property.

In the event the District takes any action which constitutes a material modification from this Service Plan without approval from the City, the City may utilize the remedies set forth by statute to enjoin the actions of the District.

## **IX. DISSOLUTION**

Subsequent to the time at which all public improvements authorized herein have been completed and finally accepted by the applicable entity and all permanent financing associated therewith has been issued, the District may undertake proceedings necessary to pursue dissolution of the District in accordance with Sections 32-1-701, et seq. and 32-1-401, et seq., C.R.S.

## **X. RESOLUTION OF APPROVAL**

The District agrees to incorporate the City's Resolution of Approval, including any conditions on such approval into the Service Plan presented to the District Court.

## **XI. CONCLUSIONS**

It is submitted that this Service Plan has satisfied the required criteria of Section 32-1-203 (2) and (2.5). *The District responses to the required statutory criteria appear in italics.*

(a) There is sufficient existing and projected need for organized service in the area to be served by the District;

*The Development will consist of residential development. There are currently no other entities in existence in the Development which have the ability to undertake the design, financing, construction, operation and maintenance of the improvements designated herein which are needed for the Development. It is also the Proponent's understanding that the City does not consider it feasible or practicable to provide the necessary services and facilities for the Development. The Service Plan complies with these statutory criteria.*

(b) The existing service in the area to be served by the District is inadequate for present and projected needs;

*There are currently no other entities in existence in the Development which have the ability or willingness to undertake the design, financing, and construction of capital improvements nor, in the case of streetscape, transportation, storm drainage, or landscaping the operation and maintenance of the improvements designated herein which are needed for the Development. It is also the Proponent's understanding that the City does not consider it feasible or practicable to provide the necessary services and facilities for the Development. The Service Plan will allow the District to assume responsibilities for the improvements and services designated herein. The Service Plan complies with these statutory criteria.*



(c) The District is capable of providing economical and sufficient service to the area within its boundaries;

*As shown in Section VI, the Financial Plan, and Exhibit B to this Service Plan, the District's projected development can support the District's services contemplated herein. As demonstrated herein, the District can provide these services economically under a single administrative and maintenance umbrella. The Service Plan complies with these statutory criteria.*

(d) The area included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;

*As shown in Section VI and Exhibit B to this Service Plan, the projected assessed value of the District's development will allow the District to discharge proposed indebtedness on a reasonable basis. The Service Plan complies with the statutory criteria.*

(e) Adequate service is not, and will not be, available to the area through the City, or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;

*The City will not provide such site-specific improvements or services for the Development. No other existing municipal or quasi-municipal corporations, including existing special districts, intend to provide adequate service to the Development within a reasonable time or on a comparable basis. The scope or improvements and the long-term maintenance of the improvements make the District the only logical provider of services. The Service Plan complies with the statutory criteria.*

(f) The facility and service standards of the District are compatible with the facility and service standards of the City within which the District is to be located and each municipality which is an interested party under Section 32-1 -204(1), C.R.S.;

*Based on the types of improvements proposed, the facility and service standards either meet or exceed the facility and service standards of the City. The Service Plan complies with the statutory criteria.*

(g) The proposal is in substantial compliance with a master plan adopted pursuant to Section 30-28- 108, C.R.S.;

*The Service Plan is in conformance with the City Comprehensive Master Plan for the Development and for the types of improvements anticipated to be constructed, installed and maintained by the District, as contemplated herein. The Service Plan complies with the statutory criteria.*

(h) The proposal is in compliance with any duly adopted city, county, regional, or state long-range water quality management plan for the area; and all storm drainage, sanitary sewer and irrigation facilities and services will be constructed, operated and maintained in accordance with all local, state and federal water quality rules, regulations and laws.



*The Proponent is not aware of any conflict with this statute provision under any duly adopted county, regional, or state long-range water quality management plan for the area.*

(i) The creation of the District will be in the best interests of the area proposed to be served.

*The District is coextensive with the Development. The District is being formed to assist in the funding, integration and coordination of metropolitan district services and facilities both within and without the boundaries of the District. The creation of the District will be in the best interests of the future property owners and residents of the Development. The Service Plan complies with these statutory criteria.*

Therefore, it is requested that the City Council of the City of Wheat Ridge, which has jurisdiction to approve this Service Plan by virtue of Section 32-1-204, et seq., C.R.S., as amended, adopt a resolution which approves this Service Plan for the Development as submitted.

## XII. LIST OF EXHIBITS

- Exhibit A: Boundary Map and Legal Description of the District
- Exhibit B: Financial Plan
- Exhibit C: Construction Costs
- Exhibit D: Maps Depicting Facilities



**EXHIBIT A**

**BOUNDARY MAP AND LEGAL DESCRIPTION OF THE DISTRICT**



**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

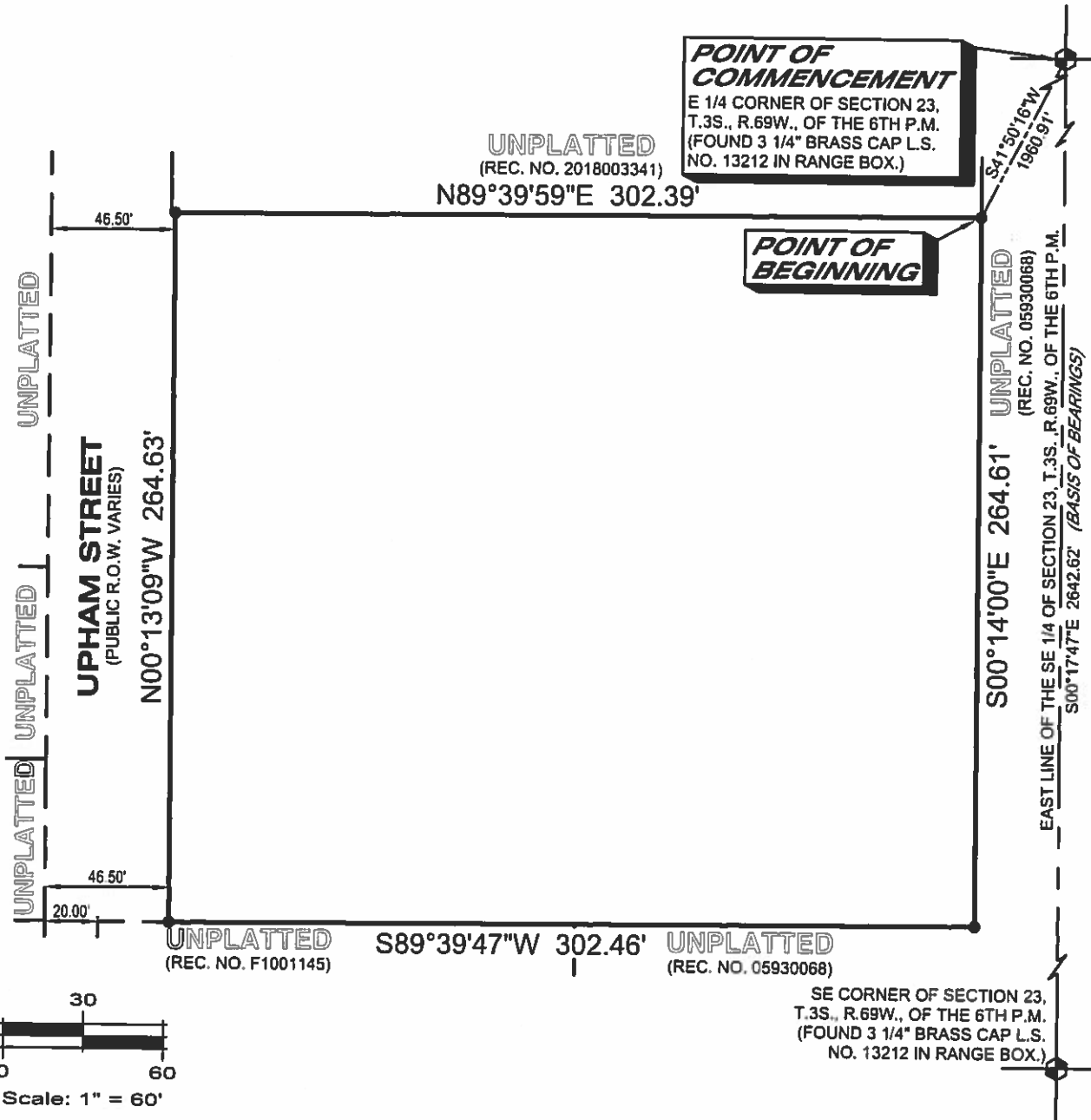
A PARCEL OF LAND SITUATED IN THE EAST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 23;  
THENCE S41°50'16"W A DISTANCE OF 1960.91 FEET TO THE POINT OF BEGINNING;  
THENCE S00°14'04"E A DISTANCE OF 264.61 FEET;  
THENCE S89°39'47"W A DISTANCE OF 302.46 FEET;  
THENCE N00°13'09"W A DISTANCE OF 264.63 FEET;  
THENCE N89°39'59"E A DISTANCE OF 302.39 FEET TO THE POINT OF BEGINNING.**

PARCEL CONTAINS (80,029 SQUARE FEET) 1.8372 ACRES.



# EXHIBIT "B"



**ESC**  
**ENGINEERING**  
**SERVICE**  
**COMPANY**

14190 East Evans Avenue  
 Aurora, Colorado 80014  
 P 303.337.1393 | F 303.337.7481

**PARCEL CONTAINS**  
 80,029 SQUARE FEET  
 1.8372 ACRES

## CITY OF WHEAT RIDGE

## DISTRICT BOUNDARY

Drawn By: <b>SAM</b>	Checked By: <b>SAM</b>	Project No.: <b>1313.1</b>	Date: <b>02/13/2019</b>
Scale: <b>1"=60'</b>	File Name: <b>\\Ridgtop Village District Map</b>		

Note: This exhibit does not represent a monumented survey. It is intended only to depict the attached description.

A PARCEL OF LAND SITUATED IN THE SE 1/4 OF SECTION 23,  
 TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M.  
 CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



**EXHIBIT B**  
**FINANCIAL PLAN**



**Ridgetop Village Metropolitan District**  
**Limited Tax General Obligation Bonds, Series 2019**  
**Scenario 2 - Issue All Senior Bonds @ 1.20x D/S Coverage**

**Development Summary - Sources & Uses**

Sources	Senior	Sub	Total
Bond Par Amount	1,050,000	120,000	1,170,000
Premium/(Discount)	-	-	-
Other Funds on Hand	-	-	-
	-	-	-
<b>Total Sources</b>	<b>1,050,000</b>	<b>120,000</b>	<b>1,170,000</b>

Uses	Senior	Sub	Total
<b>Total Project Fund</b>	<b>753,000</b>	<b>108,000</b>	<b>861,000</b>
Capitalized Interest	107,000	-	107,000
Debt Service Reserve Fund	90,000	-	90,000
Cost of Issuance	100,000	12,000	112,000
<b>Total Uses</b>	<b>1,050,000</b>	<b>120,000</b>	<b>1,170,000</b>

**Development Assumptions**

Debt Mill Levy	51.736 Mills
Operations Mill Levy	10.000 Mills
Total Mill Levy	61.736 Mills
Specific Ownership Tax %	6.00%
Property Tax Collection Costs	1.50%
Commercial Assessment Rate	29.00%
<b>Residential Assessment Rate</b>	<b>6.95%</b>
Total Assessment Fees/Lot (Uninflated)	2,000

<b>Residential Units</b>	<b>38</b>
Average Market Value per Unit (Uninflated)	499,000
Total Market Value (Uninflated)	18,962,000
<b>Total Assessed Value (Uninflated)</b>	<b>1,317,859</b>
Residential Annual Inflation Rate	3.00%
Impact Fee Per Lot	0
Total Impact Fees (Uninflated)	0
Impact Fee Annual Inflation	0.00%

**Bond Issuance Assumptions**

Dated Date & Delivery Date	12/20/2019
<b>Interest Rate</b>	<b>5.25%</b>
Debt Service Reserve Fund	Fully Funded
Cost of Issuance	Bond Proceeds
Capitalized Interest	2.95 Years
<b>Surplus Fund</b>	<b>50,000</b>

Amortization Structure	Level DS Coverage
<b>Debt Service Coverage Ratio (Minimum)</b>	<b>1.20x</b>
<b>Debt Service Coverage Ratio (Actual in 2026)</b>	<b>1.27x</b>
Final Term	12/01/2049
Optional Redemption	12/01/2024
Years to Maturity	29.95 Years



Ridgetop Village Metropolitan District  
 Limited Tax General Obligation Bonds, Series 2019  
 Scenario 2 - Issue All Senior Bonds @ 1.20x D/S Coverage  
 Development Summary

Square Footage for Residential Units		Type	Builder	Desc	Units	Built	To Be Built	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Commercial	TBD	Lots Added	38				38		15	23										38
	TBD	Lots Deleted	-38				-38		-5	-10	-12	-11								-38
Commercial Total																				
Residential	TBD	SF Homes	38				38		10	13	-12	-11								38
Residential Total																				
Cumulative Residential Built Total							38		10	13	15	13	38	38	38	38	38	38	38	38

Assessed Market Value Per Square Foot for Residential Unit @ 1.00%		Type	Builder	Desc	2019 MV	Built	To Be Built	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Commercial	TBD	Lots Added	80,000				80,000		81,600	83,232										82,588
	TBD	Lots Deleted	80,000				80,000		81,600	83,232	84,897	86,595								84,516
Commercial Total																				
Residential	TBD	SF Homes	499,000				499,000		81,600	83,232	84,897	86,595								530,434
									519,160	529,543	540,134									
Residential Total																				
Residential Total							499,000		519,160	529,543	540,134									530,434

Assessed Market Value - Annual Additions		Type	Builder	Desc	2019 MV	Built	To Be Built	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Commercial	TBD	Lots Added	3,040,000				3,040,000		1,224,000	1,914,336										3,138,336
	TBD	Lots Deleted	-3,040,000				-3,040,000		-408,000	-832,320	-1,018,760	-952,540								-3,211,620
Commercial Total																				
Residential	TBD	SF Homes	18,962,000				18,962,000		816,000	1,082,016	-1,018,760	-952,540								-73,284
									5,191,596	7,943,142	7,021,737									20,156,475
Residential Total																				
Residential Total							18,962,000		5,191,596	7,943,142	7,021,737									20,156,475
Grand Total							18,962,000		816,000	6,273,672	6,924,382	6,069,197								20,083,191

Assessed Value - Annual Additions		Completion Year	2018 MV	Built	To Be Built	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Commercial	28.00%																	
	6.95%																	
Residential																		
Total Annual Additions																		
Total Annual Additions																		



Cash Flow Summary

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
<b>Property Tax Revenue Information</b>													
Beginning Assessed Value	-	-	-	-	236,640	918,340	1,174,948	1,421,970	1,421,970	1,464,629	1,464,629	1,508,568	1,508,568
Additions	-	-	-	236,640	674,801	256,808	211,774	-	-	-	-	-	-
Reappraisal Adjustments	-	-	-	-	7,089	-	35,248	-	-	-	-	-	-
Ending Assessed Value	-	-	-	236,640	918,340	1,174,948	1,421,970	1,421,970	1,464,629	1,464,629	1,508,568	1,508,568	1,508,568
D/S Mill Levy	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736
% Reappraisal Growth	-	-	3.00%	-	3.00%	-	3.00%	-	3.00%	-	3.00%	-	3.00%
D/S Property Tax Revenue	-	-	-	12,243	47,511	60,787	73,567	73,567	75,774	75,774	78,047	80,389	80,389
Specific Ownership Taxes @ 8.00%	-	-	-	735	2,851	3,647	4,414	4,414	4,546	4,546	4,683	4,823	4,823
Treasurer's Fee - 1.50%	-	-	-	(195)	(755)	(967)	(1,170)	(1,170)	(1,205)	(1,205)	(1,241)	(1,278)	(1,278)
D/S Property Tax Revenue	-	-	-	12,783	48,607	63,463	76,812	76,812	79,116	79,116	81,489	83,934	83,934
<b>Impact Fee Revenue Information</b>													
Impact Fee Per Lot	-	-	-	-	-	-	-	-	-	-	-	-	-
% Growth/Inflation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lots	18	23	-	-	-	-	-	-	-	-	-	-	-
Impact Fee Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue for Debt Service</b>													
	-	-	-	12,783	49,607	63,463	76,812	76,812	79,116	79,116	81,489	83,934	83,934
<b>Senior Debt Service Information</b>													
Debt Service	-	-	52,216	55,125	55,125	55,125	65,125	64,600	64,075	63,550	68,025	67,238	71,450
Capitalized Interest	-	-	(52,216)	(41,000)	(14,000)	-	-	-	-	-	-	-	-
DSR Fund	-	-	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)
Total Net Debt Service	-	-	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)
Coverage Ratio with Impact Fees	-	-	NA	1.04	1.26	1.19	1.21	1.22	1.27	1.28	1.23	1.25	1.21
Coverage Ratio without Impact Fees	-	-	NA	1.04	1.26	1.19	1.21	1.22	1.27	1.28	1.23	1.25	1.21
Revenue After Senior D/S	-	-	1,804	462	10,286	10,147	13,491	14,016	16,845	17,370	18,269	18,738	19,283
Surplus Fund Deposits = \$50,000	-	-	1,804	462	10,286	10,147	13,491	14,016	16,845	17,370	18,269	18,738	19,283
Revenue After Surplus Fund Deposits	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subordinate Developer Obligation Information</b>													
Beginning Balance	-	-	120,000	129,000	138,675	149,076	160,256	172,276	184,990	182,019	178,301	176,404	173,579
Additions	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest Rate	-	-	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%
Interest	-	-	9,000	9,675	10,401	11,181	12,019	12,921	13,874	13,851	13,373	13,018	12,669
Payments	-	-	-	-	-	-	-	-	-	-	-	-	-
Ending Balance	-	-	129,000	138,675	149,076	160,256	172,276	184,990	182,019	178,301	176,404	173,579	170,744
Revenue After Subordinate Obligation	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Surplus Fund Information</b>													
Deposits	-	-	1,804	462	10,286	10,147	13,491	14,016	16,845	17,370	18,269	18,738	19,283
Interest at 0.00%	-	-	-	-	-	-	-	-	-	-	-	-	-
Ending Balance	-	-	1,804	2,266	12,552	22,699	36,190	50,000	60,000	60,000	60,000	60,000	60,000
<b>O&amp;M Mill Summary Information</b>													
Assessed Value	-	-	236,640	918,340	1,174,948	1,421,970	1,421,970	1,421,970	1,464,629	1,464,629	1,508,568	1,508,568	1,508,568
O&M Mill Levy	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
O&M Property Tax Revenue	-	-	-	2,366	9,183	11,749	14,220	14,220	14,646	14,646	15,086	15,538	15,538
Treasurer's Fee - 2.00%	-	-	-	(47)	(184)	(235)	(284)	(293)	(293)	(293)	(302)	(302)	(311)
O&M Property Tax Revenue	-	-	-	2,319	8,999	11,514	13,935	13,935	14,353	14,353	14,784	15,237	15,237
<b>Assessment Fee Revenue Information</b>													
Assessment Fee Per Lot	-	-	-	-	-	-	-	-	-	-	-	-	-
% Growth/Inflation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lots	15	38	38	38	38	38	38	38	38	38	38	38	38
Impact Fee Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-
O&M Expenses	-	-	82,580	82,580	82,580	82,580	82,580	82,580	82,580	82,580	82,580	82,580	82,580
Net Cash Flow	-	-	5,000	(6,580)	(4,281)	2,420	7,365	7,365	7,773	7,773	8,204	8,647	9,090
O&M Fund Balance	-	-	5,000	(1,580)	(5,441)	(3,421)	1,513	8,869	16,224	23,997	31,771	39,976	48,726



Cash Flow Summary

	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044
<b>Property Tax Revenue Information</b>														
Beginning Assessed Value	1,553,825	1,553,825	1,600,440	1,600,440	1,648,453	1,648,453	1,697,907	1,697,907	1,748,844	1,748,844	1,801,309	1,801,309	1,855,349	1,855,349
Reappraisal Adjustments	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ending Assessed Value	1,553,825	1,600,440	1,600,440	1,648,453	1,648,453	1,697,907	1,697,907	1,748,844	1,748,844	1,801,309	1,801,309	1,855,349	1,855,349	1,855,349
D/S Mill Levy	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736	51.736
% Reappraisal Growth	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
<b>D/S Property Tax Revenue</b>														
Specific Ownership Taxes @ 6.00%	80,389	82,801	82,801	85,285	85,285	87,843	87,843	90,478	90,478	93,193	93,193	95,989	95,989	95,989
Treasurer's Fee - 1.50%	4,823	4,968	4,968	5,117	5,117	5,271	5,271	5,429	5,429	5,592	5,592	5,759	5,759	5,759
D/S Property Tax Revenue	(1,278)	(1,317)	(1,317)	(1,356)	(1,356)	(1,397)	(1,397)	(1,439)	(1,439)	(1,482)	(1,482)	(1,526)	(1,526)	(1,526)
Impact Fee Revenue Information	83,934	86,452	86,452	89,046	89,046	91,717	91,717	94,468	94,468	97,303	97,303	100,222	100,222	100,222
Impact Fee Per Lot	-	-	-	-	-	-	-	-	-	-	-	-	-	-
% Growth/Inflation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Impact Fee Revenue</b>														
Total Revenue for Debt Service	83,934	86,452	86,452	89,046	89,046	91,717	91,717	94,468	94,468	97,303	97,303	100,222	100,222	100,222
<b>Senior Debt Service Information</b>														
Debt Service	70,400	69,350	73,300	76,988	75,413	73,838	77,263	75,425	78,588	81,488	79,125	81,763	79,138	79,138
Capitalized Interest	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)
DSR Fund	68,596	67,546	71,496	75,183	73,608	72,033	75,458	73,621	76,783	79,692	77,321	79,957	77,333	77,333
Total Net Debt Service	1,222	1,222	1,222	1,222	1,222	1,222	1,222	1,222	1,222	1,222	1,222	1,222	1,222	1,222
Coverage Ratio with Impact Fees	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Coverage Ratio without Impact Fees	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Revenue After Senior D/S	15,338	18,506	14,956	13,852	15,437	19,684	16,259	20,843	17,885	17,819	19,882	20,263	22,888	22,888
Surplus Fund Deposits = \$50,000	15,338	18,506	14,956	13,852	15,437	19,684	16,259	20,843	17,885	17,819	19,882	20,263	22,888	22,888
<b>Subordinate Developer Obligation Information</b>														
Beginning Balance	172,309	169,694	163,730	161,054	159,271	155,760	147,779	142,604	132,451	124,700	116,433	105,184	92,809	92,809
Interest Rate	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%
Interest	12,923	12,742	12,280	12,079	11,945	11,683	11,083	10,695	9,934	9,352	8,732	7,889	6,961	6,961
Payments	(15,338)	(16,908)	(14,956)	(13,852)	(15,437)	(19,684)	(16,259)	(20,843)	(17,885)	(17,819)	(19,882)	(20,263)	(22,888)	(22,888)
Ending Balance	168,864	163,730	161,054	159,271	155,760	147,779	142,604	132,451	124,700	116,433	105,184	92,809	79,138	79,138
Revenue After Subordinate Obligation	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Surplus Fund Information</b>														
Deposits	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest at 0.00%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ending Balance	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
<b>O&amp;M Mill Summary Information</b>														
Assessed Value	1,553,825	1,600,440	1,600,440	1,648,453	1,648,453	1,697,907	1,697,907	1,748,844	1,748,844	1,801,309	1,801,309	1,855,349	1,855,349	1,855,349
O&M Mill Levy	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000	10.000
O&M Property Tax Revenue	15,538	16,004	16,004	16,485	16,485	16,979	16,979	17,488	17,488	18,013	18,013	18,553	18,553	18,553
Treasurer's Fee - 2.00%	(311)	(320)	(320)	(330)	(330)	(340)	(340)	(350)	(350)	(360)	(360)	(371)	(371)	(371)
O&M Property Tax Revenue	15,227	15,684	15,684	16,155	16,155	16,639	16,639	17,139	17,139	17,653	17,653	18,182	18,182	18,182
<b>Assessment Fee Revenue Information</b>														
Assessment Fee Per Lot	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
% Growth/Inflation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lois	38	38	38	38	38	38	38	38	38	38	38	38	38	38
Impact Fee Revenue	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000	76,000
O&M Expenses	82,560	82,560	82,560	82,560	82,560	82,560	82,560	82,560	82,560	82,560	82,560	82,560	82,560	82,560
Net Cash Flow	6,447	9,104	9,104	9,576	9,576	10,069	10,069	10,569	10,569	11,073	11,073	11,602	11,602	11,602
O&M Fund Balance	65,474	74,578	83,682	93,257	102,832	112,591	122,551	132,510	142,568	152,741	162,914	173,116	183,349	183,349
Prepared by RBC Capital Markets														



