



PLANNING COMMISSION

Mike Simone, Chairperson
Bushrod White, Vice-Chairperson
Kathy Kvasnicka
Thomas Holton
Jimmy Dominguez
Shannon Rhoda
Zachary Potter

Planning Commission Agenda

Regular Meeting

130 South McKinley Avenue

Thursday, March 28, 2024

6:00 PM

(Order & Contents Subject to Change by Action of the Commission)

** Login information on how to attend this meeting virtually (optional) is on the last page of this Agenda.*

Call to Order

Approval of Agenda

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

a. Approval of the Minutes of the February 22, 2024 Meeting

Public Comment This portion of the Agenda is provided to allow members of the audience to present comments to the Board. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up.

Action Item(s)

- a. P2024-003 A Resolution of the Planning Commission of Fort Lupton Recommending to City Council Approval of an Annexation Known as the Ewing Annexation and Initial Zoning to the 'A' Agriculture Zone District
- b. P2024-004 A Resolution of the Planning Commission of Fort Lupton Recommending to City Council Approval of a Special Use Permit for a Sand and Gravel Pit, Known as the Ewing Special Use Permit

Discussion Items

- a. No scheduled upcoming Planning Commission meetings in April.
- b. Staff Reports

Future Business

Adjourn

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When calling in, please be sure to mute your microphone on your computer, phone or tablet. Planning staff and/or the Chairman of the Planning Commission will provide instructions on when and how comments can be made by the public virtually.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
February 22, 2024**

The Planning Commission of the City of Fort Lupton met in session at City Hall Chambers, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday, February 22, 2024.

Chair Mike Simone called the meeting to order at 6:02 PM.

ROLL CALL

Commissioners Present: Chair Mike Simone, Vice-Chair Bushrod White, Members Kathy Kvasnicka, and Zachery Potter.

City Staff Present: Planning Director, Todd Hodges, Planner Sean McDermott, City Engineer David Rausch, and Planning Administrative Assistant Hailey McKay.
Planners Magaly Morales and Zachary Mettler attended virtually via GoToMeeting.

APPROVAL OF AGENDA

Vice-Chair White moved to approve the agenda, Commissioner Kvasnicka seconded.

CONSENT AGENDA

Vice-Chair White moved to approve the consent agenda, Commissioner Kvasnicka seconded.

PUBLIC COMMENT

There were no public comments.

PUBLIC HEARINGS

There were no public hearing items.

DISCUSSION ITEMS

Prior to the start of the presentation, a representative of the Discussion Item addressed that the project will to be renamed, and was currently called Lupton Vistas.

Rennoc (Lupton Vistas) Concept Plan was the discussion Item. Planner Sean McDermott presented the concept plan to commissioners. Mr. McDermott stated that the parcel is 43.221 acres more or less and currently owned by the Rennoc Corporation. The plan is being represented by Bobby Kline and David Goldberg of Miller Real Estates Investment Group and Kristin Turner of TB Group. The site is located North and adjacent to Highway 52, east of Aims Community College

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
February 22, 2024

and south of the Colorado National Guard Readiness Center. Mr. McDermott stated that the parcel is currently vacant agricultural land. It is currently zoned PUD with C-1 (Light Commercial), C-2 (Heavy Commercial), R-O (Residential Office), and R-1 (Single-Family Residential) land uses. No change of zone is proposed with the concept plan. Mr. McDermott stated that the property was annexed into the city in 1977 as part of the Ranchero Development, Third Annexation. In 2014 ordinance 2014-985 was approved by City Council to rezone the property from I-2 to PUD. This project will define the legal boundaries for formal record. Mr. McDermott stated that as per Chapter 16 article 2.02 D, no formal decision or approval will be given, only general consensus and direction for future formal submittals. The applicant has submitted a request for consideration of a concept plan consisting of a variety of single-family housing types roughly 250 lots, a park, and commercial development. Mr. McDermott stated that the Future Land Use map designates the property as multi-family and commercial transition, and the Rennoc Concept Plan is in line with future land use.

Kristin Turner with TB Groups was in attendance to give a presentation. Ms. Turner stated that their intent is to continue with the current zoning, and the proposal plans include both zonings. She addressed the proposed layout for the development, with commercial along the entire frontage, and mixed density residential on the rest of the property. Proposed are small single family detached homes, townhomes, and duplexes. Ms. Turner addressed the proposed plan for a buffer around the perimeter of the property, as well as the trail system extension along Highway 52 and Weld County Road 31. She also stated that there will be a park with the intent to be a transition between the commercial and residential aspects of the project. Ms. Turner stated that the proposal is just conceptual, and provided examples to Commissioners of what each housing type can look like.

Chair Simone opened up for commissioner comments.

- Vice-Chair White addressed density as it related to fire and safety, and the water saving aspects of the plan.
- Commissioner Potter asked how the developer plans to manage concerns with parking along the street, and issues faced by current homes with not enough parking.
- Commissioner Kvasnicka addressed the garage sizes, as well as the price ranges for the homes.
- Chair Simone addressed the option of providing single story homes, homes specifically for senior citizens. Chair Simone also addressed the plugged and abandoned wells on the property, the internal lighting and who will manage them, as well as the possibility for lighting along the proposed trail.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
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FUTURE BUSINESS

The next meeting of the Planning Commission will be on March 14, 2024 at 6:00 PM.

ADJOURNMENT

Vice-Chair White moved to adjourn the meeting at 6:43 PM, Commissioner Kvasnicka seconded the motion.

Submitted by

Hailey McKay
Planning Administrative Assistant

Approved by Planning Commission

Mike Simone
Chair

RESOLUTION NO. P2024-xxx

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ANNEXATION KNOWN AS THE EWING ANNEXATION AND INITIAL ZONING TO THE 'A' AGRICULTURE ZONE DISTRICT FOR LAND LEGALLY DESCRIBED IN EXHIBIT A.

WHEREAS, the Planning Commission held a public hearing on March 28, 2024, for the purpose of reviewing an application submitted by Tricycle Lane Texas LLC and BURNCO Colorado LLC for an annexation, known as the Ewing Annexation and Initial Zoning to the 'A' Agriculture Zone District; and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the annexation and initial zoning conforms to Colorado Revised Statutes and City codes and policies therein, and

WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 500 feet, and posting of the hearing on the site.

NOW THEREFORE BE IT RESOLVED, the Planning Commission has taken into consideration all referral comments and any citizen testimony in response to this application. Based upon the facts presented on this date, the Planning Commission hereby recommends approval of the annexation known as the Ewing Annexation and Initial Zoning to the 'A' Agriculture Zone District, conditional upon the following:

- I. Prior to recording the annexation map:
 - A. Any redline comments provided by City Staff shall be made to the annexation map.
 - B. Applicant shall provide written acknowledgement of the comments from the City Engineer.

DONE THIS 28th DAY OF MARCH, 2024, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

EXHIBIT A
PROPERTY DESCRIPTION

A PART OF THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30, WHENCE THE CENTER QUARTER CORNER THEREOF BEARS S89°18'36"W, A DISTANCE OF 385.20 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE ALONG SAID NORTH LINE N89°18'36"E, A DISTANCE OF 2,155.68 FEET TO THE WEST LINE OF STATE HIGHWAY NO. 85; THENCE ALONG SAID LINE S00°33'45"E, A DISTANCE OF 1,621.38 FEET; THENCE DEPARTING SAID LINE S58°17'41"W, A DISTANCE OF 207.66 FEET; THENCE S54°32'32"W, A DISTANCE OF 454.35 FEET; THENCE N89°56'38"W, A DISTANCE OF 405.32 FEET; THENCE S32°38'07"W, A DISTANCE OF 58.11 FEET; THENCE S45°50'31"W, A DISTANCE OF 199.99 FEET; THENCE S59°02'29"W, A DISTANCE OF 114.65 FEET; THENCE S83°51'44"W, A DISTANCE OF 144.55 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 72.62 FEET, HAVING A RADIUS OF 48.64 FEET AND A CENTRAL ANGLE OF 85°32'45"; THENCE S01°41'01"E, A DISTANCE OF 302.49 FEET; THENCE S50°00'59"E, A DISTANCE OF 68.91 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 30; THENCE ALONG SAID LINE S89°17'40"W, A DISTANCE OF 482.76 FEET; THENCE DEPARTING SAID LINE N66°44'01"W, A DISTANCE OF 1,701.34 FEET; THENCE N10°55'47"E, A DISTANCE OF 992.00 FEET; THENCE N28°40'47"E, A DISTANCE OF 550.00 FEET; THENCE N68°55'47"E, A DISTANCE OF 416.00 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 30; THENCE ALONG SAID LINE N00°05'52"W, A DISTANCE OF 128.84 FEET; THENCE DEPARTING SAID LINE N63°09'23"E, A DISTANCE OF 172.35 FEET; THENCE N54°31'39"E, A DISTANCE OF 94.45 FEET; THENCE N58°52'35"E, A DISTANCE OF 180.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 155.92 ACRES, MORE OR LESS.

**EWING ANNEXATION STAFF REPORT
PROJECT NO. ANX2024-001**

PROJECT DESCRIPTION

Project No.: ANX2024-001

Project name: Ewin Annexation and Initial Zoning

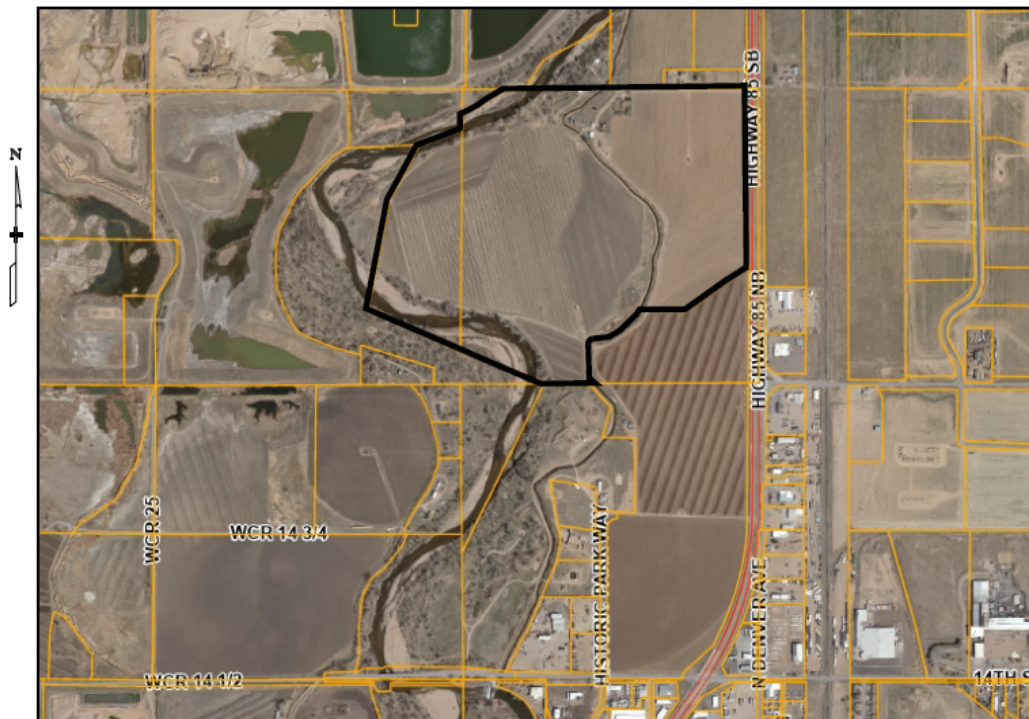
Owner's Name: Tricycle Lane Texas LLC ("Applicants")

Representative: Ben Langenfeld with Lewicki and Associates and Devon Glosser with BURNCO Colorado LLC.

Location of Request:

The site consists of two parcels. The first parcel is located west and adjacent to Highway 85 approximately 0.50 mile south of County Road 19 (Parcel No. 130930000039). The second parcel is located west and adjacent to this parcel (Parcel No. 130930000007). The annexation is located in a part of the South Half of Section 30, Township 2 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado.

The Property is directly surrounded by industrial, agricultural and rural residential land uses.



VICINITY MAP
SCALE 1"=1000'

Nature of Request:

The Applicants have submitted a request for annexation of two parcels with initial designation to the 'A' Agriculture Zone District. A Special Use Permit application has been submitted concurrently with this annexation request. The proposed Special Use Permit would allow for a sand and gravel pit, which is not a use by right in the Agriculture Zone District.

Site Size: Subject Property: 155.92 acres, more or less;

Proposed Zone District: 'A' Agriculture Zone District

Concept Land Use Plan: The Applicant will be requesting a special use permit for a sand and gravel pit. This request has been submitted concurrently with this annexation and initial zoning review, and will be reviewed at a separate public hearing before Planning Commission and City Council.

Existing Use: The western parcel currently contains a residence along with agriculture land. The eastern parcel currently contains vacant land.

Hearing Dates: Planning Commission – March 28, 2024 at 6:00 PM; and
City Council – April 16, 2024 at 6:00 PM.

Hearing Location: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado or Virtually via GoToMeeting.

Staff Recommendation: Approval with conditions, as listed in the proposed resolution.

SUMMARY OF PREVIOUS APPLICATIONS

To staff's knowledge, there are no prior applications for these properties through the City of Fort Lupton.

APPLICATION PROCESS

The Applicants are requesting approval of an annexation and initial zoning to the 'A' Agriculture Zone District.

An annexation is processed under [Chapter 15: Annexation](#) of the Fort Lupton Municipal Code ("Code").

After required public notice of annexation and initial zoning, the Planning Commission shall review the annexation map, the concept land use plan and the zoning request at a public hearing, and shall submit a written recommendation to City Council.

The City Council shall then conduct a public hearing and consider the approval of an ordinance annexing the property to the City without election if it finds that the annexation is in compliance with the requirements of the Colorado Municipal Annexation Act of 1965, as amended, and the Fort Lupton Municipal Code. The City Council shall then either:

1. Approve, or approve with conditions, the ordinances for annexation and initial zoning. Approval may be contingent upon specific changes to the zoning or to the annexation agreement provided to the City Council prior to the public hearing.
2. Disapprove the ordinances to annex and initially zone the Property. If the City Council disapproves annexation, no similar request may be heard for a period of one year from the date of denial.

NOTIFICATION REQUIREMENTS

All notification requirements were met, including posting notice of the hearings on the property at least 15 days prior to this public hearing, mailing notice to property owners within 500 feet of the site, and the publishing notice of the hearing in the Fort Lupton Press for four consecutive weeks, with the first publication being at least 30 days prior to the City Council public hearing.

In addition, notice of the public hearings, as well as the resolution and petition, was sent to the Weld County Commissioners and Weld County Attorney, the school district and all special districts on March 22, 2024 by certified mail, return-receipt requested. The annexation impact report was sent on March 22, 2024 to the Weld County Commissioners by certified mail, return-receipt requested.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

This annexation meets the requirements set forth by the Municipal Annexation Act of 1965, as amended and by [Chapter 15 of the Municipal Code](#) relating to Annexation. The Planning Department staff has determined that the applicant has submitted all required documents pursuant to the Code.

Section 15-3 of the Municipal Code outlines the Annexation Policy, which is:

- a) The City Council shall have the sole discretion in the annexation of territory proposed for annexation to the City, and the City is under no obligation to approve any annexation petition.

Staff Comment: On February 20, 2024, the City Council accepted the annexation petition and set the public hearing date for this matter for April 16, 2024.

- b) Land to be annexed shall conform to the goals, policies and strategies of the City.

Staff Comment: The Planning Department finds that the annexation meets the goals, policies and strategies of the City, specifically in relation to the Comprehensive Plan, which is further explained later in this Staff Report.

- c) The petitioner for annexation of land to the City shall be responsible for paying all required fees and for all related costs and overhead incurred by the City in reviewing and processing the annexation petition.

Staff Comment: The Applicant has paid all required land use fees, and has a fee deposit established to cover any costs related to the project.

- d) Annexation shall not divide tracts of land in such a way as to prevent annexation of adjoining land.

Staff Comment: The proposed annexation will not prevent future annexation of adjoining land.

- e) All annexations shall be accompanied by an annexation agreement between the petitioner and the City, stating conditions related to municipal services or other terms of annexation that are not specifically provided for in the Code.

Staff Comment: The Applicant and City Attorney are working in good faith to finalize an annexation agreement. A draft will be provided to the Fort Lupton City Council for consideration prior to the public hearing.

- f) Unless specifically deferred by the City Council, zoning of the property shall occur concurrently with the annexation. Proposed zoning shall conform to a concept land use plan submitted with the annexation petition. In the event that sufficient planning has not been done to define zoning boundaries at the time of annexation, the City may zone the property “A,” Agricultural, as an interim zoning classification.

Staff Comment: The Applicant is requesting zoning to the ‘A’ Agricultural Zone District.

- g) Required contiguity of noncontiguous parcels proposed for annexation may be achieved by annexation of one (1) or more portions of street right-of-way or other public way, a process commonly referred to as “flagpole” annexation.

Staff Comment: The proposed annexation meets the required contiguity.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Commercial Transition and Mineral Zone use type which includes the land generally located within one-half mile of the South Platte River Corridor, often in the floodplain. Land in this area likely contains significant aggregate resources. State law essentially prohibits any surface development until the aggregate has been extracted. This area should include a regional trail and an expansive regional park as the area is reclaimed. The proposed use conforms to the Mineral Zone land use type and will include a portion of the regional trail once reclaimed.

REFERRALS

Referrals were provided to the list below.

Any comments received can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/845>

City Attorney	Police Chief	City Administrator
Public Works Director	Building Inspector	GIS Specialist
Economic Development Manager	City Engineer	Fort Lupton Fire Protection District
CDOT	Colorado DRMS	Colorado Parks and Wildlife
Division of Water Resources	Army Corp of Engineers	United Power
Comcast	CenturyLink	Xcel Energy
Weld County Department of Planning	Weld County Department of Public Health & Env	Weld County Public Works
NCWCD	Platteville Ditch Company	State Geologist

RECOMMENDATION

Staff recommends conditional approval of the Ewing Annexation and Initial Zoning to ‘A’ Agricultural. Conditions are listed on the proposed Resolution provided to Planning Commission.

For more information on this development, please refer to the Planning Commission packet provided.

Additional documents can be found at: <https://www.fortluptonco.gov/DocumentCenter/Index/843>

Introduction

BURNCO Colorado, LLC (BURNCO) is proposing a new sand and gravel mining operation on a property near Fort Lupton, CO. It is located just north of Fort Lupton in unincorporated Weld County. The property's current primary use is for agriculture. BURNCO is proposing that the site be mined for sand and gravel for approximately 10 years, then be converted to wildlife habitat and freshwater storage. The site is currently being annexed into Fort Lupton. The proposed permit area is 156.7 acres, of which approximately 116 acres will be disturbed for mining. The sand and gravel will be mined and processed for the use in construction materials such as crushed and washed rock, gravel, road base, sand, concrete, and asphalt. These materials will help support the local construction industry of Fort Lupton and Weld County. BURNCO has a history of mining for construction materials in the Weld County and greater Colorado area.

A vicinity map of the Ewing Gravel Pit and its surroundings is shown in Figure 1 below. The proposed permit boundaries are shown, as well as the proposed site access road from County Road 14 ½.

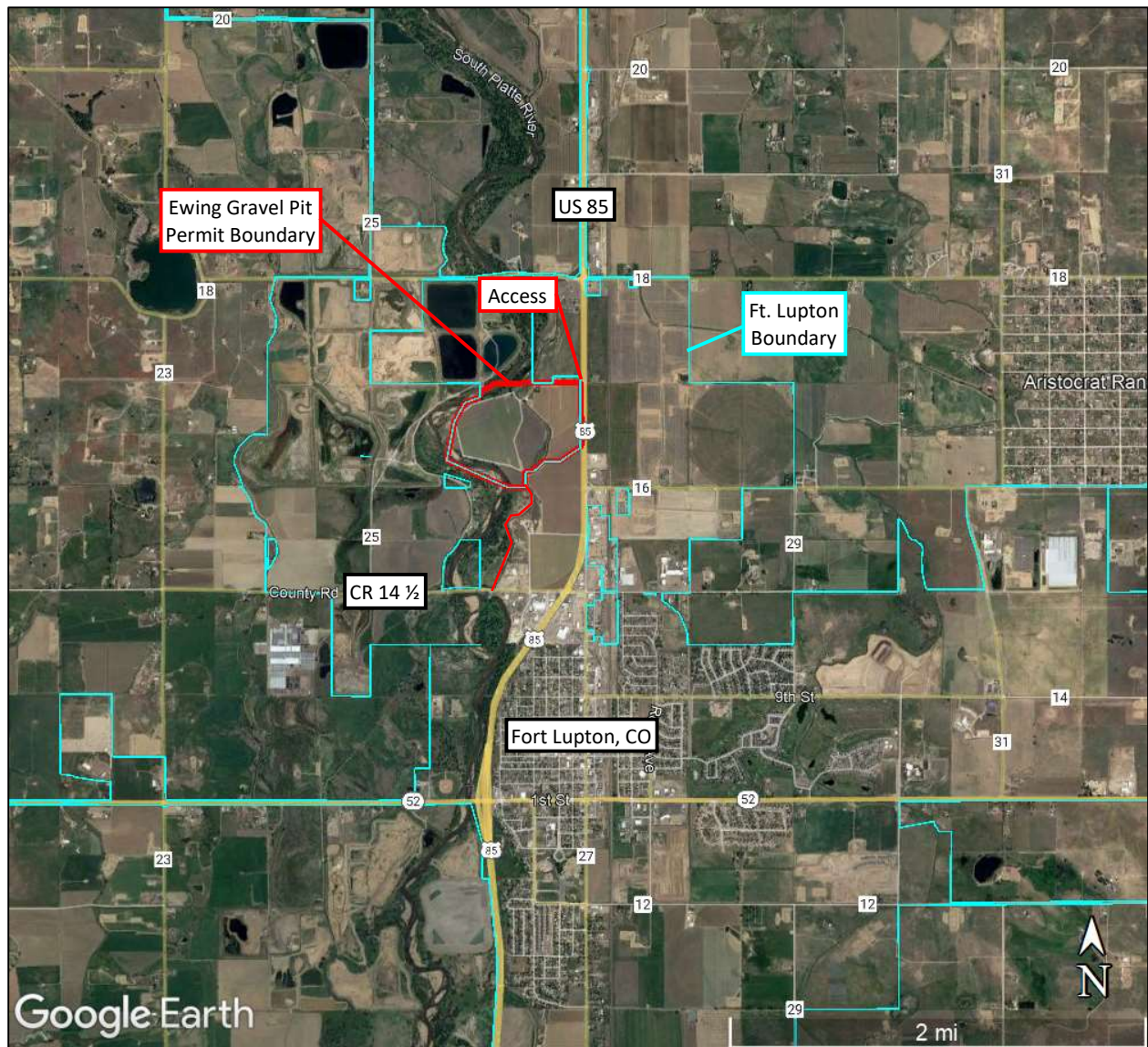


Figure 1. Vicinity Map

1. Property Description & Existing Conditions

The proposed site for the Ewing Gravel Pit is located just north of Fort Lupton in Weld County, Colorado. It is bounded by U.S. Highway 85 to the east, and the South Platte River to the west. The site is composed of two terraces being used for agriculture and oil production. The upper terrace is in the western portion of the site adjacent to Highway 85. The lower terrace is in the eastern portion of the site adjacent to the South Platte River. The terraces are divided by the Platteville Ditch running south to north through the center of the property. The site is currently accessed via the gravel road in the northeast of the property, directly off of Highway 85.

