

## PLANNING COMMISSION

Carlos Barron  
Lynne Derby  
Kathy Kvasnicka

Mike Simone, Chairperson

Thomas Meyers  
Paul Weber

Bushrod White, Vice-Chairperson  
Mark Grajeda, Alternate

**Planning Commission Agenda  
Regular Meeting  
Virtual Meeting via GoToMeeting\*  
Thursday, January 14, 2021  
6:00 P.M.**

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

*\*This meeting will be held virtually only.  
Login information on how to attend this virtual meeting is on the second page of this Agenda.*

### **Call to Order – Roll Call**

### **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 Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- a. Approval of the Minutes of the December 10, 2020 Meeting

**Public Comment** – This portion of the Agenda is provided to allow members of the audience to present comments to the Planning Commission related to items not otherwise listed on the Agenda.

### **Action Items**

- b. Election of Officers
- c. P2021-001: Lupton Lakes Inlet/Outlet Facility & Pipeline Project Special Use Permit
- d. P2021-002: Toews Annexation & Initial Zoning

### **Discussion Items**

- e. Review of Meeting Discussion
- f. Development Code Update

### **Future Business**

- g. Next Meeting: January 28, 2021

### **Adjourn**

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**Virtual Meeting Instructions**

If you would like to participate remotely, we encourage you to test the phone number and links provided above prior to the start of the meeting, as each device requires initial adjustment. It is also recommended to log into the meeting early, and if you encounter any issues to call 303-304-4498 or email [PlanningDept@fortluptonco.gov](mailto:PlanningDept@fortluptonco.gov) immediately.

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  
December 10, 2020**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, December 10, 2020.

Chair Mike Simone called the meeting to order at 6:00 p.m.

**ROLL CALL**

Roll was taken and those present were Chair Mike Simone, Vice-Chair Bushrod White and Commission Members Kathy Kvasnicka, Paul Weber, and Mark Grajeda. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson and City Planner I Maria Lancto.

Chair Simone gave the following advisement:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton City Council, Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

**APPROVAL OF AGENDA**

Chair Simone called for a motion to approve the agenda. It was moved by Vice-Chair Bushrod White and seconded by Member Kathy Kvasnicka.

**CONSENT AGENDA**

Chair Simone called for a motion to approve the consent agenda. It was moved by Vice-Chair Bushrod White and seconded by Member Kathy Kvasnicka.

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**PUBLIC COMMENT**

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. Seeing none, he closed Public Comment.

**ACTION ITEMS**

**Lupton Village Change of Zone and Lupton Village PUD Preliminary Plat and PUD Plan**

Chair Mike Simone addressed the representative for the applicant, Ryan Banning, 721 Waterglen Drive #139, Fort Collins, CO. He asked if Mr. Banning, on behalf of the applicant, understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Banning stated yes.

Chair Simone asked if he consented to the applicable members voting on their submittal, even though said members are not present in person.

Mr. Banning stated yes.

Chair Simone asked if he understood that they have the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Banning stated yes.

Chair Simone asked if he has agreed to voluntarily waive that right on behalf of the applicant or themselves by proceeding tonight electronically.

Mr. Banning stated yes.

Chair Simone asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Banning stated yes.

Chair Simone asked if they waived their right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual planning commission meeting, is that correct.

Mr. Banning stated yes.

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FORT LUPTON PLANNING COMMISSION  
December 10, 2020**

Mr. Banning stated that he is here to present on the Lupton Village PUD which includes a rezoning and plat. He stated that the property is located at South Rollie Avenue just south of the extension near the Salud Family Health Center and the Fort Lupton Community Park. Mr. Banning stated that they are requesting a change of zone to PUD. He indicated to a site plan and stated that the site includes about 90 single family homes. He stated that the change of zone will include some higher density residential housing and commercial lots in addition to the single family housing. Mr. Banning stated that the intent is to have a mix of commercial and residential uses as well as a mix of densities in order to have a pedestrian friendly neighborhood. Mr. Banning stated that current zoning is C-2. He stated that PUD will allow for the variety in uses and densities. He stated that the project will include 10 acres of open space, or 14 acres of open space including the detention ponds. Mr. Banning walked through the site plan indicating access points to the various open space options. Mr. Banning stated that there is about 4,000 feet of trails. He stated the intent is for the development to be very walkable. He stated that the Lupton Village Development contains a high level of landscape design. He indicated to the landscaping plan. Mr. Banning then indicated to a site plan showing how commercial is integrated into the overall development. He indicated to a graphic showing multiple residential densities. He stated that this is a "whole life" capable community so a person could spend their whole life in the neighborhood. He stated that of the single family that is shown on the site, about 68% backs up to open space. He stated that only a few lots through the center of the site are back to back. Mr. Banning stated that the lots were sized with some reputable builders in mind. He indicated to some possible housing elevations. Mr. Banning stated that Lupton Village will promote transportation through the extension of Rollie Avenue. Mr. Banning then referred back to the Planning Commission for any questions.

Chair Simone asked Mr. Banning if he has had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the Planning Commission tonight?

Mr. Banning stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Change of Zone action item. Seeing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone opened up the public comment portion of the Hearing for the Preliminary Plat and PUD Plan action item. Seeing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

City Planner I Maria Lancto presented staff comments for the project. She stated that all notification requirements for the Change of Zone were met including posting at the property, publishing in the newspaper, and mailing to adjacent properties. She stated that staff recommends approval of the Change of Zone. Ms. Lancto then went over changes to the Lupton Village Preliminary Plat and PUD Plan that were made after the initial

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December 10, 2020**

distribution of the Planning Commission Packet. She stated that the first change was to the multi-family residential lots, which went from 8 units per acre to 8-16 units per acre. She verified that all open space requirements were met for the higher density, and staff is comfortable with this increase because these lots would be coming back for an additional land use process prior to development. She stated that a second change was clarification of the front yard setback for the single family residential lots. She stated that a previous version showed a setback of 10 feet, and that has been updated to 20 feet based on the likely building plans of the lots. She stated that other changes were minor redlines. She stated that in response to the changes and conversations with the developer, staff is recommending changes to the resolution. She stated that staff recommends removal of conditions A and G, because they have already been addressed. She stated that the condition for the fire district be changed to say "The Applicant shall provide written acknowledgement of the comments from the Fort Lupton Fire District". She stated that all notification requirements have been met for this application.

Chair Simone asked Mr. Banning if he felt he had a full opportunity to participate in the public hearing.

Mr. Banning stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions.

Vice-Chair Bushrod White asked for clarification on what the multi-family might look like.

Mr. Banning stated that the multi-family is intended to be open. He stated that the northeast corner is currently intended to be a town home type product. He stated that the builder who intended to buy that portion is on the line.

Ms. Knutson clarified that a separate site plan or land use process will come through Planning Commission for review and approval when those portions are developed.

Andrew Gerck, a builder representative, verified that they were expecting to come in for a separate submittal, but that they were currently contemplating a townhome product.

Member Kathy Kvasnicka requested clarification of the intent of the commercial.

Mr. Banning clarified that it would all be new commercial.

Member Mark Grajeda asked what would happen to the mineral rights.

Mr. Banning was not sure, but he stated that they have probably already been separated.

Chair Simone expressed concern about the proposed lighting throughout the site. He stated that that the lights seemed to be a very bright variety. He asked why this light was chosen.

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Mr. Banning stated that they chose this light to match those in the adjacent subdivision and they were a standard light from United Power. He stated that they were open to exploring other lighting based on United Power's ability to supply those.

Chair Simone stated that he preferred downcast lighting.

Planning Director Todd Hodges stated that the Planning Commission could add that as a condition of approval.

Chair Simone asked if anyone on the Planning Commission disagreed with him. No one disagreed.

Public Works Director Roy Vestal stated that the City does not specify a type of light and leave it up to the developer and United Power. He stated that we could look at adding a standard.

Discussion on lighting type and how to word the condition occurred. Planning Commission members agreed on the following condition: Applicant shall work with City Staff on installing downcast lighting within the subdivision.

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-026. It was moved by Vice-Chair Bushrod White and Member Kathy Kvasnicka seconded.

Motion carried by unanimous roll call vote.

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-027 with redline changes provided by staff and the addition of Condition F. Applicant shall work with City Staff on installing downcast lighting within the subdivision. It was moved by Vice-Chair Bushrod White and Member Mark Grajeda seconded.

Motion carried by unanimous roll call vote.