Cash Flow Summary

	2044	2045	2046	2047	2048	2049	2050	2051	2052	Totals
<b>Property Tax Revenue Information</b>										
Beginning Assessed Value	1,855,349	1,911,009	1,911,009	1,968,339	1,968,339	2,027,390	2,027,390	2,088,211	2,088,211	1,379,623
Additions	-	-	-	-	-	-	-	-	-	771,235
Reappraisal Adjustments	55,660	-	57,330	-	59,050	-	60,822	-	62,646	2,140,858
Ending Assessed Value	1,911,009	1,911,009	1,968,339	1,968,339	2,027,390	2,027,390	2,088,211	2,088,211	2,150,858	
D/S Mill Levy	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	
D/S Property Tax Revenue	57,330	57,330	57,330	57,330	57,330	57,330	57,330	57,330	57,330	2,745,805
Specific Ownership Taxes @ 6.00%	98,868	98,868	101,834	101,834	104,889	104,889	108,038	108,038	111,277	6,677
Treasurer's Fee - 1.50%	5,932	5,932	6,110	6,110	6,293	6,293	6,482	6,482	6,677	(1,769)
D/S Property Tax Revenue	(1,572)	(1,572)	(1,619)	(1,619)	(1,668)	(1,668)	(1,718)	(1,718)	(1,769)	(43,658)
Impact Fee Revenue Information	103,228	103,228	106,325	106,325	109,515	109,515	112,800	112,800	116,184	2,866,895
Impact Fee Per Lot	-	-	-	-	-	-	-	-	-	-
% Growth/Initiation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	38
Impact Fee Revenue	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue for Debt Service</b>										
	103,228	103,228	106,325	106,325	109,515	109,515	112,800	112,800	116,184	2,866,895
<b>Senior Debt Service Information</b>										
Debt Service	86,513	83,363	90,213	90,538	87,863	178,925	-	-	-	2,287,141
Capitalized Interest	-	-	-	-	-	-	-	-	-	(107,216)
DSR Fund	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	-	-	-	(142,536)
Total Net Debt Service	84,709	81,558	88,408	88,733	86,058	177,121	-	-	-	2,037,389
Coverage Ratio with Impact Fees	1.22	1.27	1.20	1.25	1.27	1.23	-	-	-	-
Coverage Ratio without Impact Fees	1.22	1.27	1.20	1.25	1.27	1.23	-	-	-	-
Revenue After Senior D/S	18,520	21,670	17,917	21,592	23,457	30,802	112,800	112,800	116,184	829,503
Surplus Fund Deposits = \$50,000	-	-	-	-	-	(50,000)	-	-	-	-
Revenue After Surplus Fund Deposit	18,520	21,670	17,917	21,592	23,457	30,802	112,800	112,800	116,184	829,503
<b>Subordinate Developer Obligation Information</b>										
Beginning Balance	76,882	64,128	47,268	32,896	13,771	-	-	-	-	-
Additions	-	-	-	-	-	-	-	-	-	-
Interest Rate	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	-
Interest	5,766	4,810	3,545	2,467	1,033	-	-	-	-	288,264
Payments	(18,520)	(21,670)	(17,917)	(21,592)	(23,457)	(30,802)	-	-	-	(408,264)
Ending Balance	64,128	47,268	32,896	13,771	-	-	-	-	-	(128,000)
Revenue After Subordinate Obligation	-	-	-	-	-	-	-	-	-	-
Surplus Fund Information	-	-	-	-	-	-	-	-	-	-
Deposits	-	-	-	-	-	-	-	-	-	-
Interest at 0.00%	-	-	-	-	-	-	-	-	-	-
Ending Balance	-	-	-	-	-	-	-	-	-	-
<b>O&amp;M Mill Summary Information</b>										
Assessed Value	1,911,009	1,911,009	1,968,339	1,968,339	2,027,390	2,027,390	2,088,211	2,088,211	2,150,858	
O&M Mill Levy	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	
O&M Property Tax Revenue	19,110	19,110	19,683	19,683	20,274	20,274	20,882	20,882	21,509	530,733
Treasurer's Fee - 2.00%	(382)	(382)	(394)	(394)	(405)	(405)	(418)	(418)	(430)	(10,615)
O&M Property Tax Revenue	18,728	18,728	19,290	19,290	19,869	19,869	20,464	20,464	21,079	520,118
Assessment Fee Revenue Information	-	-	-	-	-	-	-	-	-	-
Assessment Fee Per Lot	-	-	-	-	-	-	-	-	-	-
% Growth/Initiation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	2,000
Impact Fee Revenue	-	-	-	-	-	-	-	-	-	-
O&M Expenses	62,560	62,560	62,560	62,560	62,560	62,560	62,560	62,560	62,560	2,750,140
Net Cash Flow	12,148	12,148	12,716	12,716	13,288	13,288	13,864	13,864	14,448	367,978
O&M Fund Balance	301,467	215,714	226,424	236,134	245,842	255,552	265,262	274,972	284,682	307,378



Ridgeway Village Metropolitan District  
 Limited Tax General Obligation Bonds, Series 2019  
 Scenario 2 - Issue All Senior Bonds @ 1.20x D/S Coverage

Debt Service Summary

Senior - Series 2019

Date	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Principal	-	-	-	-	-	-	10,000	10,000	10,000	10,000	15,000	15,000
Coupon	-	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%
Interest	-	-	52,216	55,125	55,125	55,125	55,125	54,600	54,075	53,550	53,025	52,238
Total P+I	-	-	52,216	55,125	55,125	55,125	55,125	64,600	64,075	63,550	68,025	67,238
CAPL	-	-	(52,216)	(41,000)	(14,000)	-	-	-	-	-	-	-
DSR	-	-	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)
Net D/S	-	-	(1,804)	12,321	39,321	53,321	63,321	62,796	62,271	61,746	66,221	65,433

Senior - Total

Date	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Principal	-	-	-	-	-	-	10,000	10,000	10,000	10,000	15,000	15,000
Interest	-	-	52,216	55,125	55,125	55,125	55,125	54,600	54,075	53,550	53,025	52,238
Total P+I	-	-	52,216	55,125	55,125	55,125	55,125	64,600	64,075	63,550	68,025	67,238
CAPL	-	-	(52,216)	(41,000)	(14,000)	-	-	-	-	-	-	-
DSR	-	-	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)
Net D/S	-	-	(1,804)	12,321	39,321	53,321	63,321	62,796	62,271	61,746	66,221	65,433



Debt Service Summary

Senior - Series 2019

Date	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
Principal	20,000	20,000	20,000	25,000	30,000	30,000	30,000	35,000	35,000	40,000	45,000	45,000
Coupon	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%
Interest	51,450	50,400	49,350	48,300	46,988	45,413	43,838	42,263	40,425	38,588	36,488	34,125
Total P+I	71,450	70,400	69,350	73,300	76,988	75,413	73,838	77,263	75,425	78,588	81,488	79,125
CAPL	-	-	-	-	-	-	-	-	-	-	-	-
DSR	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)
Net D/S	69,646	68,596	67,546	71,496	75,183	73,608	72,033	75,458	73,621	76,783	79,683	77,321

Senior - Total

Date	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
Principal	20,000	20,000	20,000	25,000	30,000	30,000	30,000	35,000	35,000	40,000	45,000	45,000
Interest	51,450	50,400	49,350	48,300	46,988	45,413	43,838	42,263	40,425	38,588	36,488	34,125
Total P+I	71,450	70,400	69,350	73,300	76,988	75,413	73,838	77,263	75,425	78,588	81,488	79,125
CAPL	-	-	-	-	-	-	-	-	-	-	-	-
DSR	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)
Net D/S	69,646	68,596	67,546	71,496	75,183	73,608	72,033	75,458	73,621	76,783	79,683	77,321



Debt Service Summary

Senior - Series 2019

Date	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	Totals
Principal	50,000	50,000	60,000	60,000	70,000	70,000	75,000	170,000	-	-	-	1,050,000
Coupon	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	5.25%	
Interest	31,763	29,138	26,513	23,363	20,213	16,538	12,863	8,925	-	-	-	1,237,141
Total P+I	81,763	79,138	86,513	83,363	90,213	86,538	87,863	178,925	-	-	-	2,287,141
CAP	-	-	-	-	-	-	-	-	-	-	-	(107,216)
DSR	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(90,213)	-	-	-	(142,536)
Net D/S	79,958	77,333	84,708	81,558	88,408	84,733	86,058	88,713	-	-	-	2,037,389

Senior - Total

Date	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	Totals
Principal	50,000	50,000	60,000	60,000	70,000	70,000	75,000	170,000	-	-	-	1,050,000
Interest	31,763	29,138	26,513	23,363	20,213	16,538	12,863	8,925	-	-	-	1,237,141
Total P+I	81,763	79,138	86,513	83,363	90,213	86,538	87,863	178,925	-	-	-	2,287,141
CAP	-	-	-	-	-	-	-	-	-	-	-	(107,216)
DSR	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(1,804)	(90,213)	-	-	-	(142,536)
Net D/S	79,958	77,333	84,708	81,558	88,408	84,733	86,058	88,713	-	-	-	2,037,389



**EXHIBIT C**  
**CONSTRUCTION COSTS**



**Project Name:** Ridge Top Village  
**City :** Wheat Ridge, CO  
**Location:** 4000-4062 Upham Street

### **PRELIMINARY ESTIMATE OF PROBABLE COST**

#### **OnSite Improvements**

Demo	\$	194,800
Street Improvements	\$	223,000
Grading 60% (excluding structures and yards)	\$	175,800
Stormwater and Drainage	\$	70,000
Sanitary Sewer	\$	95,000
Common Area Landscaping/Park	\$	100,000
Water	\$	165,000
Erosion Control	\$	30,000

Subtotal: \$ 1,053,600

Mobilization (5%):	\$	52,680
Design and Legal Cost (10%):	\$	105,360
Contengency (25%):	\$	263,400
City of Wheat Ridge Fees (10%):	\$	105,360

**Onsite Total: \$ 1,580,400**

#### **OffSite Public Improvements**

Upham Street Improvements	\$	40,000
Storm Drain Basin (JEFFCO)	\$	50,000
Erosion Control	\$	10,000

Subtotal: \$ 100,000

Mobilization (5%):	\$	5,000
Design and Legal Cost (10%):	\$	10,000
Contengency (25%):	\$	25,000
City of Wheat Ridge Fees (10%):	\$	10,000

**Off-Site Total: \$ 150,000**

**Site Total: \$ 1,730,400**



**EXHIBIT D**  
**MAPS DEPICTING FACILITIES**







**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: RESOLUTION NO. 38-2019 – A RESOLUTION APPROVING A MAJOR SUBDIVISION WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED PLANNED MIXED USE DEVELOPMENT (PMUD) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) LOCATED AT THE SOUTHWEST QUADRANT OF HIGHWAY 58 AND I-70 (CASE NO. WS-19-04 / CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3)**

☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☒ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL: ☒ YES

☐ NO

  
**Community Development Director**

  
**City Manager**

**ISSUE:**

The applicant is requesting approval of a 13-lot subdivision, which includes 3 tracts and right-of-way dedication, on property zoned Planned Mixed Use Development (PMUD) and Planned Commercial Development (PCD). The subject plat is focused on the realignment and re-dedication of the West 40<sup>th</sup> Avenue and Clear Creek Drive right-of-ways to alleviate conflicts with Denver Water utilities and easements. The purpose of a subdivision plat review is to confirm appropriate lot configuration, access, rights-of-way, easements and utility service to enable future development.

**PRIOR ACTION:**

Planning Commission reviewed this request at a public hearing held on June 6, 2019 and recommended approval of the major subdivision for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.



2. The requirements of Article IV of the zoning and development code have been met.
3. The subdivision will facilitate development of the site in compliance with the approved Outline Development Plan.

With the following conditions:

1. The revisions requested by the Public Works Department related to cross access and the future Regional Transportation District bus transfer station shall be addressed prior to the City Council public hearing.
2. An updated Title Commitment shall be provided prior to recordation of the plat.

The first condition has been addressed by the applicant, and is therefore not included in City Council's recommended motion. Attached are the staff report and draft meeting minutes from the June 6 Planning Commission meeting, as well as the revised plat addressing the previously mentioned condition of approval.

**FINANCIAL IMPACT:**

Fees in the amount of \$4,414 were collected for the review and processing of Case No. WS-19-04. Parkland dedication or fees in lieu will be required prior to issuance of building permit for any new residential development within the subject plat. Building permit fees and use tax will be required for each building permit and for all site work and right-of-way permits.

**BACKGROUND:**

*Existing Conditions*

The property is undeveloped, with the exception of a portion of the local road network having been built (40<sup>th</sup> Avenue underpass and short extension). Additionally, Clear Creek traverses the northern end of the site, and a Coors water storage pond is located in the southwest corner of the site, adjacent to Applewood Golf Course. Approximately 60% of the land area included in this subdivision is zoned Planned Mixed Use Development, and owned by Evergreen-Clear Creek Crossing, LLC and its partners. The remaining 40% is zoned Planned Commercial Development (part of the original Coors/Cabela's Outline Development Plan) and is owned by Coors Brewing Company. This proposed subdivision is a re-subdivision of the plat that was approved in 2011 and re-subdivided in 2018.

Properties to the west are located in unincorporated Jefferson County, and are generally water storage facilities for Coors and the Applewood Golf Course. Highway 58 is located to the north, along with some industrially zoned properties. Properties directly to the south are generally highway oriented commercial uses, including a gas station, hotel and restaurants, all part of the 70 West Business Center Planned Commercial Development. Properties adjacent to the southwest include larger lot single-family homes located in unincorporated Jefferson County. Across I-70 to the east is the Applewood Village shopping center with various retail/restaurant uses.



*Proposed Plat*

The proposed subdivision document is comprised of twelve pages and establishes thirteen parcels that are oriented towards the dedicated right-of-way for Clear Creek Drive and the dedicated right-of-way for 40<sup>th</sup> Avenue across 210 acres. The lots range from 3.0 acres to 28.6 acres in size. The need for this replat is based on the relationship between the Clear Creek Drive right-of-way and the Denver Water easement that traverses the site. The proposed reconfiguration of right-of-way to minimize impacts on the Denver Water easement affects the alignment of the intersection at W. 40<sup>th</sup> Avenue. A right-of-way exhibit is attached to illustrate this change. There are not significant changes to the lot configuration; the only impact on lot configuration reflected in Filing No. 3 are to the lots directly adjacent to the intersection of Clear Creek Drive and West 40<sup>th</sup> Avenue which have adjusted slightly in size in response to the reconfiguration of right-of-ways to accommodate Denver Water utilities and easements.

*Easements and Notes*

Notes have been added to clarify Denver Water easement limitations, cross-access requirements, required trail connections, and to designate an area for a future Regional Transportation District (RTD) bus transfer station to guarantee continued service of high priority bus service lines.

**RECOMMENDATIONS:**

A subdivision plat is a technical document and review is a ministerial action. The plat complies with the requirements of the subdivision regulations (Article VII in Chapter 26 of the Municipal Code) and is consistent with the approved ODP. For that reason, staff is recommending approval of the request.

**RECOMMENDED MOTION:**

“I move to approve Resolution No. 38-2019, a resolution approving a major subdivision with right-of-way dedication for property zoned Planned Mixed Use Development (PMUD) and Planned Commercial Development (PCD) located at the southwest quadrant of Highway 58 and I-70 (Case No. WS-19-04 / Clear Creek Crossing Subdivision Filing No. 3), for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer’s expense.
5. The subdivision will facilitate development of the site in compliance with the approved Outline Development Plan.

With the following condition:

1. An updated Title Commitment shall be provided prior to recordation of the plat.”



Or,

“I move to deny Resolution No. 38-2019, a resolution approving a major subdivision with right-of-way dedication for property zoned Planned Mixed Use Development (PMUD) and Planned Commercial Development (PCD) located at the southwest quadrant of Highway 58 and I-70 (Case No. WS-19-04 / Clear Creek Crossing Subdivision Filing No. 3), for the following reasons:

- 1.
- 2.
3. ”

**REPORT PREPARED/REVIEWED BY:**

Stephanie Stevens, Senior Planner

Scott Cutler, Planner II

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Resolution No. 38-2019
2. Planning Commission Staff Report
3. Planning Commission Draft Meeting Minutes
4. Right-of-Way Exhibit
5. Proposed Plat – Clear Creek Crossing Subdivision Filing No. 3



**CITY OF WHEAT RIDGE, COLORADO  
RESOLUTION NO. 38  
SERIES OF 2019**

**TITLE: A RESOLUTION APPROVING A MAJOR SUBDIVISION WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED PLANNED MIXED USE DEVELOPMENT (PMUD) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) LOCATED AT THE SOUTHWEST QUADRANT OF HIGHWAY 58 AND I-70 (CASE NO. WS-19-04 / CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3)**

**WHEREAS**, Chapter 26, Article IV of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of subdivision plats; and,

**WHEREAS**, an application for a subdivision plat with right-of-way dedication was received from Evergreen-Clear Creek Crossing, LLC to subdivide the Clear Creek Crossing property in the Planned Mixed Use Development and Planned Commercial Development zone districts; and,

**WHEREAS**, all referral agencies have reviewed the request and do not have concerns; and,

**WHEREAS**, all requirements of the zoning code and Subdivision Regulations have been met; and,

**WHEREAS**, the City Council has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, AS FOLLOWS:**

**A MAJOR SUBDIVISION WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED PLANNED MIXED USE DEVELOPMENT (PMUD) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) LOCATED AT THE SOUTHWEST QUADRANT OF HIGHWAY 58 AND I-70 (CASE NO. WS-19-04 / CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3) IS HEREBY APPROVED FOR THE FOLLOWING REASONS:**

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.



5. The subdivision will facilitate development of the site in compliance with the approved Outline Development Plan.

With the following condition:

1. An updated Title Commitment shall be provided prior to recordation of the plat.

**DONE AND RESOLVED** by the City Council this 24<sup>th</sup> day of June, 2019.

By:

---

Bud Starker, Mayor

ATTEST:

---

Janelle Shaver, City Clerk





Site



## **JURISDICTION:**

All notification and posting requirements have been met; therefore, there is jurisdiction to hear this case.

### **I. REQUEST**

The applicant is requesting approval of a 13-lot subdivision, which includes 3 tracts and right-of-way dedication, on property zoned Planned Mixed Use Development (PMUD) and Planned Commercial Development (PCD). The property was originally subdivided in 2011, and replatted in 2018 as Clear Creek Crossing Subdivision Filing No. 2 in response to Evergreen's purchase of a large portion of the previously subdivided property and the need to align with the development scenario that was approved in the Clear Creek Crossing Outline Development Plan in 2018. The subject plat is focused on the realignment and re-dedication of the West 40<sup>th</sup> Avenue and Clear Creek Drive right-of-ways to alleviate conflicts with Denver Water utilities and easements. Because of right-of-way dedication of new public streets, the application is being processed as a major subdivision. This requires Planning Commission to make a recommendation to City Council who is the final authority for approval.

The purpose of a subdivision plat review is to confirm appropriate lot configuration, access, rights-of-way, easements and utility service to enable future development.

### **II. EXISTING CONDITIONS**

The property is commonly known as Clear Creek Crossing, and is located west of Interstate 70, south of Highway 58, and north of the existing development near 32<sup>nd</sup> Avenue. A portion of the site was rezoned to Planned Mixed Use Development (PMUD) in 2018 with an Outline Development Plan (ODP) in anticipation of a new mixed-use development, while a portion of the property remains zoned Planned Commercial Development (PCD), subject to the development plan that was approved in 2011. See *Exhibit 1* for a detail of these boundaries.

Much of the land within the subdivision is vacant. A portion of this area is traversed by Clear Creek, a portion is occupied by a Coors water storage facility, and a portion of the local road network has been built within the subdivision boundary (40<sup>th</sup> Avenue underpass and short extension) (*Exhibit 2, Aerial*). The subject property consists of parcels of land annexed into the City in 2005 and 2011, as part of the former Cabela's development scenarios. Previously, the subject property was used as a gravel mine and an animal hospital once occupied a portion of the site.