A residence and a few sheds are located in the north of the site. Several utilities including ditches, electric, telephone, gas and water lines cross the site in various locations. Numerous small gravel roads already exist at the site to provide access to the agricultural fields and oil production wells. Six oil wells, some shut in and some still active, are present at the site. These are accompanied by storage structures and gas pipelines scattered throughout the site. The Platteville Ditch runs south to north on the easternmost extent of the lower terrace. Many groundwater wells accompanied by water pipelines are present on the site for monitoring, residential, and commercial uses. Xcel Energy makes use of the site through six groundwater wells along the South Platte River that pump water to their nearby power plant. The surrounding neighbors include residences and an agricultural operation to the north; Highway 85, open space, a waterworks supplier, and an RV dealer to the east; agriculture, residences, and a shooting range to the south; and the South Platte River and Everist's gravel mining operations to the west.

The only known environmental hazard on the site is that the lower terrace is within the floodplain and partially within the floodway of the South Platte River. The floodplain/floodway boundary is shown on the CDRMS Maps in Appendix 1. A discussion on the impact of mining on this floodway is provided in the Drainage Report. No other environmental hazards or conditions of importance are present at the site.

2. Suitability with Zoning & Fort Lupton Comprehensive Plan

The property is currently part of unincorporated Weld County, zoned as Agriculture with multiple uses. The current and primary land use is agriculture with three irrigated fields across the site. The property is also used for oil production, with multiple wells scattered across the site. Additionally, there is a residence currently being rented out by the landowner. Xcel Energy makes use of the site with various groundwater wells pumping water along the South Platte River.

BURNCO plans to annex the site into Fort Lupton as part of its permitting process. The proposed land use will be mining and resource extraction to allow for open mining of sand and gravel on the site. This use is permitted within agriculture zoning areas for both Fort Lupton and Weld County. Therefore, the zoning as agriculture will remain the same as the site is annexed into Fort Lupton. Mining is expected to take approximately 10 years, after which the land will be converted to its final land use. The ultimate land use of the site after reclamation will be water storage. The pits will be converted to fresh-water storage ponds, while the remaining portions of the site will be revegetated as rangeland. The surrounding land uses are shown in Figure 2 and Figure 3 below, and include mostly agriculture as well as parks & open space, industrial, mineral extraction, public / semi-public, and commercial. The temporary land use of the mineral extraction is both allowed within the site zoning and is compatible with the surrounding land uses, more so with the mineral extraction and industrial just to the west of the river. The final land use as water storage is also compatible with the surrounding land uses.

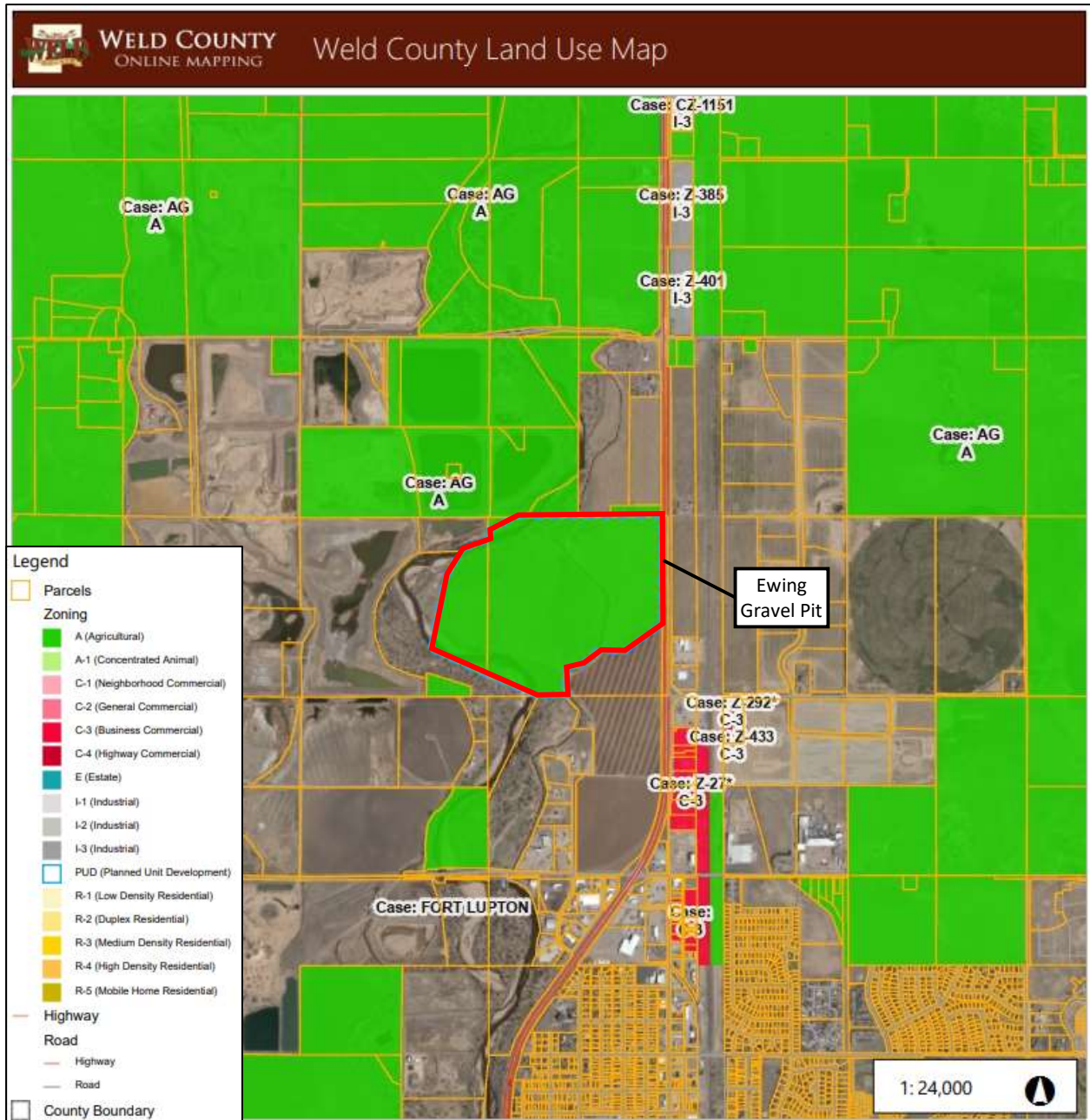


Figure 2. Weld County Land Use Map

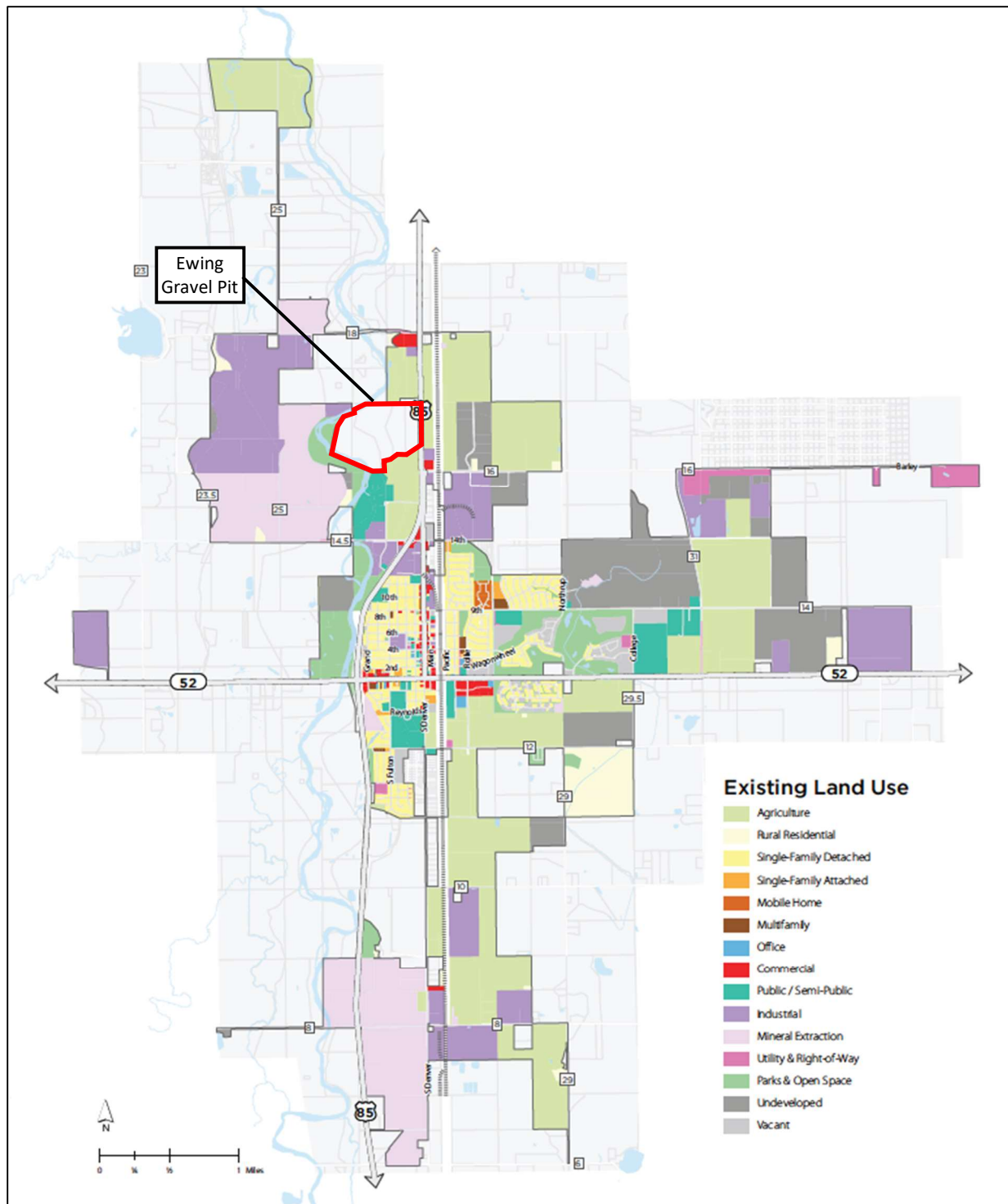


Figure 3. Fort Lupton Land Use Map

2.1. Fort Lupton Comprehensive Plan

The Ewing Gravel Pit supports the goals and implementation of the Fort Lupton Comprehensive Plan. The site is contiguous to existing Fort Lupton ground and is within the Core Area of Fort Lupton's Long Range Plans. The use of the site for resource extraction is in direct support of the future land use goals of the City. The Fort Lupton Comprehensive Plan classifies the site as mineral zone in the west, and commercial transition in the east. A buffer area around the South Platte River is classified as a riparian zone. The surrounding future land uses, particularly along the site access road, include parks and open space, light industrial & office, and public / semi-public. A map of the Fort Lupton Master Plan is shown in Figure 4 with the Ewing Gravel Pit area identified.

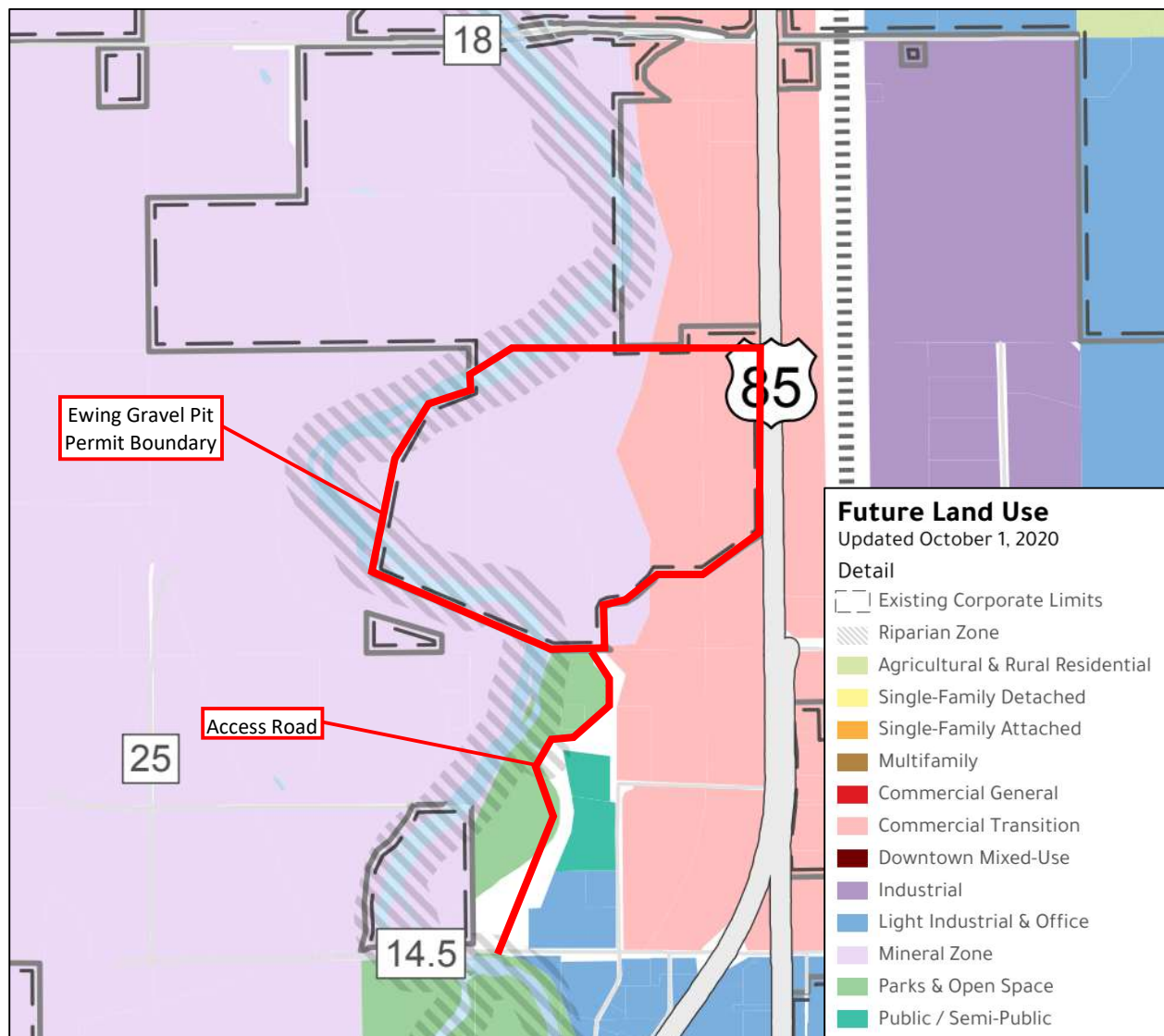


Figure 4. Fort Lupton Master Plan

No mining will occur within the riparian zone; only areas that are already disturbed or are currently agricultural fields will be mined. A portion of the site is specifically dedicated to mineral extraction; therefore, mining at this site is directly supported by the comprehensive plan. Fort Lupton's goals for the mineral zone are to extract the mineral resource before conversion to parks and open space. The remaining portion of the site is commercial transition which is described as potential growth areas for commercial development through a gradual transition from agriculture. While the proposed land use does not directly fit within this designation, it is transitioning the site from agriculture while making use of the full resource potential of the land. The use of the site for mining is only temporary, and the conversion of the site to water storage ponds does not infringe on the potential for the surrounding properties to transition to commercial development areas.

Mining at this site is very compatible for the future land use plans and goals identified by Fort Lupton. The vision for Fort Lupton as described in the Comprehensive Plan is for the city to become a prominent community within Colorado known for its quality living and variety of services and amenities. This will involve new commercial and residential development within currently undeveloped or agriculture areas, of which will require the construction materials provided from mining operations such as the Ewing Gravel Pit. The Ewing Gravel Pit's location near areas that Fort Lupton has identified for development makes it a valuable source of construction materials in an ideal location close to the future development.

Legal Description

The Ewing Gravel Pit is located directly north of Fort Lupton in Weld County, CO in part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM) and part of the East $\frac{1}{2}$ (E $\frac{1}{2}$) of the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM). The legal description is as follows:

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.,

EXCEPT THE TRACT OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 13, 1967 UNDER RECEPTION NO. 1501076, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SE $\frac{1}{4}$; THENCE NORTH ALONG THE EAST LINE OF SAID SE $\frac{1}{4}$, A DISTANCE OF 1082.00 FEET; THENCE S60°45'W, A DISTANCE OF 135.41 FEET TO A POINT ON THE WESTERLY R.O.W. LINE OF U.S. HIGHWAY NO. 85, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE S58° 45'W, A DISTANCE OF 211.18 FEET; THENCE S55°03'W A DISTANCE OF 454.35 FEET; THENCE NORTH 89°19'30"W, A DISTANCE OF 405.42 FEET TO A POINT ON THE CENTERLINE OF THE PLATTEVILLE DITCH; THENCE ALONG SAID CENTERLINE BY THE FOLLOWING COURSES AND DISTANCES;

S32°57'W, 57.98 FEET;

S46°21'W, 200.00 FEET;

S59°36'W, 115.00 FEET;

S84°25'45"W, 145.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.62 FEET (THE RADIUS OF SAID CURVE IS 48.64 FEET AND THE DELTA IS 85°32'45");

THENCE S01 ° 07'E, 304.28 FEET;

S49°40'30"E, 65.07 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE SE $\frac{1}{4}$ SECTION 30; THENCE N89° 51'E ALONG SAID SOUTH LINE, A DISTANCE OF 1366.39 FEET TO A POINT ON THE WESTERLY R.O.W. OF U.S. HIGHWAY NO. 85; THENCE NORTH ALONG SAID R.O.W. LINE, A DISTANCE OF 1015. 84 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING A TRACT OF LAND SITUATED IN SE $\frac{1}{4}$ OF SAID SECTION 30, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SE1/4; THENCE DUE EAST 720 FEET; THENCE NORTH 66° 24' WEST 810 FEET; THENCE SOUTH 320 FEET TO THE PLACE OF BEGINNING;

AND ALSO EXCEPTING A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF THE SE 1/4 FROM WHICH POINT THE NORTHEAST CORNER OF SECTION 30 BEARS NORTH 2°26' EAST, A DISTANCE OF 2640.6 FEET; THENCE SOUTH 0°05' EAST, 1619.0 FEET TO A POINT ON THE SOUTH PROPERTY LINE; THENCE NORTH 60° 40' EAST, A DISTANCE OF 137.5 FEET TO A POINT ON THE EAST LINE OF SECTION 30; THENCE ALONG THE EAST LINE OF SECTION 30, NORTH 0°05' WEST, A DISTANCE OF 1551.8 FEET TO THE NORTHEAST CORNER OF THE SE 1/4 OF SAID SECTION 30; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 SOUTH 89°55'30" WEST, A DISTANCE OF 120.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

AND ALSO EXCEPTING THAT TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED JULY 11, 2001 UNDER RECEPTION NO. 2865029, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP TWO NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP 2 NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM WHENCE THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION THIRTY BEARS S00° 20'40"W, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION THIRTY, N89° 43'26"E A DISTANCE OF 385.26 FEET; THENCE SOUTH 59°17'18"W A DISTANCE OF 180.22 FEET; THENCE S54° 56'22"W A DISTANCE OF 94.45 FEET; THENCE S63 34'06W A DISTANCE OF 172.35 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE ALONG SAID WEST LINE N00° 20'40"E A DISTANCE OF 221.16 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THAT PARCEL CONVEYED TO THE STATE HIGHWAY COMMISSION OF COLORADO IN DEED RECORDED FEBRUARY 3, 1964 UNDER RECEPTION NO. 1428041, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND LOCATED IN THE SOUTHWEST (SW 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 350 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE SOUTH 69° WEST 416 FEET; THENCE SOUTH 28° 45' WEST 550 FEET; THENCE SOUTH 11° WEST 992 FEET; THENCE SOUTH 66° 24' EAST 920 FEET; THENCE DUE NORTH 1970 FEET TO THE PLACE OF BEGINNING, COUNTY OF WELD, STATE OF COLORADO.