### **DISCUSSION ITEMS**

#### **Review of Meeting Discussion**

A review of meeting discussions took place.

#### **Development Code Update**

A discussion of the Development Code Update took place.

**RECORD OF PROCEEDINGS  
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December 10, 2020**

**FUTURE BUSINESS**

**Next Meeting of the Planning Commission**

The next meeting of the Planning Commission is scheduled for January 14, 2021 at 6:00 PM.

**ADJOURNMENT**

Chair Mike Simone adjourned the meeting.

\_\_\_\_\_  
Maria Lancto, Planner I

Approved by Planning Commission

\_\_\_\_\_  
Mike Simone, Chair

**RESOLUTION NO. P2021-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE LUPTON LAKES INLET/OUTLET FACILITY AND PIPELINE PROJECT SPECIAL USE PERMIT LOCATED IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.**

**WHEREAS**, the Planning Commission held a public hearing on January 14, 2021, for the purpose of reviewing the application for the Lupton Lakes Inlet/Outlet Facility and Pipeline Project Special Use Permit; 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 of the project, 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 Lupton Lakes Inlet/Outlet Facility and Pipeline Project, conditional upon the following:

**I. Prior to recording the special use permit map:**

- A. The title of the special use permit shall include the Project No.: LUP2020-0033 & Plan No. SUP2020-0006.
- B. Any redline comments provided by City staff shall be made to the special use permit map.

**II. Prior to the start of construction:**

- A. Written evidence shall be provided that the comments from United Power have been adequately addressed.
- B. Written evidence shall be provided that the comments from Xcel Energy have been adequately addressed.

- C. Written evidence shall be provided that the comments from CDOT have been adequately addressed, and any required permits received.
- D. Written evidence shall be provided that a flood hazard development permit has been approved.
- E. Written evidence shall be provided that the amended mining plan has been approved by the DRMS, or that the DRMS is not requiring the amendment.
- F. Written evidence shall be provided that any comments from the Public Works Director have been adequately addressed, and any required permits received.
- G. Proof that all required easements have been finalized shall be submitted to the Planning Department.
- H. Any required building permits must be received from the Building Department
- I. One set of Mylars of the special use permit map shall be submitted for recording with the Weld County Clerk & Recorder.
- J. Applicant shall notify the Public Works Director and Planning Department of road closures in advance.

**DONE THIS 14<sup>th</sup> DAY OF JANUARY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.**

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Planning Director



**LUPTON LAKES INLET/OUTLET FACILITY AND PIPELINE PROJECT SPECIAL USE PERMIT  
STAFF REPORT  
Project No. LUP2020-0033 & Plan No. SUP2020-0006**

**PROJECT DESCRIPTION**

Project No.: LUP2020-0033 / Plan No.: SUP2020-0006

Project Name: Lupton Lakes Inlet/Outlet Facility and Pipeline Project Special Use Permit

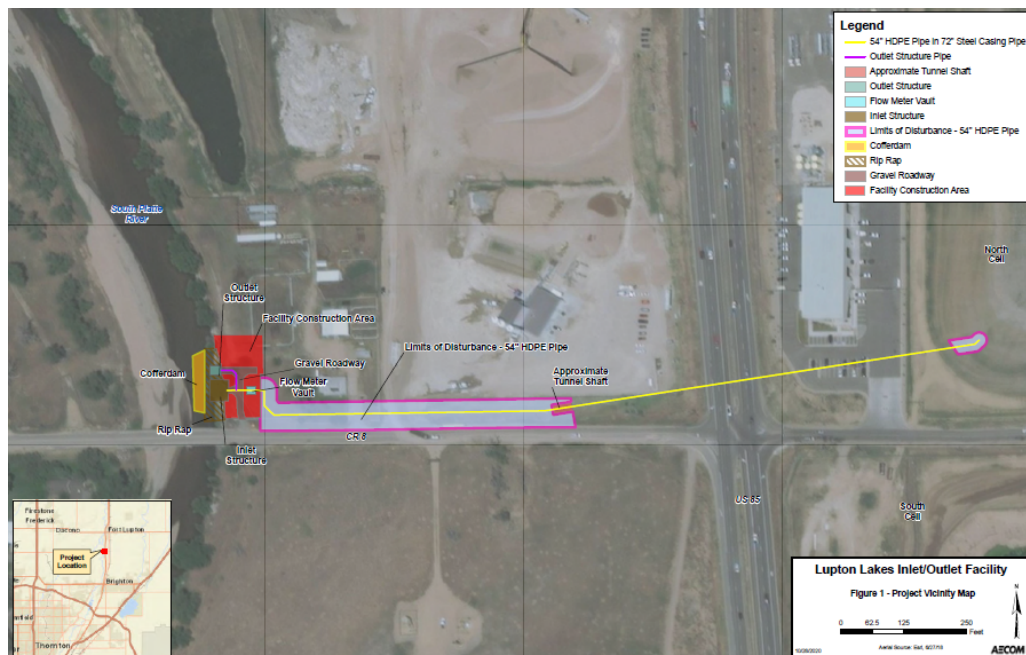
Owner's Name: Denver Water ("Applicant")

Representative: Andrea Parker with AECOM

Location of Request:

The Lupton Lakes Inlet/Outlet Facility and Pipeline Project is located entirely within Fort Lupton city limits. The properties that are included in this project are located in Section 18, Township 1 North, Range 66 West of the 6<sup>th</sup> P.M. in the City of Fort Lupton, County of Weld, State of Colorado.

The proposal will include a pipeline that will begin at a parcel owned by Denver Water and known as the Lupton Lakes Complex, located at the northwest corner of S. Denver Avenue and County Road 8. The pipeline will extend west to a parcel owned by Hunt Brothers Properties Inc. located at the northwest corner of U.S. Highway 85 and County Road 8. A river intake and outlet structure will also be constructed at the Hunt Brothers parcel. The pipeline connection between the two parcels will be by an easement through the parcel owned by McAda Drilling Fluids Inc. located at the northeast corner of U.S. Highway 85 and County Road 8, and will then cross U.S. Highway 85 by bored installation.



Nature of Request:

The Applicant has submitted a special use permit application for a bi-directional pipeline, and river intake and outlet structure. The pipeline will convey raw water to and from the S. Platte River to two reclaimed sand and gravel pits (reservoirs) that are a part of a raw water storage facility known as the Lupton Lakes Complex. The reservoirs are located at the northwest and southwest corners of County Road 8 and S. Denver Avenue.

Easements will be required in order for the pipeline to cross properties owned by McAda Drilling Fluids Inc. and Hunt Brothers Properties Inc. An easement for a river intake and outlet structure will also be required for the Hunt Brothers property.

Site Size: Denver Water (Parcel No. 147118400005): 93.0493 acres, more or less.

McAda Drilling Fluids Inc. (Parcel No. 147118000036): 10.0582 acres, more or less.

Hunt Brothers Properties Inc. (Parcel No. 147118000037): 39.7852 acres, more or less.

Zone District: The Denver Water/Lupton Lakes Complex parcel is located within the 'A' Agricultural Zone District; the Hunt Brothers Properties Inc. parcel is located within the 'A' Agricultural Zone District; McAda Drilling Fluids Inc. is located in the I-1 Light Industrial Zone District.

Proposed Use: A bi-directional pipeline, and river intake and outlet structure. The pipeline will convey raw water to and from the S. Platte River to two reclaimed sand and gravel pits (reservoirs) that are a part of a raw water storage facility known as the Lupton Lakes Complex.

Existing Use: The Denver Water/Lupton Lakes parcel is currently being used for gravel mining; the Hunt Brothers Properties Inc. parcel is currently being used for gravel mining; McAda Drilling Fluids Inc. is currently being used for oil and gas support services.

Hearing Dates: Planning Commission – January 14, 2021 at 6:00 PM; and  
City Council – February 2, 2021 at 7:00 PM

Hearing Location: Virtually via GoToMeeting.

Staff Recommendation: Approval with conditions, as shown on the proposed resolution.

**SUMMARY OF PREVIOUS APPLICATIONS**

The Denver Water/Lupton Lakes property was annexed into the City in 2005 as part of the SW TKO Joint Venture, LLC (Lupton Lakes) Annexation. Also in 2005, a special use permit for SW TKO (aka Lupton Lakes) to operate a gravel pit mining operation was approved by City Council.

McAda Drilling Fluids was annexed to the City in 2014, and a site plan was approved concurrently. Following the initial site plan approval, additional special use permits for above-ground tanks have been approved as well.