#### *Surrounding Land Uses and Zoning*

Properties to the west are generally water storage facilities for Coors and the Applewood Golf Course, some of which are located within the City of Wheat Ridge and zoned Planned Commercial Development (PCD) with very limited uses. The area further west (including the Golf Course) is located in unincorporated Jefferson County. The Clear Creek open space corridor is located within the subdivision boundaries and extends east and west. Properties to the north of Highway 58 are zoned Planned Industrial Development (PID) as part of the 44<sup>th</sup> Industrial Park. Properties directly to the south are generally highway oriented commercial uses, including a gas station, hotel and restaurants, all zoned PCD per the 70 West Business Center development plans and amendments. Properties adjacent to the southwest include larger lot single-family homes located in unincorporated Jefferson



County. Across I-70 to the east is the Applewood Village shopping center with various retail/restaurant uses (*Exhibit 3, Zoning*).

### III. PROPOSED SUBDIVISION PLAT

#### *Plat Document*

The proposed plat document consists of twelve pages (*Exhibit 4, Proposed Plat - Clear Creek Crossing Subdivision Filing No. 3*). The first three pages include a legal description of the property; signature blocks for the owners, City, surveyor and County; data tables; and standard declarations and notes. Pages 4 through 7 show all of the current easements, right-of-way and lot lines being vacated and/or removed by this plat. Pages 8 through 11 show all of the easements, right-of-way, and lot lines being dedicated and/or established by this plat. Page 12 is an overall view of proposed conditions showing the full extent of the subdivision.

#### *Right-of-Way Modifications*

The need for this replat is based on the relationship between the Clear Creek Drive right-of-way and the Denver Water easement that traverses the site. Essentially, as civil construction designs progressed over the last year, it became apparent that the right-of-way needed to shift to the northeast to minimize overlap with the Denver Water easement. This shift affects the alignment of the intersection at W. 40<sup>th</sup> Avenue. Comparison of sheets 6 and 10 illustrate this change.

#### *Lot Configuration*

The site is over 210 acres divided into 3 tracts and 13 parcels that are oriented towards Clear Creek Drive 40<sup>th</sup> Avenue right-of-ways. The lots range from 3.0 acres to 28.6 acres in size, and those which are located within the ODP boundary (*Exhibit 1, ODP and Subdivision Boundaries*) will facilitate the development of the mixed-use center approved by City Council in March 2018. The areas outside of the ODP boundary are owned by Coors. They are included with this proposed subdivision plat, as they were part of the original 2011 plat, but are not foreseen to facilitate any development at this point in time.

At the request of staff and for the purpose of clarity, the plat has been formatted as a replat and all existing lot lines and tracts are shown as being removed and re-dedicated. There are not significant changes to the lot configuration; the only impact on lot configuration reflected in Filing No. 3 are to the lots directly adjacent to the intersection of Clear Creek Drive and West 40<sup>th</sup> Avenue which have adjusted slightly in size in response to the reconfiguration of right-of-ways to accommodate Denver Water utilities and easements. This approach of replatting along with the inclusion of vacation and dedication sheets is the most appropriate way to process this kind of request and will provide clarity for future land owners and staff.

#### *Public Improvements*

As part of the 2018 subdivision plat, the applicant executed a Subdivision Improvement Agreement (SIA), obligating them to construct public improvements throughout the site, including Clear Creek Drive, 40<sup>th</sup> Avenue, and sidewalks throughout the site. There is no change to this obligation and no change to the SIA as part of this application.

In 2016, Wheat Ridge voters passed ballot question 2E, which approved a sales tax increase to fund certain improvements within the City. As part of that measure, approximately \$10 million was allocated to the Clear Creek Crossing development to fund the construction of the I-70 hook ramps, which provide access to the site directly from I-70, improve the current ramps at 32<sup>nd</sup> Avenue, and



connect to the right-of-way dedicated for Clear Creek Drive. There is no change to this work which is expected to commence by early July 2019.

### *Drainage*

There are no changes to the drainage design from what was approved with Subdivision Filing No. 2 in 2018. The storm drainage system was adequately analyzed and designed to capture and convey runoff from the development and adjacent tributary areas. This runoff will flow north to Clear Creek generally following historical drainage patterns. To accommodate water quality treatment, an existing wetlands area at the northern end of the site will be utilized as a wetlands water quality pond. All of the runoff from the site will be directed into one of two future forebay ponds and then into the water quality treatment pond. Runoff flows exceeding the water quality storm event will bypass the water quality pond and will be conveyed directly into Clear Creek by means of diversion structures at both the east and west forebay ponds.

### *Easements and Notes*

As the project has progressed over the last year, additional information has informed the need for updates to several easement notes. These modifications retain the intent of the 2018 plat and ODP and provide additional clarity. The only substantive changes to easements include:

- 1) The existing 80-foot wide Denver Water line easement that traverses the site will remain in place, and is proposed to increase in width to 84-feet south of the Clear Creek Drive and 40<sup>th</sup> Avenue intersection. A note relating to the limitations of the easement has been placed on page 2 of the plat per Denver Water's request.
- 2) Staff requested that the cross access easement note #18 on page 2 be revised for clarity to ensure both pedestrian and vehicular access is provided between Block 1, Lot 1 and Block 1, Lot 2, and between Block 4, Lot 1 and Block 4, Lot 2, to conform to the designated internal roadway network as set forth in the Outline Development Plan. Due to the uncertainty of the final designs of each lot at this time, this easement may be platted by separate document, but must be in place prior to the issuance of building permits for either lot impacted. Public Works has requested that the note language be revised as a technicality to meet surveying requirements. Thus, staff has placed a recommended condition of approval to revise the plat per Public Works comments prior to City Council public hearing.
- 3) Notes have also been added to allow limited access and require a future secondary trail along Block 1, Lot 1 to connect to the Clear Creek regional trail. See notes 16 and 17 on page 2 of the plat.
- 4) Lastly, staff has requested that a specific area be reserved for a future Regional Transportation District (RTD) bus transfer station within the Clear Creek Crossing Subdivision in order to guarantee continued service of high priority service lines. The applicant/owner has placed a note to require future right-of-way dedication within Block 4, Lot 1 to accommodate the future RTD bus transfer station. Due to uncertainty of final design of the RTD station at this time, this right-of-way may be dedicated at a later date, and shall occur upon request of the City at the responsibility of the owner. See note #22 on page 2 of the plat. Public Works has requested that the language be revised and the area of future right-of-way be delineated in the form of a tract to meet subdivision standards. Thus, staff has placed a recommended condition of approval to revise the plat per Public Works comments prior to City Council public hearing. This transfer station would replace the station that was previously located at the Applewood Village Shopping Center. RTD is actively exploring several possible locations including in Clear Creek Crossing.



All other notes and easements were previously approved with Clear Creek Crossing Subdivision Filing No. 2 and have been carried over in Filing No. 3.

#### **IV. AGENCY REFERRALS**

All affected service agencies were contacted for comment on the subdivision plat regarding the ability to serve the property. The developer will be responsible for the needed upgrades/installation to accommodate the proposed development. Specific referral responses follow.

**City of Wheat Ridge Public Works:** Has reviewed several versions of the plat, and has minor issues related to plat notes to be addressed prior to City Council public hearing. This has been included as a condition of approval. The Public Works Department has previously reviewed and approved the Master Drainage Plan and Final Drainage Report.

**City of Wheat Ridge Parks and Recreation:** Commented regarding the need for easement/agreement updates to accommodate City access to the trail for maintenance. Easements have been updated accordingly and the developer is committed to working with Parks and Recreation on agreement updates.

**West Metro Fire Protection District:** Commented regarding potential access impairments related to the proposed Denver Water easement and note. The language was revised to address these concerns.

**Consolidated Mutual Water District:** No objections to the proposed subdivision. Noted requirements for continued coordination during utility design and development.

**Denver Water:** Commented to coordinate Denver Water plat notes. All issues have been resolved.

**Jefferson County Planning Department:** No objections to the proposed subdivision.

**Urban Drainage and Flood Control District:** Commented regarding the existing conditions along Clear Creek, and the ongoing desire to work with the developer on incorporating Clear Creek as an amenity to the site.

**Wheat Ridge Police Department:** No objections to the proposed subdivision.

**Century Link:** No objections to the proposed subdivision.

**Xcel Energy:** Acknowledged the platted utility easements. Communicated the need for 10' perimeter easements at time of development of each lot.

**Regional Transportation District (RTD):** Commented about the possibility of incorporating a bus transfer station into the development. A note has been added to the plat to require future right-of-way dedication within Block 4, Lot 1.

**Dwaine Richter (Owner of vacant parcels directly south of the subdivision):** Commented related to the impact that the project has on access to the 70 West Business Center property.



The developer continues to work privately with the adjacent property owner to resolve concerns.

No comments were received from City of Wheat Ridge Economic Development, Applewood Sanitation District, Longs Peak Metro District, Comcast, Colorado Department of Transportation, or Prospect Recreation and Parks District. Referral recipients are advised that no comment received indicates having no objections or concerns regarding the proposal.

## **V. STAFF CONCLUSIONS AND RECOMMENDATIONS**

Staff concludes that the proposed subdivision plat results in a logical lot layout for the proposed future development. Staff further concludes that the subdivision plat complies with the standards in Article IV of the zoning and development code (subdivision regulations) and that all utility agencies can serve the property with improvements installed at the developer's expense. For these reasons, staff recommends approval of the subdivision plat with the conditions listed below.

## **VI. SUGGESTED MOTIONS**

Option A: "I move to recommend APPROVAL of Case No. WS-19-04, a request for approval of a major subdivision to realign and re-dedicate the 40th Avenue and Clear Creek Drive intersection on property zoned Planned Commercial Development (PCD) and Planned Mixed Use Development (PMUD) located west of Interstate 70, south of Highway 58 and north of 32<sup>nd</sup> Avenue approximately, for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The requirements of Article IV of the zoning and development code have been met.
3. The subdivision will facilitate development of the site in compliance with the approved Outline Development Plan.

With the following conditions:

1. The revisions requested by the Public Works Department related to cross access and the future Regional Transportation District bus transfer station shall be addressed prior to the City Council public hearing.

Option B: "I move to recommend DENIAL of Case No. WS-19-04, a request for approval of a major subdivision to realign and re-dedicate the 40th Avenue and Clear Creek Drive intersection on property zoned Planned Commercial Development (PCD) and Planned Mixed Use Development (PMUD) located west of Interstate 70, south of Highway 58 and north of 32<sup>nd</sup> Avenue approximately, for the following reasons:

- 1.
2. ..."



# EXHIBIT 1: ODP & SUBDIVISION BOUNDARY





## EXHIBIT 2: AERIAL





# EXHIBIT 3: ZONING MAP





**EXHIBIT 4: PROPOSED PLAT-  
CLEAR CREEK CROSSING SUBDIVISION  
FILING NO. 3**

[see attached]

EXHIBIT 4 OF THE PLANNING COMMISSION STAFF REPORT HAS  
BEEN INTENTIONALLY REMOVED FROM THE COUNCIL ACTION FORM.  
A REVISED PLAT IS PROVIDED AS A SEPARATE ATTACHMENT.



The Planning Commissioners wondered why the two developments are not being heard as one case. Mr. Cutler explained that the two developments have different zoning; one review is more intensive while the one being decided on today did not need a zone change and all the development standards are being met and that is why staff is recommending approval. Commissioner ANTOL would like to see that type of information in the Staff Report, but still respecting what is quasi-judicial.

There was also discussion on withdrawing the previous motion prior to a vote so it can be continued to a later date. In doing so the Planning Commission can hear the Case on 4440 Tabor Street to help them make a decision on this case.

Mr. Cutler read from the bylaws Part B of the voting section: "In the event a motion fails to receive a majority vote, it shall conclusively be presumed that no action has been taken, and it shall be required that a second motion be made, seconded, and adopted by majority vote indicating the definite action (either granting or refusing the requested action)." Mr. Cutler also explained the need for the Planning Commission to provide reasons for the denial, if there is a second motion and majority vote to deny. Ms. Stevens added that if a motion is made to refuse the denial, then there could be another motion made to continue this case to a date certain.

**It was moved by Commissioner VOS and seconded by Commissioner SIMBAI to refuse requested action on denial.**

**Motion passed 7-0.**

**It was moved by Commissioner LEO and seconded by Commissioner ANTOL to postpone WS-19-01 until July 18 after the adjacent property, the 4440 Tabor Case, is heard on June 20 for additional information.**

**Motion passed 7-0.**

→ **D. Case No. WS-19-04:** an application filed by Evergreen-Clear Creek Crossing for approval of a major subdivision with right-of-way (ROW) dedication for property zoned Planned Mixed Use Development (PMUD) located at the SW quadrant of Hwy 58 and I-70.

Ms. Stevens gave a short presentation regarding the major subdivision and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner SIMBAI inquired about the concern from the property owner to the south.



Ms. Stevens said there is some reconfiguration of Clear Creek Drive that is occurring and impacts his property.

Mr. Brossman added that there is going to be a median on Clear Creek Drive that will prohibit some of the traffic movement into his subdivision. Some accommodations are being made to allow access to the existing Frontage Road. It is still under design, but the City is working through the issues with him.

Commissioner KERNS asked where the possible site for the RTD bus station will be.

Ms. Stevens explained it is currently reserved to be in Block 4 Lot 1, preferably in the Denver Water Easement. She mentioned the decision should be official in the next 6 months.

Commissioner LARSON asked where the I-70 hook ramps are located.

Ms. Stevens said they are platted on the southeast side of the subdivision.

Commissioner LARSON also asked why the change in the ROW.

Ms. Stevens explained that Denver Water made some changes to their pipe size which could impact the road so they asked if it could be shifted a little bit.

Mr. Brossman added that due to the width change along with the depth of the pipe Denver Water needed some extra room to maintain the pipe.

**It was moved by Commissioner VOS and seconded by Commissioner SIMBAI to recommend APPROVAL of Case No. WS-19-04, a request for approval of a major subdivision to realign and re-dedicate the 40th Avenue and Clear Creek Drive intersection on property zoned Planned Commercial Development (PCD) and Planned Mixed Use Development (PMUD) located west of Interstate 70, south of Highway 58 and north of 32<sup>nd</sup> Avenue approximately, for the following reasons:**

- 1. All agencies can provide services to the property with improvements installed at the developer's expense.**
- 2. The requirements of Article IV of the zoning and development code have been met.**
- 3. The subdivision will facilitate development of the site in compliance with the approved Outline Development Plan.**

**With the following conditions:**



1. The revisions requested by the Public Works Department related to cross access and the future Regional Transportation District bus transfer station shall be addressed prior to the City Council public hearing.
2. An updated Title Commitment shall be provided prior to recordation of the plat.

**Motion carried 7-0.**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

The next Planning Commission meeting will be held on June 20, 2019.

**10. ADJOURNMENT**

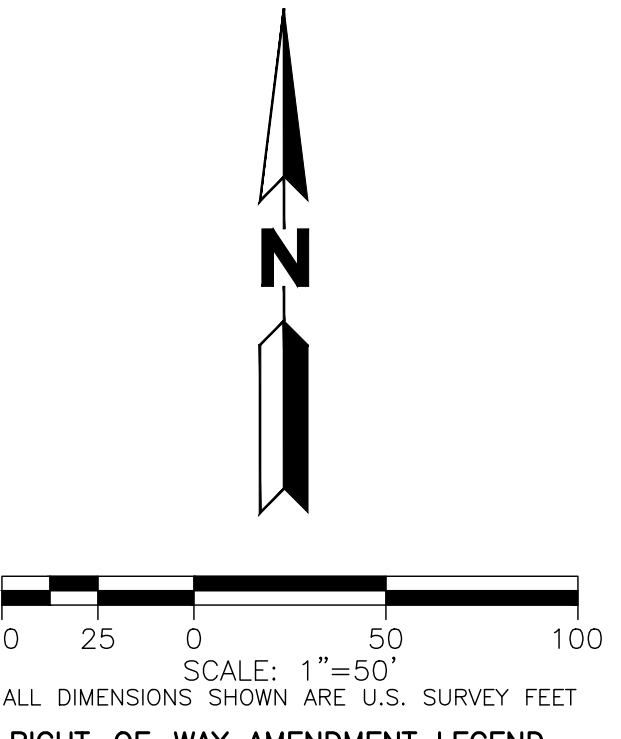
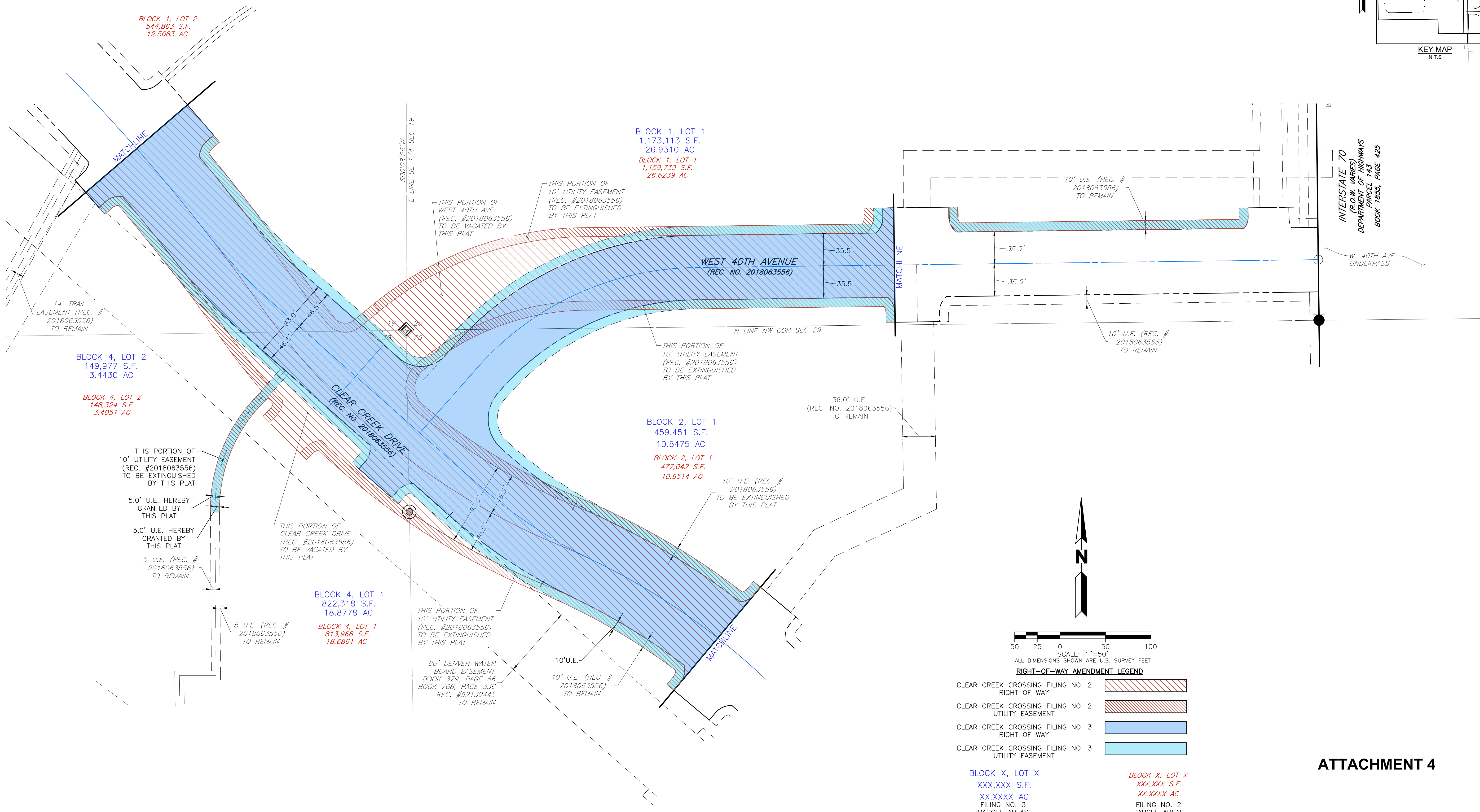
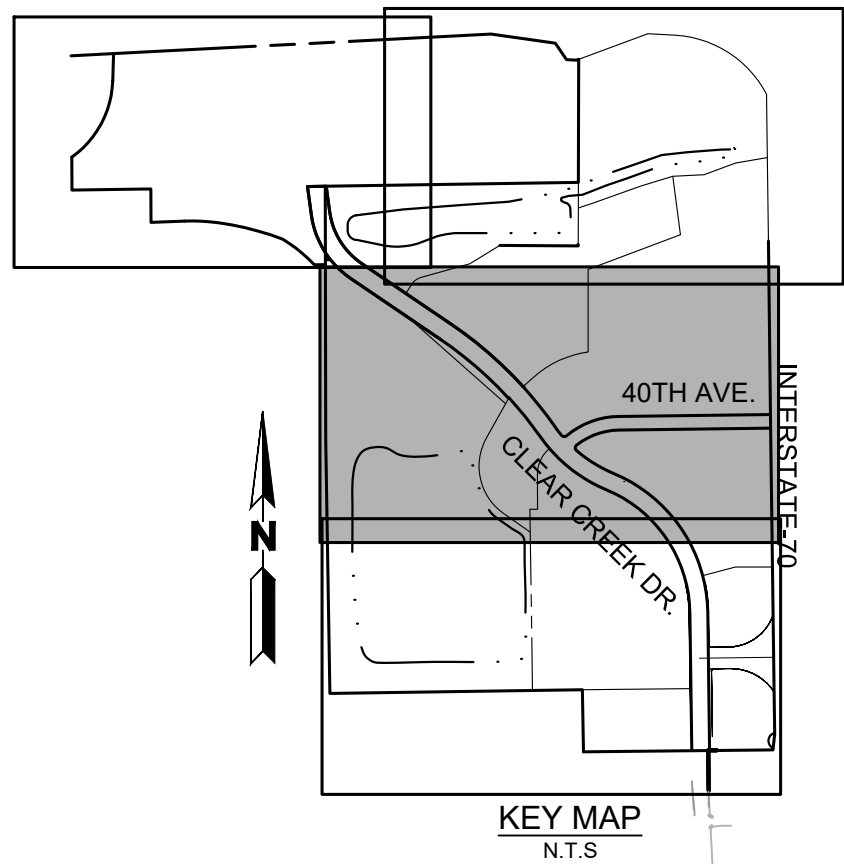
**It was moved by Commissioner PETERSON and seconded by Commissioner SIMBAI to adjourn the meeting at 10:09 p.m. Motion carried 7-0.**

\_\_\_\_\_  
**Scott Ohm, Chair**

\_\_\_\_\_  
**Tammy Odean, Recording Secretary**



CLEAR CREEK DRIVE AND 40TH AVENUE  
RIGHT-OF-WAY REALIGNMENT EXHIBIT



RIGHT-OF-WAY AMENDMENT LEGEND	
CLEAR CREEK CROSSING FILING NO. 2 RIGHT OF WAY	
CLEAR CREEK CROSSING FILING NO. 2 UTILITY EASEMENT	
CLEAR CREEK CROSSING FILING NO. 3 RIGHT OF WAY	
CLEAR CREEK CROSSING FILING NO. 3 UTILITY EASEMENT	