EWING ANNEXATION MAP

A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado

DESCRIPTION:

A part of the South Half of Section 30, Township 2 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, more particularly described as follows:

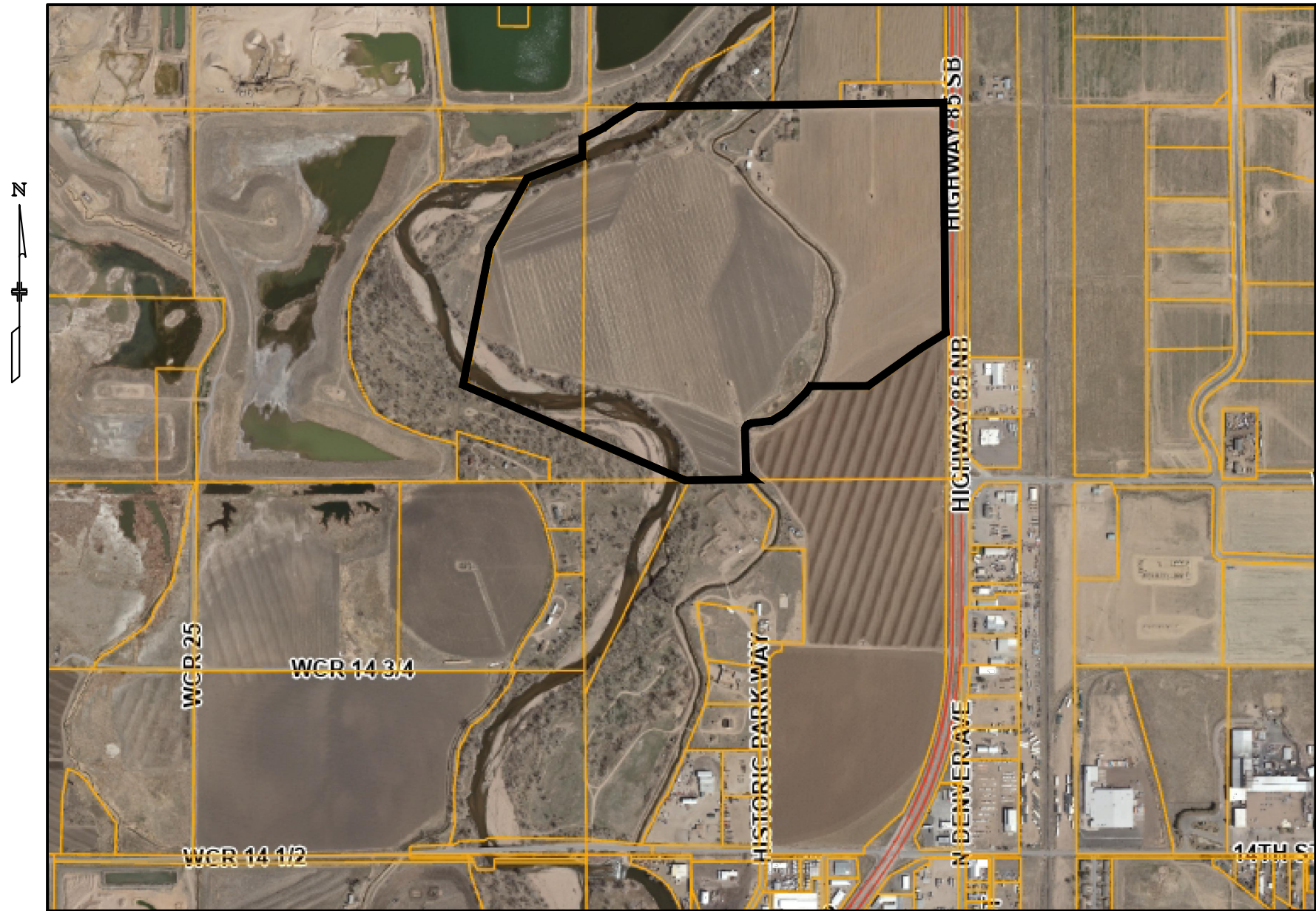
Beginning at a point on the North line of the Southeast Quarter of said Section 30, whence the Center Quarter corner thereof bears S89°18'36"W, a distance of 385.20 feet with all bearings contained herein relative thereto; thence along said North line N89°18'36"E, a distance of 2,155.68 feet to the West line of State Highway No. 85 ; thence along said line S00°33'45"E, a distance of 1,621.38 feet; thence departing said line S58°17'41"W, a distance of 207.66 feet; thence S54°32'32"W, a distance of 454.35 feet; thence N89°56'38"W, a distance of 405.32 feet; thence S32°38'07"W, a distance of 58.11 feet; thence S45°50'31"W, a distance of 199.99 feet; thence S59°02'29"W, a distance of 114.65 feet; thence S83°51'44"W, a distance of 144.55 feet to a point of curvature; thence along the arc of a curve to the left 72.62 feet, having a radius of 48.64 feet and a central angle of 85°32'45"; thence S01°41'01"E, a distance of 302.49 feet; thence S50°00'59"E, a distance of 68.91 feet to the South line of said Southeast Quarter of Section 30; thence along said line S89°17'40"W, a distance of 482.76 feet; thence departing said line N66°44'01"W, a distance of 1,701.34 feet; thence N10°55'47"E, a distance of 992.00 feet; thence N28°40'47"E, a distance of 550.00 feet; thence N68°55'47"E, a distance of 416.00 feet to the West line of said Southeast Quarter of Section 30 ; thence along said line N00°05'52"W, a distance of 128.84 feet; thence departing said line N63°09'23"E, a distance of 172.35 feet; thence N54°31'39"E, a distance of 94.45 feet; thence N58°52'35"E, a distance of 180.15 feet to the POINT OF BEGINNING.

Containing 155.92 acres, more or less.

CONTIGUITY:

The above described land is contiguous to the City of Fort Lupton and meets the requirements set forth in Colorado Revised Statutes 1973, 31-12-104-(1) (a) that one-sixth or more of the perimeter to be annexed is contiguous with the annexing municipality.

- Total perimeter of the parcel considered for annexation = 10,524'
- One-sixth of total perimeter required for annexation = 1,754'
- Perimeter contiguous with existing city limits = 8,431', exceeds the 1/6 contiguity required
- Area = 155.92 acres



VICINITY MAP

SCALE 1"=1000'

OWNER CERTIFICATE:

Know All Men By These Presents, that Tricycle Lane Texas LLC, a Limited Liability Company, being the sole owners of the land described herein, have caused said land to be annexed under the name of Ewing Annexation Map.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____day of ___, 202__.

Owner

Signed this ____ day of ___, 202__.

State of Colorado)
County of Weld)SS

The foregoing instrument was acknowledged before me this ____ day of ___, 202__.

Witness hand and official seal

My commission expires _____

Notary Public

PLANNING COMMISSION RECOMMENDATION:

This is to certify that the annexation map of the property described herein was recommended to the Fort Lupton City Council via Resolution No. _____.

Recommended this ____day of ___, 202__.

Chairperson, Fort Lupton
Planning Commission

MAYOR'S CERTIFICATE:

This is to certify that the annexation map of the property described herein was approved by Ordinance No. _____ of the City of Fort Lupton passed and adopted on the ____day of ____A.D., 202__ and that the Mayor and the City of Fort Lupton, as authorized by Ordinance No. _____ on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon.

Approved this ____day of ___, 202__.

Attest: City Clerk

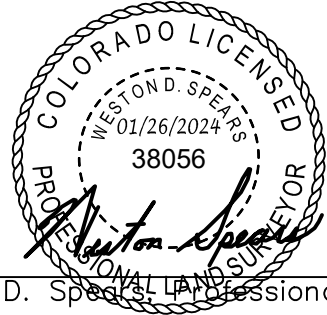
Mayor

APPLICANT:

Tricycle Lane Texas LLC
10100 Dallas St
Henderson, CO 80640-8491
(970)356-7523

SURVEYOR'S CERTIFICATION:

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that this annexation map was made in accordance with applicable standards of practice, was prepared under my responsible and is accurate to the best of my professional knowledge, information and belief. This is not a guaranty or warranty, either expressed or implied.



Weston D. Spears, Professional Land Surveyor
Colorado P.L.S. No. 38056
for and on behalf of Weston Surveying



Clear Creek Surveying
P.O. Box 3184, Idaho Springs, CO 80452
(303) 567-4755

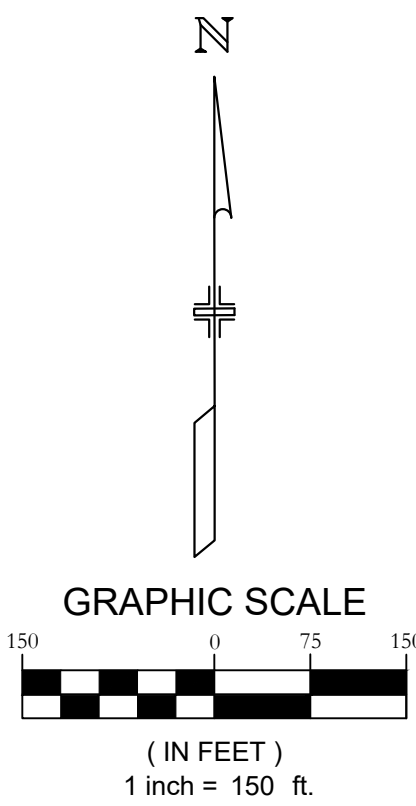
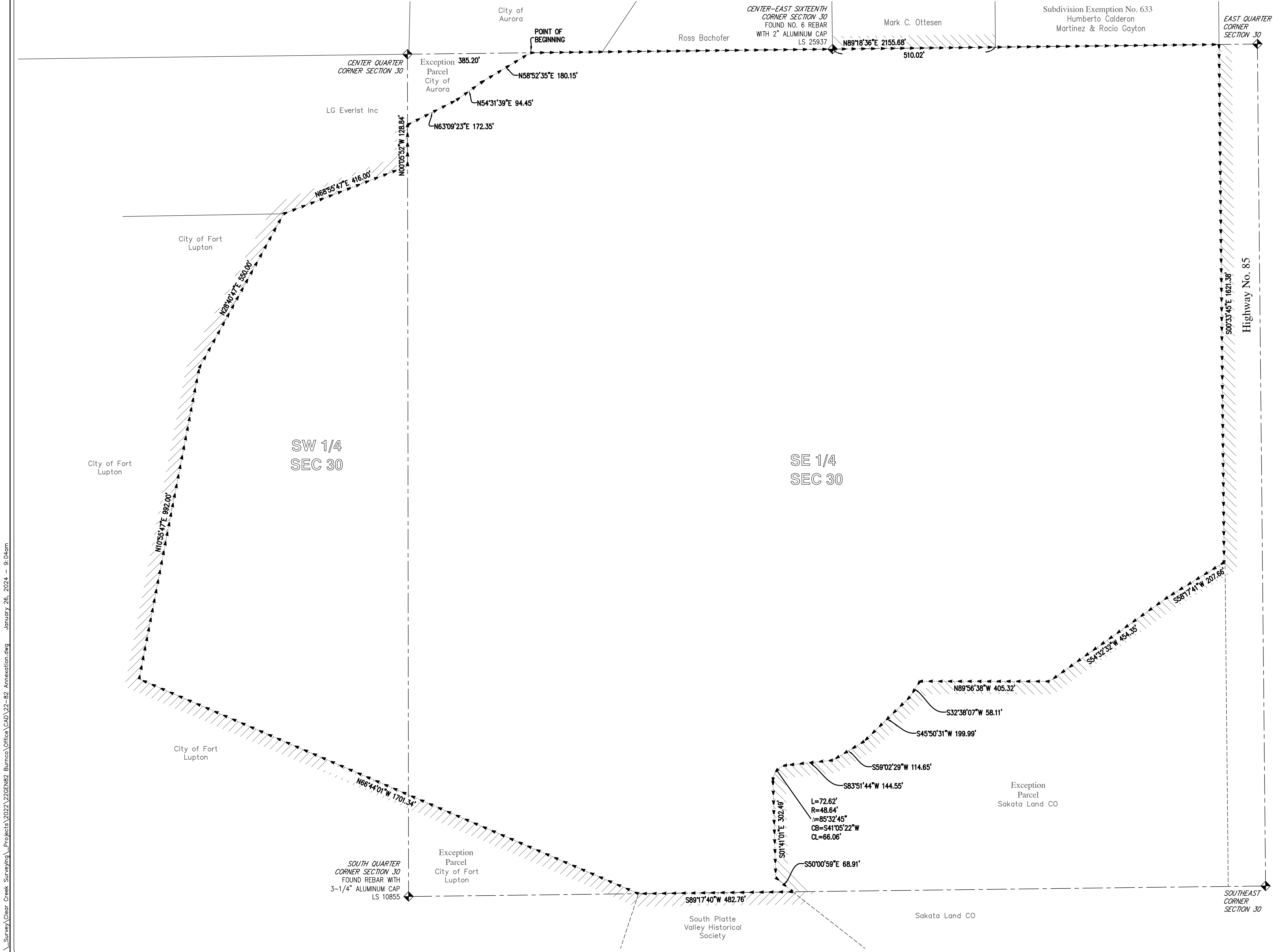
Ewing Annexation Map
Parcels of land located in the
South Half of Section 30,
Township 2 North, Range 66 West of the 6th P.M.
County of Weld, State of Colorado

Client: Tricycle Lane Texas LLC

S30, T2N, R66W of the 6th P.M.	Sheet No.	No. of Sheets
Project No. 22-82	1	2

EWING ANNEXATION MAP

A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado



- Legend
- Perimeter line considered for annexation
 - City Limits

Clear Creek Surveying
P.O. Box 3184, Idaho Springs, CO 80452
(303) 567-4755

Ewing Annexation Map
Parcels of land located in the
South Half of Section 30,
Township 2 North, Range 66 West of the 6th P.M.
County of Weld, State of Colorado

Client: Tricycle Lane Texas LLC

S30, T2N, R66W of the 6th P.M.	Sheet No. 2	No. of Sheets 2
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Z:\Survey\Clear Creek Surveying\Projects\2022\22DENB2_Burco\Office\CAD\22-82_Annexation.dwg January 26, 2024 -- 9:04am



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 13th day of March, 2024**, a true and correct copy of the foregoing Notice of Public Hearings for the **Ewing Annexation and Special Use Permit** was sent via United States Mail, postage pre-paid, to the following addresses:

E & J ROCKY MOUNTAIN PROPERTIES
LLC
12608 WATERSIDE LN
LONGMONT, CO 805045252
WELD-85
8791 CIRCLE DR
WESTMINSTER, CO 800313675

GEN III ENTERPRISES LLC
1195 TURQUOISE DR
LONGMONT, CO 805047304

TRICYCLE LANE TEXAS LLC
10100 DALLAS ST
HENDERSON, CO 806408491

SAKATA LAND CO
P O BOX 508
BRIGHTON, CO 80601050

AURORA CITY OF
15151 E ALAMEDA PKWY # 3600
AURORA, CO 800121555

TRICYCLE LANE TEXAS LLC
10100 DALLAS ST
HENDERSON, CO 806408491

BACHOFER ROSS
7525 US HIGHWAY 85
FORT LUPTON, CO 806218809

AURORA CITY OF
15151 E ALAMEDA PKWY # 3600
AURORA, CO 800121555

RANKIN PENNY J
12331 COUNTY ROAD 14 1/2
FORT LUPTON, CO 806218814

OTTESEN MARK C (60%)
PO BOX 461
SALIDA, CO 812010461

MARTINEZ HUMBERTO CALDERON
7493 US HIGHWAY 85
FORT LUPTON, CO 806218809

AURORA CITY OF
15151 E ALAMEDA PKWY STE 3600
AURORA, CO 800121555

LG EVERIST INC
350 S MAIN AVE STE 400
SIOUX FALLS, SD 571046312

LG EVERIST INC
350 S MAIN AVE STE 400
SIOUX FALLS, SD 571046312

SOUTH PLATTE VALLEY HISTORICAL SOCIETY
PO BOX 633
FT LUPTON, CO 806210633

STRANGE BRONN
12335 COUNTY ROAD 14 1/2
FORT LUPTON, CO 806218814

BARRON JESUS
PO BOX 888
FORT LUPTON, CO 806210888

COLORADO - DEPT OF HIGHWAYS
4201 E ARKANSAS AVE
DENVER, CO 802223406

WRIGHT INVESTMENT GROUP INC
3814 CHEYENNE DR
GREELEY, CO 806349337

Magaly Morales-Tejada

City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation and Special Use Permit referred to as the Ewing Annexation and Special Use Permit located west and adjacent to Highway 85 and approximately .5 mile south of County Road 18 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, March 28, 2024, at 6:00 P.M., and before the City Council on Tuesday, April 16, 2024, at 6:00 P.M. or as soon as possible thereafter.

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Further information is available through the City Planning and Building Department at (720) 928-4003

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: EWING ANNEXATION AND SPECIAL USE PERMIT

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

The Ewing Gravel Pit is located directly north of Fort Lupton in Weld County, CO in part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM) and part of the East $\frac{1}{2}$ (E $\frac{1}{2}$) of the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM). The legal description is as follows:

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT THE TRACT OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 13, 1967 UNDER RECEPTION NO. 1501076, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, DESCRIBED AS:

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S59°36'W, 115.00 FEET;

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THENCE S01 ° 07'E, 304.28 FEET;

S49°40'30"E, 65.07 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE SE1/4 SECTION 30; THENCE N89° 51'E ALONG SAID SOUTH LINE, A DISTANCE OF 1366.39 FEET TO A POINT ON THE WESTERLY R.O.W. OF U.S. HIGHWAY NO. 85; THENCE NORTH ALONG SAID R.O.W. LINE, A DISTANCE OF 1015. 84 FEET TO THE TRUE POINT OF BEGINNING.

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March 13, 2024

Greeley Tribune
Attention: Legal Publications

Please publish the following Notice on four consecutive weeks in the Greeley Tribune starting with the **March 14, 2024** issue and followed by the **March 21, 2024; March 28, 2024 and April 4, 2024** issues.

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A DISTANCE OF 385.26 FEET; THENCE SOUTH 59°17'18"W A DISTANCE OF 180.22 FEET; THENCE S54° 56'22"W A DISTANCE OF 94.45 FEET; THENCE S63 34'06W A DISTANCE OF 172.35 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE ALONG SAID WEST LINE N00° 20'40"E A DISTANCE OF 221.16 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THAT PARCEL CONVEYED TO THE STATE HIGHWAY COMMISSION OF COLORADO IN DEED RECORDED FEBRUARY 3, 1964 UNDER RECEPTION NO. 1428041, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND LOCATED IN THE SOUTHWEST (SW 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 350 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE SOUTH 69° WEST 416 FEET; THENCE SOUTH 28° 45' WEST 550 FEET; THENCE SOUTH 11° WEST 992 FEET; THENCE SOUTH 66° 24' EAST 920 FEET; THENCE DUE NORTH 1970 FEET TO THE PLACE OF BEGINNING, COUNTY OF WELD, STATE OF COLORADO

**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

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Further information is available through the City Planning and Building Department at (720) 928-4003

ALL INTERESTED PERSONS MAY ATTEND.

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THENCE S58° 45'W, A DISTANCE OF 211.18 FEET; THENCE S55°03'W A DISTANCE OF 454.35 FEET; THENCE NORTH 89°19'30"W, A DISTANCE OF 405.42 FEET TO A POINT ON THE CENTERLINE OF THE PLATTEVILLE DITCH; THENCE ALONG SAID CENTERLINE BY THE FOLLOWING COURSES AND DISTANCES;

S32°57'W, 57.98 FEET;

S46°21'W, 200.00 FEET;

S59°36'W, 115.00 FEET;

S84°25'45"W, 145.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

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OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Adult Signature Required \$
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Postage

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Total Postage and Fees

\$ 8.69

Sent To

AMS COMMUNITY COLLEGE

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PO BOX 69

City, State, ZIP+4®

WREDFIELD CO 80632

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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PLATTE VALLEY CONSERVATION DISTRICT

Street and Apt. No., or PO Box No.

57 W. BROWNIE LAND

City, State, ZIP+4®

BRIGHTON CO 80601

PS Form 3800, April 2015 PSN 7530-02-000-9047

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WELD COUNTY

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1150 O STREET

City, State, ZIP+4®

GREELEY CO 80631

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Postage

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Sent To

High Plains Library District

Street and Apt. No., or PO Box No.

2650 W 79th St

City, State, ZIP+4®

Greeley CO 80631

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Adult Signature Restricted Delivery \$

Postage

\$.64

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\$ 8.69

Sent To

Weld County RE-8 School District

Street and Apt. No., or PO Box No.

301 Kanolds St.

City, State, ZIP+4®

Fort Lupton, CO 80621

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



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CERTIFIED MAIL® RECEIPT
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Postage

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Sent To

Central Colorado Water Conservancy District

Street and Apt. No., or PO Box No.

5204 W 78th St

City, State, ZIP+4®

Greeley CO 80634

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



7019 2970 0001 1463 6035

U.S. Postal Service™
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Postage

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Sent To

Fort Lupton Fox Protection District

Street and Apt. No. or PO Box No.

1121 Denver Ave

City, State, ZIP+4®

Fort Lupton, CO 80621



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: EWING ANNEXATION AND SPECIAL USE PERMIT

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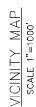
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A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado

[illegible]

- The area described and lot contiguous to the City of Fort Lupton and meets the requirements set forth in Colorado Revised Statutes 37-3, 31-12, 30-4, (1) (a) that one-sixth or more of the perimeter of the parcel is contiguous to the adjoining municipality.
- Total perimeter of the parcel considered for annexation = 10,524'*
- One-sixth of total perimeter required for annexation = 1,754'
- Perimeter contiguous with existing city limits = 8,433', exceeds the 1/6 contiguity required
- Area = 150.92 acres

Know All Men By These Presents, that Tricycle Lane Texas LLC, a Limited Liability Company, being the sole owners of the land described herein, have caused said land to be annexed under the name of Ewing Annexation Map.

Owner _____ Signed this _____ day of _____, 202____.

State of Colorado)
County of Weld) SS

PLANNING COMMISSION RECOMMENDATION:

This is to certify that the annexation map of the property described herein was recommended to the Fort Lupton City Council via Resolution No. _____.

Chairperson, Fort Lupton
Planning Commission

This is to certify that the annexation map of the property described herein was approved by Ordinance No. _____ of the City of Fort Lupton passed and adopted on the _____ day of _____ A.D. 202____, and that the Mayor and the City of Fort Lupton, as authorized by Ordinance No. _____ on _____ behalf of the City of Fort Lupton, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon.

Attest: City Clerk

Tricycle Lane Texas LLC
10100 Dallas St
Henderson, CO 80640-8491
(970)356-7523

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that this annexation map was made in accordance with applicable standards of practice, was prepared under my responsible and is accurate to the best of my professional knowledge, information and belief. This is not a warranty or warranty, either expressed or implied.





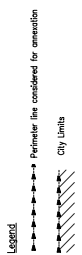
Clear Creek Surveying
P.O. Box 1344, Mt. Pleasant, TX 75455
P.O. 60672
956/74755

Ewing Annexation Map
 Parcels of land located in the
 Township of North Range 66 West of the 6th P.M.
 County of Wolff, State of Colorado

Client: Tricycle Lane Texas LLC

S&O, T&N ROW	Sheet No.	No. of Sheets
Project No. 72-42		2

A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado



 Clear Creek Surveying P.O. Box 3184, Idaho Springs, CO 80452 (303) 551-9755	Ewing Annexation Map Portion of land located in the South Half of Section 30, Township 2 North, Range 66 West of the 6th P.M. County of Weld, State of Colorado	Client: Tricycle Lane Texas LLC S.D. T.N. 166W of the G-61 Project No. 2242	No. of Sheets 2
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PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF FORT LUPTON, COLORADO

We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the Ewing Annexation to the City of Fort Lupton.

As part of this petition, your petitioners further state to the City Council that:

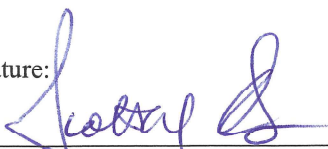
1. It is desirable and necessary that the territory described in Exhibit A be annexed to the City of Fort Lupton.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fort Lupton.
 - b. A community of interest exists between the area proposed to be annexed and the City of Fort Lupton.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fort Lupton.
 - e. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - i. Has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - ii. Comprises twenty acres or more, and, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
 - f. No annexation proceedings have been commenced for any portion of the area proposed to be annexed for the annexation of such area to another municipality.
 - g. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - h. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Fort Lupton more than three miles in any direction from any point of the boundary of the City of Fort Lupton in any one year.
 - i. The territory to be annexed is 155.92 acres, more or less, in total area.