The property owned by Hunt Brothers Properties Inc. that will be occupied by the river intake/outlet structure was annexed into the City in 2015. A special use permit for sand and gravel mining was approved concurrently with the annexation.

### **APPLICATION PROCESS**

The Applicant is submitting a request for a special use permit for a pipeline, and river intake and outlet structure. A special use permit application is processed under [Section 16-7](#) of the Code.

After required public notice of the special use permit application, the Planning Commission shall consider the application, referral comments and any public testimony at a public hearing and make a recommendation to City Council to approve, approve with conditions or deny the special use permit. The Planning Commission's comments shall be based on the evidence presented, conformance with the Comprehensive Plan and compliance with the City's standards, regulations and policies.

The City Council shall then conduct a public hearing and evaluate the application, referral agency comments, Planning Commission recommendation and any public testimony, and shall approve, conditionally approve, continue for additional information or for further study or deny the application based on the evidence presented and compliance with the City's standards, regulations and policies and other guidelines.

### **NOTIFICATION REQUIREMENTS**

The Zoning Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings was published in the Fort Lupton Press on December 30, 2020.

The Zoning Regulations require that properties be posted 15 days prior to public hearing. The properties were posted December 17, 2020, which is at least 15 days prior to the public hearings.

Notice was mailed to neighbors within one-hundred (100) feet of the parcels that are included with this project on December 30, 2020.

### **CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES**

The parcels that are included with this project are located within the 'I-1' Light Industrial Zone District and 'A' Agricultural Zone District. While a river intake and outlet structure and associated pipelines are not specifically mentioned, both zone districts list public utility facilities as permitted uses subject to the special use review and approval procedures set forth under Section 16-7 of the Fort Lupton Municipal Code (the "Code"). This proposal is of similar or like use and therefore requires a special use permit. A special use review requires a public hearing before Planning Commission and City Council. The intent of the special use permit is to provide flexibility, to provide a means for setting performance standards for individual land uses and to help diversify uses within a zoning district.

Section 16-7(d) states that the City shall use the following criteria to evaluate the Applicant's request:

1. The special use shall satisfy all applicable provisions of the Code and shall be consistent with the intent of the Comprehensive Plan.

Staff Comment: The use meets the provisions of the Code, specifically it meets the intent of the 'I-1' Light Industrial and 'A' Agricultural Zone Districts which allow for public facilities or similar uses with a special use permit. In addition, it is a use that is directly related to mining operations that exist and are permitted as a special use permit.

2. The special use shall not substantially alter the character of the district or the neighborhood.

Staff Comment: The pipeline will be below grade and therefore will not affect the surrounding neighborhood character of the portion that runs through City limits. The intake and outlet structure will be located near the S. Platte River and on a property that is currently being mined. This use will not substantially alter this area.

3. The special use will result in efficient on- and off-site traffic circulation, and will not have an adverse impact on adjacent uses or present hazardous conditions for pedestrians or vehicles.

Staff Comment: After construction, the project will not affect traffic or pedestrians.

4. Adequate conditions of approval shall address: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; erosion and other performance issues identified through the public hearing process.

Staff Comment: Impacts will largely be during the six-month construction process. There is no lighting proposed, and the majority of development will be underground. Traffic will be limited once construction is complete.

5. The term of the special use permit and any reporting and inspection requirements as might be reasonably necessary to ensure compliance with conditions of approval may also be specified by the City Council.

Staff Comment: Staff has recommended conditions of approval to the Planning Commission. The Planning Commission may choose to add or remove conditions as it deems appropriate. Typically, a special use permit is non-transferable. The conditions of approval address this item.

## **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The Fort Lupton Comprehensive Plan designates the Denver Water/Lupton Lakes Parcel as Agricultural & Rural Residential. This designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties located under Estate Zoning.

The Hunt Brothers parcel is located within the Mineral Zone. This designation consists of areas along the South Platte River which include significant mineral resources. Per state law, surface development is prohibited within these areas until resources have been appropriately extracted. As a result, this area allows for industrial and agricultural uses to support resource extraction.

Finally, the McAda Drilling parcel is located within the Industrial designation. This designation allows for a mix of heavy and light users as well as office development, intended to provide an appropriate environment for higher intensity users.

The proposed pipeline will not affect the intent of the land use designations identified above, and is compatible with these designations. Specifically, the inlet and outlet facility is a use that is directly related to mining, which is occurring on two of the parcels involved in the project. The property that is industrial will have the project entirely underground, and will not affect the industrial use after construction is complete.

## REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

|                                    |                                      |                               |
|------------------------------------|--------------------------------------|-------------------------------|
| City Attorney                      | Police Chief                         | City Administrator            |
| Public Works Director              | Building Inspector                   | Water Treatment Plant Manager |
| GIS Specialist                     | Fort Lupton Fire Protection District | CDOT                          |
| Colorado DRMS                      | Colorado Parks and Wildlife          | United Power                  |
| Comcast                            | CenturyLink                          | Xcel Energy                   |
| Weld County Department of Planning |                                      |                               |

***For more information on this development, please refer to the Planning Commission packet provided.  
Additional documents are available for review at the Fort Lupton City Hall.***



## Planning &amp; Building

130 S. McKinley Avenue  
Fort Lupton, CO 80621

Phone: 303.857.6694  
Fax: 303.857.0351

[www.fortluptonco.gov](http://www.fortluptonco.gov)

Project No. \_\_\_\_\_

## Land Use Application Form

## A. CONTACT INFORMATION

- 1) Property Owner Name: Denver Water, Amy Turney  
 Company: \_\_\_\_\_  
 Phone: 303-628-6625 Email: Amy.Turney@denverwater.org  
 Address: 1600 West 12th Avenue, Denver, CO 80204  
 Preferred method of contact? Email: ☒ Phone: ☒ Mail: \_\_\_\_\_
- 2) Representative Name: Andrea Parker  
 Company: AECOM  
 Phone: 303-796-4764 Email: andrea.parker@aecom.com  
 Address: 7595 Technology Way, Denver, CO 80237  
 Preferred method of contact? Email: ☒ Phone: ☒ Mail: \_\_\_\_\_
- 3) Billing Contact (where invoices should be directed to): Brad Piede  
 Billing Company: Denver Water  
 Phone: 303-628-6756 Email: Brad.Piede@denverwater.org  
 Address: 1600 West 12th Avenue, Denver, CO 80204

## B. SITE DESCRIPTION

Site Address: 12367 County Road 8, Fort Lupton, CO  
 Parcel Number: 147118000037  
 Existing Zone Classification: Agriculture Proposed Zone Classification: Agriculture  
 Water Type: N/A Name: N/A  
 Sewage Type: N/A District Name or Location Hauled to: N/A

## C. APPLICATION TYPE (CHECK ALL THAT APPLY)

|                   |                                                        |                                |
|-------------------|--------------------------------------------------------|--------------------------------|
| Sketch Plat       | Administrative Site Plan                               | PUD Plan (Preliminary & Final) |
| Preliminary Plat  | <input checked="" type="checkbox"/> Special Use Permit | Variance                       |
| Final Plat        | Oil & Gas Permit                                       | Administrative Variance        |
| Minor Subdivision | Annexation & Initial Zone                              | Appeal                         |
| Amended Plat      | Change of Zone                                         | Other: _____                   |
| Site Plan         | Comp Plan Amendment                                    |                                |



**D. PROJECT DESCRIPTION**Project Name: Lupton Lakes Inlet/Outlet Facility Project

Please provide a short description of the proposed project in the space provided below:

Lupton Lakes is part of the Downstream Reservoir Water Storage Program that allows for storage and release of water through depleted gravel mines to exchange and replace South Platte River water. The inlet/outlet facility will convey water between Lupton Lakes and the river through a diversion and pipeline to the North Cell.

**E. REQUIRED DOCUMENTS**

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

**F. CERTIFICATIONS****Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: *Shirley Parker* Date: October 6, 2020**Owner Certification**

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: *Andy Long* Date: 27-Oct-2020

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**For Office Use Only**

Received Date: \_\_\_\_\_

If the application is not complete, state reasons why it is incomplete:

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Deemed Complete Date: \_\_\_\_\_

Fees Submitted: \_\_\_\_\_ Escrow Submitted: \_\_\_\_\_

## Instructions for Submitting the Land Use Application Form

### DEFINITIONS

Words in the singular include the plural and words in the plural include the singular.