BLOCK X, LOT X  
XXX,XXX S.F.  
XX.XXXX AC  
FILING NO. 3  
PARCEL AREAS

BLOCK X, LOT X  
XXX,XXX S.F.  
XX.XXXX AC  
FILING NO. 2  
PARCEL AREAS

ATTACHMENT 4

Project Manager: G:\MOORE\16.0946-Clear Creek Crossing\PLANS\EXHIBITS\2019.06.03 FILING 3 EXHIBIT\FILING 3 PLAT EXHIBIT.dwg  
Location: G:\MOORE\16.0946-Clear Creek Crossing\PLANS\EXHIBITS\2019.06.03 FILING 3 EXHIBIT\FILING 3 PLAT EXHIBIT.dwg  
Job Number: Sheet Number:  
Drawn By:  
Surveyed By:  
Plot Date: 2019.06.04



CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3  
A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

OWNERS' CERTIFICATION

WE, EVERGREEN-CLEAR CREEK CROSSING L.L.C., COORS BREWING COMPANY INC., SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC., TYLER LEE CARLSON, ERIKA KLOPPPEL SHORTER, JEFFREY ALAN WIKSTROM, AND BRIAN HEMPHILL, BEING THE OWNERS OF REAL PROPERTY CONTAINING 210.9717 ACRES, MORE OR LESS, DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, THE SOUTHWEST QUARTER OF SECTION 20, THE NORTHWEST QUARTER OF SECTION 29 AND THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 29; THENCE N01°01'46"W A DISTANCE OF 997.38 FEET TO A POINT ON THE SOUTHERLY LINE OF THE CABELA'S / COORS SUBDIVISION FILING NO. 1, AMENDED, AS RECORDED AT RECEPTION NUMBER 2006148911, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY AND WESTERLY LINE OF SAID CABELA'S / COORS SUBDIVISION FILING NO. 1, AMENDED, THE FOLLOWING 14 COURSES: 1) CONTINUING N01°01'46"W A DISTANCE OF 323.41 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; 2) THENCE S89°10'06"W ALONG THE SOUTHERLY LINE OF NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1315.31 FEET TO THE SOUTHWEST CORNER OF NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; 3) THENCE N00°55'43"W ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1320.36 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; 4) THENCE N00°07'26"W ALONG THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 19 A DISTANCE OF 913.46 FEET; 5) THENCE S89°07'35"W A DISTANCE OF 57.62 FEET; 6) THENCE 212.18 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 791.19 FEET, A CENTRAL ANGLE OF 15°21'56" AND A CHORD WHICH BEARS N50°55'44"W A DISTANCE OF 211.55 FEET; 7) THENCE 342.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1529.61 FEET, A CENTRAL ANGLE OF 12°49'33" AND A CHORD WHICH BEARS N75°38'47"W A DISTANCE OF 341.69 FEET TO A POINT OF COMPOUND CURVATURE; 8) THENCE 179.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1022.23 FEET, A CENTRAL ANGLE OF 10°05'16" AND A CHORD WHICH BEARS N87°06'12"W A DISTANCE OF 179.75 FEET; 9) THENCE S87°51'10"W A DISTANCE OF 175.73 FEET; 10) THENCE N00°23'08"W A DISTANCE OF 174.56 FEET; 11) THENCE S89°07'35"W A DISTANCE OF 410.63 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19; 12) THENCE N00°23'08"W ALONG SAID WESTERLY LINE A DISTANCE OF 171.61 FEET; 13) THENCE 467.65 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 505.40 FEET, A CENTRAL ANGLE OF 53°02'20" AND A CHORD WHICH BEARS N28°13'13"E A DISTANCE OF 451.32 FEET; 14) THENCE N01°42'03"E A DISTANCE OF 141.51 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 58; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 58 THE FOLLOWING 8 COURSES: 1) N87°01'33"E A DISTANCE OF 1968.69 FEET; 2) THENCE S81°54'27"E A DISTANCE OF 338.62 FEET; 3) THENCE S33°53'52"E A DISTANCE OF 103.60 FEET; 4) THENCE S87°08'19"E A DISTANCE OF 51.00 FEET; 5) THENCE N69°45'24"E A DISTANCE OF 13.67 FEET TO A POINT ON THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19; 6) THENCE N69°45'14"E A DISTANCE OF 383.88 FEET; 7) THENCE S87°08'21"E A DISTANCE OF 142.63 FEET; 8) THENCE 592.10 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 577.60 FEET, A CENTRAL ANGLE OF 58°44'05" AND A CHORD WHICH BEARS S57°08'25"E A DISTANCE OF 566.52 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE HIGHWAY 70; THENCE S00°42'34"E ALONG SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 765.67 FEET TO THE NORTHEAST CORNER OF THE CABELAS / COORS SUBDIVISION FILING NO. 1, AMENDED; THENCE ALONG THE EASTERLY AND SOUTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING 5 COURSES: 1) S00°41'49"E A DISTANCE OF 1005.12 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29; 2) THENCE S00°45'44"E TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29 A DISTANCE OF 1321.80 FEET; 3) THENCE S00°43'38"E A DISTANCE OF 241.50 FEET; 4) THENCE S06°23'52"W A DISTANCE OF 82.23 FEET; 5) THENCE S89°24'56"W A DISTANCE OF 986.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 210.9717 ACRES (9,189,928 S.F.) MORE OR LESS.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3, A SUBDIVISION OF A PART OF THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THE PUBLIC THOSE PORTIONS OF REAL PROPERTY SHOWN AS RIGHTS-OF-WAY, SANITARY SEWER AND DRAINAGE EASEMENTS, EXCEPT THOSE PORTIONS SPECIFICALLY DEDICATED TO THE COLORADO DEPARTMENT OF TRANSPORTATION, AND DO FURTHER DEDICATE TO THE CITY OF WHEAT RIDGE, APPLEWOOD SANITATION DISTRICT AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORMWATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

TYLER LEE CARLSON, EVERGREEN-EXECUTIVE VICE PRESIDENT, ON BEHALF OF EVERGREEN-CLEAR CREEK CROSSING, L.L.C.

STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
BY TYLER LEE CARLSON, EXECUTIVE VICE PRESIDENT EVERGREEN-CLEAR CREEK CROSSING L.L.C. A CALIFORNIA COMPANY, ON BEHALF OF THE COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

TYLER LEE CARLSON, AN INDIVIDUAL

STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
BY TYLER LEE CARLSON, AN INDIVIDUAL

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

ERIKA KLOPPPEL SHORTER, AN INDIVIDUAL

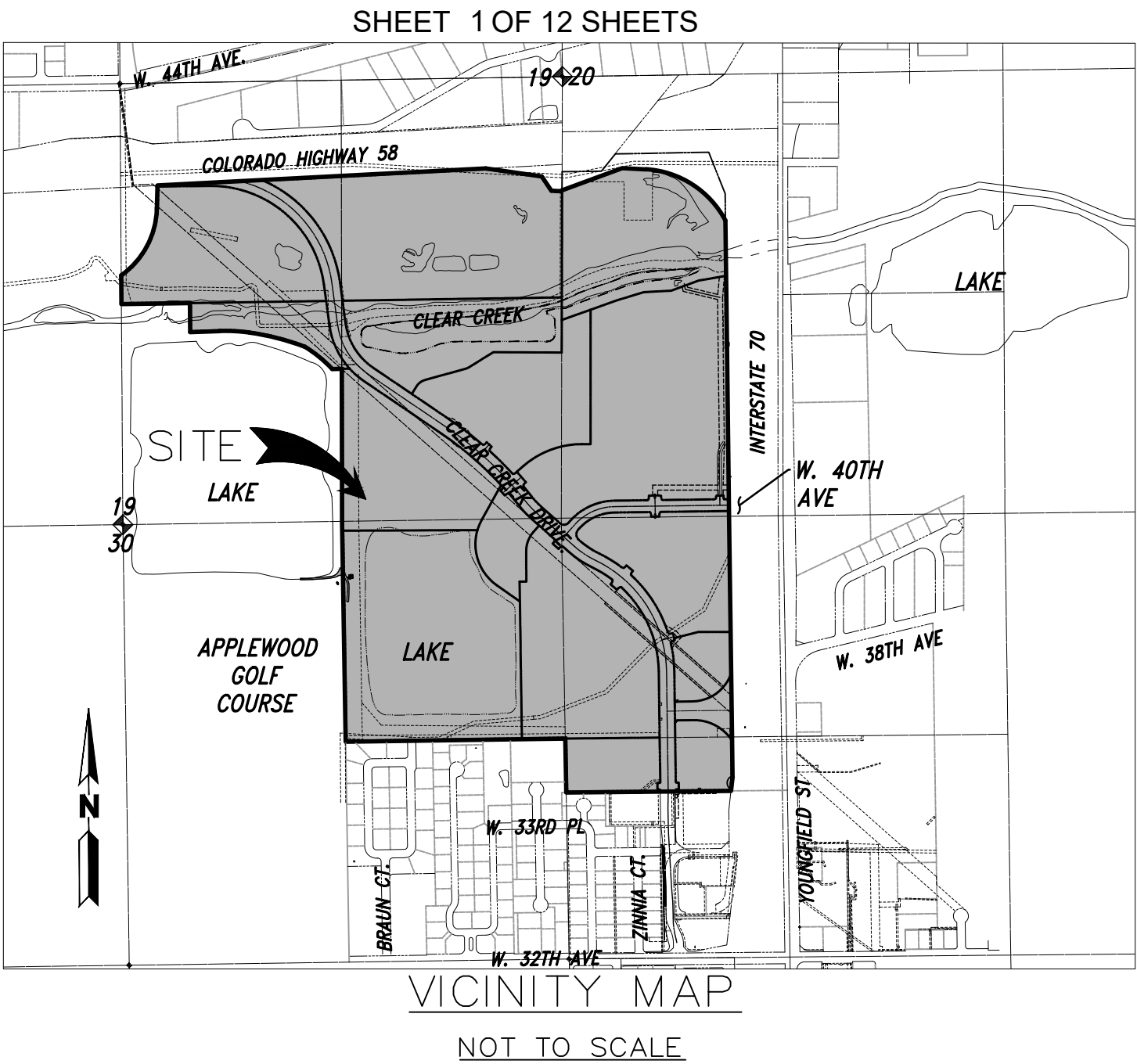
STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
BY ERIKA KLOPPPEL SHORTER, AN INDIVIDUAL

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC



JEFFREY ALAN WIKSTROM, AN INDIVIDUAL

STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
BY JEFFREY ALAN WIKSTROM, AN INDIVIDUAL

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

ANNE G. DEMARCO, ON BEHALF OF COORS BREWING COMPANY, A COLORADO CORPORATION

STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
BY ANNE G. DEMARCO, ON BEHALF OF COORS BREWING COMPANY, A COLORADO COMPANY

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

BRIAN HEMPHILL, AN INDIVIDUAL

STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
BY BRIAN HEMPHILL, AN INDIVIDUAL

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

LYDIA JUMONVILLE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, ON BEHALF OF SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC., A KANSAS NON-PROFIT CORPORATION.

STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
BY LYDIA JUMONVILLE, PRESIDENT AND CHIEF EXECUTIVE OFFICER-ON BEHALF OF THE CORPORATION SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC., A KANSAS NON-PROFIT CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

THE PURPOSES OF THIS REPLAT ARE AS FOLLOWS:

- TO REALIGN THE RIGHT-OF-WAY AT THE CLEAR CREEK DRIVE AND WEST 40TH AVENUE INTERSECTION FROM THAT SHOWN ON THE PLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2, PREVIOUSLY RECORDED ON JULY 13, 2018 AND FOUND AT RECEPTION NO. 2018063556.
- TO ADD NOTES BY DENVER WATER AS WELL AS OTHER GENERAL NOTES ASSOCIATED WITH TEMPORARY TRAIL ACCESS EASEMENT AND REALIGNED INTERSECTION OF CLEAR CREEK DRIVE AND W. 40TH AVE.

SURVEYOR'S CERTIFICATION

I, RICHARD A. NOBBE, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2, WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENTS SAID SURVEY.

RICHARD A. NOBBE PLS # 23899

PLANNING COMMISSION

RECOMMENDED FOR APPROVAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE CITY OF WHEAT RIDGE PLANNING COMMISSION.

CHAIRPERSON

CITY CERTIFICATION

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE CITY OF WHEAT RIDGE.

ATTEST

CITY CLERK MAYOR

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF PUBLIC WORKS

COUNTY CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO )  
COUNTY OF JEFFERSON ) SS

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

JEFFERSON COUNTY CLERK AND RECORDER

BY: \_\_\_\_\_ DEPUTY CLERK

STATEMENT OF ACCURACY

THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM, AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE (FGDC-STD-007.2-1998)

CURRENT CITY DATUM

- THIS PLAT IS BASED ON THE CURRENT CITY DATUM, WHICH USES A HORIZONTAL COORDINATE SYSTEM THAT IS GROUND-BASED, MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502, AND THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- THE GROUND TO STATE PLANE GRID COMBINED SCALE FACTOR IS 0.99974780300, SCALED FROM BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 (NAD83 HARN) STATE PLANE COORDINATES: PHAC 1: NORTHING: 1701258.75, EASTING: 3118217.58, ELEVATION 5471.62 (NAVD 88)

SHEET INDEX

SHEET NUMBER	SHEET TITLE
1	COVER
2	NOTES
3	LEGEND, LINE AND CURVE TABLE
4	EXISTING CONDITIONS - NW PORTION
5	EXISTING CONDITIONS - NE PORTION
6	EXISTING CONDITIONS - CENTRAL PORTION
7	EXISTING CONDITIONS - SOUTHERN PORTION
8	PROPOSED CONDITIONS - NW PORTION
9	PROPOSED CONDITIONS - NE PORTION
10	PROPOSED CONDITIONS - CENTRAL PORTION
11	PROPOSED CONDITIONS - SOUTHERN PORTION
12	PROPOSED CONDITIONS - OVERALL SITE

CASE HISTORY

WS-17-07	WS-06-01
WZ-16-07	WZ-06-03
WS-11-01	SUP-06-05
WZ-11-02	SUP-05-04
WZ-11-01	WZ-05-02
ANX-11-01	WZ-05-01
SUP-10-01	SUP-05-01
MS-06-10	ANX-05-01
MS-06-09	

REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

COVER  
SHEET 1 OF 12





CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3  
A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 2 OF 12 SHEETS

CASE NUMBER WS-17-07  
MAP NUMBER

EASEMENT NOTES

THE OWNER, ITS SUCCESSORS AND ASSIGNS GRANTS LIMITED RIGHTS AND PRIVILEGES TO ACCESS AND TO FREE MOVEMENT THROUGH THOSE AREAS INDICATED AS 100' DRAINAGE AND CROSS-ACCESS EASEMENT, AS ILLUSTRATED ON THIS PLAT (SEE SHEETS 4, 6, AND 7). SUCH GRANT OF EASEMENT SHALL BE LIMITED TO THE OWNERS, TENANTS, CUSTOMERS, AND GUESTS OF THE OWNERS, AND SHALL FURTHERMORE GRANT ACCESS TO AND FREE MOVEMENT THROUGH SAID EASEMENTS TO THOSE ENTERING SAID EASEMENTS FROM SIMILARLY RECORDED EASEMENTS FROM ADJOINING PROPERTIES AND/OR FROM ABUTTING PUBLIC STREETS. ALL DRAINAGE FACILITIES WITHIN SAID EASEMENTS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNERS, SUBSEQUENT OWNERS, SUCCESSORS, AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNERS, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH EASEMENT AREA AND PERFORM THE NECESSARY WORK, THE COST OF WHICH SAID OWNERS, SUCCESSORS, AND ASSIGNS AGREE TO PAY.

TRACT 'A' AND 'B' ARE DESIGNATED AS A STORM WATER DRAINAGE AREA FULLY ENCUMBERED BY A DRAINAGE EASEMENT HEREBY GRANTED BY THIS PLAT TO THE CITY OF WHEAT RIDGE. ALL FACILITIES WITHIN TRACT 'A' AND 'B' SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER AND SUBSEQUENT OWNERS, SUCCESSORS, AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNERS, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH AREA AND PERFORM NECESSARY WORK, THE COST OF WHICH SAID OWNERS, SUCCESSORS, AND ASSIGNS AGREE TO PAY. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED IN THE DRAINAGE AREA AND NO CHANGES OR ALTERATIONS AFFECTING THE HYDRAULIC CHARACTERISTICS OF THE DRAINAGE AREA SHALL BE MADE WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS.

TEN-FOOT (10') WIDE EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL PUBLIC STREETS, TRACTS, AND THE PERIMETER OF EACH LOT IN THE SUBDIVISION OR PLATTED AREA. THESE EASEMENTS ARE DEDICATED FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION CABLE, DRAINAGE AND TELECOMMUNICATIONS FACILITIES. UTILITIES SHALL ALSO BE PERMITTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES AND WATER METERS SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS.

APPLEWOOD SANITATION DISTRICT TO VACATE, REVISE OR ADD EASEMENTS BY SEPARATE DOCUMENT.

GENERAL NOTES

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY MARTIN/MARTIN, INC. TO DETERMINE OWNERSHIP EASEMENTS OF RECORD. MARTIN/MARTIN, INC. RELIED UPON THE FOLLOWING TITLE COMMITMENTS PREPARED BY LAND TITLE GUARANTEE COMPANY, ORDER NUMBER ABD70551248-2 EFFECTIVE DATE NOVEMBER 02, 2017.
- 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 ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- BEARINGS ARE BASED ON THE CITY OF WHEAT RIDGE BEARINGS OF N01°01'46"W ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED BY A 3 ¼" BRASS DISK PLS # 13212 IN RANGE BOX AT THE EAST QUARTER CORNER OF SECTION 30 AND A 3 ¼" BRASS CAP PLS # 13212 AT A 200' WITNESS CORNER SOUTH OF THE NORTHEAST CORNER OF SECTION 30.
- THE SURVEY OF THE BOUNDARY OF THIS PLAT WAS PERFORMED IN THE FIELD AS OF JANUARY 15, 2018.
- CENTERLINE OF RIGHT-OF-WAY MONUMENTS SHALL BE SET AT LOCATIONS SHOWN ON PLANS AND PRIOR TO THE PLACEMENT OF THE TOP LIFT OF ASPHALT PAVEMENT. THESE SHALL BE POINTS OF CURVATURE, TANGENCY, REVERSE CURVATURE, COMPOUND CURVATURE, AND STREET CL-CL INTERSECTIONS FOR CLEAR CREEK CROSSING DRIVE, WEST 40TH AVENUE, AND INTERSTATE 70 CONNECTOR. MONUMENT HARDWARE WILL BE FURNISHED BY THE CITY OF WHEAT RIDGE UPON REQUEST AT (303) 235-2861.
- SHEETS 4 THROUGH 7 OF THIS PLAT DOCUMENT INDICATE EXISTING BLOCKS, TRACTS AND LOT LINES PER CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 AS RECORDED AT RECEPTION NUMBER 2018063556, TO BE REMOVED, EXISTING RIGHT-OF-WAY TO BE VACATED AND EXISTING EASEMENTS TO BE EXTINGUISHED BY THIS PLAT. SHEETS 8-11 INDICATES THE PROPOSED LOT LINES TO BE CREATED, ALONG WITH THE EASEMENTS TO BE GRANTED AND RIGHT-OF-WAY HEREBY DEDICATED BY THIS PLAT.
- PER COLORADO REVISED STATUTES SEC. 38-51-106 (L), ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37 DIVIDED BY 12 U.S. SURVEY FEET ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 IS ZONED PLANNED MIXED USE DEVELOPMENT.
- TRACT 'C' HAS BEEN DEDICATED AS PUBLIC RIGHT-OF-WAY TO THE COLORADO DEPARTMENT OF TRANSPORTATION BY THIS PLAT.
- THE COLORADO DEPARTMENT OF TRANSPORTATION ACCESS CONTROL LINE SHOWN HEREIN AS THE CDOT 'A' LINE IS USED TO REGULATE THE "CONTROL OF ACCESS" TO INTERSTATE RIGHTS-OF-WAY AND DESIGNATED FRONTAGE ROADS FOR BOTH TRANSPORTATION AND NON-TRANSPORTATION PURPOSES.
- ALL LAND OWNERS ADJACENT TO "ACCESS CONTROL LINES" ARE RESTRICTED FROM EACH AND EVERY RIGHT OF ACCESS, FROM OR TO ANY PART OF CLEAR CREEK DRIVE AND THE WEST-BOUND INTERSTATE 70 OFF AND ON RAMPS, INCLUDING THE ABILITY TO INGRESS AND EGRESS PROPERTIES ADJACENT AND ABUTTING THE ACCESS CONTROL.
- PERTAINING TO THE FLOODPLAIN LINES SHOWN ON THIS PLAT:  
FEMA FLOODPLAIN: AT THE TIME OF THE RECORDATION OF THIS PLAT THE FEMA FLOODPLAIN SHOWN HEREIN IS THE REGULATORY FLOODPLAIN RECOGNIZED BY FEMA, THE CITY, AND OTHER FEDERAL AND STATE AGENCIES. THIS FLOODPLAIN IS TO BE USED FOR FLOOD INSURANCE AND OTHER FEDERAL AND STATE REGULATED PURPOSES. RECOGNIZED AS PANEL# 08059C0194F DATED 02/05/14
- NO PERMANENT BUILDING OR PERMANENT VERTICAL STRUCTURE SHALL BE ERECTED ON TRACT 'A' OR TRACT 'B' UNLESS PERMITTED BY THE CLEAR CREEK CROSSING PLANNED MIXED USE OUTLINE DEVELOPMENT PLAN, OR ANY AMENDMENT TO THE OUTLINE DEVELOPMENT PLAN, OR AS REGULATED BY THE CITY OF WHEAT RIDGE FLOODPLAIN MANAGER.
- APPLEWOOD SANITATION DISTRICT (A.S.D.) UTILITY EASEMENTS TO BE GRANTED BY SEPARATE DOCUMENT, AND ARE DEDICATED EXCLUSIVELY FOR THE INSTALLATION, MAINTENANCE AND REPLACEMENT OF SANITARY SEWER UTILITY BY THOSE ASSOCIATED WITH THE APPLEWOOD SANITATION DISTRICT AND ITS ASSOCIATES.
- TRAIL EASEMENT GRANTED TO PROSPECT PARK FOR THE PURPOSE OF MAINTAINING, RECONSTRUCTING, CONTROLLING AND USING SUCH TRAILS TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, PROVIDED PROSPECT PARK SHALL NOT INTERFERE WITH ANY OTHER STRUCTURES OR IMPROVEMENTS.
- TEMPORARY ACCESS EASEMENT TO BE PROVIDED BY SEPARATE DOCUMENT ALLOWING PEDESTRIAN CONNECTION FROM W. 40TH AVE. THROUGH BLOCK 1, LOT 1 TO THE EXISTING CDOT FRONTAGE ROAD, CURRENTLY CONNECTED TO THE CLEAR CREEK REGIONAL TRAIL. FUTURE DEDICATION OF A PERMANENT SECONDARY TRAIL ALONG THE EAST SIDE OF BLOCK 1, LOT 1 IS REQUIRED PURSUANT TO THE CLEAR CREEK CROSSING PLANNED MIXED USE OUTLINE DEVELOPMENT PLAN (MARCH 2018) PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- REQUIRED FUTURE DEDICATION OF A 10' SECONDARY TRAIL/PEDESTRIAN ACCESS EASEMENT IN ACCORDANCE WITH THE CLEAR CREEK CROSSING PLANNED MIXED USE OUTLINE DEVELOPMENT PLAN (MARCH 2018) PRIOR TO ISSUANCE OF A BUILDING PERMIT ON BLOCK 1, LOT 1.
- CROSS-ACCESS EASEMENT BETWEEN BLOCK 1, LOT 1 AND BLOCK 1, LOT 2, AND CROSS ACCESS BETWEEN BLOCK 4, LOT 1 AND BLOCK 4, LOT 2 (THE "PARCELS"), SHALL BE GRANTED BY SEPARATE EASEMENT DOCUMENT PRIOR TO APPROVAL OF ANY BUILDING PERMIT APPLICATION FOR THE PARCELS. THE EASEMENT SHALL BE LIMITED TO FREE MOVEMENT OF PEDESTRIANS AND VEHICLES TO AND THROUGH BLOCK 1, LOT 1 AND BLOCK 1, LOT 2; AND BETWEEN BLOCK 4, LOT 1 AND BLOCK 4, LOT 2; IN LOCATIONS DESIGNATED FOR PEDESTRIAN (PAVED PATHS, SIDEWALKS) AND VEHICULAR (ROAD) ACCESS. THE CROSS-ACCESS EASEMENTS SHALL COMPLY WITH THE INTERNAL ROAD NETWORK AS SET FORTH IN THE CLEAR CREEK CROSSING PLANNED MIXED USE OUTLINE DEVELOPMENT PLAN AND DESIGN PATTERN BOOK, FOR PURPOSES OF INTERCONNECTING PLANNING AREAS 1 AND 2 OR PLANNING AREAS 6 AND 7.
- THE PURPOSES OF THE AREAS SHOWN ON THIS PLAT IDENTIFIED AS "ACCESS/TRAILHEAD EASEMENT" ARE TO ALLOW FOR PUBLIC ACCESS AND THE CONSTRUCTION AND MAINTENANCE OF A TRAILHEAD AND ALL APPURTENANCES AND RELATED AMENITIES, INCLUDING BUT NOT LIMITED TO, A SHADE STRUCTURE, SIGN KIOSK, SIDEWALK, CURB & GUTTER, PARKING LOT, ROADWAY, ELECTRICAL EQUIPMENT, BUILDINGS, TRASH ENCLOSURES, FENCES, LIGHTING, BICYCLE FACILITIES, UNDERGROUND UTILITIES, AND LANDSCAPING.
- THE CONSTRUCTION AND MAINTENANCE OF ALL ITEMS WITHIN THE ACCESS/TRAILHEAD EASEMENT AREAS SHALL BE THE SOLE RESPONSIBILITY OF THE LONGS PEAK METROPOLITAN DISTRICT (THE "DISTRICT") UNLESS OTHERWISE AGREED UPON BY THE CITY OF WHEAT RIDGE AND THE DISTRICT.