- j. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105 (1) (e), C.R. S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Fort Lupton, and the proposed land uses for the area.
 - k. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the City of Fort Lupton.
 - l. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S..
3. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the landowners and own more than fifty percent (50%) of the property, excluding public streets and alleys and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.
4. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Fort Lupton, except for general property taxes of the City of Fort Lupton, which shall become effective as of the January 1 next ensuing.
5. The zoning classification requested for the area proposed to be annexed is ___'A' Agriculture___, as shown on the annexation map attached hereto and incorporated herein.
6. As required by the City of Fort Lupton, an annexation agreement has been or will be executed by the petitioners herein and the City relating to this annexation. The parties shall work together in good faith to negotiate and execute a final version of the Annexation Agreement. If the parties cannot mutually agree upon the form of such agreement, Petitioner may, in its sole discretion, withdraw this Petition without any penalty or prejudice at any time.
7. As an expressed condition of annexation, landowner(s) consent(s) to petition for inclusion into the Northern Colorado Water Conservancy District and the municipal sub district pursuant to Section 37-45-136 (3.6) C.R.S. to pay the appropriate fees and costs associated with such inclusion **at such time that municipal water is necessary to serve current or future development on the property.** At such time, the Owner shall complete a water study at the Owner's expense as requested by the City or applicable water provider(s). Landowner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, landowner's(s') property will be subject to the same mill levies and

special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of landowners(s') lands. Landowner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Landowner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

8. The non-refundable annexation application fee of \$2500 is tendered herewith.

THEREFORE, the undersigned respectfully petition(s) the City Council of the City of Fort Lupton, to annex the territory described and referred to in Exhibit A to the City of Fort Lupton in accordance with and pursuant to the statutes of the State of Colorado.

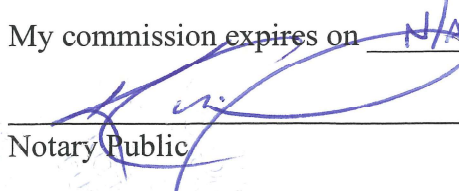
1	Land Owner Name: TRICYCLE LANE TEXAS, LLC Signature: 	Mailing Address (street, city, state, ZIP): 10100 DALLAS STREET, HENDERSON, CO 80640-8491 Date of signing: <u>February 15, 2024</u>
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
3	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
4	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP Code): Date of signing:

(Additional sheets may be attached if necessary.)

The foregoing signature(s) was/were subscribed and sworn to before me this 15th day of FEBRUARY, 2024, by Scott M. Burns as Manager of Tricycle Lane Texas, LLC

Witness my hand and official seal.

My commission expires on N/A.


Notary Public

Kyle Cadieux

A Notary Public in and for the
Province of Alberta

Exhibit A

[Exhibit A to the Annexation Petition should exclude public right of way. If necessary, attach separate sheet(s).]

Land Owned by Land Owner 1:

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.,

EXCEPT THE TRACT OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 13, 1967 UNDER RECEPTION NO. 1501076, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SE1/4; THENCE NORTH ALONG THE EAST LINE OF SAID SE1/4, A DISTANCE OF 1082.00 FEET; THENCE S60°45'W, A DISTANCE OF 135.41 FEET TO A POINT ON THE WESTERLY R.O.W. LINE OF U.S. HIGHWAY NO. 85, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S58° 45'W, A DISTANCE OF 211.18 FEET; THENCE S55°03'W A DISTANCE OF 454.35 FEET; THENCE NORTH 89°19'30"W, A DISTANCE OF 405.42 FEET TO A POINT ON THE CENTERLINE OF THE PLATTEVILLE DITCH; THENCE ALONG SAID CENTERLINE BY THE FOLLOWING COURSES AND DISTANCES;

S32°57'W, 57.98 FEET;

S46°21'W, 200.00 FEET;

S59°36'W, 115.00 FEET;

S84°25'45"W, 145.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.62 FEET (THE RADIUS OF SAID CURVE IS 48.64 FEET AND THE DELTA IS 85°32'45");

THENCE S01 ° 07'E, 304.28 FEET;

S49°40'30"E, 65.07 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE SE1/4 SECTION 30; THENCE N89° 51'E ALONG SAID SOUTH LINE, A DISTANCE OF 1366.39 FEET TO A POINT ON THE WESTERLY R.O.W. OF U.S. HIGHWAY NO. 85; THENCE NORTH ALONG SAID R.O.W. LINE, A DISTANCE OF 1015.84 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING A TRACT OF LAND SITUATED IN SE1/4 OF SAID SECTION 30, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SE1/4; THENCE DUE EAST 720 FEET; THENCE NORTH 66° 24' WEST 810 FEET; THENCE SOUTH 320 FEET TO THE PLACE OF BEGINNING;

AND ALSO EXCEPTING A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF THE SE 1/4 FROM WHICH POINT THE NORTHEAST CORNER OF SECTION 30 BEARS NORTH 2°26' EAST, A DISTANCE OF 2640.6 FEET; THENCE SOUTH 0°05' EAST, 1619.0 FEET TO A POINT ON THE SOUTH PROPERTY LINE; THENCE NORTH 60° 40' EAST, A DISTANCE OF 137.5 FEET TO A POINT ON THE EAST LINE OF SECTION 30; THENCE ALONG THE EAST LINE OF SECTION 30, NORTH 0°05' WEST, A DISTANCE OF 1551.8 FEET TO THE

NORTHEAST CORNER OF THE SE 1/4 OF SAID SECTION 30; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 SOUTH 89°55'30" WEST, A DISTANCE OF 120.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,
AND ALSO EXCEPTING THAT TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED JULY 11, 2001 UNDER RECEPTION NO. 2865029, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP TWO NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP 2 NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM WHENCE THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION THIRTY BEARS S00° 20'40"W, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION THIRTY, N89° 43'26"E A DISTANCE OF 385.26 FEET; THENCE SOUTH 59°17'18"W A DISTANCE OF 180.22 FEET; THENCE S54° 56'22"W A DISTANCE OF 94.45 FEET; THENCE S63 34'06W A DISTANCE OF 172.35 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE ALONG SAID WEST LINE N00° 20'40"E A DISTANCE OF 221.16 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THAT PARCEL CONVEYED TO THE STATE HIGHWAY COMMISSION OF COLORADO IN DEED RECORDED FEBRUARY 3, 1964 UNDER RECEPTION NO. 1428041, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND LOCATED IN THE SOUTHWEST (SW 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 350 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE SOUTH 69° WEST 416 FEET; THENCE SOUTH 28° 45' WEST 550 FEET; THENCE SOUTH 11° WEST 992 FEET; THENCE SOUTH 66° 24' EAST 920 FEET; THENCE DUE NORTH 1970 FEET TO THE PLACE OF BEGINNING, COUNTY OF WELD, STATE OF COLORADO.

AFFIDAVIT OF CIRCULATOR

TC ✓ PROVINCE OF ALBERTA
✓ ~~STATE OF COLORADO~~)
)ss.
TC ✓ ~~COUNTY OF WELD~~)
CITY OF CALGARY

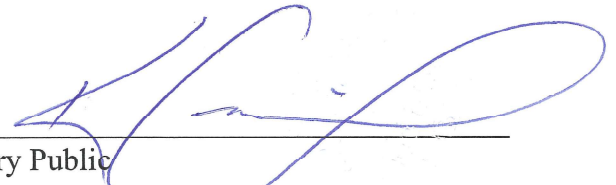
TRAVIS COATES, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.


(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 15th day of FEBRUARY, 2024, by TRAVIS COATES.

Witness my hand and official seal.

My commission expires on N/A.


Notary Public
Kyle Cadieux
A Notary Public in and for the
Province of Alberta

RESOLUTION NO. P2024-004

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A SPECIAL USE PERMIT FOR A SAND AND GRAVEL PIT, KNOWN AS THE EWING SPECIAL USE PERMIT, ON A PROPERTY LOCATED IN A PART OF THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on March 28, 2024, for the purpose of reviewing the application from Tricycle Lane LLC and BURNCO Colorado LLC for a special use permit for a sand and gravel pit; and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the special use permit conforms to Colorado Revised Statutes and City codes and policies therein; and

WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet, and posting of the hearing on the site; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission has taken into consideration all referral comments and any citizen testimony in response to this application. Based upon the facts presented on this date, the Planning Commission hereby recommends approval of the Ewing Special Use Permit, conditional upon the following:

I. Prior to recording the special use permit map:

- A. Any redline comments provided by City staff shall be made to the special use permit map.
- B. Applicant shall delineate a future trail easement or dedication on the special use permit map for review and approval by staff.
- C. Applicant shall adequately address the comments from the City Engineer.
- D. Applicant shall adequately address the comments from Colorado Parks and Wildlife.
- E. Applicant shall submit written evidence that the comments from Xcel Energy have been adequately addressed.
- F. Applicant shall provide written acknowledgement of the comments from the Division of Water Resources.
- G. Applicant shall provide written acknowledgment of the comments from United Power.
- H. Applicant shall provide written acknowledgment of the comments from the Weld County Oil & Gas Energy Department.

I. The following notes shall be added to the Special Use Permit Map:

1. Noise: Every effort shall be made to minimize the impacts of noise. The facility shall adhere to the maximum permissible noise levels as delineated in C.R.S 25-103. The facility shall adhere to Fort Lupton's quiet hours from 10:00pm to 7:00am.
2. Dust: Dust control measures will be taken on interior roads. These measures include, but are not limited to, applying water or State approved dust suppressant chemicals as necessary. Fugitive dust emissions shall comply with the Colorado Air Quality Commission's air quality regulations.
3. Odor: The State's Best Management Practices will be applicable to reduce or eliminate odors generated at this site.
4. Traffic: Truck traffic will utilize Highway 85 and an existing access road. Continued maintenance of the access road shall comply with the annexation agreement. The owner/operator shall maintain compliance with Colorado Department of Transportation requirements including, but not limited to, obtaining all required access permits and performing required improvements.
5. Light: All onsite lights associated with the mining and any batch plant operations, excluding security and motion detectors, will be turned off after hours of operation as provided below. All onsite lighting on the property will direct light down and light shall not be directed onto adjacent properties.
6. Hours of Operation: The hours of operation for sand and gravel operations are the hours of 7:00am to 7:00pm, Monday through Saturday, except in the case of public or private emergency or to make necessary repairs to equipment. This restriction shall not apply to operation of administrative and executive offices or warm-up, repair and maintenance of facilities and/or equipment located on the property.

Hours of mining operations may be extended with specific permission from the City Administrator or designee as detailed here. Applications for temporary exemptions from the provisions of this section shall be made to the City Administrator or his/her designee. In approving or denying a temporary exemption, consideration shall be given to the effective dates, hours of operation, type of noise, location, noise levels, equipment noise characteristics, lighting, and public health & safety. Permission will not be unreasonably withheld. The City Administrator or his/her designee shall notify the applicant of approval or denial of the application within seven (7) business days after receipt of the written request.

7. Safety: The operation shall comply with all applicable rules and regulations of the Colorado Division of Reclamation and Safety as well as with the Mine Safety and Health Act (MSHA). Gravel pit equipment operators and truck drivers will adhere to the best safety practices in

and around the site when transporting materials. Truck unit identifications, telephone numbers and license plate numbers will be available to the City upon request.

8. Plant Operation Standards: Emissions from the sand and gravel and processing shall not exceed State standards, as regulated by the Colorado Department of Public Health and Environment and Air Pollution Control Division. The owner/operator shall maintain compliance with all State air permits for the site and equipment. In the event that washing of vehicles will occur on the site, the applicant shall ensure that any vehicle washing area(s) shall capture all effluent and prevent discharges from the washing of vehicles in accordance with the Rules and Regulations of the Water Quality Control Commission and the Environmental Protection Agency.
9. Tracking of dirt, mud and/or materials on public streets: The operator shall employ measures approaching access to public roads to limit tracking, carrying, or depositing of asphalt, fillers, soil, dust, mud, sludge, or any other material associated with the operations. All transport trucks and equipment shall be cleaned of debris to prevent tracking or spilling of asphalt, fillers, soil, dust, mud, sludge, or any other material prior to leaving the site.
10. Sweeping of public roads: If, on public roadways, there are visible tracks or deposits of aggregates, fillers, soil, mud, sludge, or any other material associated with the operation of the facility along the travel path of vehicles exiting the site, all such public roads shall be swept by owner as reasonably required by the City to remedy and remove tracking and deposits.
11. Transfer of Sand and Gravel Special Use Permit: Any person or entity who purchases or otherwise acquires control of the mining operation or concrete and/or asphalt plant shall notify the City in writing prior to the change of ownership and/or control, including in the notice the effective date of the change as well as the name, address and telephone number of the new Owner or Operator. Such notice shall be provided to the City Administrator no less than ten (10) days prior to the effective date of the change in ownership or control. If the property within the sand and gravel special use permit ("SUP") is sold to a third party, BURNCO Colorado LLC. is released from further obligations under the SUP as it relates to those parcels. The obligations of the SUP shall go with the land and be transferred to the new Owner/Operator. The properties under the SUP shall maintain compliance with the annexation agreement.

II. Prior to commencing operations:

- A. One printed set of the special use permit map shall be submitted for recording with the Weld County Clerk & Recorder.
- B. Applicant shall obtain an Access Permit and any other applicable permits from CDOT.

- C. The applicant shall provide written evidence that all local, state and federal permits have been obtained.
- D. The applicant shall submit an odor abatement plan for review and approval to the Weld County Department of Public Health and Environment and submit written evidence of approval to City Staff.

DONE THIS 28th DAY OF MARCH, 2024, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

1. Land Use Application

A land use application was submitted to the City of Fort Lupton separately from this report.

2. Title Commitment

The title commitment is attached to this section. It is dated within 30 days of the initial annexation application submittal. An updated title can be provided at the request of the City of Fort Lupton.

3. Development Reports

Drainage Report

The drainage report is provided in the land use application.

Street Construction Plans

Access to the site will be from the existing access in the northeast of the site along US-85. This will require improvements including turning lanes in accordance with the Colorado Department of Transportation (CDOT) and access permit as described in the traffic study (attached in Land Use Application). The proposed improvements include an 850-foot-long northbound left turn lane into the site, an 800-foot southbound deceleration turn lane into the site, and a 1,380 foot long acceleration lane for the eastbound right exiting the site. Designs for these improvements will be developed by a construction contractor and submitted to Fort Lupton. These designs will be in accordance with CDOT regulations for road construction. Refer to the traffic study that was provided with the Land Use Application for more information.

Utility Construction

No utilities will be required for the mining operations at the Ewing Gravel Pit. All existing utilities are shown on Map C-1 provided in Appendix 1.

Park Facilities

The site will not contain any parks both during and after reclamation. The reclamation land use is rangeland and water storage.

Final Landscape Plan

The landscape plan is shown on Maps C-2 and F-1. These depict the landscaping during mining and after reclamation. More details on the landscaping plan are provided in Exhibit E of the CDRMS permit.

Warranty Deed

Refer to the title policy that was submitted with the Annexation and Land Use applications and above.

Water Rights

Burnco does not own any water rights currently for the proposed operation. All existing water rights on the site not associated with the mining operation are provided in the Historical Water Affidavit that was submitted with the land use permit. More information on water rights and water use are provided in the Land Use Application and CDRMS Permit.

CDOT Permits for Utility and Access

An access permit is currently being obtained by Burnco. No access improvements will occur prior to the approval of this permit. The approved permit will be submitted to the city once obtained. Permits will not be required for utilities as no new utilities are being constructed.

Colorado Department of Public Health and Environment (CDPHE) Construction Dewatering Permit

This permit will be obtained following the approval of the Land Use Permit and Colorado Division of Reclamation, Mining, and Safety (CDRMS) permits. It will be submitted to the city once approved. No water will be discharged from the site prior to the procurement of this permit.

Army Corp of Engineer Permits (ACOE)

No disturbance of wetlands or waterways will occur, therefore, any ACOE permits are not necessary.

Colorado Department of Public Health and Environment (CDPHE) Air Pollution Emission Notice (APEN)

CDPHE APEN permits will be obtained for mining activities and all mining and processing equipment after the approval of the CDRMS and Land Use permits. All production at the Ewing Gravel Pit will be maintained within the limits of these air permits.

Ditch Company Permits

Operations will not occur within the ditch right of ways on the site. The Platteville Ditch crossing will require improvements before mining on the lower terrace occurs. Communication with the ditch company has occurred and a written agreement with the ditch company will be obtained prior to any improvement construction.

Federal Emergency Management Agency (FEMA) Applications

A floodplain development permit has been developed and has been provided to the city. No FEMA permits will be required.

Signs & Lighting

Speed limit and stop signs will be posted throughout the site along haul roads. Locations of these will change throughout the site as mining progresses so they are not detailed on the map. Lighting will be limited in use, and only within the processing area. All lights will be downcast.

Architectural Elevations

Elevations and site contours are shown on the mining and reclamation maps (C-2, C-3, and F-1).

Employees

The quarry workforce will consist of several experienced employees from the local community. The quarry is a moderately sized aggregate mining operation so the amount of crew members present at the site will be limited. The workforce will be supplemented by BURNCO personnel as needed. The anticipated workforce to be employed and present at the mine will be as follows:

- 1 Operations Manager / Foreman
- 5-10 Construction & Mining Crew

Phasing

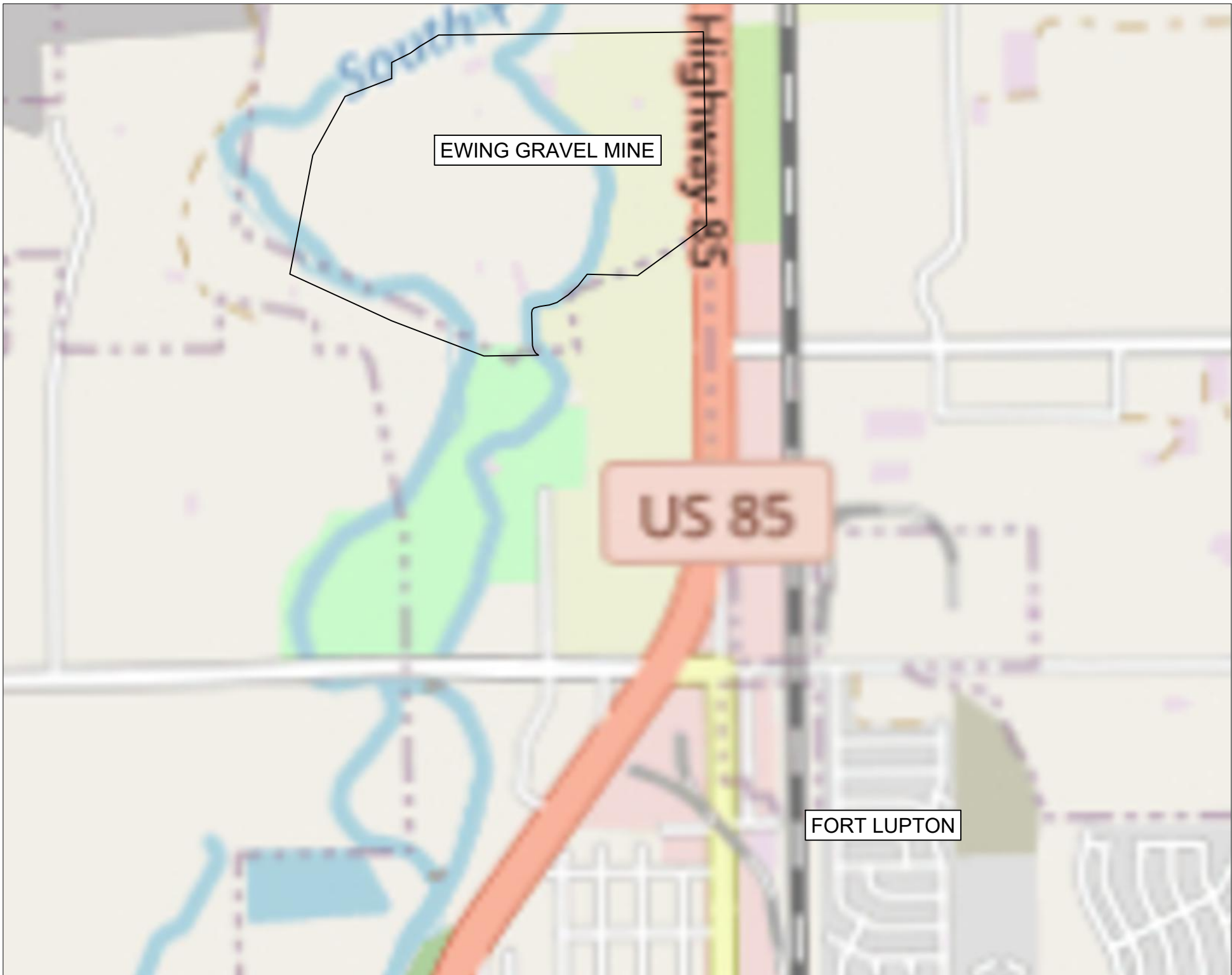
Mining will occur in phases corresponding to each pod. Mining will be in three pods, progressing from west to east. Each 'phase' consists of topsoil and overburden stripping, mining of sand and gravel, then reclamation. These phases and mining directions are shown on the mining and reclamation maps. Refer to the CDRMS permit and Land Use permit application for more information.

Landscape Materials and Installation Costs

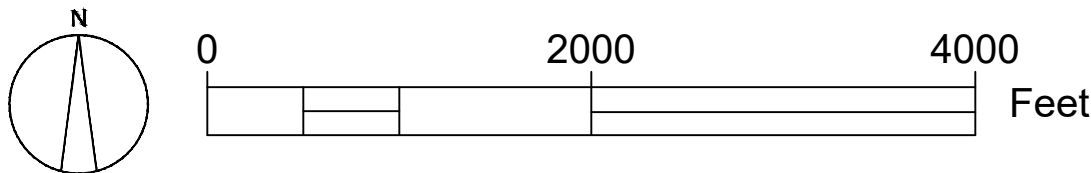
Refer to the reclamation plan and reclamation bond (Exhibits E and L) in the CDRMS permit for this information.

Construction Plans

Maps C-2, C-3, and F-1 will serve as the construction plans. Any new construction plans, such as those for road improvements, will be submitted to the City of Fort Lupton once they are obtained.



PROJECT LOCATION MAP



PROPERTY OWNER:
TRICYCLE LANE TEXAS LLC
10040 DALLAS STREET
HENDERSON, CO 80640
970-587-7208

OPERATOR:
BURNCO COLORADO LLC
10040 DALLAS STREET
HENDERSON, CO 80640
970-587-7208

PROPERTY DESCRIPTION

A part of the South Half of Section 30, Township 2 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, more particularly described as follows:

Beginning at a point on the North line of the Southeast Quarter of said Section 30, whence the Center Quarter corner thereof bears S89°18'36"W, a distance of 385.20 feet with all bearings contained herein relative thereto; thence along said North line N89°18'36"E, a distance of 2,155.68 feet to the West line of State Highway No. 85; thence along said line S00°33'45"E, a distance of 1,621.38 feet; thence departing said line S58°17'41"W, a distance of 207.66 feet; thence S54°32'32"W, a distance of 454.35 feet; thence N89°56'38"W, a distance of 405.32 feet; thence S32°38'07"W, a distance of 58.11 feet; thence S45°50'31"W, a distance of 199.99 feet; thence S59°02'29"W, a distance of 114.65 feet; thence S83°51'44"W, a distance of 144.55 feet to a point of curvature; thence along the arc of a curve to the left 72.62 feet, having a radius of 48.64 feet and a central angle of 85°32'45"; thence S01°41'01"E, a distance of 302.49 feet; thence S50°00'59"E, a distance of 68.91 feet to the South line of said Southeast Quarter of Section 30; thence along said line S89°17'40"W, a distance of 482.76 feet; thence departing said line N66°44'01"W, a distance of 1,701.34 feet; thence N10°55'47"E, a distance of 992.00 feet; thence N28°40'47"E, a distance of 550.00 feet; thence N68°55'47"E, a distance of 416.00 feet to the West line of said Southeast Quarter of Section 30; thence along said line N00°05'52"W, a distance of 128.84 feet; thence departing said line N63°09'23"E, a distance of 172.35 feet; thence N54°31'39"E, a distance of 94.45 feet; thence N58°52'35"E, a distance of 180.15 feet to the POINT OF BEGINNING.