Application refers to the official submittal to the City of Fort Lupton's Planning Department for review of the proposed land use development identified in the land use application form. The application includes the form, all materials submitted for review of the project, including those documents required under the Land Use Regulations of the Municipal Code, and any additional information provided.

Project refers to the land use development identified on the land use application form and application materials.

Property refers to the land that is being proposed for development as described in the land use application form and application materials.

### A. CONTACT INFORMATION

- 1) Provide contact information for all owners of any property that is the subject of the application. If the contact information for all property owners will not fit on the space provided, submit a separate sheet for the additional owners.
- 2) Provide contact information for all persons, firms or businesses that are authorized by the owners identified in Section A(1) to work on the land use application, including, but not limited to, discussing the project, submitting application materials, and attending meeting and hearings. If the contact information for all representatives will not fit on the space provided, submit a separate sheet for the additional representatives.
- 3) Provide contact and mailing information for the person that should receive all invoices for the project. If this person changes at any time, contact the Planning Department immediately to update this information.

### B. SITE DESCRIPTION

Provide all information requested. Parcel numbers and address information may be found at the Weld County Property Portal at <https://www.co.weld.co.us/maps1/propertyportal/>. Current zoning can be found at <https://www.fortluptonco.gov/405/Zoning>.

### C. APPLICATION TYPE

Select the land use application that is applicable to the project. If there are multiple land use application types being submitted to run concurrently, select all that apply. The land use application types will be identified during the required pre-application meeting. If you have any questions about this, please contact the Planning Department at 303.857.6694 or [planningdept@fortluptonco.gov](mailto:planningdept@fortluptonco.gov).

### D. PROJECT DESCRIPTION

Please select a project name that will be referenced throughout the project and a description of what the project entails. If you need more space for the project description, please attach a separate sheet.

### E. REQUIRED DOCUMENTS

Required documents will be discussed during the pre-application meeting with the Planning Department. If any documents are missing, the acceptance of the application may be delayed until the submittal is complete.

### F. CERTIFICATIONS

**Representative Certification.** Provide the signature of all authorized representatives in this section.

**Owner Certification.** Provide the signature of all owners of properties included in the application in this section.

For any other questions, please contact the Planning Department at 303.857.6694 or [planningdept@fortluptonco.gov](mailto:planningdept@fortluptonco.gov).



## **Attachment A      Project Description**

**ATTACHMENT A**  
**LUPTON LAKES INLET/OUTLET FACILITY PROJECT**  
**PROJECT DESCRIPTION**

**Project Purpose, Location and Description of Facilities**

The Lupton Lakes Complex is a raw water storage facility consisting of two reclaimed sand and gravel pits (reservoirs) along the South Platte River. This project will convey raw water to and from the river to reservoirs, referred to as the North Cell (3,000 acre feet capacity) and South Cell (7,000 acre feet capacity). The cells are approximately 55 feet deep. The final grading of the North Cell was completed in 2017. Aggregate mining is in operation at the South Cell. Upon completion of mining operations, the South Cell will be reclaimed for water storage per the approved reclamation plan. Both ponds are surrounded by a slurry wall that cuts off hydrologic connectivity to the river. This project provides a pipeline, river intake and outfall which will enable regulation of water rights owned and operated by Denver Water for exchange and replacement within the South Platte River basin. Storing reusable return flows and in priority diversions in Lupton Lakes will allow Denver Water to operate its water collection system more efficiently and provide a reliable water supply to its customers.

The Lupton Lakes Complex is located in Weld County, Colorado (refer to Figure 1). More specifically, the project site is located east of U.S. Highway 85 (US-85), west of Weld County Road (WCR) 27 and the Fulton Lateral Ditch, and north of WCR 6, and it extends to about 0.5 mile north of Weld County Road 8 (WCR 8). The Inlet/Outlet facilities are located between the southwest corner of the North Cell and on the north side of the bridge crossing of the South Platte River at WCR 8.

The proposed project will consist of a river intake and outlet structure and bi-directional pipeline which will convey water between the South Platte River and the reservoir storage complex. A majority of the pipeline will be constructed in the WCR-8 Right-of-Way but specific portions of the proposed infrastructure will require easements.

- The River Intake structure will be constructed within an exclusive easement obtained by Denver Water from Hunt Brothers, Inc. A legal description of the property is presented in Attachment B along with the deed for Denver Water's Lupton Lakes property and the easement acquired from the Hunt Brothers.
- A portion of the tunneled pipeline also crosses the Hunt Brothers property directly west of US-85. A legal description is presented in Attachment B.
- The tunneled portion of the pipeline, east of US-85, crosses the McAda property and an easement is required. This easement, also provided in Attachment B, is in the process of being executed between Denver Water and the landowner.

AECOM is currently developing the design of the Inlet/Outlet facilities that will convey water between the Lupton Lakes Complex and the South Platte River through a riverbank structure and water pipeline. The design will provide for the diversion of water from the river, by gravity, to the pump station wet well in the North Cell. Project features are comprised of:

- Inlet/Outlet structure located on the east bank of the South Platte River north of WCR 8 on an exclusive easement acquired from Hunt Brother Properties, Inc. This structure co-locates the intake and outfall for the Lupton Lakes Complex.
- Conveyance pipeline connecting the Inlet/Outlet structure and the storage basins will provide bi-directional flow between the Lupton Lakes Complex and the South Platte River. This 54-inch HDPE pipeline will be located within WCR 8 right-of-way and will be trenched from the river to west of Highway 85, then jack-and-bored to the southwest corner of the North Cell.

**ATTACHMENT A**  
**LUPTON LAKES INLET/OUTLET FACILITY PROJECT**  
**PROJECT DESCRIPTION**

The project features outlined above are shown on the site plan presented in Attachment C. The associated site plan certification is also provided in Attachment C.

Construction is scheduled for February – August 2021. There will be temporary noise and traffic impacts during construction associated with the proposed system installation. There is no lighting proposed for the construction or operation of this project.

**Roadway Considerations**

There will be temporary traffic impacts during the 6-month construction period associated with the proposed system installation; there are no future traffic impacts anticipated with this project. The current and proposed access to the river intake property is north from WCR 8 and via US-85. Site access will be the same as the proposed site access during and after construction.

The 54-inch pipeline will cross US-85 perpendicular to the Colorado Department of Transportation (CDOT) right-of-way and will require a Construction Permit from CDOT for the bored installation of the pipeline. Coordination between CDOT and Denver Water is ongoing; it is understood that CDOT will be a referral agency for review of this Special Use Permit. Denver Water will notify the City of required road closures during construction and will require the contractor to implement appropriate traffic control measures (e.g. cones, signage).

As part of the pre-application process, Roy Vestal with the Department of Public Works provided a memorandum on August 20, 2020 to the Planning and Building Department with the following requests for roadway considerations in the Special Use Permit.

- *Pipeline location should be outside of improvement plans for interim widening and should not interfere with CIP plan in the near future. Planned reconstruction by widening the roadway to include 5' shoulders should occur in the next couple of years.*
- *The ultimate street section for CR 8 is an arterial with 4 lanes with median turn lane. (May or may not include curb and gutter.)*
- *PW is ok with the pipeline being in the ROW. There should be no restrictions to what is constructed over the pipeline (sidewalk or edge of roadway).*

Denver Water finds these roadway considerations acceptable for the pipeline corridor associated with the Inlet/Outlet facilities. It is estimated that the proposed waterline would be under the future 4' gravel shoulder.

**Mining Permit Revised Reclamation Plan**

The river intake structure, the valve vault, and a portion of the pipeline facilities are proposed to be constructed in an active sand and gravel mining area. This area is owned by Hunt Brothers and is regulated by the Colorado Division of Reclamation, Mining and Safety. Denver Water secured an exclusive easement to allow installation of these facilities on the property that is being mined. The current Asphalt Specialties Mining Permit (M-2015-030) may need to be amended in association with the proposed Inlet/Outlet construction for the project.

Denver Water also has an existing mining permit associated with the North and South Reservoir Cells. In discussion with the City of Fort Lupton the landscaping plan previously submitted with this permit application required updating based on the modified future pump station location. This landscaping plan has been

**ATTACHMENT A**  
**LUPTON LAKES INLET/OUTLET FACILITY PROJECT**  
**PROJECT DESCRIPTION**

updated with proposed future pump station located on the south west corner of the North Cell. Attachment D presents a technical revision to reclamation drawings that includes the modified landscaping plan.