GENERAL NOTES CONT.

- ALL PREVIOUSLY PLATTED CENTERLINE MONUMENT POSITIONS ARE HEREBY REMOVED UPON RECORDATION OF THIS PLAT (SHEETS 4-7). NEW CENTERLINE MONUMENTS ARE HEREBY ESTABLISHED BY THIS PLAT AT THE POSITIONS INDICATED ON SHEETS 8-11 AND FOUND IN THE "CENTERLINE MONUMENT TABLE" ON SHEET 3.
- AN AREA NOT TO EXCEED 1.5 ACRES SHALL BE RESERVED WITHIN BLOCK 4, LOT 1 FOR THE FUTURE USE OF A REGIONAL TRANSPORTATION DISTRICT (RTD) BUS TRANSFER STATION. THE OWNER OF BLOCK 4, LOT 1 SHALL RETAIN THE RIGHT TO USE ALL LAND WITHIN BLOCK 4, LOT 1 UNTIL SUCH TIME AS THE RTD BUS TRANSFER STATION HAS BEEN DESIGNED. UPON COMPLETION OF THE FINAL DESIGN BY RTD AND DESIGN APPROVAL GIVEN BY THE CITY OF WHEAT RIDGE (CITY), THE AREA NEEDED FOR SAID TRANSFER STATION SHALL BE ACQUIRED BY RTD AT FAIR MARKET VALUE UPON DIRECTION OF THE CITY. THE OWNER, SUCCESSORS, OR ASSIGNS OF BLOCK 4, LOT 1 SHALL BE RESPONSIBLE FOR ASSOCIATED PROCESSES IN ACCORDANCE WITH THE CITY MUNICIPAL CODE. THE SUBDIVIDER ACKNOWLEDGES THERE MAY BE A FUTURE REDUCTION IN THE USABLE AREA OF BLOCK 4, LOT 1 ASSOCIATED WITH THE LAND ACQUISITION FOR AND CONSTRUCTION OF SAID BUS TRANSFER STATION.

DENVER WATER NOTES

- DENVER WATER IS THE OWNER OF MULTIPLE PIPELINES ON THE SITE SIZED UP TO 84-INCHES IN DIAMETER EVIDENCED BY MULTIPLE EASEMENTS INCLUDING THE SOLE, EXCLUSIVE, DOMINANT EASEMENT AGREEMENTS WHICH WERE RECORDED OCTOBER 13, 1992 AT RECEPTION NO. 92130445 AND RECORDED SEPTEMBER 9, 2015 AT RECEPTION NO. 2015096355 AND EASEMENTS AGREEMENTS RECORDED IN BOOK 379, PAGE 66 AND BOOK 708, PAGE 336. THE EASEMENT AGREEMENTS HAVE LIMITATIONS ON MODIFYING THE EARTH COVER WITHIN THE EASEMENTS; OR CONSTRUCTION OR PLACEMENT OF CERTAIN PROPERTY IMPROVEMENTS, INCLUDING STRUCTURES, BUILDINGS, AND INFRASTRUCTURE, WITHIN THE EASEMENTS; ALL OF WHICH IS MORE PARTICULARLY DESCRIBED IN THE EASEMENT AGREEMENTS. INSTALLATION OF PUBLIC UTILITIES ACROSS THE EASEMENTS ARE ALLOWED ONLY PURSUANT TO A LICENSE OR PERMIT FROM DENVER WATER. ACCESS IN, THROUGH, OVER, AND ACROSS THE EASEMENTS, INCLUDING CLEAR CREEK DRIVE AND/OR AT THE I-70 OFF-RAMP, MAY BE IMPAIRED, BLOCKED, OBSTRUCTED, OR CLOSED DURING CONSTRUCTION, MAINTENANCE, REPAIR, REPLACEMENT, REMOVAL, OR ENLARGEMENT OF PIPELINES AND APPURTENANCES.

REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

NOTES  
SHEET 2 OF 12



CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3  
A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 3 OF 12 SHEETS

CASE NUMBER WS-17-07  
MAP NUMBER \_\_\_\_\_

PARCEL AREA TABLE		
NUMBER	ACRE	SQUARE FEET
BLOCK 1 LOT 1	26.9310	1,173,113
BLOCK 1 LOT 2	12.5083	544,863
BLOCK 2 LOT 1	10.5475	459,451
BLOCK 2 LOT 2	2.9697	129,360
BLOCK 3 LOT 1	3.0699	133,724
BLOCK 4 LOT 1	18.8778	822,318
BLOCK 4 LOT 2	3.4430	149,977
BLOCK 4 LOT 3	4.1759	181,902
BLOCK 5 LOT 1	13.8283	602,360
BLOCK 5 LOT 2	28.6173	1,246,568
BLOCK 6 LOT 1	15.2421	663,945
BLOCK 6 LOT 2	4.4379	193,313
BLOCK 7 LOT 1	25.1186	1,094,165
ROW - CLEAR CREEK DRIVE	10.8936	474,525
ROW - W 40TH AVE	1.7615	76,732
ROW - YOUNGFIELD SERVICE ROAD	0.0384	1,672
TRACT A	11.7219	510,607
TRACT B	15.4781	674,227
TRACT C	1.3109	57,103

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	N07°46'40"W	249.09'
L2	N55°51'58"W	566.30'
L3	N48°31'53"W	303.88'
L4	N00°46'49"W	718.83'
L5	N41°28'07"E	14.00'
L6	N48°31'53"W	147.48'
L7	S48°31'53"E	187.22'
L9	N15°23'37"W	45.00'
L10	S74°36'23"W	10.50'
L13	S48°46'08"W	10.50'
L16	N74°36'23"E	10.50'
L17	N00°46'49"W	359.02'
L18	N41°28'07"E	6.46'
L19	N48°09'48"W	6.47'
L21	S00°46'49"E	664.38'
L22	N40°02'53"E	10.50'
L23	S89°21'20"W	313.48'
L25	N41°26'56"E	10.50'
L26	S40°02'53"W	10.50'
L27	S48°31'53"E	48.00'

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L28	S41°28'07"W	10.50'
L29	S55°51'58"E	562.32'
L30	S00°43'29"E	10.50'
L31	S07°46'40"E	249.08'
L32	S48°31'53"E	53.13'
L34	S48°48'39"W	10.50'
L38	N40°02'53"E	10.50'
L39	S89°16'31"W	199.38'
L40	S40°02'53"W	10.50'
L41	S89°16'31"W	316.51'
L44	S00°43'29"E	10.50'
L45	S89°16'31"W	45.00'
L47	S00°43'29"E	10.50'
L48	N89°16'31"E	49.00'
L49	N00°43'29"W	10.50'
L51	N00°43'29"W	13.08'
L53	S89°16'31"W	28.88'
L54	S87°01'33"W	492.50'
L55	N89°16'31"E	409.84'
L56	N49°57'07"W	51.00'

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L57	S89°13'11"W	9.50'
L58	N00°46'49"W	40.00'
L59	N00°46'49"W	9.26'
L60	N55°51'58"W	566.68'
L61	S41°26'56"W	10.50'
L65	S49°57'07"E	51.00'
L66	N89°16'31"E	211.40'
L68	N89°16'31"E	73.00'
L69	N00°43'29"W	10.50'
L77	N89°13'11"E	10.50'
L78	N41°28'07"E	10.50'
L80	S48°46'08"W	10.50'
L82	N48°48'39"E	11.00'
L83	S41°11'21"E	40.00'
L84	N48°33'04"W	40.00'
L86	S00°46'49"E	40.00'

CENTERLINE MONUMENT TABLE			
POINT #	NORTHING	EASTING	TYPE
#9362	704005.94	100545.81	MONUMENTED
#9363	704724.71	100536.02	MONUMENTED
#9364	705390.66	100110.60	MONUMENTED
#9365	705474.39	99984.35	MONUMENTED
#9366	705530.60	99920.74	CALCULATED
#9367	705602.91	99984.65	MONUMENTED
#9368	705712.67	100224.06	CALCULATED
#9369	705721.34	100909.79	CALCULATED
#9370	705675.62	99756.65	MONUMENTED
#9371	705749.63	99687.07	MONUMENTED
#9372	706126.52	99304.00	CALCULATED
#9373	706186.22	99220.52	CALCULATED
#9374	706503.99	98751.78	CALCULATED
#9375	706804.14	98565.51	CALCULATED
#9376	707050.94	98531.80	CALCULATED
#9377	707661.86	97979.39	CALCULATED

CITY MONUMENT TABLE			
CITY MON. #	NORTHING	EASTING	TYPE
#10038	705443.56	99909.27	200' W.C.
#15009	705643.65	99905.69	SE COR. SEC. 19

CURVE TABLE					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	68°41'05"	730.00'	875.11'	N42°07'14"W	823.64'
C2	48°05'19"	433.50'	363.84'	N31°49'20"W	353.25'
C3	17°55'55"	2050.00'	641.59'	N46°54'00"W	638.97'
C5	63°34'56"	750.00'	832.29'	N32°34'17"W	790.24'
C6	46°22'40"	703.50'	569.44'	S23°58'08"E	554.02'
C8	49°04'26"	22.50'	19.27'	S16°55'54"W	18.69'
C9	2°34'27"	2003.50'	90.01'	N39°13'17"W	90.01'
C10	11°36'59"	703.50'	142.63'	S58°33'15"E	142.39'
C11	47°48'24"	289.50'	241.55'	N65°22'19"E	234.61'
C13	30°06'11"	796.50'	418.48'	N32°34'01"W	413.68'
C15	47°48'24"	360.50'	300.80'	N65°22'19"E	292.15'
C16	46°25'29"	22.50'	18.23'	N82°10'53"W	17.74'
C19	47°39'11"	22.50'	18.71'	S72°34'14"W	18.18'
C20	48°05'18"	385.00'	323.13'	S31°49'19"E	313.73'
C23	48°48'26"	22.50'	19.17'	S24°20'25"W	18.59'
C27	49°00'59"	22.50'	19.25'	S74°12'22"W	18.67'
C29	46°25'29"	22.50'	18.23'	N51°23'38"E	17.74'
C31	15°49'52"	596.50'	164.82'	S56°26'49"E	164.29'
C33	90°00'00"	36.00'	56.55'	N86°28'07"E	50.91'
C34	82°52'00"	681.50'	985.65'	N49°12'40"W	901.96'
C36	6°26'45"	2097.00'	235.91'	N52°31'26"W	235.79'
C37	48°07'20"	22.50'	18.90'	S65°30'35"W	18.35'
C38	89°14'22"	43.50'	67.75'	N03°09'04"W	61.11'
C39	59°13'39"	778.50'	804.75'	S37°23'30"E	769.39'
C41	52°28'19"	22.50'	20.61'	N66°17'02"E	19.89'
C44	49°04'26"	22.50'	19.27'	S25°15'42"E	18.69'
C48	49°04'26"	22.50'	19.27'	N66°00'20"E	18.69'

CURVE TABLE					
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C49	52°28'19"	22.50'	20.61'	S13°48'43"W	19.89'
C51	10°35'50"	596.50'	110.33'	S43°13'58"E	110.17'
C52	15°49'51"	503.50'	139.12'	N56°26'49"W	138.68'
C57	13°58'49"	2000.00'	488.00'	S48°52'33"E	486.79'
C63	12°04'37"	796.50'	167.89'	N58°19'26"W	167.58'
C67	34°03'21"	12.50'	7.43'	N72°11'31"E	7.32'
C69	48°05'18"	482.00'	404.54'	S31°49'19"E	392.77'
C71	49°04'26"	22.50'	19.27'	N23°48'44"E	18.69'
C72	49°04'26"	22.50'	19.27'	S25°15'42"E	18.69'
C73	10°35'50"	503.50'	93.13'	S43°13'58"E	92.99'
C75	46°12'47"	22.50'	18.15'	N16°56'29"E	17.66'
C77	43°17'31"	17.50'	13.22'	S20°55'16"W	12.91'
C78	46°12'47"	22.50'	18.15'	S63°09'16"W	17.66'
C79	32°33'58"	17.50'	9.95'	N17°00'28"W	9.81'
C80	36°13'46"	22.50'	14.23'	N30°41'46"E	13.99'
C81	5°19'28"	2097.00'	194.87'	N45°08'17"W	194.80'
C82	1°58'39"	2096.50'	72.36'	S38°55'23"E	72.36'
C85	12°29'30"	796.50'	173.65'	S07°01'33"E	173.31'
C87	20°33'00"	11.50'	4.12'	S79°08'26"W	4.10'
C88	39°47'33"	12.50'	8.68'	N70°53'02"W	8.51'
C90	48°07'20"	22.50'	18.90'	N17°23'16"E	18.35'

PLAT BOUNDARY

CITY BOUNDARY

SECTION LINE

R.O.W. AS DEDICATED  
TO REMAIN

R.O.W. HEREBY VACATED  
BY THIS PLAT

R.O.W. HEREBY DEDICATED  
BY THIS PLAT

LOT LINE  
TO REMAIN

CITY OF WHEAT RIDGE  
UNINCORPORATED  
JEFFERSON COUNTY

LEGEND

LOT LINE HEREBY  
CREATED BY THIS PLAT

LOT LINE HEREBY  
REMOVED BY THIS PLAT

EXISTING EASEMENT  
TO REMAIN

EASEMENT HEREBY GRANTED  
BY THIS PLAT

EASEMENT HEREBY  
EXTINGUISHED BY THIS PLAT

CDOT 'A' LINE TO REMAIN

SECTION CORNER

WITNESS CORNER

NEW SECTION CORNER TO BE SET  
CENTERLINE R.O.W.  
MONUMENT TO BE SET

CENTERLINE R.O.W.  
NO MONUMENT SET (CALCULATED)

PROPERTY PINS FOUND

PROPERTY PINS SET

EXIST./PROPOSED DESCRIPTIONS

FEMA FLOODPLAIN



DRIVE/DRIVE



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

LEGEND, LINE AND  
CURVE TABLE  
SHEET 3 OF 12

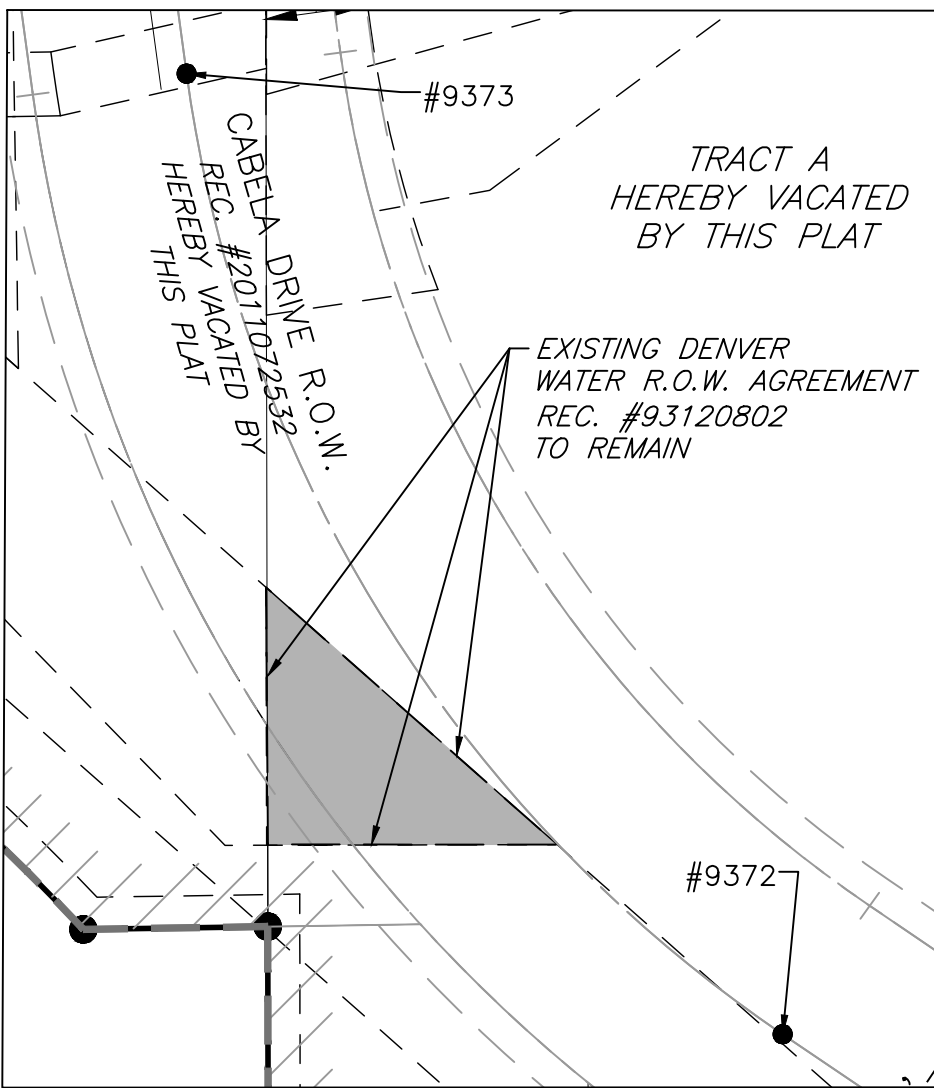
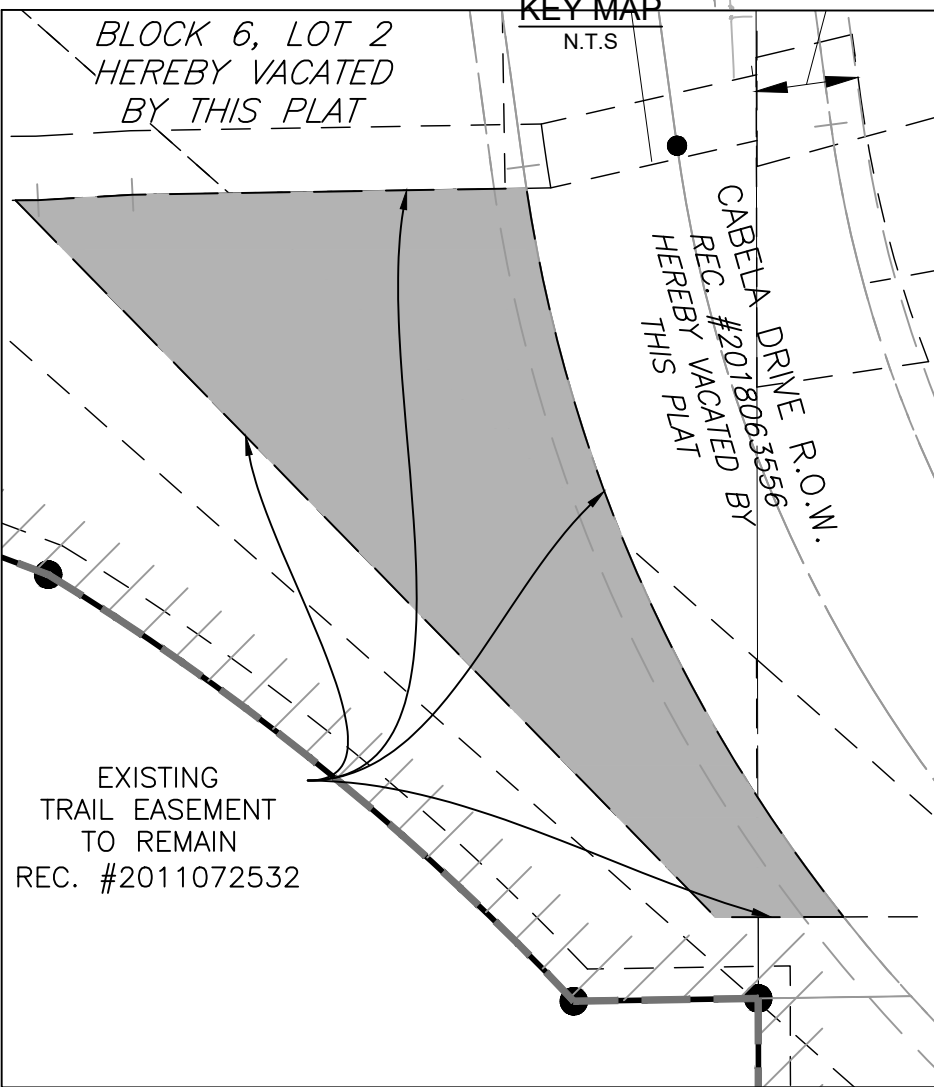
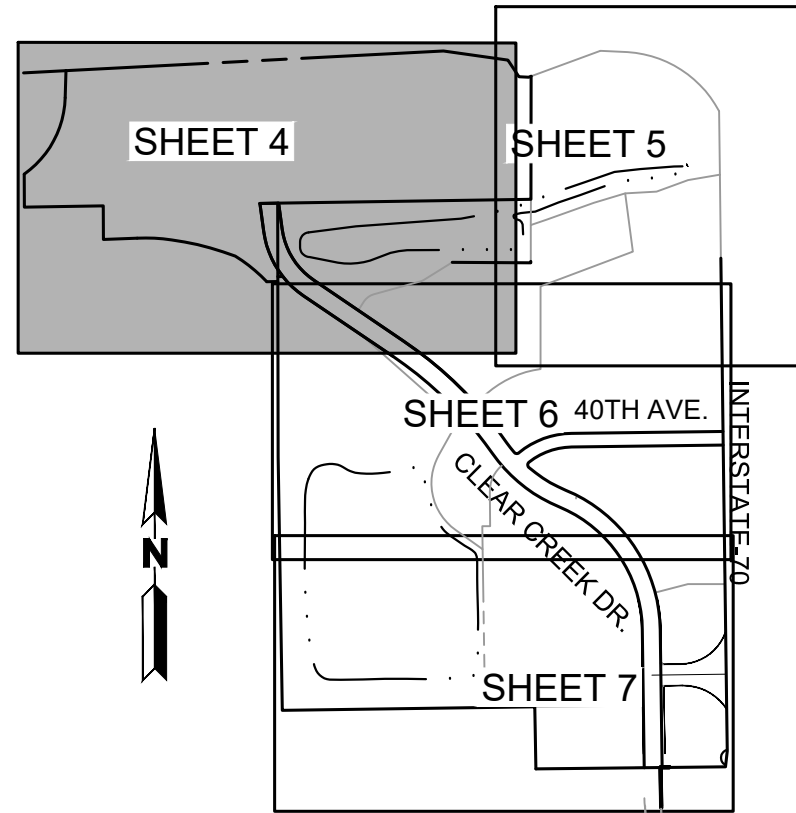


CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3  
A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 4 OF 12 SHEETS

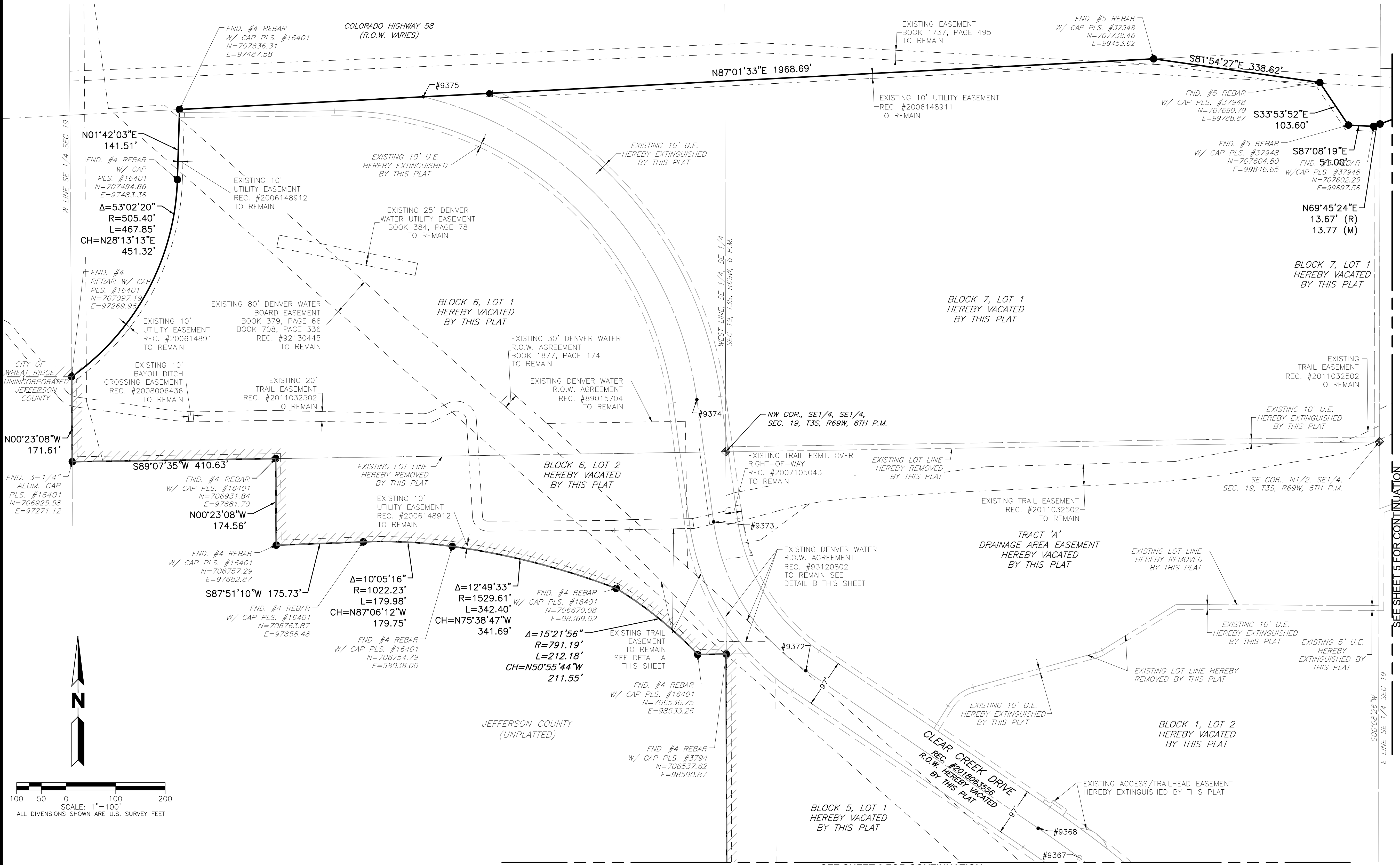
CASE NUMBER WS-17-07  
MAP NUMBER



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

EXISTING CONDITIONS -  
NW PORTION  
SHEET 4 OF 12

MARTIN/MARTIN  
CONSULTING ENGINEERS  
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM



PLOT DATE: Friday, June 14, 2019 2:19 PM LAST SAVED BY: NLUCKINBILL  
DRAWING LOCATION: C:\MOORE\16.0946-Clear Creek Crossing\PLANS\PLAT FILING 3\PLAT VACATE.dwg

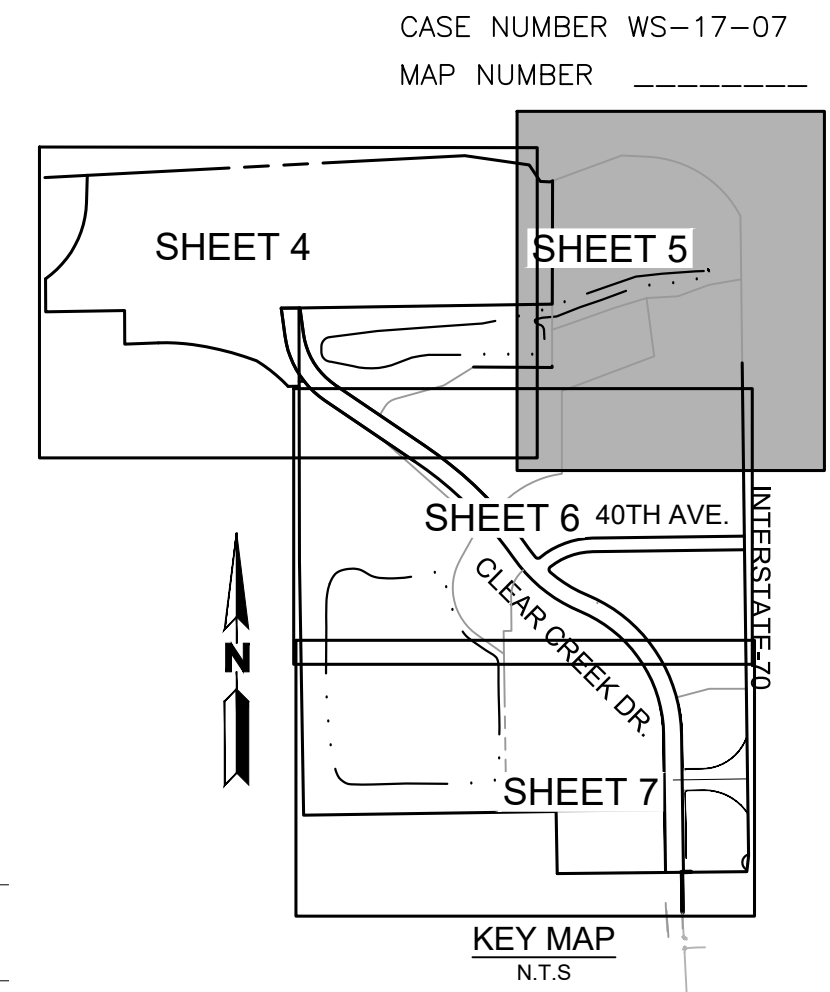
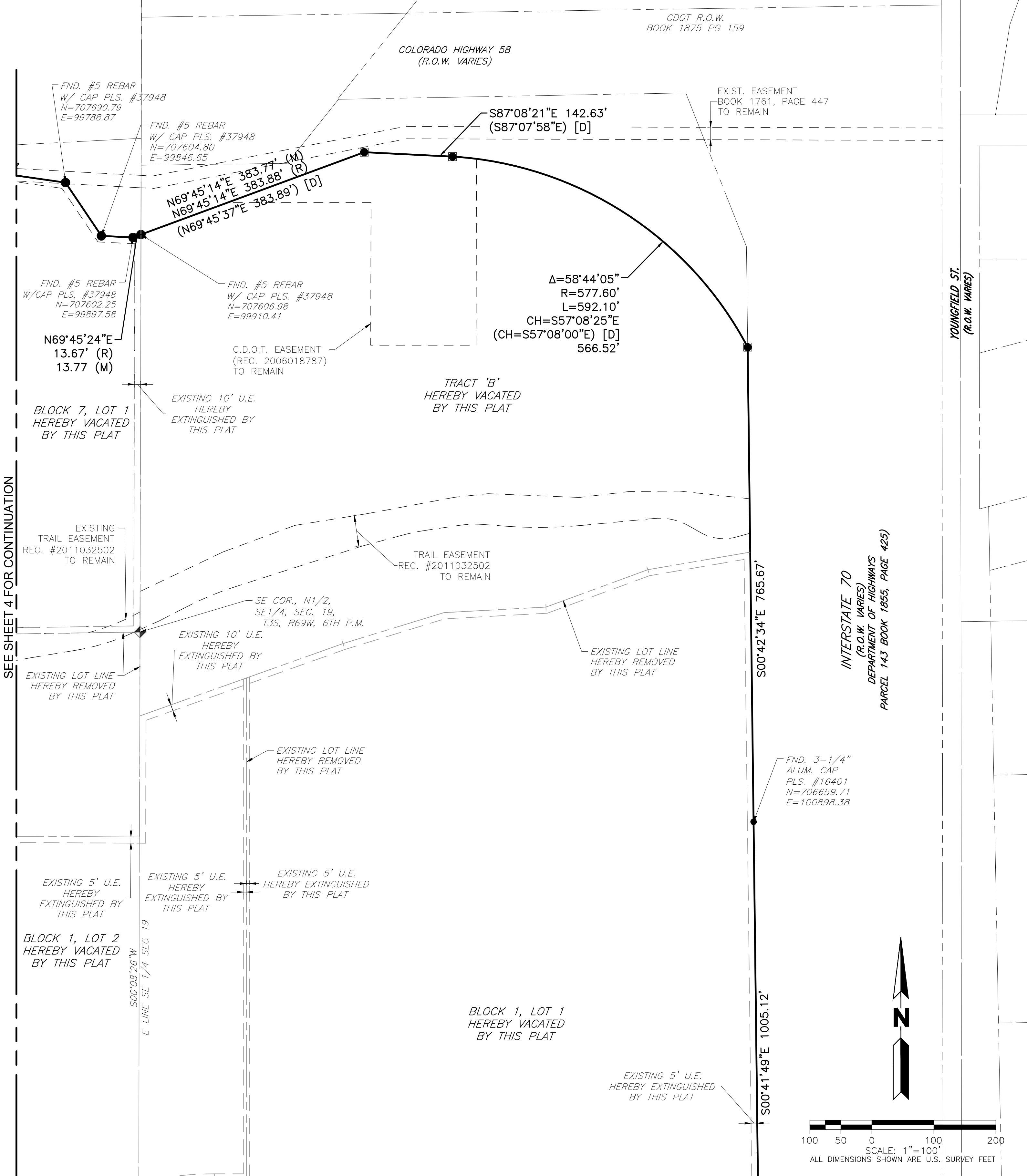
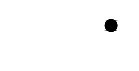
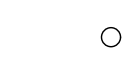


CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3  
A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 5 OF 12 SHEETS

LEGEND	
PLAT BOUNDARY	
CITY BOUNDARY	CITY OF WHEAT RIDGE UNINCORPORATED JEFFERSON COUNTY
SECTION LINE	
R.O.W. AS DEDICATED TO REMAIN	
R.O.W. HEREBY VACATED BY THIS PLAT	
R.O.W. HEREBY DEDICATED BY THIS PLAT	
LOT LINE TO REMAIN	
LOT LINE HEREBY CREATED BY THIS PLAT	
LOT LINE HEREBY REMOVED BY THIS PLAT	
EXISTING EASEMENT TO REMAIN	
EASEMENT HEREBY GRANTED BY THIS PLAT	
EASEMENT HEREBY EXTINGUISHED BY THIS PLAT	
CDOT 'A' LINE TO REMAIN	
SECTION CORNER	
WITNESS CORNER	
NEW SECTION CORNER TO BE SET	
CENTERLINE R.O.W. MONUMENT TO BE SET	
CENTERLINE R.O.W. NO MONUMENT SET (CALCULATED)	
PROPERTY PINS FOUND	
PROPERTY PINS SET	
EXIST./PROPOSED DESCRIPTIONS	
FEMA FLOODPLAIN	



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

EXISTING CONDITIONS -  
NE PORTION  
SHEET 5 OF 12

**MARTIN/MARTIN**  
CONSULTING ENGINEERS  
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM

PLOT DATE: Friday, June 14, 2019 2:19 PM LAST SAVED BY: NLUCKINBILL  
DRAWING LOCATION: G:\MOORE\16.0946-Clear Creek Crossing\PLANS\PLAT FILING 3\PLAT VACATE.dwg

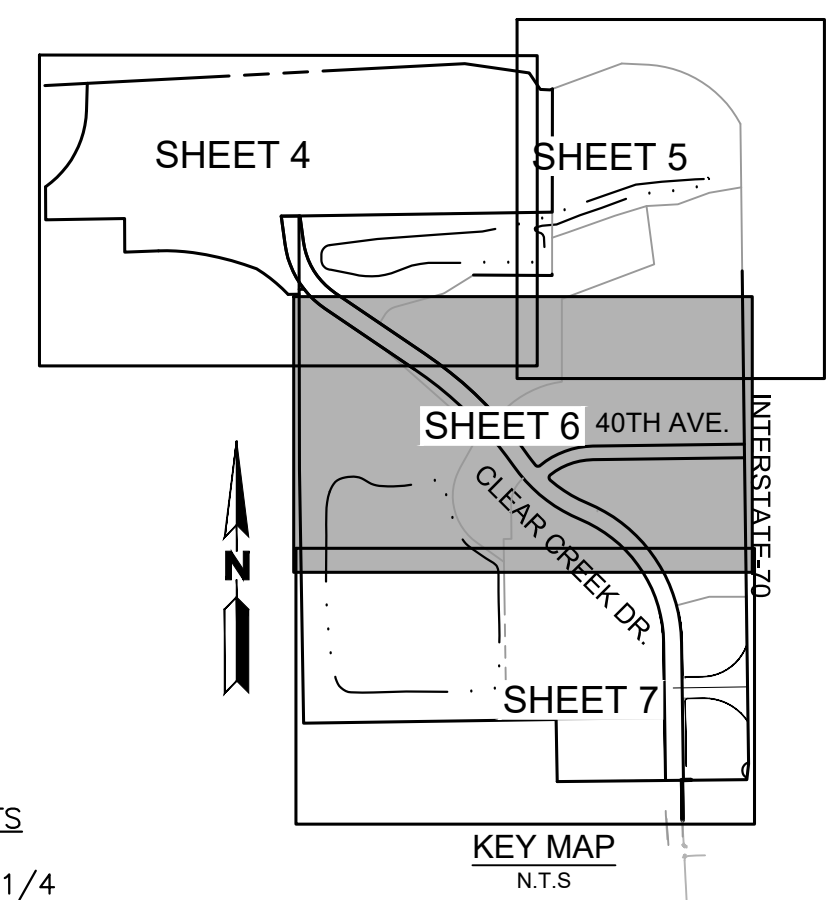


CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3  
A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

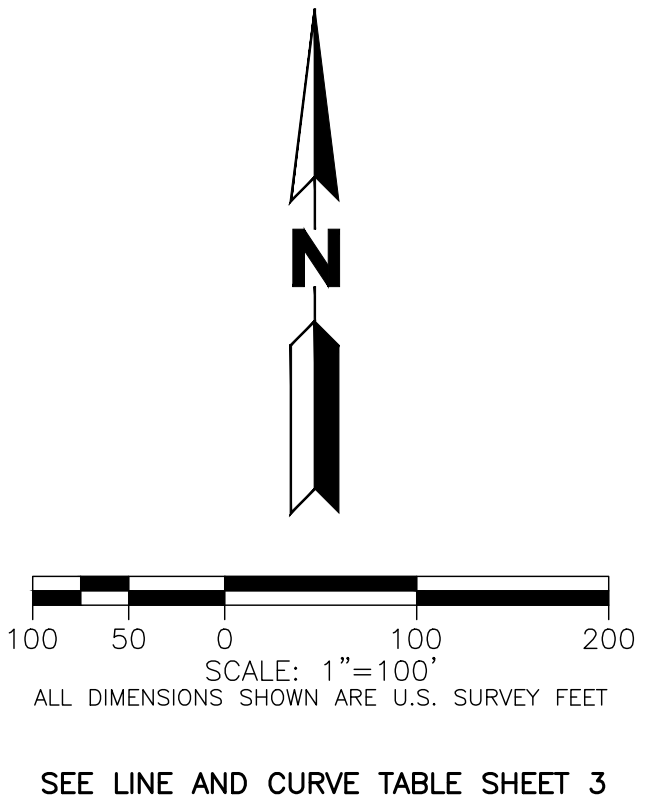
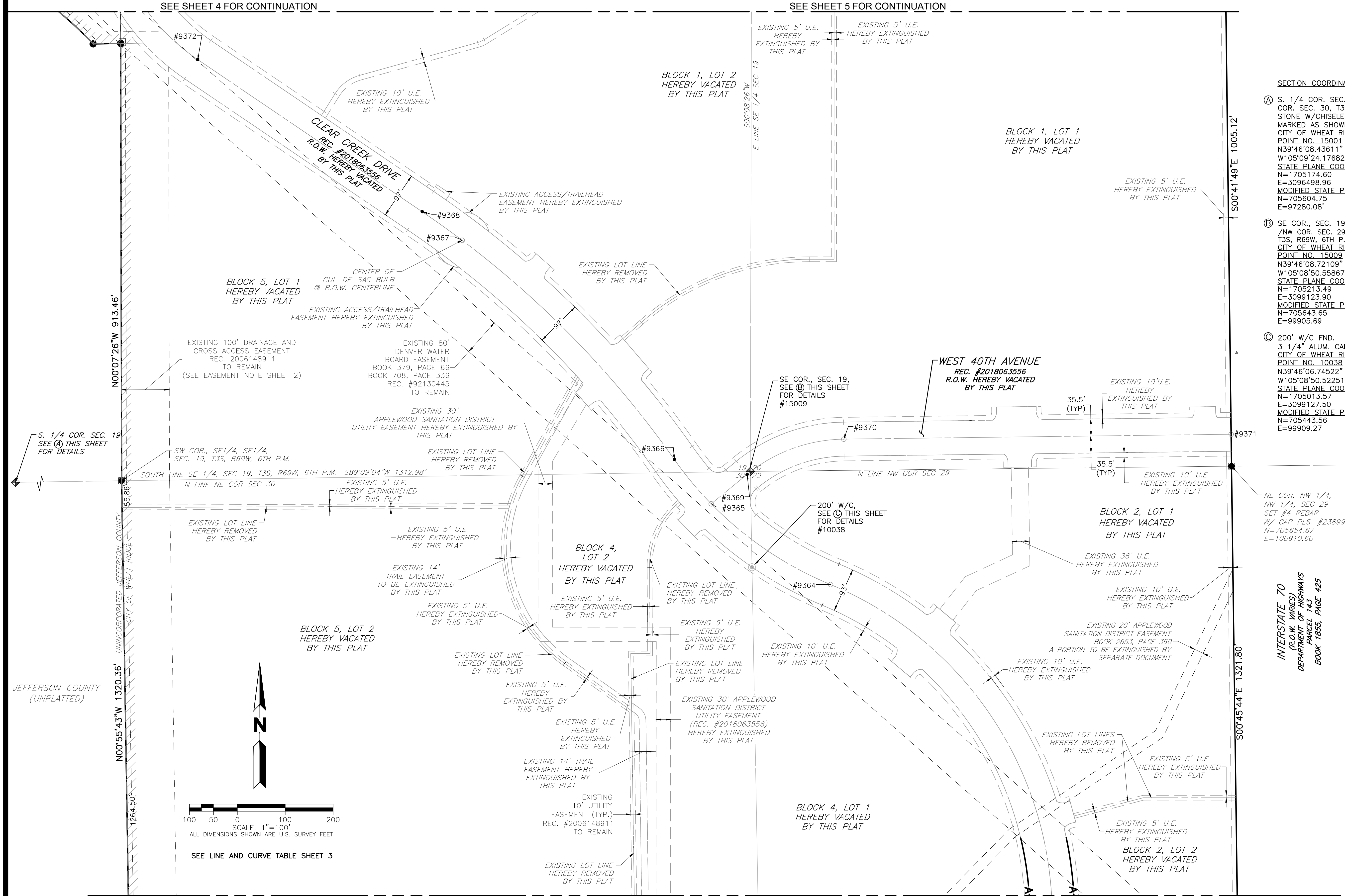
SHEET 6 OF 12 SHEETS