Containing 155.92 acres, more or less.

OWNER'S APPROVAL

Known All Men By These Presents, that Tricycle Lane Texas, LLC, being the sole owner of the land described herein, and _____ are all of the mortgagees and holders of liens upon the property, and each and all hereby consent to this site plan and its associated commitments via special use permit _____.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____ day of _____, ____.

PROVINCE OF ALBERTA)

CITY OF CALGARY)

The foregoing instrument was acknowledged before me by _____ on this _____ day of _____, _____. Witness my hand and seal.

My commission expires _____.

Notary Public

CITY ENGINEER'S APPROVAL

Approved this _____ day of _____, 2024.

City Engineer

CITY WATER AND SEWER DEPARTMENT APPROVAL

Approved this _____ day of _____, 2024.

Director of Public Works

CITY ADMINISTRATOR'S APPROVAL

Approved this _____ day of _____, 2024.

Director of Public Works

PLANNING COMISSION RECOMMENDATION

Recommended this _ day of _____, 2024, by Resolution No. ____.

Chairperson, Fort Lupton
Planning Commission

MAYOR'S CERTIFICATE

This is to certify that a plat of the above-described property was approved by Resolution No. _____ of the City of Fort Lupton passed and adopted on the _____ day of _____, A.D., 2024 and that the Mayor of the City of Fort Lupton, as authorized by said resolution on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said plat upon which this certificate is endorsed for all purposes indicated thereon.

Mayor

Attest:

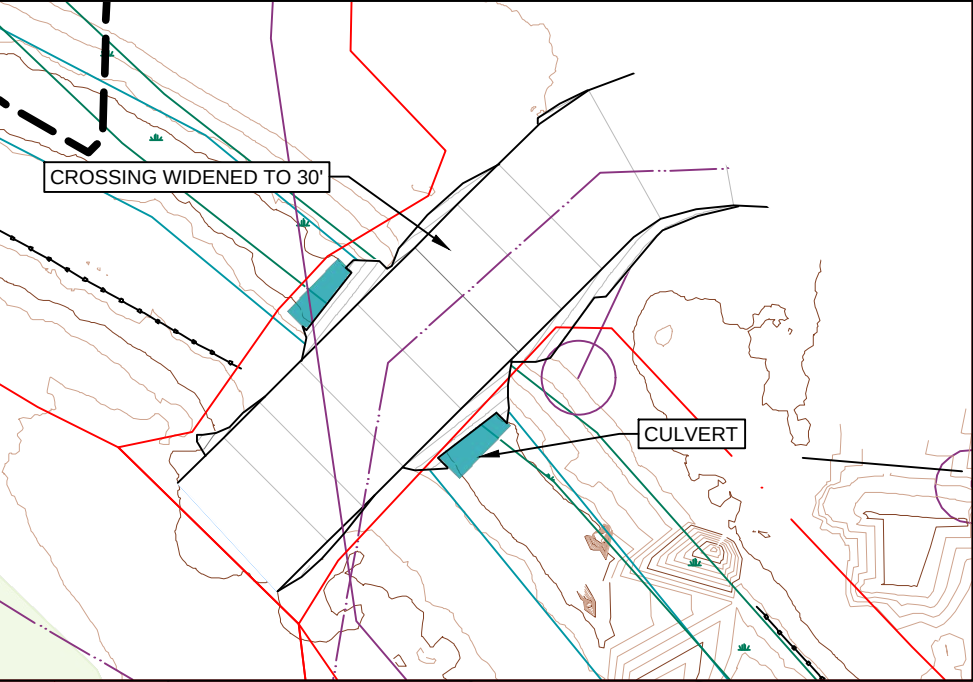
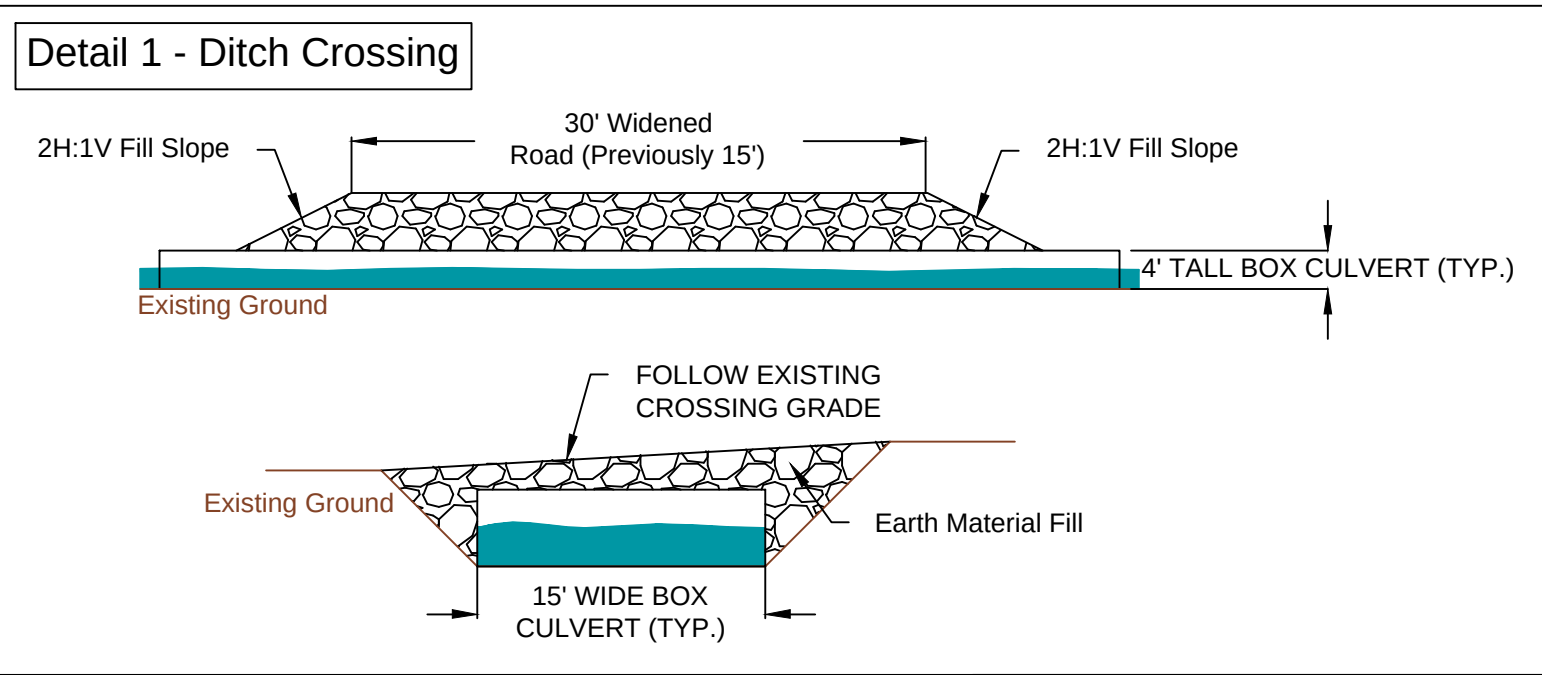
City Clerk

(Seal)

Site Plan - Cover Sheet

Ewing Gravel Pit

Special Use Permit No. _____			BURNCO dba Bestway Concrete		
Mine Entry Location:	Latitude: 40.100098	Longitude: -104.810927			
State: COLORADO	County: Weld	Nearest Town: Fort Lupton			
Section: 30	Township: 2N	Range: 66W	FSM: 66H		
Major Watershed:	South Platte River	MSHA ID: ____			
City of Fort Lupton, Colorado					
DRMS Permit: M-2023-033					
Map Georeferencing Information:		Datum: NAD83	Projection: CO NORTH		
Survey Source: Drone	Drawn by: SAC	Date: 12/15/23			
Imagery Source: GoogleEarth	Checked by: BEL	Date: 12/15/23			
Survey Date: 2019	Approved by: BEL	Date: 12/15/23			
Imagery Date: 6/9/2017					
File Name: Ewing Gravel-Maps 240104					
L Lewicki & Associates					
3375 West Powers Circle Littleton, CO USA 80123					
(303)-346-5196					
info@lewicki.biz					



C-2 Mining Map
Ewing Gravel Pit

DRMS Permit Number: N/A

Mine Entry Location: Latitude: 40.10098 Longitude: -104.810627
State: COLORADO County: Weld Nearest Town: Fort Lupton
Section: 36 Township: 2N Range: 68W PM: 68N
Major Watershed: South Platte River MSHA ID: —
Map Scale: 1"=200'

Map Georeferencing Information: Datum: NAD83 Projection: CO NORTH

Survey Source: Drone Drawn by: SAC Date: 12/15/23
Imagery Source: GoogleEarth Checked by: BEL Date: 12/15/23
Survey Date: 2019 Approved by: BEL Date: 12/15/23
Imagery Date: 6/9/2017

File Name: Ewing Gravel-Maps 231213.1

Lewicki & Associates
3375 West Powers Circle
Littleton, CO USA 80123
(303)-346-5196 info@lewicki.biz

4751
2/15/23
PROFESSIONAL ENGINEER

LEGEND

BUILDINGS AND RELATED STRUCTURES

- Building
- Well (other than water)
- Tanks
- Fence
- Easements

LAND SURVEYS

- Public Land Survey System
- Range or Township line
- Range or Township labels
- Section line
- Section numbers
- Mining claim or property boundary
- Mining claim or property monument

ROADS AND RELATED FEATURES

- Highway
- Light duty road, paved
- Light duty road, gravel
- Railroad

RIVERS, LAKES, SHORELINES, AND CANALS

- Perennial stream/ditch
- Perennial river
- Perennial lake/pond
- Wetland
- Floodplain & Floodway
- Pipeline

VEGETATION

- Agricultural Fields
- NWI Wetlands
- Existing Trees

TRANSMISSION LINES AND PIPELINES

- Power transmission line, pole, tower
- Power transmission line, buried
- Telephone/data line, above ground
- Telephone/data line, buried
- Pipeline (non-water), buried

MINING FEATURES

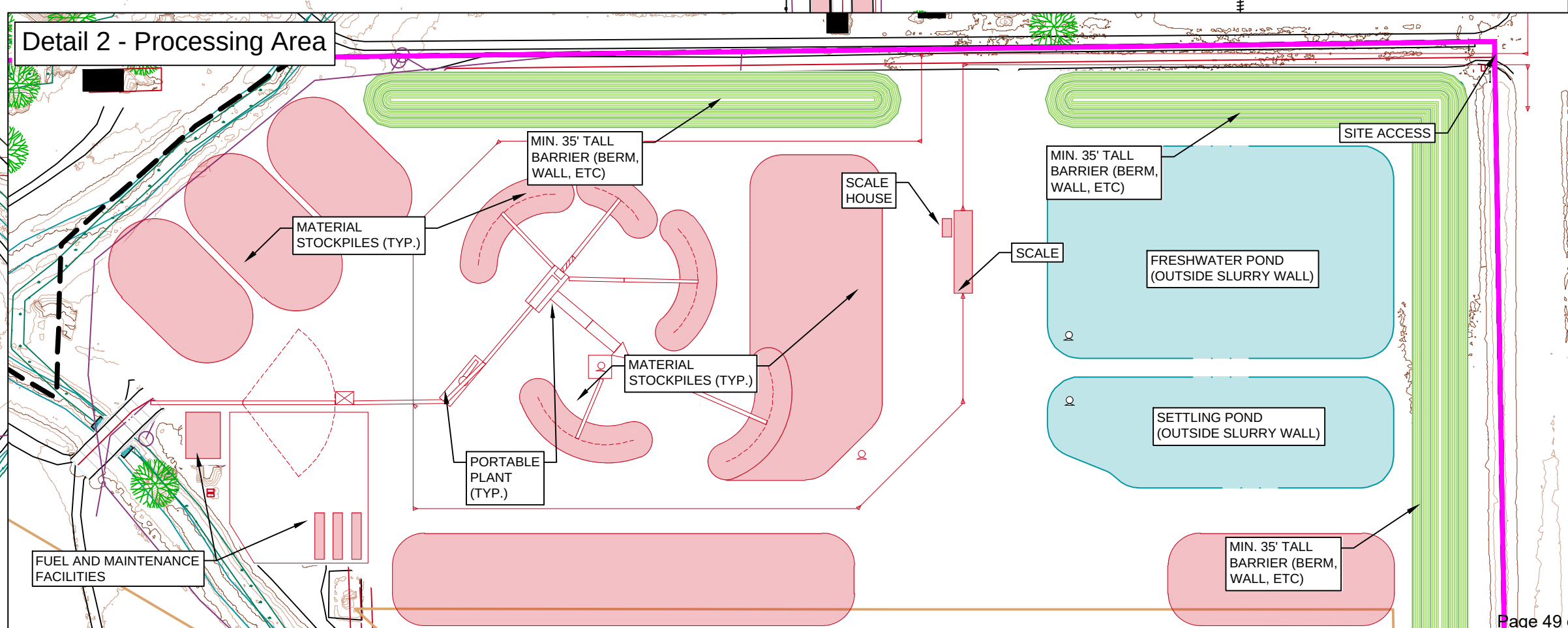
- DRMS Permit/Affected Boundary
- Fixed Structures
- Mobile Structures
- Disturbance Extent
- Berm/Windrow
- Slurry Wall

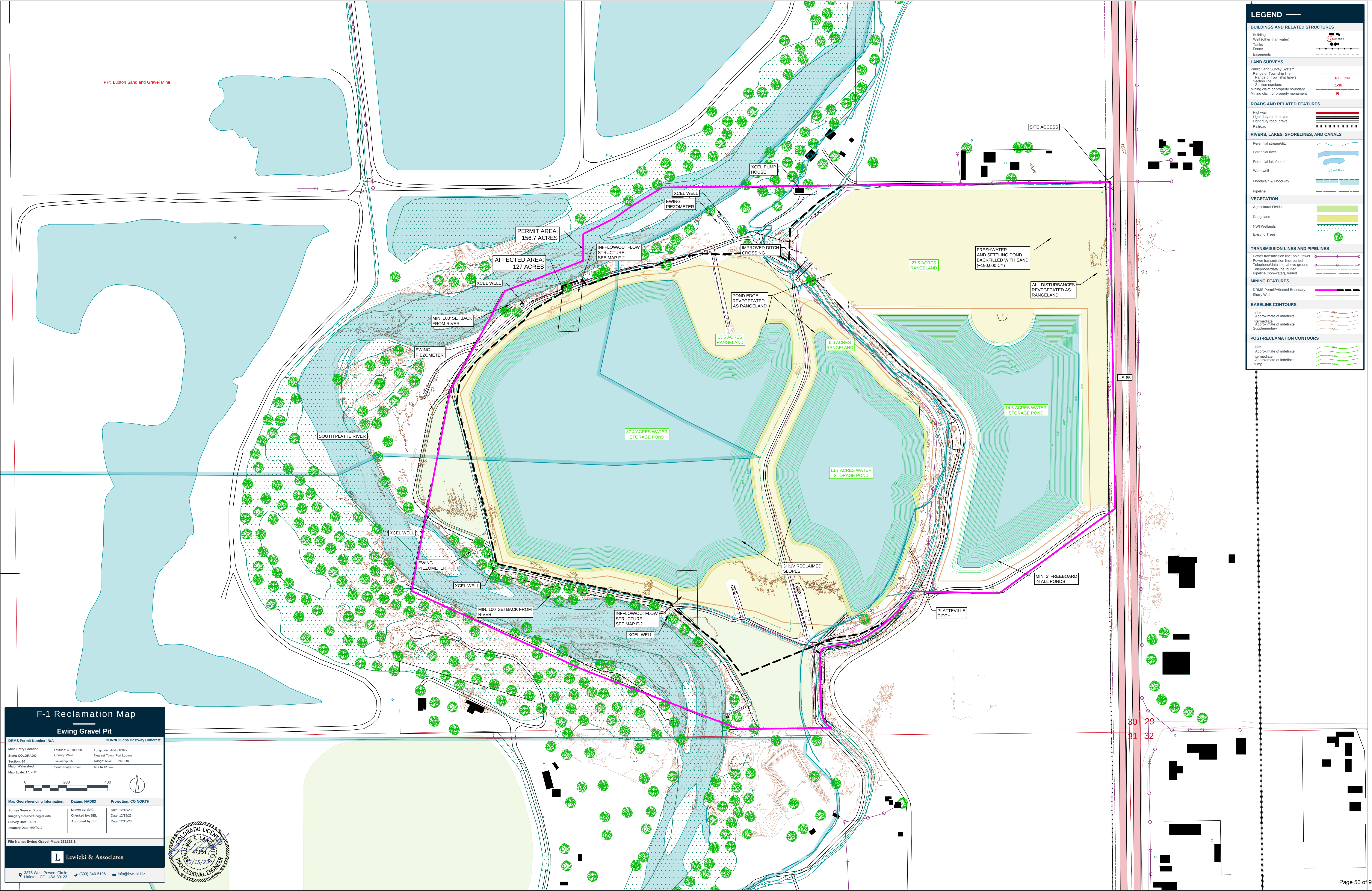
BASELINE CONTOURS

- Index
- Approximate of indefinite
- Intermediate
- Approximate of indefinite
- Supplementary

POST-MINING CONTOURS

- Index
- Approximate of indefinite
- Intermediate
- Approximate of indefinite
- Dune





F-1 Reclamation Map

Ewing Gravel Pit

DRMS Permit Number: N/A

BURNCO dba Bestway Concrete

Mine Entry Location:

Latitude: 40.109098

Longitude: -104.810927

State: COLORADO

County: Weld

Nearest Town: Fort Lupton

Section: 30

Township: 38N

Range: 66W

PAI: 60N

Major Watershed:

South Platte River

MSHA ID: ---

Map Scale: 1" = 200'

0 200 400

Map Georeferencing Information:

Datum: NAD83

Projection: CO NORTH

Survey Source: Drone

Drawn by: SAC

Date: 12/15/23

Imagery Source: GoogleEarth

Checked by: BEL

Date: 12/15/23

Survey Date: 2019

Approved by: BEL

Date: 12/15/23

Imagery Date: 6/9/2017

File Name: Ewing Gravel-Maps 231213.1

Lewicki & Associates

3375 West Powers Circle

Littleton, CO USA 80123

(303)-346-5196

info@lewicki.biz

Project Narrative

This section describes the proposed land use and summarizes the operating details of the Ewing Gravel Pit. More details on the mining and reclamation plan are provided in the Colorado Division of Reclamation, Mining, and Safety (CDRMS) Permit in Appendix 1. BURNCO commits to comply with all Fort Lupton and Weld County standards applicable to the site zoning and proposed use as mineral extraction.

1. Site Access and Internal Road Improvements

Prior to mining, some improvements need to be made to facilitate site access. The proposed site access is from an existing gravel road in the northwest of the site that connects to US-85. The proposed access is shown in Figure 1. This road is an approximately 20-foot-wide gravel road. The road will be widened to 36 feet to support regular mining traffic. A water truck or dust suppressant will be utilized to reduce dust production.

The existing ditch crossing that provides access between the upper and lower terraces of the site also needs to be improved. The existing crossing is 15 feet wide on top of a box culvert for the Platteville Ditch to flow through. This will need to be widened to 30 feet so that mining equipment, particularly haul trucks, may cross to take material to the processing area. The ditch crossing will be improved, in coordination with the ditch owner, to be 30 feet wide, with a longer box culvert, and gravel or road base on top. Details of the ditch crossing improvements are shown on Map C-2.

Both of these road improvements will be completed prior to the beginning of mining.

2. Mining & Processing Plan

BURNCO plans to mine sand and gravel at the Ewing Gravel Pit using open pit mining methods. Mining will occur on approximately 84 acres within three pods across the site; starting in the west and proceeding east. The mining areas will maintain appropriate setbacks from all structures that currently exist such that the structures will not be impacted by mining. The structures on the site where the western portion of the processing area is proposed will be demolished. All oil and gas structures will also be removed during mining. An overhead utility line runs through the center of the proposed Pod 3, which will be rerouted in coordination with the utility owner. Setbacks and easements are identified in Map C-1 and C-2.

A total of 116.0 acres will be disturbed within the 156.7 acre permit area. A simplified mining plan showing the processing area and mining pods is shown in Figure 5.