**Floodplains**

A pre-application meeting was held with the City of Fort Lupton Department of Public Works on August 20, 2020 to verify floodplain permitting requirements. The project will be located entirely within the City of Fort Lupton limits, however, portions of the project area are within the delineated regulatory floodplain and floodway of the South Platte River, as shown in Panel 08123C2115E of the Flood Insurance Rate Map (FIRM) for Weld County and Incorporated Areas, dated January 20, 2016. The Floodplain Permit is provided as Attachment E.

Given that the Inlet/Outlet Structure and pipeline is located substantially below ground within the channel bank, with limited above ground facilities and limited bank stabilization, the project was designed to result in no-rise conditions. A No-Rise Certificate was prepared to support the Floodplain Development Permit application for the City of Fort Lupton. Under this assumption, Conditional Letter of Map Revision (CLOMR) submittal to the Federal Emergency Management Agency (FEMA) is not required to complete the permitting process with the City of Fort Lupton. FEMA Flood Insurance Rate Map (FIRM) shows the project area located on Panel No. 08123C2115E for Weld County, Colorado and Incorporated Areas dated January 20, 2016. The project area is located along the South Platte River and is within a designated Zone AE Special Flood Hazard Area (SFHA) and the regulatory floodway. A copy of the FIRM is included in Appendix A to Attachment E. The proposed project improvements and existing topography in the project area, along with the effective flood hazards from the 2016 FIRM are shown on Exhibit FP-001 in Appendix A to Attachment E.

The flood hazards along the South Platte River are being revised as part of a Risk MAP study sponsored by the Colorado Water Conservation Board (CWCB) and conducted by AECOM. Preliminary FIRMs based on the results of the Risk MAP study were issued on September 17, 2020. The project area will be shown on Panel No. 08123C2115F. The project area is within the SFHA and floodway along the South Platte River. The proposed project improvements and existing topography in the project area, along with flood hazards from the Risk MAP study are shown on Exhibit FP-002 in Appendix A to Attachment E.

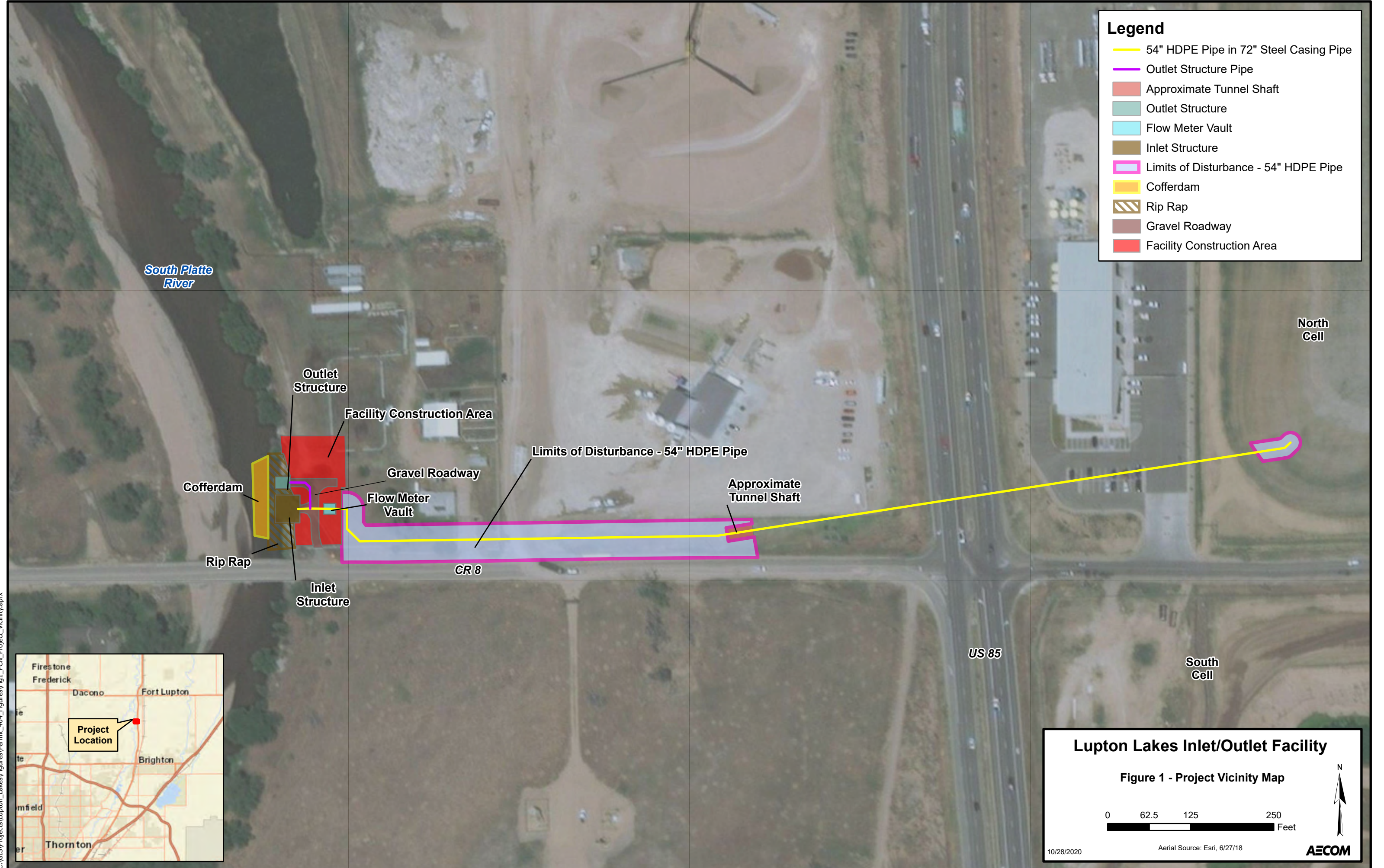
The Risk Map study represents best available flood hazard data along the South Platte River. The HEC-RAS version 5.0.3 hydraulic analysis has been used to conduct the impact assessment for the proposed Inlet/Outlet Project. To assess potential project impacts, AECOM modified the HEC-RAS version 5.0.3 hydraulic model for the South Platte River to include two additional cross sections (Cross Sections 1625402 and 1625448) in the project area in a Corrected Effective Model, then created a Proposed Conditions model by incorporating changes in ground geometry for the inlet structure and parking lot grading into Cross Section 1625448, as shown in Appendix A to Attachment E.

Due to the project being located immediately downstream of the WCR 8 bridge and within the flow expansion zone, ineffective flow areas associated with the bridge obstructions were also incorporated into the cross sections and the contraction and expansion coefficients were set to 0.3 and 0.5. No other model data or analysis assumptions were modified. Based on the results of the analysis, no increase to either the effective or Risk MAP floodplain widths or water surface elevations will result from the project.



**Legend**

- 54" HDPE Pipe in 72" Steel Casing Pipe
- Outlet Structure Pipe
- Approximate Tunnel Shaft
- Outlet Structure
- Flow Meter Vault
- Inlet Structure
- Limits of Disturbance - 54" HDPE Pipe
- Cofferdam
- Rip Rap
- Gravel Roadway
- Facility Construction Area



**Lupton Lakes Inlet/Outlet Facility**

**Figure 1 - Project Vicinity Map**

0 62.5 125 250 Feet

10/28/2020 Aerial Source: Esri, 6/27/18

**AECOM**



## **Attachment C      Site Plan and Certification**

**AECOM**

7595 TECHNOLOGY WAY, SUITE 200  
DENVER, CO 80237  
303 694-2770 (phone)  
303-694-3946 (fax)

## INLET/OUTLET FACILITY

**REFERENCE:**  
CAPITAL PROJECTS CONSTRUCTION  
STANDARDS 3rd Edition

THIS DRAWING IS BASED ON THE DW\_FT  
LUPTON\_GRID COORDINATE SYSTEM

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| △ | 10/8/20 | FINAL FOR PROPOSAL |

| No        | Date | Description |
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| REVISIONS |      |             |

## VERIFY SCALES

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0  1"  
IF NOT ONE INCH ON  
THIS SHEET, ADJUST  
SCALES ACCORDINGLY

PT NO: 20123

DRAWN BY: SM/JH

CHKD BY: S BERZINS/B PIEDE

CHKD BY: S COLE/D BRINKER

APPD BY:

DATE: FEBRUARY 2020

CONTRACT: 504380

AS-BUILT DATE:

AS-BUILT BY:

DRAWING TITLE

## RIVER INLET SITE PLAN

C-2



| Point # | Raw Description | Elevation | Northing    | Easting     |
|---------|-----------------|-----------|-------------|-------------|
| 1       | EDGE OF GRAVEL  | 4925.67   | 259691.8953 | 189537.1314 |
| 2       | EDGE OF GRAVEL  | 4924.41   | 259691.8953 | 189594.7980 |
| 3       | EDGE OF GRAVEL  | 4924.57   | 259679.8953 | 189594.7980 |
| 4       | EDGE OF GRAVEL  | 4924.81   | 259679.8953 | 189582.7980 |
| 5       | EDGE OF GRAVEL  | 4925.02   | 259675.5019 | 189572.1914 |
| 6       | EDGE OF GRAVEL  | 4925.11   | 259664.8953 | 189567.7980 |
| 7       | EDGE OF GRAVEL  | 4925.11   | 259617.7622 | 189567.7980 |
| 8       | EDGE OF GRAVEL  | 4925.09   | 259603.8078 | 189568.9115 |
| 9       | EDGE OF GRAVEL  | 4925.48   | 259588.2276 | 189573.8913 |
| 10      | EDGE OF GRAVEL  | 4926.35   | 259587.7860 | 189560.1324 |
| 11      | EDGE OF GRAVEL  | 4926.81   | 259571.4529 | 189584.2059 |
| 12      | EDGE OF GRAVEL  | 4927.40   | 259565.6818 | 189595.8899 |
| 13      | EDGE OF GRAVEL  | 4928.14   | 259565.0585 | 189559.1641 |
| 14      | EDGE OF GRAVEL  | 4927.72   | 259569.1656 | 189563.8736 |
| 15      | EDGE OF GRAVEL  | 4927.29   | 259575.4096 | 189563.6324 |
| 16      | EDGE OF GRAVEL  | 4926.72   | 259583.4490 | 189560.0747 |
| 17      | EDGE OF GRAVEL  | 4925.34   | 259606.1526 | 189556.4742 |
| 18      | EDGE OF GRAVEL  | 4925.35   | 259617.7622 | 189555.7980 |
| 19      | EDGE OF GRAVEL  | 4925.35   | 259622.3680 | 189555.8039 |
| 20      | EDGE OF GRAVEL  | 4925.42   | 259636.3805 | 189552.2833 |
| 21      | EDGE OF GRAVEL  | 4925.60   | 259639.8986 | 189543.6314 |
| 22      | EDGE OF GRAVEL  | 4925.69   | 259639.8953 | 189539.1314 |
| 23      | EDGE OF GRAVEL  | 4925.65   | 259651.8953 | 189539.1314 |
| 24      | EDGE OF GRAVEL  | 4925.60   | 259651.8986 | 189543.6314 |
| 25      | EDGE OF GRAVEL  | 4925.42   | 259655.4100 | 189552.2833 |
| 26      | EDGE OF GRAVEL  | 4925.35   | 259663.8953 | 189555.7980 |
| 27      | EDGE OF GRAVEL  | 4925.35   | 259664.8953 | 189555.7980 |
| 28      | EDGE OF GRAVEL  | 4925.44   | 259675.5019 | 189551.4046 |
| 29      | EDGE OF GRAVEL  | 4925.64   | 259679.8953 | 189540.7980 |
| 30      | EDGE OF GRAVEL  | 4925.72   | 259679.8953 | 189537.1314 |

| Structural Point Table |                 |           |             |             |
|------------------------|-----------------|-----------|-------------|-------------|
| Point #                | Raw Description | Elevation | Northing    | Easting     |
| 31                     | INLET STRUCT    | 4925.69   | 259624.8953 | 189539.1314 |
| 32                     | INLET STRUCT    | 4925.44   | 259666.8953 | 189539.1314 |
| 33                     | INLET STRUCT    | 4909.50   | 259666.8953 | 189502.1314 |
| 34                     | INLET STRUCT    | 4909.50   | 259624.8953 | 189502.1314 |
| 35                     | OUTLET STRUCT   | 4925.55   | 259676.3953 | 189537.1314 |
| 36                     | OUTLET STRUCT   | 4925.46   | 259695.3953 | 189537.1314 |
| 37                     | OUTLET STRUCT   | 4911.64   | 259695.3953 | 189504.6314 |
| 38                     | OUTLET STRUCT   | 4911.17   | 259676.3953 | 189504.6314 |
| 39                     | FLOW METER      | 4924.90   | 259637.6453 | 189574.5480 |
| 40                     | FLOW METER      | 4923.04   | 259637.6453 | 189593.0480 |
| 41                     | FLOW METER      | 4924.91   | 259654.1453 | 189574.5480 |
| 42                     | FLOW METER      | 4923.04   | 259654.1453 | 189593.0480 |
| 43                     | MH              | 4921.37   | 259634.5619 | 189607.4291 |
| 44                     | ARV             | 4920.92   | 259625.5619 | 189609.7980 |
| 45                     | ARV             | 4925.49   | 259645.8953 | 189549.1314 |
| 46                     | ARV             | 4925.48   | 259685.8953 | 189546.6314 |

NOTE:

1. EXIST ASPHALT PAD, POINTS 11- 15 NOT ON THIS DRAWING.

**CERTIFICATIONS FOR SITE PLAN, SPECIAL USE PERMIT AND  
CHANGE OF ZONE APPLICATIONS**

PROPERTY DESCRIPTION

A parcel of land in the City of Fort Lupton, Colorado, located in the \_\_\_ of \_\_\_ of Section \_\_, T\_\_\_, R\_\_\_ of the 6<sup>th</sup> P.M. and more particularly described as follows:

**Reference Exhibit A Legal Descriptions to the Hunt Bros. and McAda Easements (Att B to the Special Use Permit)**

OWNER'S APPROVAL

City and County of Denver, acting by and through its Board of Water Commissioners

Know All Men By These Presents, that \_\_\_\_\_ [Insert Owner Name], being the sole owner of the land described herein, and \_\_\_\_\_ [If there are no mortgagees/holders of liens, leave this space blank] are all of the mortgagees and holders of liens upon the property, and each and all hereby consent to this plat and join the conveyance and dedication of all streets, roads, alleys, easements, public ways and places shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_ day of \_\_\_\_\_, 2016.

STATE OF COLORADO,            )  
                                              ) ss  
COUNTY OF WELD            )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ on this \_\_\_ day of \_\_\_\_\_, 2016. Witness my hand and seal.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

CITY ENGINEER'S APPROVAL

Approved this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Engineer

CITY WATER AND SEWER DEPARTMENT APPROVAL

Approved this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Director of Public Works

CITY ADMINISTRATOR'S APPROVAL

Approved this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Administrator

PLANNING COMMISSION RECOMMENDATION

Recommended this \_\_\_ day of \_\_\_\_\_, 2016, 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 [Ordinance/Resolution] No. \_\_\_\_\_ of the City of Fort Lupton passed and adopted on the \_\_\_ day of \_\_\_\_\_, A.D., 2016 and that the Mayor of the City of Fort Lupton, as authorized by said [ordinance/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:

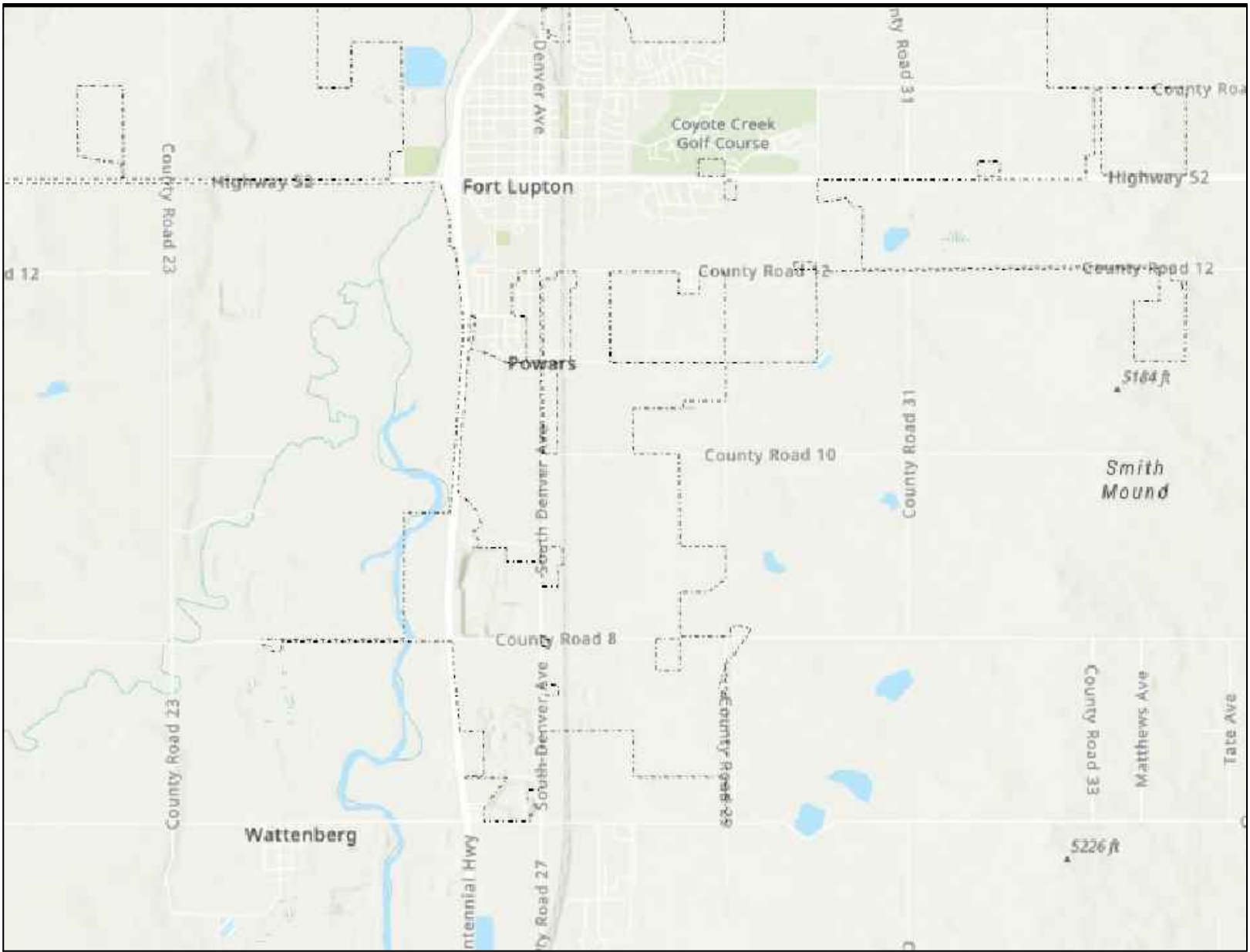
\_\_\_\_\_  
City Clerk

(Seal)

# CITY OF FORT LUPTON

## LUPTON LAKES INLET/OUTLET FACILITY

### SPECIAL USE PERMIT



**SPECIAL USE PERMIT NOTES:**

1. ANY TRANSFER OF OWNERSHIP OF THE SPECIAL USE PERMIT MUST BE APPROVED BY FORT LUPTON CITY COUNCIL.
2. THIS APPROVAL IS CONDITIONED UPON THE APPLICANT PLACING THE RAW WATER LINE ALONG THE PREFERRED ALIGNMENT IDENTIFIED IN THE APPLICATION MATERIALS.

**GENERAL NOTES:**

1. THIS SPECIAL REVIEW PERMIT PLAN MAP EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, THEREFORE DENVER WATER HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS OF WAY, VARIANCES AND OR AGREEMENTS OF RECORD EXCEPT AS SHOWN HEREON.
2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS EXHIBIT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT. IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF ANY LAND BOUNDARY, EASEMENT, FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES.
4. BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 38-52-105 & 106).
5. DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GROUND. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCE IS 0.999725885

**OWNER'S APPROVAL:**

KNOW ALL MEN BY THESE PRESENTS, THAT DENVER WATER, BEING THE SOLE OWNER OR GRANTEE, AS APPLICABLE, OF THE REAL PROPERTY INTERESTS DESCRIBED HERIN,

IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HANDS AND SEALS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

FOR AND ON BEHALF OF DENVER  
WATER

STATE OF COLORADO

COUNTY OF \_\_\_\_\_

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY \_\_\_\_\_, AS \_\_\_\_\_ OF DENVER WATER ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

**CITY ENGINEER'S APPROVAL:**

APPROVED ON \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
CITY ENGINEER

**CITY WATER AND SEWER DEPARTMENT APPROVAL:**

APPROVED ON \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS

**CITY ADMINISTRATOR'S APPROVAL:**

APPROVED ON \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
CITY ADMINISTRATOR

**PLANNING COMMISSION RECOMMENDATION:**

RECOMMENDED ON \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, 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 \_\_\_\_\_, 20\_\_, A.D., AND THAT THE MAYOR OF THE CITY OF FORT LUPTON, AS AUTHORIZED BY SAID RESOLUTION NO. \_\_\_\_\_ ON BEHALF OF THE CITY OF FORT LUPTON, HEREBY ACKNOWLEDGES AND ADOPTS THE PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

\_\_\_\_\_  
MAYOR

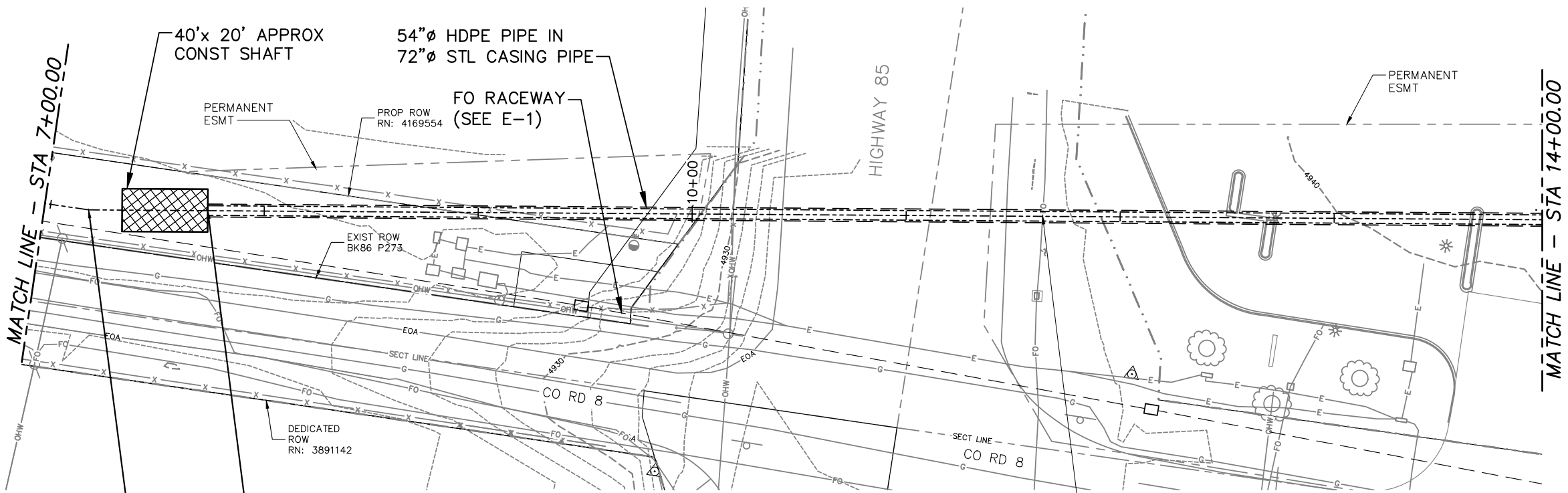
ATTEST:

\_\_\_\_\_  
CITY CLERK  
(SEAL)



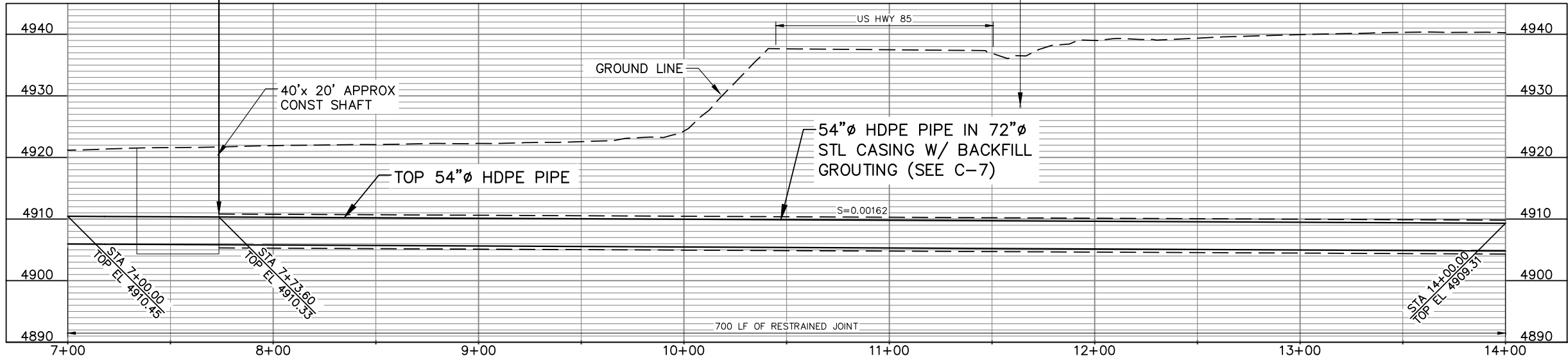


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**PLAN**  
SCALE: 1" = 30'  
CI: 1 FT