CASE NUMBER WS-17-07  
MAP NUMBER



SECTION COORDINATE POINTS

- Ⓐ S. 1/4 COR. SEC. 19, N. 1/4 COR. SEC. 30, T3S, R69W, 6TH P.M. FOUND RED STONE W/CHISELED "+" EMBEDDED IN CONC. MARKED AS SHOWN  
CITY OF WHEAT RIDGE  
POINT NO. 15001  
N39°46'08.43611"  
W105°09'24.17682"  
STATE PLANE COORDINATE  
N=1705174.60  
E=3095498.98  
MODIFIED STATE PLANE COORDINATE  
N=705604.75  
E=97280.08'
- Ⓑ SE COR., SEC. 19, /NW COR. SEC. 29 T3S, R69W, 6TH P.M. CITY OF WHEAT RIDGE  
POINT NO. 15009  
N39°46'08.72109"  
W105°08'50.55867"  
STATE PLANE COORDINATE  
N=1705213.49  
E=3099123.90  
MODIFIED STATE PLANE COORDINATE  
N=705643.65  
E=99905.69
- Ⓒ 200' W/C FND. 3 1/4" ALUM. CAP LS #13212 CITY OF WHEAT RIDGE  
POINT NO. 10038  
N39°46'08.74522"  
W105°08'50.52251"  
STATE PLANE COORDINATE  
N=1705013.57  
E=3099127.50  
MODIFIED STATE PLANE COORDINATE  
N=705443.56  
E=99909.27



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

EXISTING CONDITIONS -  
CENTRAL PORTION  
SHEET 6 OF 12



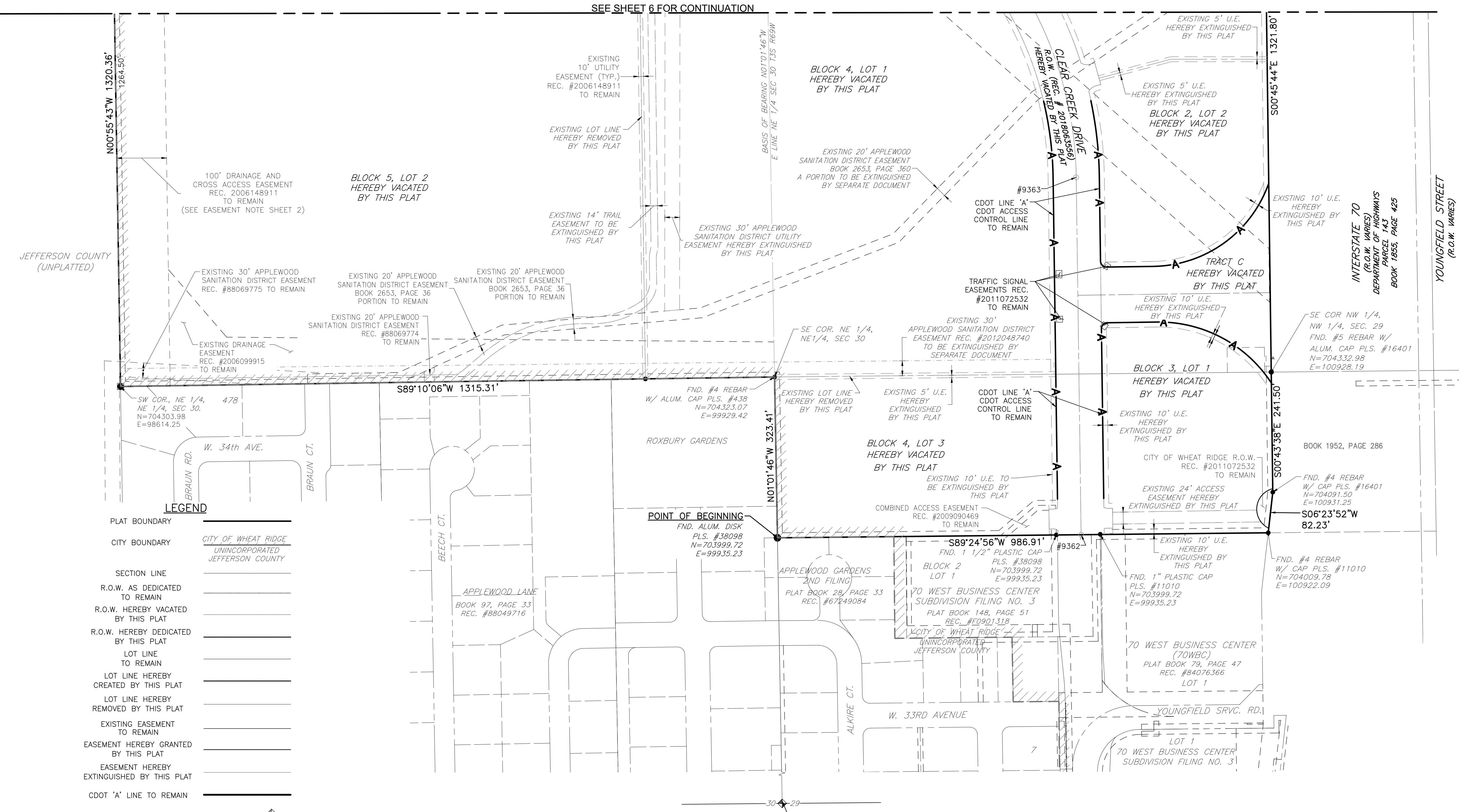
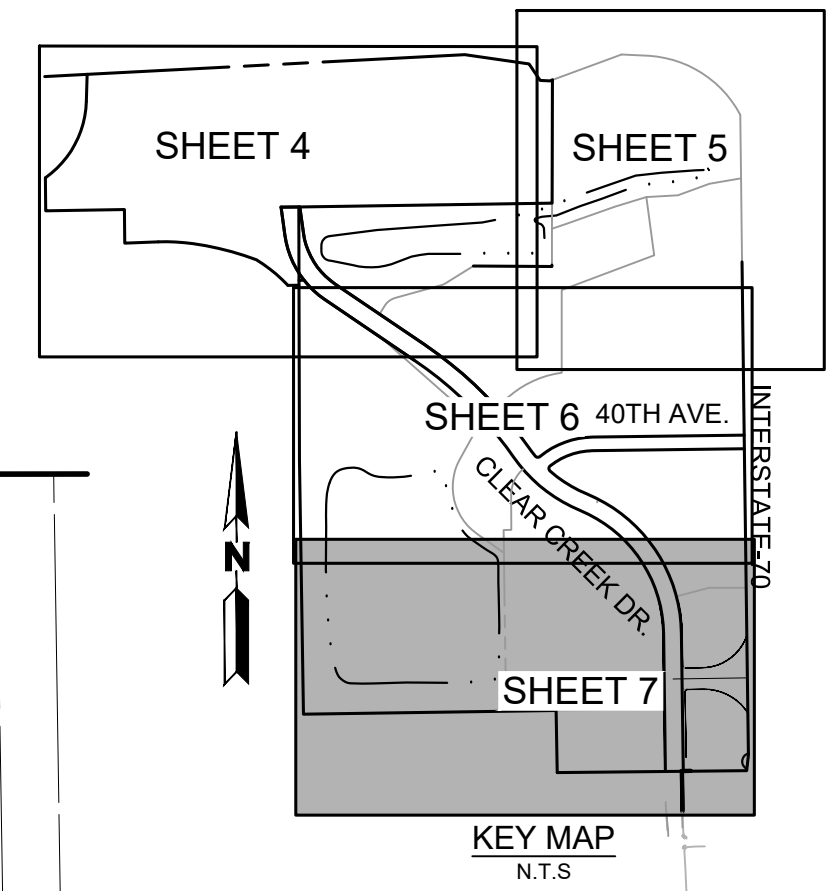
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CLEAR CREEK CROSSING SUBDIVISION FILING NO. 3  
A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO  
SHEET 7 OF 12 SHEETS

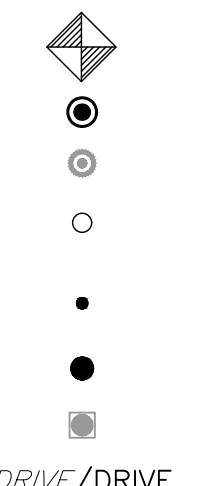
CASE NUMBER WS-17-07  
MAP NUMBER



**LEGEND**

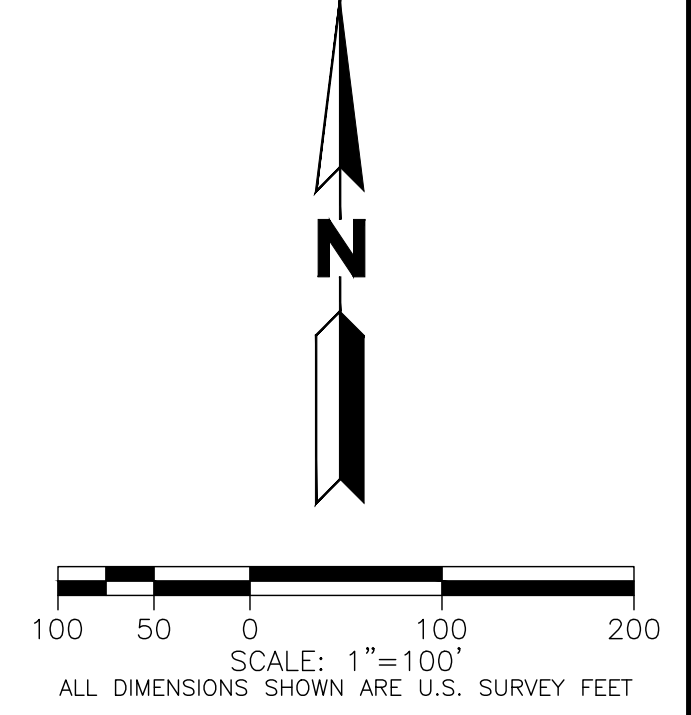
PLAT BOUNDARY	
CITY BOUNDARY	CITY OF WHEAT RIDGE UNINCORPORATED JEFFERSON COUNTY
SECTION LINE	
R.O.W. AS DEDICATED TO REMAIN	
R.O.W. HEREBY VACATED BY THIS PLAT	
R.O.W. HEREBY DEDICATED BY THIS PLAT	
LOT LINE TO REMAIN	
LOT LINE HEREBY CREATED BY THIS PLAT	
LOT LINE HEREBY REMOVED BY THIS PLAT	
EXISTING EASEMENT TO REMAIN	
EASEMENT HEREBY GRANTED BY THIS PLAT	
EASEMENT HEREBY EXTINGUISHED BY THIS PLAT	
CDOT 'A' LINE TO REMAIN	

- SECTION CORNER
- WITNESS CORNER
- NEW SECTION CORNER TO BE SET
- CENTERLINE R.O.W.  
MONUMENT TO BE SET
- CENTERLINE R.O.W.  
NO MONUMENT SET (CALCULATED)
- PROPERTY PINS FOUND
- PROPERTY PINS SET
- EXIST./PROPOSED DESCRIPTIONS
- FEMA FLOODPLAIN



**POINT OF BEGINNING**  
FND. ALUM. DISK  
PLS. #38098  
N=703999.72  
E=99935.23

**POINT OF COMMENCEMENT**  
W1/4 COR. SECTION 29,  
T3S, R69W, 6TH P.M.  
FND. 3 1/4" ALUM. CAP  
IN RANGE BOX LS #13212  
WHEAT RIDGE PT. NO. 16009  
N39°45'42.62397"  
W105°08'50.08231"  
STATE PLANE COORDINATE  
N=1702572.97  
E=3099171.35  
MODIFIED STATE PLANE  
COORDINATE  
N=703002.46  
E=99953.15



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

EXISTING CONDITIONS -  
SOUTHERN PORTION  
SHEET 7 OF 12

**MARTIN/MARTIN**  
CONSULTING ENGINEERS  
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM

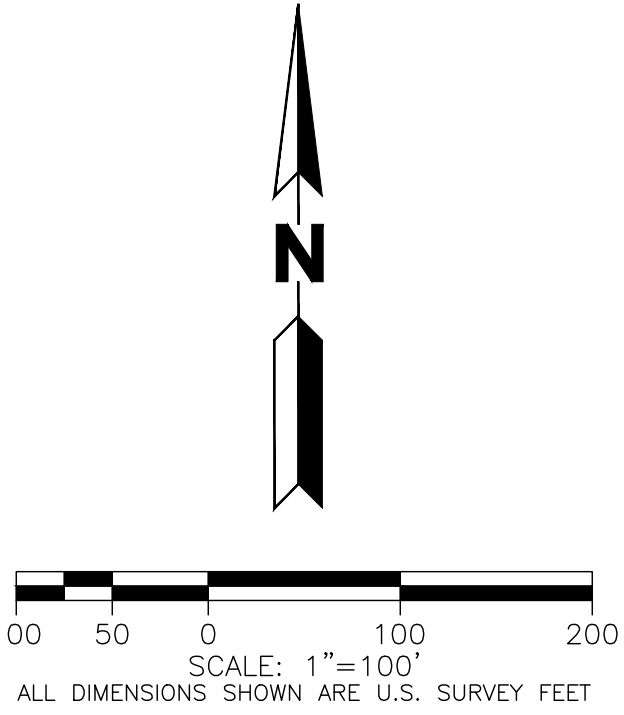
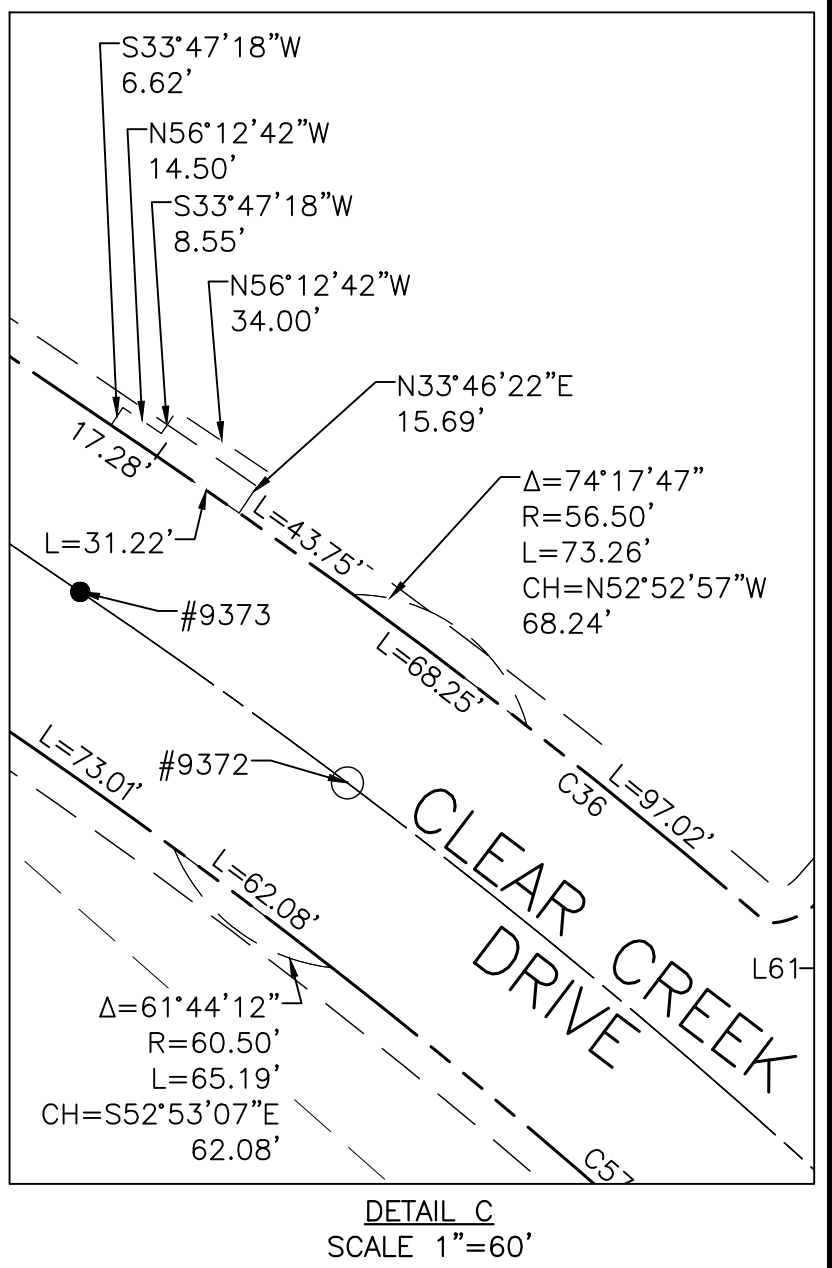
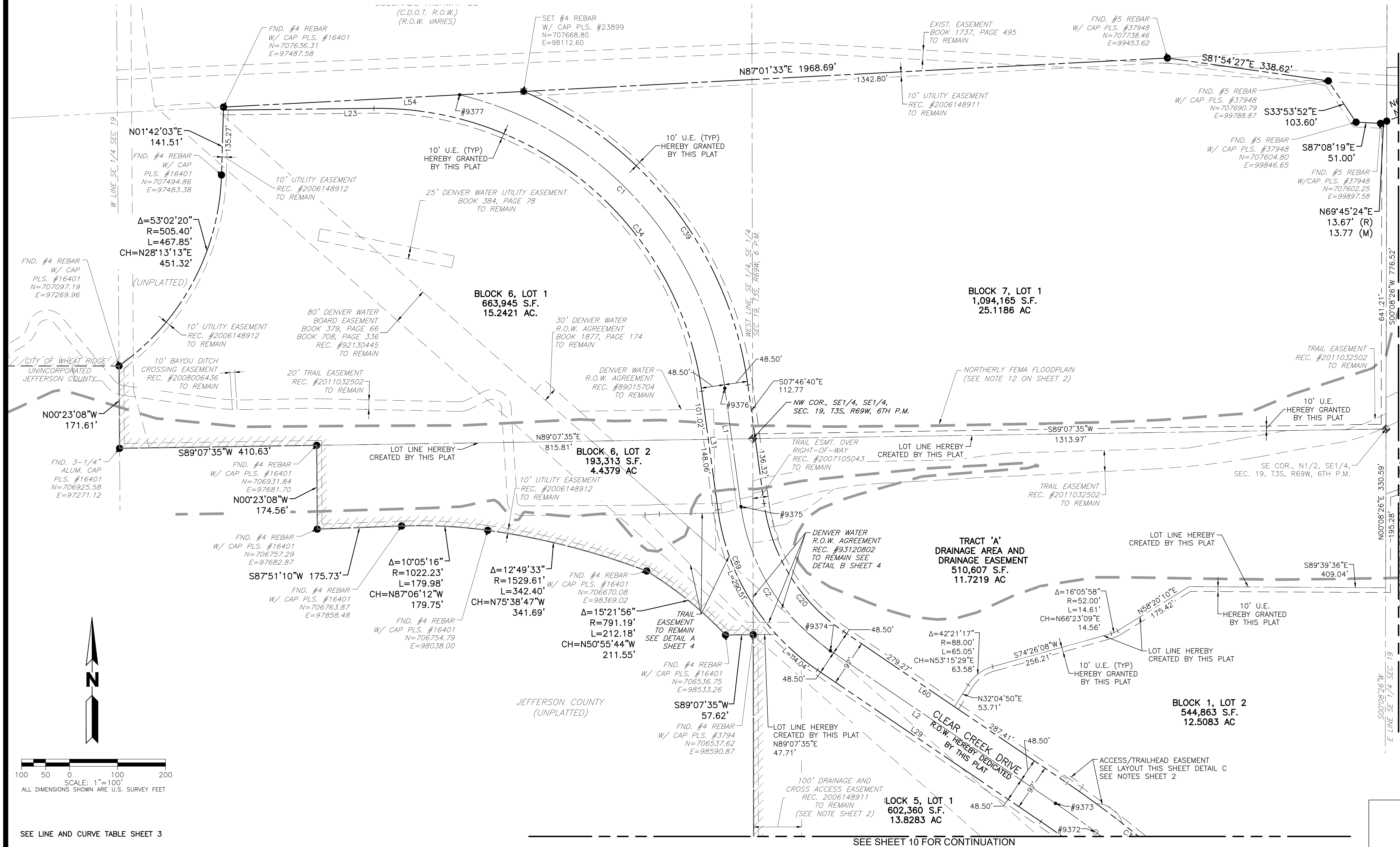
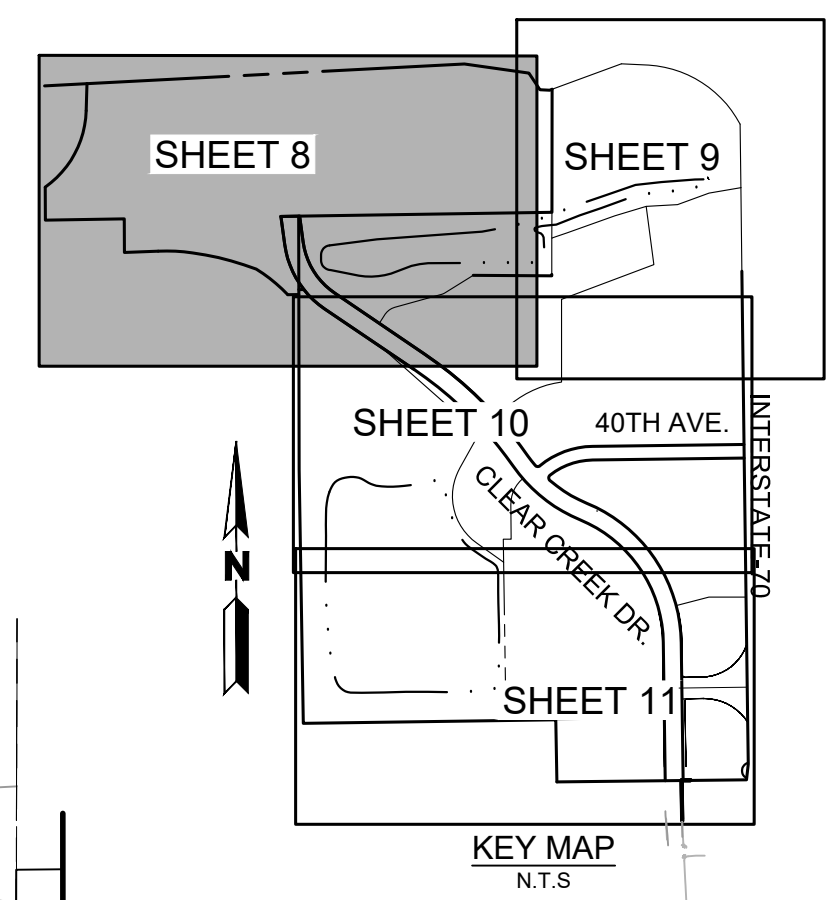
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DRAWING LOCATION: G:\MOORE\16.0946-Clear Creek Crossing\PLANS\PLAT FILING 3\PLAT VACATE.dwg



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SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO  
SHEET 8 OF 12 SHEETS

CASE NUMBER WS-17-07  
MAP NUMBER



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

PROPOSED CONDITIONS -  
NW PORTION  
SHEET 8 OF 12

**MARTIN/MARTIN**  
CONSULTING ENGINEERS  
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
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SEE LINE AND CURVE TABLE SHEET 3

SEE SHEET 10 FOR CONTINUATION

SEE SHEET 9 FOR CONTINUATION



SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

CASE NUMBER WS-17-07

MAP NUMBER \_\_\_\_\_

SHEET 8

SHEET 9

SHEET 10

40TH AVE.