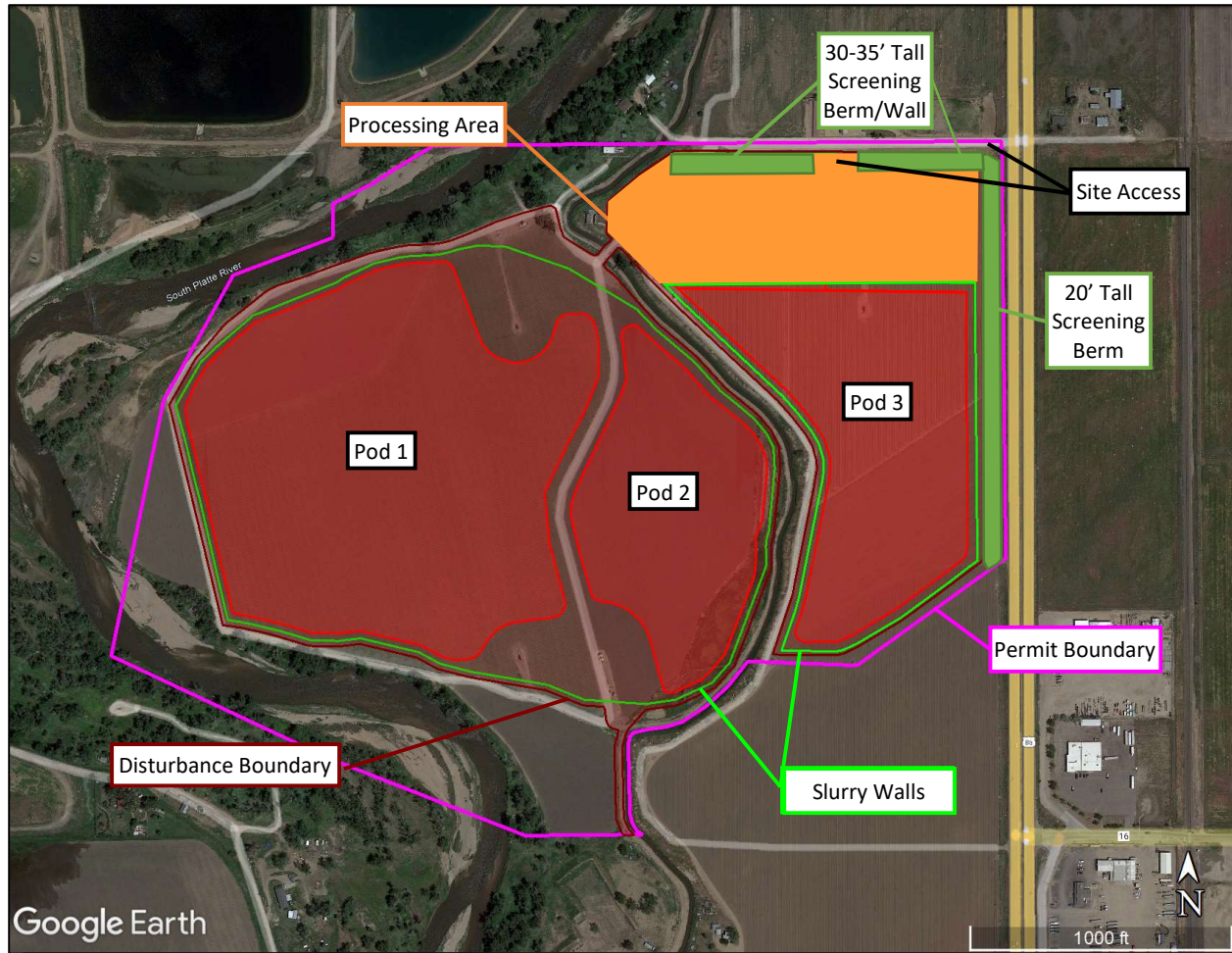


Figure 5. Mining Plan

Topsoil and overburden will be stripped and stockpiled in the processing area prior to mining. Mining will extract the 16-foot average sand and gravel deposit via excavators, haul trucks, and other appropriate earth moving equipment. Material will be transported from the active pit to the processing area on the upper terrace via a conveyor. Processing of the sand and gravel will include crushing, screening, washing, and concrete/asphalt production. The aggregate materials will be sorted by size into stockpiles, where it will then be sold and transported off site or used in producing concrete or asphalt using the plants on site. Reclamation will occur as mining progresses through the pods. Only one pod will be open at a time for mining, while the previous pods will be in the process of being reclaimed, or fully reclaimed. This will help to reduce the total impact of the mine at any point in time. Mining will occur from west to east, starting with Pod 1, then Pod 2, then Pod 3. The last area to be mined will be the processing area.

A slurry wall be installed surrounding Pods 1 & 2, and another surrounding most of Pod 3 prior to mining. This will keep groundwater from entering the pits and ensure that mining does not affect the local aquifer. It will only surround a portion of the processing area so groundwater ponds can be constructed for water usage. This slurry wall will remain installed throughout the

life of the mine, and after reclamation. The slurry wall location is shown on Map C-2. Details on the groundwater impacts of the slurry wall are discussed in Section 5.3 Groundwater Handling.

More details on mining and processing are provided in the Exhibit C maps and Exhibit D of the CDRMS Permit in Appendix 1.

3. Reclamation Plan

The Ewing Gravel Pit will be reclaimed to be freshwater storage. Reclamation will occur concurrently with mining. It will consist of regrading the site to its final conditions, re-topsoiling all disturbances, and revegetating the site to rangeland. All mining and processing structures will be removed from the site. The screening berm along the east of the site will be flattened. The slurry wall will remain following reclamation which will allow the pits to be used as freshwater storage. The access will also remain to facilitate site access. A simplified reclamation plan is shown in Figure 6.

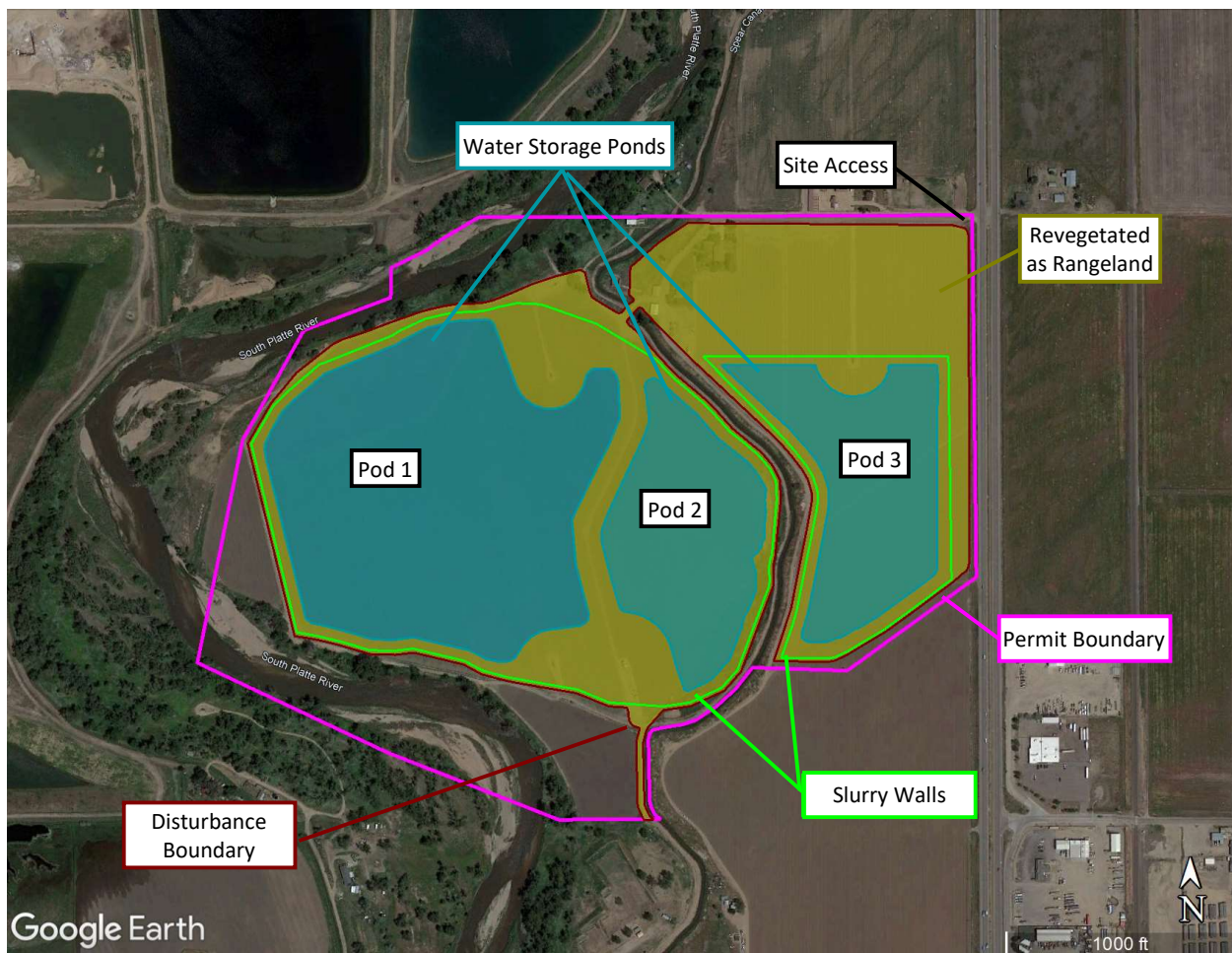


Figure 6. Reclamation Plan

More details on reclamation are provided in the Exhibit F maps and Exhibit E of the CDRMS Permit in Appendix 1.

4. Schedule of Operations

Aggregate mining will occur as dictated by demand with an average annual production of 600,000 to 1,000,000 tons. Products will be sold throughout the year. The hours of operation will be 6:00 am to 7:00 pm Monday to Saturday. The operator will not have night mining operations, however, minor truck activity or emergency repairs may occur after hours. BURNCO will abide by Fort Lupton's noise limits and quiet hours from 10:00 pm to 7:00 am.

5. Water Handling and Source

This section summarizes how water will be consumed and how stormwater will be handled. More detailed information and hydrologic calculations are located in the Drainage Report as well Exhibit G of the CDRMS Permit provided in Appendix 1.

5.1. Water Source and Use

Water will be used for industrial purposes to support the Ewing Gravel Pit. The primary consumptive uses of water will be for material processing: aggregate washing, dust control, and concrete/asphalt production. The water for these purposes will be obtained from groundwater ponds located in the processing area. Approximate locations for these ponds are shown on Map C-2 in the CDRMS Application. This water use from the ponds will need to be permitted through the Colorado Division of Water Resources (CDWR) with an augmentation plan prior to construction. Anticipated consumption calculations are provided in Exhibit G of the CDRMS permit. The water right for industrial consumptive use has not yet been obtained for the operation. Potable water for employees to drink will be bought and transported to the site.

5.2. Surface Water Handling

Mining at the Ewing Gravel Pit will impact the sites surface water through changes in stormwater runoff and drainage. Map G-1 in the CDRMS Permit shows the drainage patterns that currently exist, as well as how they change throughout mining and reclamation. Grading and stormwater berms will work to keep all stormwater runoff within the site. The processing area will be surrounded by berms to contain all runoff. All other runoff will drain to the pits where it will be allowed to infiltrate or evaporate. Any surface water discharges will be at a WQCC permitted outfall and will be sampled for water quality testing.

The primary concern for surface water protection during mining is to prevent the discharge of sediment, oils, or hydraulic fluids. Standard best management practices are used for storage of oils, diesel fuel, and hydraulic fluids. These BMP's include storing and transferring fluids within

secondary containment, having spill kits available, and properly training employees on safe practices. Sediment can be controlled by containing all runoff within the site through the methods described above. More details on preventing spills are provided in the Spill Prevention, Control, & Countermeasure (SPCC) Plan provided in Appendix 3.

5.3. Groundwater Handling

Groundwater is located approximately 5 feet below the surface on the lower terrace, and 25 below the surface on the upper terrace. It flows within the aquifer from the south to the north, along with the South Platte River. Groundwater interaction will be minimal during mining. Any groundwater that enters the pit will be isolated before being pumped out. Two slurry walls will be installed prior to mining surrounding Pods 1 & 2, and another surrounding Pod 3. This will keep groundwater from entering the mining areas so that there is not an ongoing interaction with the aquifer. A groundwater model was completed by GSI Environmental which determined that the slurry walls will have minimal impact on the surrounding groundwater. More importantly, mining and installing slurry walls will not impact Xcel Energy's groundwater collection from the site. This groundwater study is provided in the CDRMS Permit in Appendix 1.

A groundwater monitoring plan is required by the CDRMS to monitor groundwater quality before and during mining. The plan includes quarterly monitoring of the groundwater from three wells across the site that collect water before and after passing below the mining areas. Quarterly monitoring will help to identify any changes to groundwater quality that could potentially be caused by the mining operation. It is not anticipated that groundwater pollution will occur due to the multiple BMP's put in place for water and hazardous material handling. If pollution from the mine does occur, BURSCO will identify and stop the cause of the pollution. Monitoring will increase until the groundwater quality is back to normal levels. The groundwater monitoring plan is provided in the CDRMS Permit in Appendix 1.

6. Utilities

No utilities will need to be improved or provided to support the Ewing Gravel Pit. All power needs are anticipated to be met by generators. If necessary, power lines serviced by United Power are present to power the residences currently at the site. BURSCO will acquire power, if necessary, through a contract with United Power and the existing lines.

A potable water source is not necessary as all consumptive water will be sourced from existing wells on site. This water will only be used for processing and dust control. Bottled water will be available in the mine office for employees to drink. Portable toilets will be located in the processing area. They will be serviced by a contractor.

Several gas, electric, and water utilities are present at the site. Mining will maintain an appropriate setback as to not affect these structures. Overhead utility lines run north to south through the upper terrace where mining will occur. BURSCO plans to work with the utility owner

to reroute this structure. Structure agreements will be obtained for all utilities within 200 feet of mining.

7. Employees

The quarry workforce will consist of several experienced employees from the local community. The quarry is a moderately sized aggregate mining operation so the amount of crew members present at the site will be limited. The workforce will be supplemented by BURNCO personnel as needed. The anticipated workforce to be employed and present at the mine will be as follows:

- 1 Operations Manager / Foreman
- 5-10 Construction & Mining Crew



FROM: MAGALY MORALES
DATE: 02/22/24
PROJECT: Ewing Annexation and Special Use Permit
Project No. ANX2024-001, SUP2024-001

INTERNAL DISTRIBUTION:

- | | | |
|--|---|---|
| ☐ Buildings/Grounds Manager | ☒ City Attorney | ☒ Police Chief |
| ☒ City Administrator | ☐ City Clerk | ☒ Public Works Director |
| ☒ Building Inspector | ☐ Recreation Manager | ☐ Golf Course Manager |
| ☐ OMI | ☒ GIS Specialist | ☐ Finance Director |
| ☒ Economic Development Manager | ☒ Development Review Engineer | |

OUTSIDE DISTRIBUTION:

- | | |
|---|---|
| ☒ Fort Lupton Fire Protection District | ☒ Weld County Public Works |
| ☒ CDOT | ☐ Weld County School District RE-8 |
| ☒ Colorado DRMS | ☐ Weld County GIS |
| ☒ Colorado Parks and Wildlife | ☒ NCWCD |
| ☒ Division of Water Resources | ☐ Fulton Ditch Company |
| ☒ Army Corp of Engineers | ☒ Platteville Ditch Company |
| ☒ United Power | ☐ Western Midstream |
| ☒ Comcast | ☐ City of Brighton |
| ☒ CenturyLink | ☐ Town of Frederick |
| ☒ Xcel Energy | ☐ Town of Platteville |
| ☐ Postmaster | ☐ City of Dacono |
| ☒ Weld County Department of Planning | ☐ Town of Firestone |
| ☒ Weld County Dept. of Public Health & Env. | ☒ State Geologist |
| ☐ Other: | |

If you have comments, please respond by: **03/14/24**

Comments may be sent via mail, faxed to 303.857.0351 or emailed to planningdept@fortluptonco.gov.
A non-response to this referral may be considered a favorable response.

COMMENTS:

Weld County
Oil & Gas Energy Department
Referral Comments



Referring Agency: **Weld County Department of Planning Services**
Reference Number: **ANX2024-001, SUP2024-001**
Associated Parcel: **P/O South Half Section 30, Township 2N, Range 66 West**
OGED Reviewer: **Rebecca Sears**
Review Date: **2/27/2024**

The Staff of the Weld County Oil and Gas Energy Department (OGED) appreciates the opportunity to comment on the captioned planning case. Staff has completed review of the proposal and have no conflicts with the proposed activity. We have included additional comments below:

1. There are no active or proposed 1041 WOGLA Permits on the associated parcel. There are several oil and gas well sites in the area surrounding the parcel.
2. The parcel includes three (3) active oil and gas wells, listed in Table 1 below. OGED requests that the Applicant coordinate operations in proximity to existing wells and production facilities with the operator(s) of these wells.

API	Operator	Well Title	Well Status
05-123-10548	KP Kauffman Company Inc.	Millard #2	PR
05-123-14594	KP Kauffman Company Inc.	Millard #43-30	PR
05-123-08644	KP Kauffman Company Inc.	Millard #1	PR

3. The parcel includes four (4) plugged and abandoned (PA) wells and one (1) abandoned location listed in Table 2 below. Additional information regarding these plugged and abandoned wells is available from the Energy & Carbon Management Commission (ECMC). OGED recommends that the Applicant review this information and contact the responsible operator regarding well infrastructure that may have been abandoned in place prior to conducting operations in proximity to the wells.

API	Operator	Well Title	Well Status
05-123-19930	Crestone Peak Resources Operating	Ewing #33-30	PA
05-123-21282	Crestone Peak Resources Operating	Ewing #43-30	PA
05-123-20787	Crestone Peak Resources Operating	Ewing #34-30	PA
05-123-11812	Crestone Peak Resources Operating	Dale Ewing #1	PA
05-123-21291	Encana Oil & Gas (USA)	Ewing #44-30	AL

4. The annexation lands may include additional oil and gas related infrastructure, such as off-location flowlines or pipeline which are a use by right and not regulated by Weld County.

OGED requests that the applicant reviews flowline data available from the ECMC map viewer and utilize Colorado 811 prior to any excavation activities.

These comments and recommendations are based upon the review of the application materials submitted by the applicant and other relevant information available on the E-Permit site.

Hailey McKay

From: Jennifer Teeters <jteeters@weld.gov>
Sent: Wednesday, March 6, 2024 1:31 PM
To: Hailey McKay
Cc: Magaly Morales-Tejada; Sean McDermott; Todd Hodges; Zachary Mettler; Rebecca Sears
Subject: FW: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)
Attachments: 005 Annexation Petition.pdf; 006 Annexation Narrative.pdf; 003 Annexation Map.pdf; Ewing Annexation & Special Use Permit.pdf

Hi Hailey,

Weld County Oil and Gas Energy Department (OGED) completed their review of this case. I have attached the referral form with comments.

If you have additional questions, I am happy to help facilitate.

Best

Jennifer Teeters
Regulatory Analyst II
1402 N 17th Ave.
Greeley, CO 80631
jteeters@weld.gov
Direct: (970) 400-3539
Cell: (970) 590-0708



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From: Jim Flesher <jflesher@weld.gov>
Sent: Monday, February 26, 2024 3:57 PM
To: Josh Gelfenbaum <jgelfenbaum@weld.gov>; Jason Maxey <jmaxey@weld.gov>
Subject: FW: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)



STATE OF
COLORADO

Hamous-Miller - DNR, Lexi <lexi.hamous-miller@state.co.us>

DRMS full letter

Hamous-Miller - DNR, Lexi <lexi.hamous-miller@state.co.us>

Wed, Sep 27, 2023 at 12:40 PM

Draft To: Eric Scott - DNR <eric.scott@state.co.us>

Cc: Chris Mettenbrink - DNR <chris.mettenbrink@state.co.us>, Boyd Wright - DNR <boyd.wright@state.co.us>

Hello Rob,

Thank you for including CPW in the Ewing Gravel Pit Project review process.

After review, CPW has the following recommendations.

RECOMMENDATIONS:

Construction Timing

- If prairie dogs are present or become present within any of the project boundaries and initial construction occurs from March 15 to October 31, then please complete a Burrowing Owl survey per CPW recommendations.
- CPW recommends conducting raptor surveys prior to construction. If initial construction is slated for the spring and summer, please incorporate active raptor nest buffers and avoidance periods. All migratory birds are protected under the Migratory Bird Treaty Act, and removal or disturbance of any migratory bird nest would require consultation with CPW and US Fish and Wildlife Service (USFWS) prior to disturbance.
- Mule Deer Severe Winter Range, Mule Deer Winter Concentration Areas and Mule Deer Migration Corridor are all mapped HPHs within the project boundaries. Because of this, CPW recommends that construction not occur in winter and spring and that no human activities be authorized from December 1 to April 30 during the construction phase. CPW also recommends avoiding the riparian corridor to the maximum extent possible to keep the migration corridor along the river as open as possible

Fencing

CPW is concerned for the safety of Mule deer and White-tailed deer in the area for the proposed project. CPW recommends that if fencing (project perimeter or internal) is erected, either during or after the project, it should be the type that would allow the free passage of wildlife. Fencing plans should avoid the use of woven wire-type fences that will trap or prevent the movement of wildlife. CPW recommends using three or four-strand smooth-wire fencing with a bottom strand height of 17 inches above ground level and a maximum top strand height of 42 inches above ground level, along with the installation of double stays between posts.

CPW's "Fencing with Wildlife in Mind" brochure.

Noxious Weeds and Native Re-seeding

Also of importance to CPW is the revegetation of disturbed soils and the control of noxious weed species through the development of a noxious weed management plan prior to initiating construction activities. The revegetation of disturbed areas and control of invasive weed species are important components of the project and it is critically important that the site be restored back to the native plant community that currently exists on site. CPW prefers that native vegetation be retained on-site during the operational lifespan of the project, both as potential habitat for wildlife and to ensure successful reclamation of the project area, as noxious weeds

could spread to adjacent habitats outside the project area.

Tree Replacement

It does not appear there is any specific information within the application plans of direct impacts to trees and shrubs from construction activities. If tree and/or shrub removal will occur, CPW recommends trees and shrubs be replaced at a 3:1 ratio. If onsite mitigation of trees and shrubs cannot be achieved onsite, CPW would like to coordinate off-site mitigation for those losses.

Wildlife Escape Ramps

During open pit or open trench mining operations, CPW recommends backfilling escape ramps in areas where steep slopes occur. Escape ramps will allow wildlife to safely exit an open pit or trench if they become entrapped.

Retention ponds

Ponds created by reclamation efforts could potentially have significant value to wildlife. To maximize this benefit, CPW recommends that ponds be designed to include irregular shorelines and one or more islands to provide cover, shelter, and nesting areas for migratory birds. Islands should be at least 15' x 25' in size for every two surface acres of water in the pond. Shoreline and island slopes should be graded to a ratio of 4 horizontal feet to every 1 vertical foot of distance, with some areas having slopes no steeper than 8 horizontal feet to every 1 vertical foot of distance. Such shallow areas will allow for the establishment of a variety of aquatic vegetation and invertebrate prey for waterfowl and shorebirds. Shorelines should be re-vegetated with native aquatic vegetation.

Aquatic Species

There are sensitive aquatic native species (fish and amphibians) located within the South Platte River. CPW recommends no surface occupancy and no ground disturbance (year-round) within 500 feet of the ordinary high water mark of the South Platte River and to implement appropriate stormwater BMPs.

Mule Deer Severe Winter Range HPH

Mule Deer Severe Winter Ranges are defined as that part of the overall winter range where 90% of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. **Therefore, CPW recommends no initial ground disturbance in these polygons from December 1 to April 30. CPW also recommends avoiding the riparian corridor to the maximum extent possible to keep the migration corridor along the river as open as possible.** Below is a mapped HPH layer for the Severe Winter Range, Winter Concentration and Migration Corridor for Mule Deer. These areas are depicted by the polygons with pink-striped areas.



Please let us know if the operator or DRMS has any questions by emailing me at Lexi.Hamous-Miller@state.co.us calling me at 303-916-2987

-Sincerely,

Lexi Hamous, MS (She/Her)
Northeast Region Land Use Coordinator



LIVE LIFE
OUTSIDE

6060 Broadway, Denver, CO 80216

303-916-2987

Lexi.Hamous-Miller@state.co.us

CPW's Energy Webpage

Hailey McKay

From: Emily Fore <efore@unitedpower.com>
Sent: Thursday, March 14, 2024 4:42 PM
To: Hailey McKay; PlanningDept
Subject: RE: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)
Attachments: 14Mar2024-United Power Comments- Ewing Annex and SUP, ANX2024-001, SUP2024-001.pdf

Good afternoon,

Thank you for inviting United Power, Inc. to review and comment on the Ewing Annexation and Special Use Permit. Attached, please find our comments.

Thanks,



Emily Fore

Right of Way Agent

Office: 720-685-5605 | **Mobile:** 970-515-0128 | efore@unitedpower.com

Working Hours: Monday-Friday 7:30-5:00, off every other Friday

United Power | www.unitedpower.com

500 Cooperative Way Brighton, CO 80603

Powering Lives, Powering Change, Powering the Future—The Cooperative Way

From: Hailey McKay <HMcKay@FortLuptonCo.Gov>
Sent: Thursday, February 22, 2024 4:59 PM
To: Hailey McKay <HMcKay@FortLuptonCo.Gov>
Cc: Magaly Morales-Tejada <MMTejada@FortLuptonCo.Gov>; Sean McDermott <SMcDermott@FortLuptonCo.Gov>; Todd Hodges <Thodges@FortLuptonCo.Gov>; Zachary Mettler <ZMettler@Fortluptonco.gov>
Subject: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)

CAUTION: This email originated from outside of United Power. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

The documentation located at the following link is submitted to you for review and recommendation for an Annexation and Special Use Permit being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link:

<https://www.fortluptonco.gov/DocumentCenter/Index/843>

Any comments you consider relevant to this request would be appreciated. Please reply by March 14, 2024, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed a favorable response to the Planning & Building Department.

Your time in this matter is greatly appreciated!



March 14, 2024

City of Fort Lupton | Planning Department
130 S. McKinley Ave.
Fort Lupton, CO 80621

Re: ANX2024-001, SUP2024-001, Ewing Annexation and Special Use Permit

Dear Magaly:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Ewing Annexation and Special Use Permit. After review of the information, we have existing overhead electrical facilities in the area that may or may not need to be upgraded depending on the requirements of the site.

- United Power does provide electrical distribution service to the existing structures within the site location. You will need to work with United Power to have the service relocated, removed, and/or abandoned. Please know this will be at the expense of the applicant.
- United Power has no concern with the Annexation. United Power will need to be notified when the annexation has been finalized to allow our mapping department to make the necessary updates to our mapping system.

Please note, the property owner/developer/contractor must submit an application along with CAD data for new electric service via <https://www.unitedpower.com/construction>. United Power would like to work with these persons early in the construction process on getting an electric design prepared so that we can request any additional easements needed and hopefully have those easements dedicated on the plat rather than obtaining separate document(s). Obtaining easements via a separate document can be time consuming and could cause delays.

As a Reminder: No permanent structures are acceptable within the dry utility easement(s); such as, window wells, wing walls, retaining walls, basement walls, roof overhang, anything affixed to the house like decks, etc. United Power considers any structure that impedes the access, maintenance, and safety of our facilities a permanent structure. No exceptions will be allowed, and any encroachments could result in penalties.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

A handwritten signature in black ink that reads "Emily Fore". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Emily Fore
United Power, Inc.
Right of Way Agent
M: 970-515-0128 | Email: platreferral@unitedpower.com

Magaly Morales-Tejada

From: Jake Freier
Sent: Monday, December 18, 2023 2:50 PM
To: Magaly Morales-Tejada
Subject: RE: Ewing Legal Description
Attachments: Annexation Map- Detailed JF Redlines.pdf; Ewing Annexation Legal Description.docx

Hey,
Here are my redlines on the plat and the legal has some minor typos. The Word doc you sent is entirely different and takes a different approach by excluding certain areas from the quarter section, plus there are two separate parcels described. Even so, some of the directions and distances don't match what is on the plat.

If possible, you should use the legal from the plat since it's simpler and more current than what is in the Word doc. I copied and pasted the language from the plat and corrected the minor mistakes I redlined and am including it here.

Cheers,
Jake



Jake Freier
GIS Coordinator & Systems Analyst
Main 303.857.6694 | Direct 720.466.6115
Mobile 303.720.5155 | Fax 303.857.0351
JFreier@FortLuptonCo.Gov
130 S. McKinley Ave, Fort Lupton, CO 80621

The information transmitted is intended only for the person or entity to which it is addressed and may contain CONFIDENTIAL material. If you receive this information in error, please delete or destroy the information.

From: Magaly Morales-Tejada <MMTejada@FortLuptonCo.Gov>
Sent: Monday, December 18, 2023 8:51 AM
To: Jake Freier <JFreier@FortLuptonCo.Gov>
Subject: Ewing Legal Description

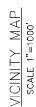
For your review!

Thank you,



Magaly Morales-Tejada
Planner I
Main 303.857.6694 | Direct 720.466.6111
Mobile (720) 683-1087 | Fax 303.857.0351
MMTejada@FortLuptonCo.Gov
1200 Dexter St Unit W13, Fort Lupton, CO 80621

A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado



A part of the South Half of Section 30, Township 2 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, more particularly described as follows:

A part of the South Half of Section 30, Township 2 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, more particularly described as follows:

[illegible]

Line of _____ feet to _____

The above described land is contiguous to the City of Fort Lupton and meets the requirements set forth in Colorado Revised Statutes 1973, 31-12-104-(1) (a) that one-sixth or more of the perimeter

- Total perimeter of the parcel considered for annexation = 10,524'
- One-sixth of total perimeter required for annexation = 1,754'
- Perimeter contiguous with existing city limits = 8,431', exceeds the 1/6 contiguity required
- Area = 155.92 acres

Know All Men By These Presents, that Burnco, LLC, a Texas Limited Liability Company, being the sole owners of the land described herein, have caused said land to be annexed under the name of Ewing Annexation Map.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____ day of ___, 202__.

Owner _____ Signed this _____ day of _____, 202____.

State of Colorado)
County of Weld) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 202____.

Witness hand and official seal

My commission expires _____

Notary Public

This is to certify that the annexation map of the property described herein was recommended to the Port Lupton City Council via Resolution No. _____.

Recommended this day of __, 202__

This is to certify that the annexation map of the property described herein was approved by Ordinance No. _____ of the City of Fort Lupton passed and adopted on the ____ day of _____ A.D., 20____, on behalf of the City of Fort Lupton, as authorized by Ordinance No. _____, 20____, and that the City of Fort Lupton, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon.

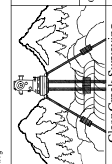
Approved this ___ day of __, 202__.

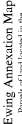
Attest: City Clerk

Mayor

Tricycle Lane Texas LLC
10100 Dallas St
Henderson, CO 80640-8491
(970)356-7523

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that this annexation map was made in accordance with applicable standards of practice, was prepared under my responsible and is accurate to the best of my professional knowledge, information and belief. This is not a warranty or warranty, either expressed or implied.



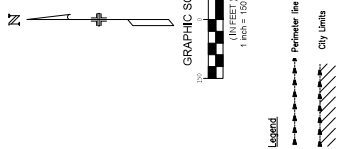


Ewing Annexation Map
 Parcels of land located in the
 Township Half of Section 36,
 Township 1 North, Range 66 West,
 County of Weld, State of Colorado

Client: Tricycle Lane Texas LLC

S&B, F&M, ROW	Sheet No.	No. of Pages
Project No.: 26-82	1	2

A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado



 Clear Creek Surveying P.O. Box 3184, Idaho Springs, CO 80452 (303) 551-9755	Ewing Annexation Map Portion of land located in the South Half of Section 30, Township 2 North, Range 66 West of the 6th P.M. County of Weld, State of Colorado	Client: Tricycle Lane Texas LLC S.D. T.N. 166W of the G-61 Project No. 2242	No. of Sheets 2
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February 28, 2024

Magaly Morales-Tejada & Haily McKay
Fort Lupton Planning & Building Department

Transmitted via email: MMTejada@fortluptonco.gov; HMckay@fortluptonco.gov

Re: Ewing Annexation and Special Use Permit
Project No. ANX2024-001, SUP2024-001
Part of the S ½ of Section 30, Township 2 North, Range 66 West, 6th P.M.
Water Division 1, Water District 2
CDWR Assigned Referral No. 31215

Dear Magaly Morales-Tejada & Haily McKay:

We have reviewed the referral for annexation of two parcels and a special use permit for a sand and gravel pit and water storage reservoirs on approximately 156.7 acres. The land is currently used for agricultural purposes. Mining is proposed for the next 10 years after which the site will be reclaimed as fresh-water storage ponds and be revegetated.

This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

According to the referral, water may be used for aggregate washing, dust control, and concrete/asphalt production. Water may also be consumed through evaporation from the exposed surface of groundwater. Water for these purposes will be obtained from the ponds in the processing area. Prior to the use or exposure of any groundwater, the Applicant must first obtain a well permit and a substitute water supply plan (“SWSP”) or decreed plan for augmentation to replace depletions caused by groundwater consumption. The site must continue to be operated under a SWSP until such time as the proposed reservoirs are lined (lining approved by this office, backfilling is completed, and replacement of lagged depletions shall continue until there is no longer an effect on stream). The applicant has filed a request for an SWSP (Plan ID 9477) and a gravel well permit application, which are currently pending under receipt nos. 10033981 and 10033982, respectively.

Drinking water may be provided from a source offsite. This office has no issue with this proposal so long as any water hauled to the site is obtained from a legal source. The referral also states that drinking water or water for aggregate processing and dust control may be obtained from wells on site. Such wells must be operated in accordance with their permitted conditions and applicable statutes. **Such wells cannot be used for commercial use such as drinking water for employees or for the mining operation unless they are first permitted for such use.**

Lastly, according to the application, stormwater runoff will be collected in the mining areas and reservoirs after reclamation. Any stormwater runoff intercepted by this operation must infiltrate into the ground or be released to the stream system within 72 hours; otherwise, the operator will be required to make replacements for evaporation of the captured stormwater pursuant to an SWSP



or augmentation plan. The Applicant has clarified through correspondence with DWR regarding the SWSP that no stormwater will be captured.

Please contact Wenli.Dickinson@state.co.us or 303-866-3581 x8206 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ioana Comaniciu".

Ioana Comaniciu, P.E.
Water Resources Engineer

Magaly Morales-Tejada

From: Taw Tamlin <ttamlin@ftluptonfire.com>
Sent: Thursday, March 14, 2024 3:03 PM
To: Magaly Morales-Tejada
Subject: RE: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)

The fire district has no comments or concerns with this annexation.

Thank you

Taw Tamlin

Fire Marshal, CFEI

Fort Lupton Fire Protection District

1121 Denver Ave.

303-857-4603

Starting November 27, 2023 the District Administration office is moving to four - 10 hour days, 7am – 6pm, and the office will be closed on Fridays.

www.fortluptonfire.org

From: Magaly Morales-Tejada <MMTejada@FortLuptonCo.Gov>
Sent: Wednesday, March 13, 2024 9:53 AM
Subject: FW: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)

Good morning,

This is a reminder that responses for this project are due today. If you have already responded, please disregard this email.

Thank you,



Magaly Morales-Tejada
Planner I

Main 303.857.6694 | **Direct** 720.466.6111
Mobile (720) 683-1087 | **Fax** 303.857.0351
MMTejada@FortLuptonCo.Gov
1200 Dexter St Unit W13, Fort Lupton, CO 80621

From: Hailey McKay <HMckay@FortLuptonCo.Gov>

Sent: Thursday, February 22, 2024 4:59 PM

To: Hailey McKay <HMckay@FortLuptonCo.Gov>

Cc: Magaly Morales-Tejada <MMTejada@FortLuptonCo.Gov>; Sean McDermott <SMcDermott@FortLuptonCo.Gov>;

Todd Hodges <Thodges@FortLuptonCo.Gov>; Zachary Mettler <ZMettler@Fortluptonco.gov>

Subject: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)

Hello,

The documentation located at the following link is submitted to you for review and recommendation for an Annexation and Special Use Permit being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link:

<https://www.fortluptonco.gov/DocumentCenter/Index/843>

Any comments you consider relevant to this request would be appreciated. Please reply by March 14, 2024, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed a favorable response to the Planning & Building Department.

Your time in this matter is greatly appreciated!



Hailey McKay

Planning Administrative Assistant

Main 303.857.6694 | Direct (720) 466-6107

Mobile (303) 718-0172 | Fax (303) 857-0351

HMckay@FortLuptonCo.Gov

1200 Dexter St Unit W13, Fort Lupton, CO 80621

Hailey McKay

From: Kristen Thompson <kthompson@northernwater.org>
Sent: Wednesday, March 6, 2024 2:11 PM
To: Hailey McKay
Cc: Magaly Morales-Tejada; Sean McDermott; Todd Hodges; Zachary Mettler
Subject: RE: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)

Good afternoon,

These parcels are not within the boundaries of the Northern Colorado Water Conservancy District or the Municipal Subdistrict.

If you have any questions, please let me know.

Thank you
Kris



Kristen Thompson

Contracts Specialist II – Land and Water | Northern Water
Direct: (970) 622-2237

220 Water Ave | Berthoud, CO 80513 | (800) 369-RAIN (7246)
www.northernwater.org | [Facebook](#) | [X](#) | [Instagram](#) | [LinkedIn](#)

Disclaimer Notice: An allotment of Colorado-Big Thompson water is subject to the Water Conservancy Act, C.R.S 37-45-101 et seq, the authority of the Board of Directors of the Northern Colorado Water Conservancy District, and other relevant laws and regulations. The information provided in this email is not binding on Northern Water because the legal rights to Colorado-Big Thompson Project Allotments are subject to the continuing discretion of the Board of Directors of Northern Water and other legal limitations and requirements. Northern Water staff and counsel cannot provide you with legal advice, and you are advised to seek legal counsel with respect to the subject matter of this email. You also have an independent obligation to review and confirm the accuracy and completeness of any information provided to you by Northern Water, and to supplement or correct the records of Northern Water with respect to any errors or omissions.

From: Hailey McKay <HMcKay@FortLuptonCo.Gov>
Sent: Thursday, February 22, 2024 4:59 PM
To: Hailey McKay <HMcKay@FortLuptonCo.Gov>
Cc: Magaly Morales-Tejada <MMTejada@FortLuptonCo.Gov>; Sean McDermott <SMcDermott@FortLuptonCo.Gov>; Todd Hodges <Thodges@FortLuptonCo.Gov>; Zachary Mettler <ZMettler@Fortluptonco.gov>
Subject: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)

Some people who received this message don't often get email from hmckay@fortluptonco.gov. [Learn why this is important](#)

External Message - Please be cautious when replying or opening links or attachments in this email

Hello,



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Sean McDermott
Magaly Morales-Tejada
Zachary Mettler

From: David Rausch

Date: March 13, 2024

Subject: Burnco - Ewing Gravel Mine

Public Works has reviewed the submitted preapplication information for the above referenced development project with the following comments for inclusion with the Annexation and Site Plan submittal.

1. Annexation Map

- a. Hwy 85 appears to have approximately 152-feet of future ROW 76 feet to be reserved.
- b. Existing has 60' of ROW in place.

2. Platting

- a. ROW dedication will be requested for trail adjacent to the existing ditch.
- b. Potential trail corridor along the river.

3. Utilities - A Utility Study would be required with final land use.

a. Water - Chapter 3

- i. Provide Colorado Division of Water Resources (CDWR) with an augmentation plan prior to construction.
- ii. City water system is located in Historic Parkway south of this area.
- iii. Future extensions to the City system to serve this property are contingent with meeting the requirements of *Municipal Code Chapter 13, Article V*. Infrastructure needed to serve the property is required to be constructed by the property owner.

b. Sanitary Sewer - Chapter 4

Costs associated with sewer service include:

- i. The City's sanitary sewer main is located in Historic Parkway north of 14th Street on the east side of the river.

- ii. Future extensions to the City system to serve this property are contingent with meeting the requirements of *Municipal Code Chapter 13, Article I*. Infrastructure needed to serve the property is required to be constructed by the property owner.
- iii. Any future connection to the City sanitary sewer will require confirmation of discharge components. Pretreatment of discharge may be required. Lift Station would be required to discharge at Historic Parkway.

c. Drainage

- i. Remove map on page 34 as it is of Westminster.
- ii. A LOMR will be required to evaluate the floodplain and flood way.
- iii. A CLOMR will be required to determine proposed floodplain impacts.
- iv. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E.

4. Transportation

a. Traffic Control - Chapter 8

- i. Hwy 85 PEL has designated 16.5 as Right In / Right Out.

b. Roadway - Chapter 6

- i. Improvements to Hwy 85 frontage will be required at this time if determination of need from traffic study.

Hailey McKay

From: Lauren Light <llight@weld.gov>
Sent: Wednesday, March 6, 2024 1:32 PM
To: Hailey McKay
Cc: Magaly Morales-Tejada; Sean McDermott; Todd Hodges; Zachary Mettler
Subject: RE: Referral Response Request: Ewing Annexation and Special Use Permit (ANX2024-001, SUP2024-001)

I have included the typical development standards I use for mining operations. I wasn't clear if there is an asphalt batch plant onsite but if so then I would request an odor abatement plan and how they will adhere to the state requirements for odor.

1. All liquid and solid wastes (as defined in the Solid Wastes Disposal Sites and Facilities Act, 30-20-100.5, C.R.S.) shall be stored and removed for final disposal in a manner that protects against surface and groundwater contamination.
2. No permanent disposal of wastes shall be permitted at this site. This is not meant to include those wastes specifically excluded from the definition of a solid waste in the Solid Wastes Disposal Sites and Facilities Act, 30-20-100.5, C.R.S.
3. Waste materials shall be handled, stored, and disposed in a manner that controls fugitive dust, fugitive particulate emissions, blowing debris, and other potential nuisance conditions. The facility shall operate in accordance with Chapter 14, Article 1 of the Weld County Code.
4. Fugitive dust should attempt to be confined on the property. Uses on the property shall comply with the Colorado Air Quality Commission's air quality regulations.
5. The operation shall submit an Air Pollution Emission Notice (A.P.E.N.) and Emissions Permit Application and obtain permits from the Air Pollution Control Division, Colorado Department of Public Health and Environment, as applicable.
6. The facility shall adhere to the maximum permissible noise levels allowed in the Industrial Zone as delineated in 25-12-103 C.R.S. The facility shall operate in accordance with the accepted noise modeling report.
7. The operation shall remove, handle, and stockpile overburden, sand, soil, and gravel from the facility area in a manner that prevents nuisance conditions.
8. Adequate drinking, hand washing, and toilet facilities shall be provided for employees and patrons of the facility, at all times. A permanent, adequate water supply shall be provided for drinking and sanitary purposes, as applicable.
9. Any On-Site Wastewater Treatment System located on the property must comply with all provisions of the Weld County Code, pertaining to On-Site Wastewater Treatment Systems.

10. Portable toilets and bottled water are acceptable to provide drinking and sanitary services to the site. Records of maintenance and proper disposal for portable toilets shall be retained on a quarterly basis and available for review by the Weld County Department of Public Health and Environment. Portable toilets shall be serviced by a cleaner licensed in Weld County, contain hand sanitizers and be screened from existing adjacent residential properties and public rights-of-way.
11. Any vehicle or equipment washing areas shall capture all effluent and prevent discharges in accordance with the Rules and Regulations of the Water Quality Control Commission, and the Environmental Protection Agency.
12. A Colorado Discharge Permit System (CDPS) from the Colorado Department of Public Health and Environment (CDPH&E), Water Quality Control Division, shall be obtained as applicable.
13. The facility shall comply with all provisions of the State Underground and Above Ground Storage Tank Regulations.
14. All chemicals must be handled in a safe manner in accordance with product labeling. All chemicals must be stored secure, on an impervious surface, and in accordance with manufacturer's recommendations.
15. The operation shall comply with all applicable rules and regulations of the Colorado Division of Reclamation Mining and Safety.
16. The operation shall comply with the Mine Safety and Health Act (MSHA).
17. The facility shall notify the County of any revocation and/or suspension of any State issued permit.
18. The operation shall comply with all applicable rules and regulations of State and Federal agencies and the Weld County Code.

Lauren Light, M.B.S.
Program Manager/Environmental Planner, Environmental Health Services
Weld County Department of Public Health & Environment
1555 N. 17th Ave.
Greeley, CO 80631
llight@weld.gov
970-400-2211 (office)



Confidentiality Notice: This electronic transmission and any attached documents or other writings are intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. If you have received this communication in error, please immediately notify sender by return



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

February 27, 2024

City of Fort Lupton Planning Department
130 South McKinley Avenue
Fort Lupton, CO 80621

Attn: Todd Hodges and Magaly Morales-Tejeda and Clay Hartley and Sean McDermott

Re: Ewing Annexation and Special Use Permit, Case #s ANX2024-001, SUP2024-001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for **the above-mentioned project**. Please be aware PSCo owns and operates existing natural gas distribution facilities along part of north property line.

Also, PSCo has existing high pressure natural gas transmission along south boundary. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. In the event of these activities, PSCo is requesting that, prior to any final approval of special use permit, it is the responsibility of the property owner/developer/contractor to contact PSCo's Encroachment Team for development plan review and execution of a License Agreement (upload all files in PDF format) at: [encroachment requests \(xcelenergy.com\)](#) (scroll down to Encroachment Requests and click on APPLY NOW).

The City of Fort Lupton must send us notification after approval of the proposed annexation has been finalized. This notification should be sent to Andrew Holder at andrew.p.holder@xcelenergy.com. This will allow our mapping department to make the necessary updates to our mapping system.

The property owner/developer/contractor must complete the application process for any new natural gas service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document – be sure to ask the Designer to contact a Right-of-Way & Permits Agent in this event.