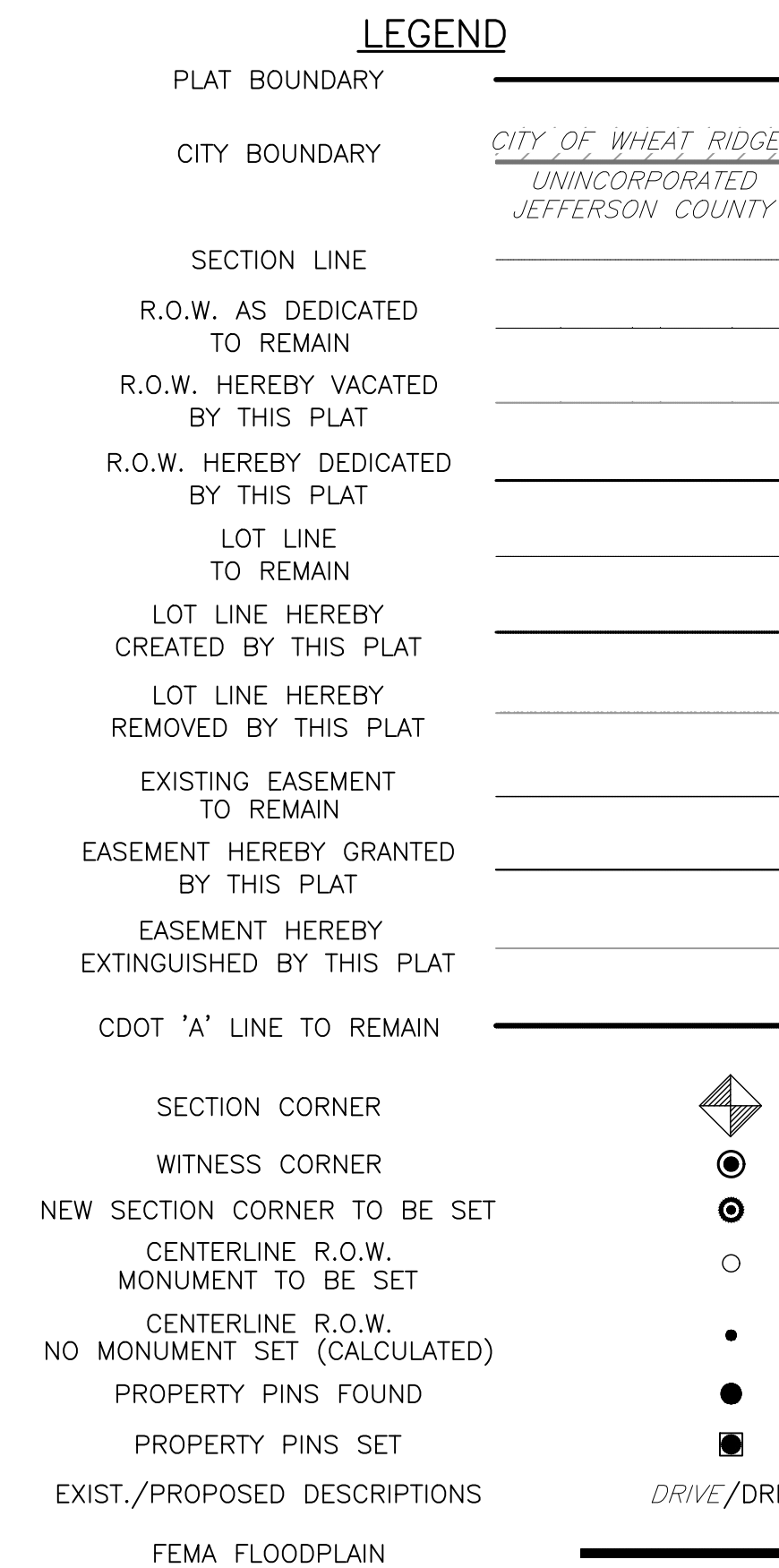
CLEAR CREEK DR.

SHEET 11

INTERSTATE 40

KEY MAP

N.T.S.



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

PROPOSED CONDITIONS -  
NE PORTION  
SHEET 9 OF 12



PLOT DATE: Friday, June 14, 2019 2:19 PM LAST SAVED BY: NLUCKINBILL  
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SEE LINE AND CURVE TABLE SHEET 3



SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SEE SHEET 8 FOR CONTINUATION

SEE SHEET 9 FOR CONTINUATION

BLOCK 1, LOT 1  
1,173,113 S.F.  
26.9310 AC

BLOCK 4,  
LOT 2  
149,977 S.F.  
3.4430 AC

BLOCK 2, LOT  
459,451 S.F.  
10.5475 AC

BLOCK 4, LOT 1  
822,318 S.F.  
18.8778 AC

~~BLOCK 2, LOT 2~~  
~~129,360 S.F.~~

A. S. 1/4 COR. SEC. 19, N. 1/4  
 COR. SEC. 30, T3S, R69W, 6TH P.M. FOUND RED  
 STONE W/ CHEESED "+" EMBEDDED IN CONC.  
 MARKED AS SHOWN  
CITY OF WHEAT RIDGE  
POINT NO. 15001  
 N39°46'08.43611"  
 W105°09'24.17682"  
STATE PLANE COORDINATE  
 N=1705174.60  
 E=3096498.96  
MODIFIED STATE PLANE COORDINATE  
 N=705604.75  
 E=97280.08'

⑤ SE COR., SEC. 19,  
/NW COR. SEC. 29  
T3S, R69W, 6TH P.M.  
CITY OF WHEAT RIDGE  
POINT NO. 15009  
N39°46'08.72109"  
W105°08'50.55867"  
STATE PLANE COORDINATE  
N=1705213.49  
E=3099123.90  
MODIFIED STATE PLANE PLANE COORDINATE  
N=705643.65  
E=99905.69

© 200' W/C FND.  
3 1/4" ALUM. CAP LS #13212  
CITY OF WHEAT RIDGE  
POINT NO. 10038  
N39°46'06.74522"  
W105°08'50.52251"  
STATE PLANE COORDINATE  
N=1705013.57  
E=3099127.50  
MODIFIED STATE PLANE COORDINATE  
N=705443.56  
E=99909.27

NE COR. NW 1/4,  
NW 1/4, SEC 29  
SET #4 REBAR  
W/ CAP PLS. #23899  
N=705654.67  
E=100910.60

600°45'44"E)  
592.71'

INTERSTA 70  
(R.O.W. Varies)  
DEPARTMENT OF HIGHWAYS  
PARCEL 143  
BOOK 1855, PAGE 425

DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

PROPOSED CONDITIONS -  
CENTRAL PORTION  
SHEET 10 OF 12



**MARTIN/MARTIN**  
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM

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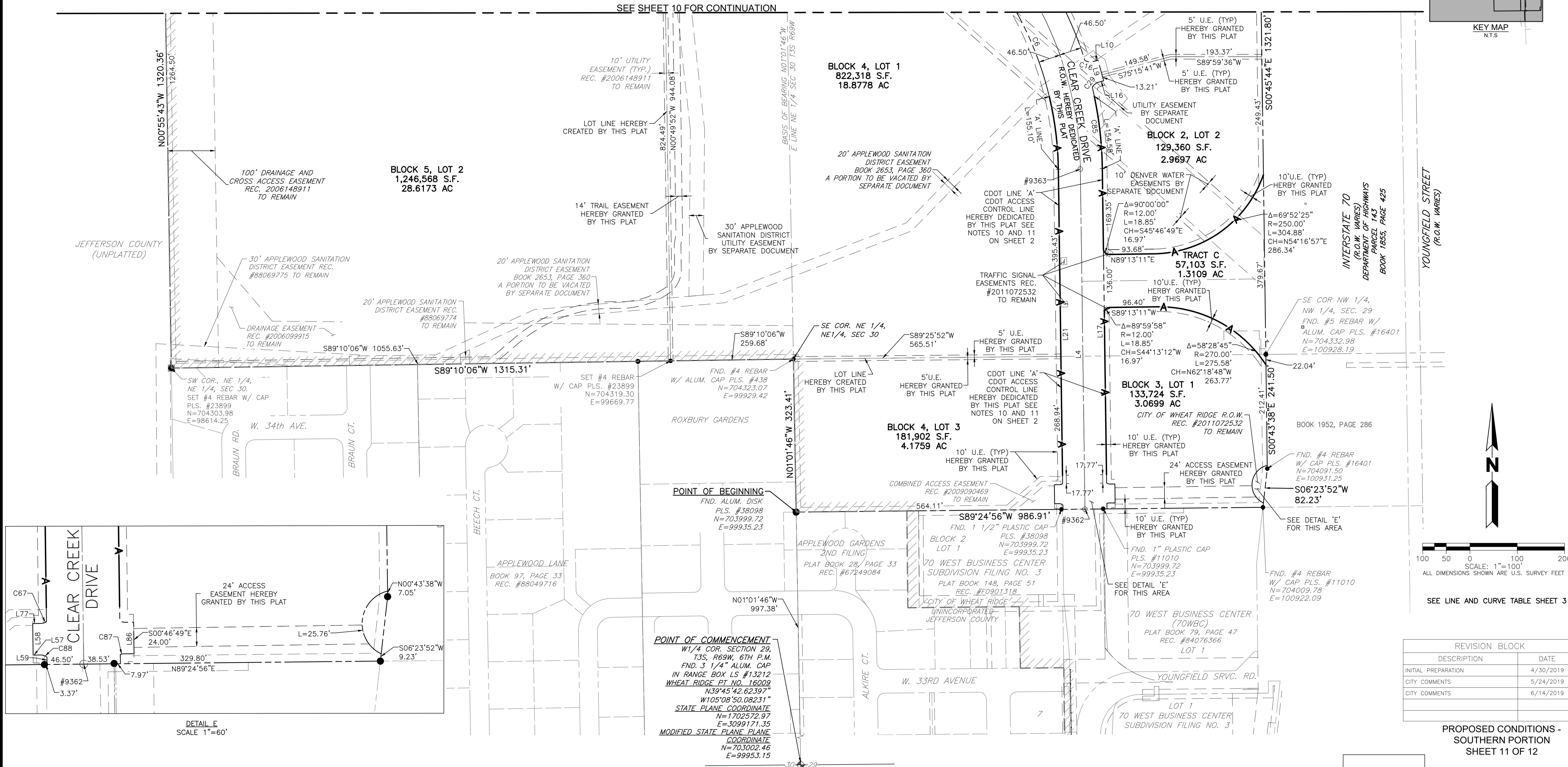
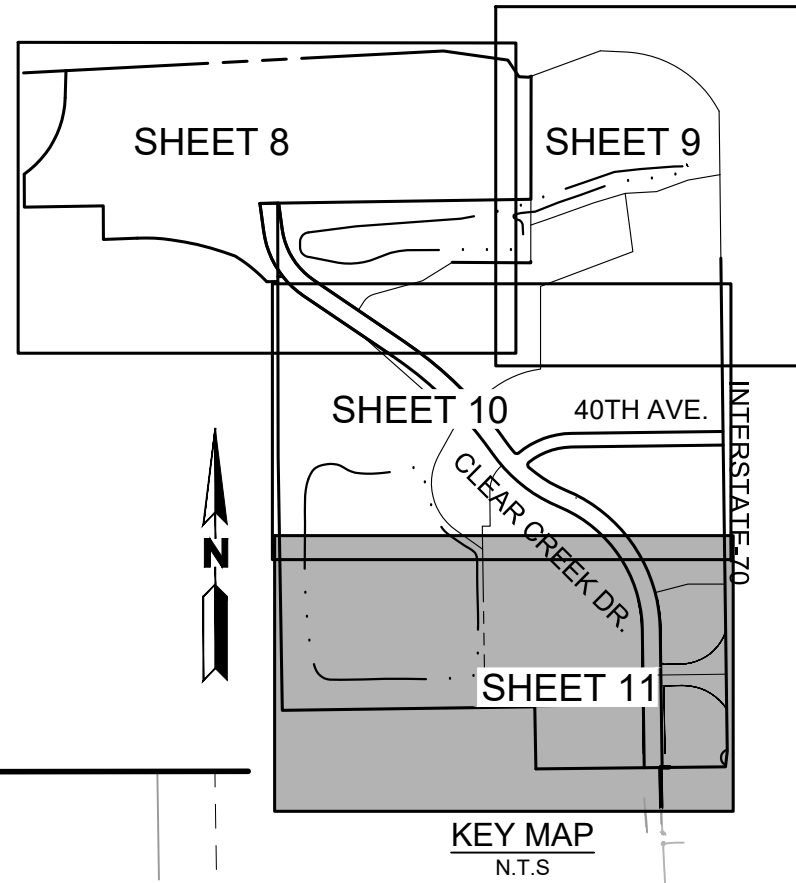


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A REPLAT OF CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2 (REC.2018063556)

SITUATED IN SECTIONS 19, 20, 29, & 30, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 11 OF 12 SHEETS

CASE NUMBER WS-17-07  
MAP NUMBER



SEE LINE AND CURVE TABLE SHEET 3

REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

PROPOSED CONDITIONS -  
SOUTHERN PORTION  
SHEET 11 OF 12

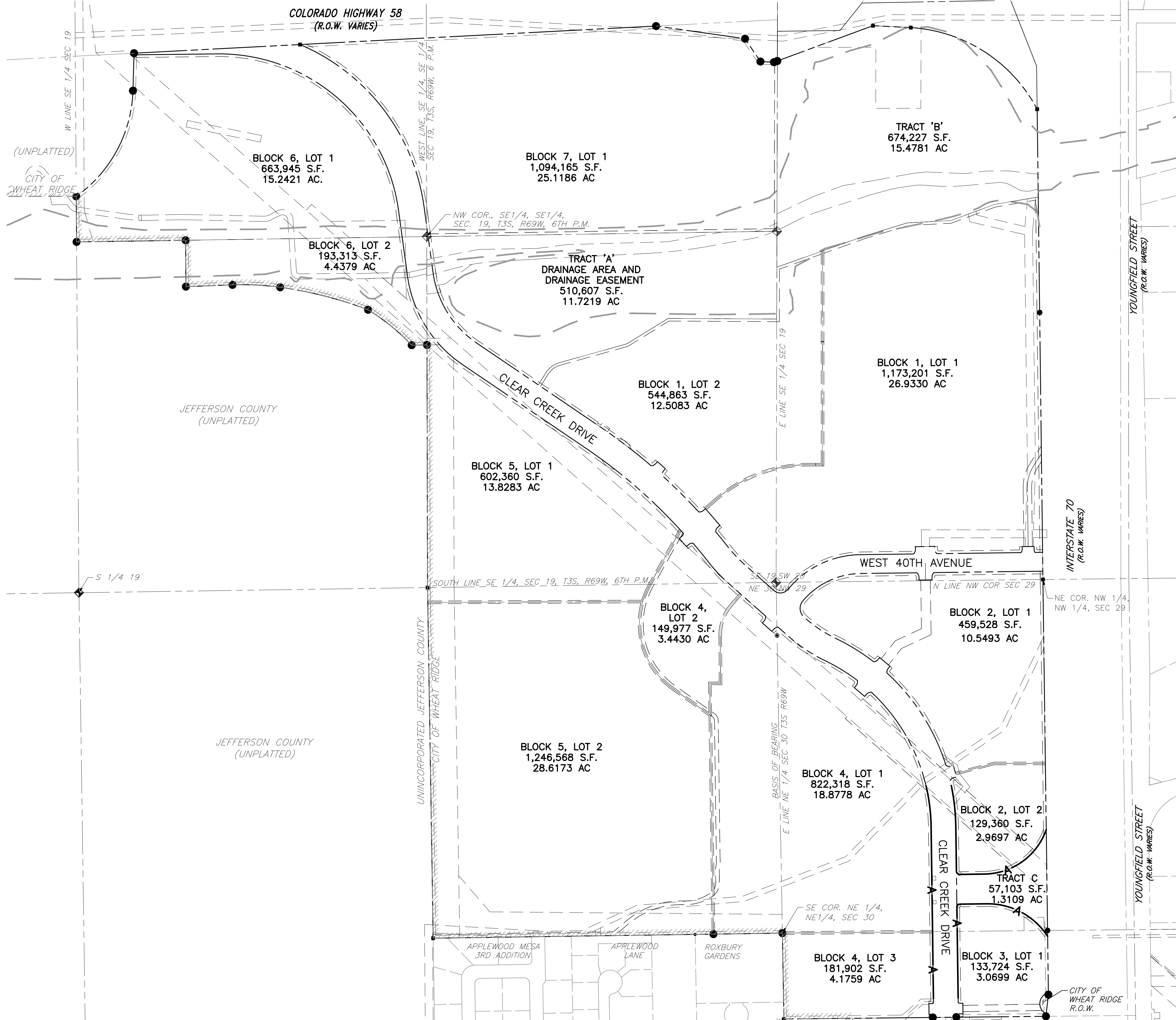


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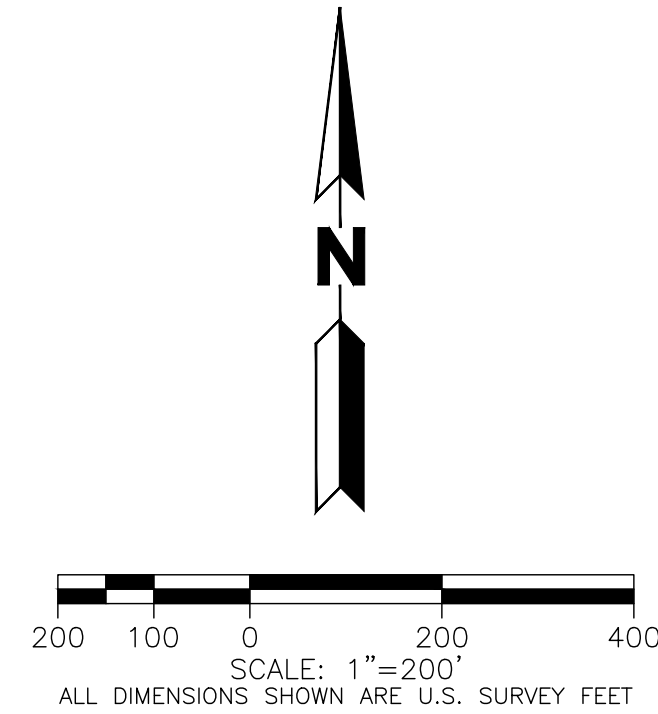
CASE NUMBER WS-17-07  
MAP NUMBER \_\_\_\_\_

SHEET 12 OF 12 SHEETS



**LEGEND**

PLAT BOUNDARY	_____
CITY BOUNDARY	CITY OF WHEAT RIDGE UNINCORPORATED JEFFERSON COUNTY
SECTION LINE	_____
R.O.W. AS DEDICATED TO REMAIN	_____
R.O.W. HEREBY VACATED BY THIS PLAT	_____
R.O.W. HEREBY DEDICATED BY THIS PLAT	_____
LOT LINE TO REMAIN	_____
LOT LINE HEREBY CREATED BY THIS PLAT	_____
LOT LINE HEREBY REMOVED BY THIS PLAT	_____
EXISTING EASEMENT TO REMAIN	_____
EASEMENT HEREBY GRANTED BY THIS PLAT	_____
EASEMENT HEREBY EXTINGUISHED BY THIS PLAT	_____
CDOT 'A' LINE TO REMAIN	_____
SECTION CORNER	◆
WITNESS CORNER	●
NEW SECTION CORNER TO BE SET	○
CENTERLINE R.O.W. MONUMENT TO BE SET	○
CENTERLINE R.O.W. NO MONUMENT SET (CALCULATED)	•
PROPERTY PINS FOUND	●
PROPERTY PINS SET	●
EXIST./PROPOSED DESCRIPTIONS	DRIVE/DRIVE
FEMA FLOODPLAIN	_____



REVISION BLOCK	
DESCRIPTION	DATE
INITIAL PREPARATION	4/30/2019
CITY COMMENTS	5/24/2019
CITY COMMENTS	6/14/2019

PROPOSED CONDITIONS -  
OVERALL SITE  
SHEET 12 OF 12

**MARTIN/MARTIN**  
CONSULTING ENGINEERS  
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215  
303.431.6100 MARTINMARTIN.COM

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