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

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on **the 13th day of March, 2024**, a true and correct copy of the foregoing Notice of Public Hearings for the **Ewing Annexation and Special Use Permit** was sent via United States Mail, postage pre-paid, to the following addresses:

E & J ROCKY MOUNTAIN PROPERTIES
LLC
12608 WATERSIDE LN
LONGMONT, CO 805045252
WELD-85
8791 CIRCLE DR
WESTMINSTER, CO 800313675

GEN III ENTERPRISES LLC
1195 TURQUOISE DR
LONGMONT, CO 805047304

TRICYCLE LANE TEXAS LLC
10100 DALLAS ST
HENDERSON, CO 806408491

SAKATA LAND CO
P O BOX 508
BRIGHTON, CO 80601050

AURORA CITY OF
15151 E ALAMEDA PKWY # 3600
AURORA, CO 800121555

TRICYCLE LANE TEXAS LLC
10100 DALLAS ST
HENDERSON, CO 806408491

BACHOFER ROSS
7525 US HIGHWAY 85
FORT LUPTON, CO 806218809

AURORA CITY OF
15151 E ALAMEDA PKWY # 3600
AURORA, CO 800121555

RANKIN PENNY J
12331 COUNTY ROAD 14 1/2
FORT LUPTON, CO 806218814

OTTESEN MARK C (60%)
PO BOX 461
SALIDA, CO 812010461

MARTINEZ HUMBERTO CALDERON
7493 US HIGHWAY 85
FORT LUPTON, CO 806218809

AURORA CITY OF
15151 E ALAMEDA PKWY STE 3600
AURORA, CO 800121555

LG EVERIST INC
350 S MAIN AVE STE 400
SIOUX FALLS, SD 571046312

LG EVERIST INC
350 S MAIN AVE STE 400
SIOUX FALLS, SD 571046312

SOUTH PLATTE VALLEY HISTORICAL SOCIETY
PO BOX 633
FT LUPTON, CO 806210633

STRANGE BRONN
12335 COUNTY ROAD 14 1/2
FORT LUPTON, CO 806218814

BARRON JESUS
PO BOX 888
FORT LUPTON, CO 806210888

COLORADO - DEPT OF HIGHWAYS
4201 E ARKANSAS AVE
DENVER, CO 802223406

WRIGHT INVESTMENT GROUP INC
3814 CHEYENNE DR
GREELEY, CO 806349337

Magaly Morales-Tejada

City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation and Special Use Permit referred to as the Ewing Annexation and Special Use Permit located west and adjacent to Highway 85 and approximately .5 mile south of County Road 18 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, March 28, 2024, at 6:00 P.M., and before the City Council on Tuesday, April 16, 2024, at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928-4003

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: EWING ANNEXATION AND SPECIAL USE PERMIT

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

The Ewing Gravel Pit is located directly north of Fort Lupton in Weld County, CO in part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM) and part of the East $\frac{1}{2}$ (E $\frac{1}{2}$) of the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM). The legal description is as follows:

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT THE TRACT OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 13, 1967 UNDER RECEPTION NO. 1501076, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SE $\frac{1}{4}$; THENCE NORTH ALONG THE EAST LINE OF SAID SE $\frac{1}{4}$, A DISTANCE OF 1082.00 FEET; THENCE S60°45'W, A DISTANCE OF 135.41 FEET TO A POINT ON THE WESTERLY R.O.W. LINE OF U.S. HIGHWAY NO. 85, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE S58° 45'W, A DISTANCE OF 211.18 FEET; THENCE S55°03'W A DISTANCE OF 454.35 FEET; THENCE NORTH 89°19'30"W, A DISTANCE OF 405.42 FEET TO A POINT ON THE CENTERLINE OF THE

PLATTEVILLE DITCH; THENCE ALONG SAID CENTERLINE BY THE FOLLOWING COURSES AND DISTANCES;

S32°57'W, 57.98 FEET;

S46°21'W, 200.00 FEET;

S59°36'W, 115.00 FEET;

S84°25'45"W, 145.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.62 FEET (THE RADIUS OF SAID CURVE IS 48.64 FEET AND THE DELTA IS 85°32'45");

THENCE S01 ° 07'E, 304.28 FEET;

S49°40'30"E, 65.07 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE SE1/4 SECTION 30; THENCE N89° 51'E ALONG SAID SOUTH LINE, A DISTANCE OF 1366.39 FEET TO A POINT ON THE WESTERLY R.O.W. OF U.S. HIGHWAY NO. 85; THENCE NORTH ALONG SAID R.O.W. LINE, A DISTANCE OF 1015. 84 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING A TRACT OF LAND SITUATED IN SE1/4 OF SAID SECTION 30, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE1/4; THENCE DUE EAST 720 FEET; THENCE NORTH 66° 24' WEST 810 FEET; THENCE SOUTH 320 FEET TO THE PLACE OF BEGINNING;

AND ALSO EXCEPTING A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF THE SE 1/4 FROM WHICH POINT THE NORTHEAST CORNER OF SECTION 30 BEARS NORTH 2°26' EAST, A DISTANCE OF 2640.6 FEET; THENCE SOUTH 0°05' EAST, 1619.0 FEET TO A POINT ON THE SOUTH PROPERTY LINE; THENCE NORTH 60° 40' EAST, A DISTANCE OF 137.5 FEET TO A POINT ON THE EAST LINE OF SECTION 30; THENCE ALONG THE EAST LINE OF SECTION 30, NORTH 0°05' WEST, A DISTANCE OF 1551.8 FEET TO THE NORTHEAST CORNER OF THE SE 1/4 OF SAID SECTION 30; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 SOUTH 89°55'30" WEST, A DISTANCE OF 120.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

AND ALSO EXCEPTING THAT TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED JULY 11, 2001 UNDER RECEPTION NO. 2865029, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP TWO NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP 2 NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM WHENCE THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION THIRTY BEARS S00° 20'40"W, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION THIRTY, N89° 43'26"E A DISTANCE OF 385.26 FEET; THENCE SOUTH 59°17'18"W A DISTANCE OF 180.22 FEET; THENCE S54° 56'22"W A DISTANCE OF 94.45 FEET; THENCE S63 34'06W A DISTANCE OF 172.35 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE ALONG SAID WEST LINE N00° 20'40"E A DISTANCE OF 221.16 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THAT PARCEL CONVEYED TO THE STATE HIGHWAY COMMISSION OF COLORADO IN DEED RECORDED FEBRUARY 3, 1964 UNDER RECEPTION NO. 1428041, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND LOCATED IN THE SOUTHWEST (SW 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 350 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE SOUTH 69° WEST 416 FEET; THENCE SOUTH 28° 45' WEST 550 FEET; THENCE SOUTH 11° WEST 992 FEET; THENCE SOUTH 66° 24' EAST 920 FEET; THENCE DUE NORTH 1970 FEET TO THE PLACE OF BEGINNING, COUNTY OF WELD, STATE OF COLORADO

March 13, 2024

Greeley Tribune
Attention: Legal Publications

Please publish the following Notice on four consecutive weeks in the Greeley Tribune starting with the **March 14, 2024** issue and followed by the **March 21, 2024; March 28, 2024 and April 4, 2024** issues.

**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation and Special Use Permit referred to as the Ewing Annexation an Special Use Permit located west and adjacent to Highway 85 and approximately .5 mile south of County Road 18 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, March 28, 2024, at 6:00 P.M., and before the City Council on Tuesday, April 16, 2024, at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928-4003

ALL INTERESTED PERSONS MAY ATTEND.

LEGAL DESCRIPTION

The Ewing Gravel Pit is located directly north of Fort Lupton in Weld County, CO in part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM) and part of the East $\frac{1}{2}$ (E $\frac{1}{2}$) of the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM). The legal description is as follows:

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.,

EXCEPT THE TRACT OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 13, 1967 UNDER RECEPTION NO. 1501076, DESCRIBED AS FOLLOWS:

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THENCE S58° 45'W, A DISTANCE OF 211.18 FEET; THENCE S55°03'W A DISTANCE OF 454.35 FEET; THENCE NORTH 89°19'30"W, A DISTANCE OF 405.42 FEET TO A POINT ON THE CENTERLINE OF THE PLATTEVILLE DITCH; THENCE ALONG SAID CENTERLINE BY THE FOLLOWING COURSES AND DISTANCES;

S32°57'W, 57.98 FEET;

S46°21'W, 200.00 FEET;

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COUNTY OF WELD, STATE OF COLORADO

Legal Notice No. FLP1021

First Publication: March 21, 2024

Last Publication: April 11, 2024

Publisher: Fort Lupton Press

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301 Kanolds St.

City, State, ZIP+4®

Fort Lupton, CO 80621

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

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Total Postage and Fees

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City, State, ZIP+4®

Greeley CO 80634

PS Form 3800, April 2015 PSN 7530-02-000-9047

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☐ Adult Signature Restricted Delivery \$

Postage

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Fort Lupton, CO 80621



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Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 720.928.4003
Fax: 303.857.0351

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Notice is hereby given that the City of Fort Lupton is in receipt of an application for an Annexation and Special Use Permit referred to as the Ewing Annexation and Special Use Permit located west and adjacent to Highway 85 and approximately .5 mile south of County Road 18 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, March 28, 2024, at 6:00 P.M., and before the City Council on Tuesday, April 16, 2024, at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (720) 928-4003

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: EWING ANNEXATION AND SPECIAL USE PERMIT

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

The Ewing Gravel Pit is located directly north of Fort Lupton in Weld County, CO in part of the Southeast $\frac{1}{4}$ (SE $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM) and part of the East $\frac{1}{2}$ (E $\frac{1}{2}$) of the Southwest $\frac{1}{4}$ (SW $\frac{1}{4}$) of Section 30, Township 2 North, Range 66 West, of the 6th Principal Meridian (PM). The legal description is as follows:

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT THE TRACT OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 13, 1967 UNDER RECEPTION NO. 1501076, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., WELD COUNTY COLORADO, DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SE $\frac{1}{4}$; THENCE NORTH ALONG THE EAST LINE OF SAID SE $\frac{1}{4}$, A DISTANCE OF 1082.00 FEET; THENCE S60°45'W, A DISTANCE OF 135.41 FEET TO A POINT ON THE WESTERLY R.O.W. LINE OF U.S. HIGHWAY NO. 85, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE S58° 45'W, A DISTANCE OF 211.18 FEET; THENCE S55°03'W A DISTANCE OF 454.35 FEET; THENCE NORTH 89°19'30"W, A DISTANCE OF 405.42 FEET TO A POINT ON THE CENTERLINE OF THE

PLATTEVILLE DITCH; THENCE ALONG SAID CENTERLINE BY THE FOLLOWING COURSES AND DISTANCES;

S32°57'W, 57.98 FEET;

S46°21'W, 200.00 FEET;

S59°36'W, 115.00 FEET;

S84°25'45"W, 145.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.62 FEET (THE RADIUS OF SAID CURVE IS 48.64 FEET AND THE DELTA IS 85°32'45");

THENCE S01 ° 07'E, 304.28 FEET;

S49°40'30"E, 65.07 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE SE1/4 SECTION 30; THENCE N89° 51'E ALONG SAID SOUTH LINE, A DISTANCE OF 1366.39 FEET TO A POINT ON THE WESTERLY R.O.W. OF U.S. HIGHWAY NO. 85; THENCE NORTH ALONG SAID R.O.W. LINE, A DISTANCE OF 1015. 84 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING A TRACT OF LAND SITUATED IN SE1/4 OF SAID SECTION 30, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE1/4; THENCE DUE EAST 720 FEET; THENCE NORTH 66° 24' WEST 810 FEET; THENCE SOUTH 320 FEET TO THE PLACE OF BEGINNING;

AND ALSO EXCEPTING A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF THE SE 1/4 FROM WHICH POINT THE NORTHEAST CORNER OF SECTION 30 BEARS NORTH 2°26' EAST, A DISTANCE OF 2640.6 FEET; THENCE SOUTH 0°05' EAST, 1619.0 FEET TO A POINT ON THE SOUTH PROPERTY LINE; THENCE NORTH 60° 40' EAST, A DISTANCE OF 137.5 FEET TO A POINT ON THE EAST LINE OF SECTION 30; THENCE ALONG THE EAST LINE OF SECTION 30, NORTH 0°05' WEST, A DISTANCE OF 1551.8 FEET TO THE NORTHEAST CORNER OF THE SE 1/4 OF SAID SECTION 30; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 SOUTH 89°55'30" WEST, A DISTANCE OF 120.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

AND ALSO EXCEPTING THAT TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED JULY 11, 2001 UNDER RECEPTION NO. 2865029, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP TWO NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION THIRTY, TOWNSHIP 2 NORTH, RANGE SIXTY-SIX WEST OF THE SIXTH PRINCIPAL MERIDIAN, FROM WHENCE THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION THIRTY BEARS S00° 20'40"W, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

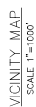
THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION THIRTY, N89° 43'26"E A DISTANCE OF 385.26 FEET; THENCE SOUTH 59°17'18"W A DISTANCE OF 180.22 FEET; THENCE S54° 56'22"W A DISTANCE OF 94.45 FEET; THENCE S63 34'06W A DISTANCE OF 172.35 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE ALONG SAID WEST LINE N00° 20'40"E A DISTANCE OF 221.16 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THAT PARCEL CONVEYED TO THE STATE HIGHWAY COMMISSION OF COLORADO IN DEED RECORDED FEBRUARY 3, 1964 UNDER RECEPTION NO. 1428041, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND LOCATED IN THE SOUTHWEST (SW 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 350 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE SOUTH 69° WEST 416 FEET; THENCE SOUTH 28° 45' WEST 550 FEET; THENCE SOUTH 11° WEST 992 FEET; THENCE SOUTH 66° 24' EAST 920 FEET; THENCE DUE NORTH 1970 FEET TO THE PLACE OF BEGINNING, COUNTY OF WELD, STATE OF COLORADO

A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado

[illegible]

- The area described and lot contiguous to the City of Fort Lupton and meets the requirements set forth in Colorado Revised Statutes 37-3, 31-12, 30-4, (1) (a) that one-sixth or more of the perimeter of the parcel is contiguous to the adjoining municipality.
- Total perimeter of the parcel considered for annexation = 10,524'.
- One-sixth of total perimeter required for annexation = 1,754'.
- Perimeter contiguous with existing city limits = 8,433', exceeds the 1/6 contingency required.
- Area = 150.92 acres

Know All Men By These Presents, that Tricycle Lone Texas LLC, a Limited Liability Company, being the sole owners of the land described herein, have caused said land to be annexed under the name of Ewing Annexation Map.

Owner _____ Signed this _____ day of _____, 202____.

State of Colorado)
County of Weld) SS

Witness hand and official seal _____
My commission expires _____
Notary Public _____

This is to certify that the annexation map of the property described herein was recommended to the Fort Lupton City Council via Resolution No. _____.

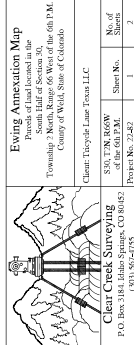
Chairperson, Fort Lupton
Planning Commission

This is to certify that the annexation map of the property described herein was approved by Ordinance No. _____ of the City of Fort Lupton passed and adopted on the _____ day of _____ A.D., 202____, and that the Mayor and the City of Fort Lupton, as authorized by Ordinance No. _____ on _____ and on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon.

Attest: City Clerk

Tricycle Lane Texas LLC
10100 Dallas St
Henderson, CO 80640-8491
(970)356-7523

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that this annexation map was made in accordance with applicable standards of practice, was prepared under my responsible and is accurate to the best of my professional knowledge, information and belief. This is not a warranty or warranty, either expressed or implied.



A part of the South Half of Section 30
Township 2 North, Range 66 West of the 6th Principal Meridian
County of Weld, State of Colorado



GRAPHIC SCALE

(IN FEET)
1 inch = 150 ft.

A horizontal scale bar with alternating black and white segments. It is marked with '0', '25', and '50' at regular intervals. The text '(IN FEET)' and '1 inch = 150 ft.' is printed below the bar.

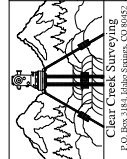
Legend

Perimeter line considered for renovation

City Limits



Ewing Annexation Map
 Parcels of land located in the
 South Half of Section 30,
 Township 2 North, Range 66 West of the 6th
 County of Weld, State of Colorado



S30, T2N, R66W of the 6th P.M.	Sheet No.	No. of Sheets
ject No. 22-82	2	2

PETITION FOR ANNEXATION

TO: THE CITY COUNCIL OF FORT LUPTON, COLORADO

We, the undersigned landowners, in accordance with Colorado law, hereby petition the City of Fort Lupton and its City Council for annexation to the City of Fort Lupton of the unincorporated territory, the legal description of which is attached hereto as Exhibit A and incorporated herein by this reference, located in the County of Weld and the State of Colorado, and to be known as the Ewing Annexation to the City of Fort Lupton.

As part of this petition, your petitioners further state to the City Council that:

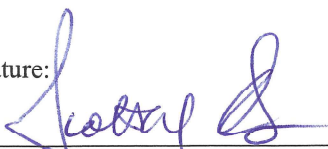
1. It is desirable and necessary that the territory described in Exhibit A be annexed to the City of Fort Lupton.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fort Lupton.
 - b. A community of interest exists between the area proposed to be annexed and the City of Fort Lupton.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fort Lupton.
 - e. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - i. Has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - ii. Comprises twenty acres or more, and, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
 - f. No annexation proceedings have been commenced for any portion of the area proposed to be annexed for the annexation of such area to another municipality.
 - g. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - h. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Fort Lupton more than three miles in any direction from any point of the boundary of the City of Fort Lupton in any one year.
 - i. The territory to be annexed is 155.92 acres, more or less, in total area.

- j. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105 (1) (e), C.R. S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Fort Lupton, and the proposed land uses for the area.
 - k. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the City of Fort Lupton.
 - l. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S..
3. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the landowners and own more than fifty percent (50%) of the property, excluding public streets and alleys and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.
 4. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Fort Lupton, except for general property taxes of the City of Fort Lupton, which shall become effective as of the January 1 next ensuing.
 5. The zoning classification requested for the area proposed to be annexed is ___'A' Agriculture___, as shown on the annexation map attached hereto and incorporated herein.
 6. As required by the City of Fort Lupton, an annexation agreement has been or will be executed by the petitioners herein and the City relating to this annexation. The parties shall work together in good faith to negotiate and execute a final version of the Annexation Agreement. If the parties cannot mutually agree upon the form of such agreement, Petitioner may, in its sole discretion, withdraw this Petition without any penalty or prejudice at any time.
 7. As an expressed condition of annexation, landowner(s) consent(s) to petition for inclusion into the Northern Colorado Water Conservancy District and the municipal sub district pursuant to Section 37-45-136 (3.6) C.R.S. to pay the appropriate fees and costs associated with such inclusion **at such time that municipal water is necessary to serve current or future development on the property.** At such time, the Owner shall complete a water study at the Owner's expense as requested by the City or applicable water provider(s). Landowner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, landowner's(s') property will be subject to the same mill levies and

special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of landowners(s') lands. Landowner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Landowner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

8. The non-refundable annexation application fee of \$2500 is tendered herewith.

THEREFORE, the undersigned respectfully petition(s) the City Council of the City of Fort Lupton, to annex the territory described and referred to in Exhibit A to the City of Fort Lupton in accordance with and pursuant to the statutes of the State of Colorado.

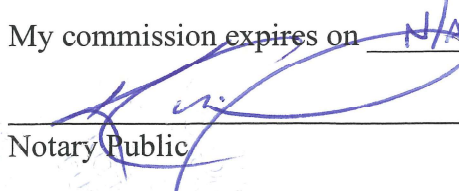
1	Land Owner Name: TRICYCLE LANE TEXAS, LLC Signature: 	Mailing Address (street, city, state, ZIP): 10100 DALLAS STREET, HENDERSON, CO 80640-8491 Date of signing: <u>February 15, 2024</u>
2	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
3	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP): Date of signing:
4	Land Owner Name: Signature:	Mailing Address (street, city, state, ZIP Code): Date of signing:

(Additional sheets may be attached if necessary.)

The foregoing signature(s) was/were subscribed and sworn to before me this 15th day of FEBRUARY, 2024, by Scott M. Burns as Manager of Tricycle Lane Texas, LLC

Witness my hand and official seal.

My commission expires on N/A.


Notary Public

Kyle Cadieux

A Notary Public in and for the
Province of Alberta

Exhibit A

[Exhibit A to the Annexation Petition should exclude public right of way. If necessary, attach separate sheet(s).]

Land Owned by Land Owner 1:

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTH HALF OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M.,

EXCEPT THE TRACT OF LAND CONVEYED IN QUIT CLAIM DEED RECORDED MARCH 13, 1967 UNDER RECEPTION NO. 1501076, DESCRIBED AS FOLLOWS:

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S32°57'W, 57.98 FEET;

S46°21'W, 200.00 FEET;

S59°36'W, 115.00 FEET;

S84°25'45"W, 145.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.62 FEET (THE RADIUS OF SAID CURVE IS 48.64 FEET AND THE DELTA IS 85°32'45");

THENCE S01 ° 07'E, 304.28 FEET;

S49°40'30"E, 65.07 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF THE SE1/4 SECTION 30; THENCE N89° 51'E ALONG SAID SOUTH LINE, A DISTANCE OF 1366.39 FEET TO A POINT ON THE WESTERLY R.O.W. OF U.S. HIGHWAY NO. 85; THENCE NORTH ALONG SAID R.O.W. LINE, A DISTANCE OF 1015.84 FEET TO THE TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING A TRACT OF LAND SITUATED IN SE1/4 OF SAID SECTION 30, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SE1/4; THENCE DUE EAST 720 FEET; THENCE NORTH 66° 24' WEST 810 FEET; THENCE SOUTH 320 FEET TO THE PLACE OF BEGINNING;

AND ALSO EXCEPTING A TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF THE SE 1/4 FROM WHICH POINT THE NORTHEAST CORNER OF SECTION 30 BEARS NORTH 2°26' EAST, A DISTANCE OF 2640.6 FEET; THENCE SOUTH 0°05' EAST, 1619.0 FEET TO A POINT ON THE SOUTH PROPERTY LINE; THENCE NORTH 60° 40' EAST, A DISTANCE OF 137.5 FEET TO A POINT ON THE EAST LINE OF SECTION 30; THENCE ALONG THE EAST LINE OF SECTION 30, NORTH 0°05' WEST, A DISTANCE OF 1551.8 FEET TO THE

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THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION THIRTY, N89° 43'26"E A DISTANCE OF 385.26 FEET; THENCE SOUTH 59°17'18"W A DISTANCE OF 180.22 FEET; THENCE S54° 56'22"W A DISTANCE OF 94.45 FEET; THENCE S63 34'06W A DISTANCE OF 172.35 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE ALONG SAID WEST LINE N00° 20'40"E A DISTANCE OF 221.16 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THAT PARCEL CONVEYED TO THE STATE HIGHWAY COMMISSION OF COLORADO IN DEED RECORDED FEBRUARY 3, 1964 UNDER RECEPTION NO. 1428041, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

A TRACT OF LAND LOCATED IN THE SOUTHWEST (SW 1/4) OF SECTION THIRTY (30), TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT 350 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE SOUTH 69° WEST 416 FEET; THENCE SOUTH 28° 45' WEST 550 FEET; THENCE SOUTH 11° WEST 992 FEET; THENCE SOUTH 66° 24' EAST 920 FEET; THENCE DUE NORTH 1970 FEET TO THE PLACE OF BEGINNING, COUNTY OF WELD, STATE OF COLORADO.

AFFIDAVIT OF CIRCULATOR

TC ✓ PROVINCE OF ALBERTA
✓ ~~STATE OF COLORADO~~)
)ss.
TC ✓ ~~COUNTY OF WELD~~)
CITY OF CALGARY

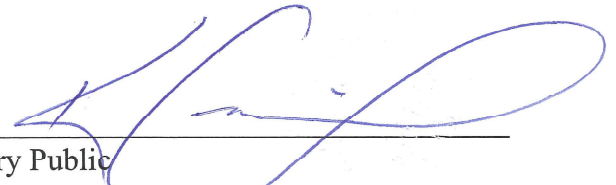
TRAVIS COATES, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.


(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 15th day of FEBRUARY, 2024, by TRAVIS COATES.

Witness my hand and official seal.

My commission expires on N/A.


Notary Public
Kyle Cadieux
A Notary Public in and for the
Province of Alberta