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| STATION                  | TYPE   | H-FT | W-FT  |
| 7+17.92                  | TYPE-1 | 5.90 | 10.20 |



**PROFILE**  
SCALE: 1" = 30' HORIZ  
1" = 10' VERT

**DENVER WATER**

1600 West 12th Ave  
Denver, Colorado 80204-3412  
T: 303.628.6000  
F: 303.628.6851  
denverwater.org

CONSULTANT

**AECOM**

7595 TECHNOLOGY WAY, SUITE 200  
DENVER, CO 80237  
303 694-2770 (phone)  
303-694-3946 (fax)



**LUPTON LAKES**

INLET/OUTLET FACILITY

REFERENCE:  
CAPITAL PROJECTS CONSTRUCTION  
STANDARDS 3rd Edition

THIS DRAWING IS BASED ON THE DW\_FT  
LUPTON\_GRID COORDINATE SYSTEM

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| △ | 12/16/20 | FINAL FOR CONSTRUCTION |

No Date Description  
REVISIONS

**VERIFY SCALES**

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ORIGINAL DRAWING  
0 1"  
IF NOT ONE INCH ON  
THIS SHEET, ADJUST  
SCALES ACCORDINGLY

PT NO: 20123  
DRAWN BY: SM

CHKD BY: S COLE/G THOMPSON

CHKD BY: S BERZINS/M TURNEY

APPD BY:  
DATE: FEBRUARY 2020  
CONTRACT: 504380  
AS-BUILT DATE:  
AS-BUILT BY:

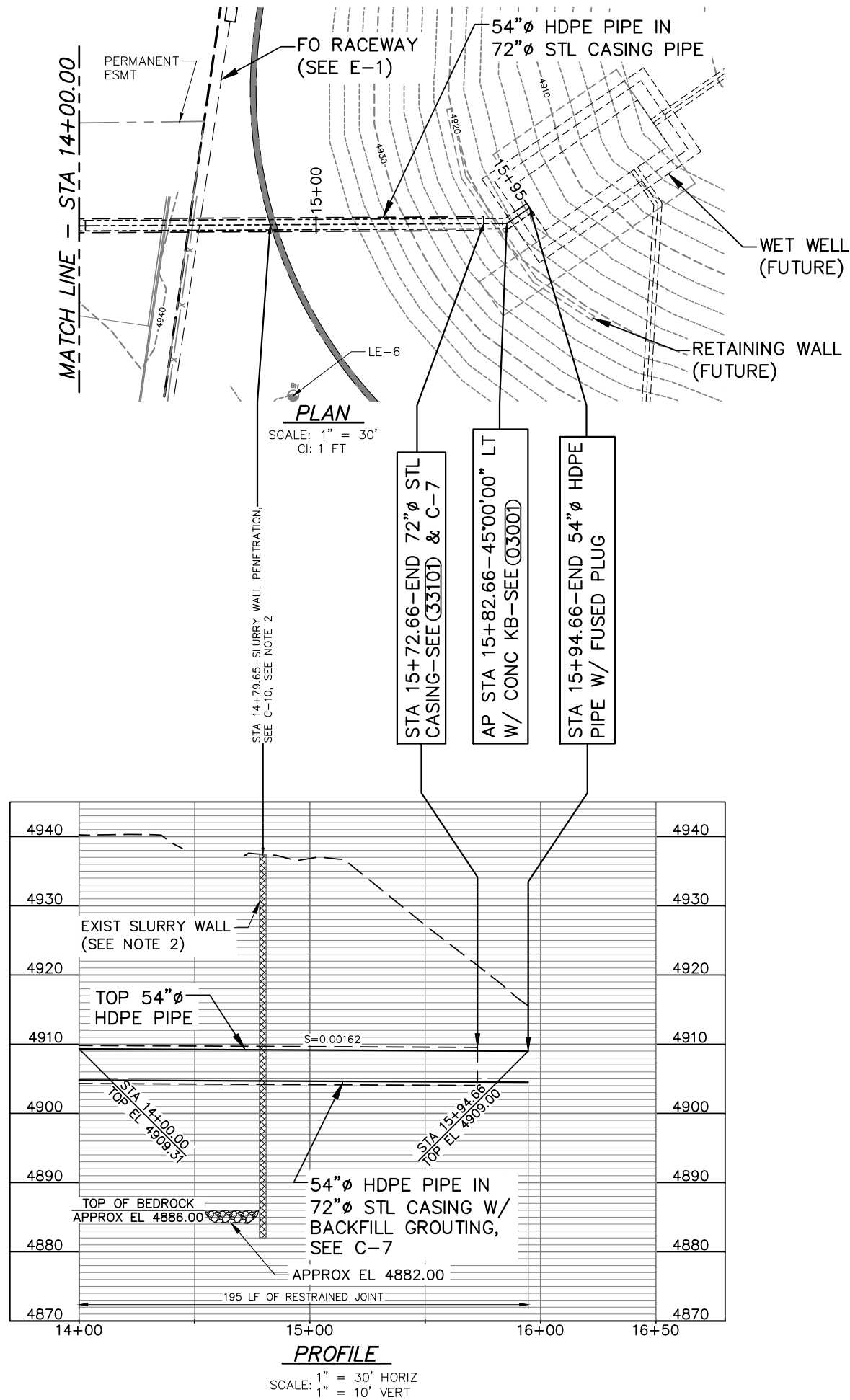
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**RIVER TO NORTH  
CELL PLAN AND  
PROFILE**

C-4



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NOTES:

- BEDROCK ELEVATION OF 4885.91 AT LE-6 IS APPROXIMATE AND BASED ON GEOTECHNICAL INFORMATION PROVIDED BY LITHOS JANUARY 7, 2020.
- EXISTING SLURRY WALL ELEVATION APPROXIMATED FROM THE NORTH CELL GROUND WATER CUTOFF WALL AS-BUILT PLANS DATED JULY, 2018, PREPARED BY DEERE & AULT CONSULTANTS. EXISTING SLURRY WALL IS SOIL BENTONITE APPROX 2.5' WIDE.

| CONC KICKBLOCK DIM TABLE |        |      |       |
|--------------------------|--------|------|-------|
| STATION                  | TYPE   | H-FT | W-FT  |
| 15+82.66                 | TYPE-1 | 5.90 | 10.20 |
| 15+94.66                 | TYPE-3 | 5.90 | 13.40 |

**DENVER WATER**

1600 West 12th Ave  
Denver, Colorado 80204-3412  
T: 303.628.6000  
F: 303.628.6851  
denverwater.org

CONSULTANT

**AECOM**

7595 TECHNOLOGY WAY, SUITE 200  
DENVER, CO 80237  
303 694-2770 (phone)  
303-694-3946 (fax)



LUPTON LAKES

INLET/OUTLET FACILITY

REFERENCE:

CAPITAL PROJECTS CONSTRUCTION  
STANDARDS 3rd Edition

THIS DRAWING IS BASED ON THE DW\_FT  
LUPTON\_GRID COORDINATE SYSTEM

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|---|----------|------------------------|
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| △ |          |                        |
| △ | 12/16/20 | FINAL FOR CONSTRUCTION |

No Date Description  
REVISIONS

VERIFY SCALES

BAR IS ONE INCH ON  
ORIGINAL DRAWING  
0 1"  
IF NOT ONE INCH ON  
THIS SHEET, ADJUST  
SCALES ACCORDINGLY

PT NO: 20123

DRAWN BY: SM

CHKD BY: S COLE/G THOMPSON

CHKD BY: S BERZINS/M TURNERY

APPD BY:

DATE: FEBRUARY 2020

CONTRACT: 504380

AS-BUILT DATE:

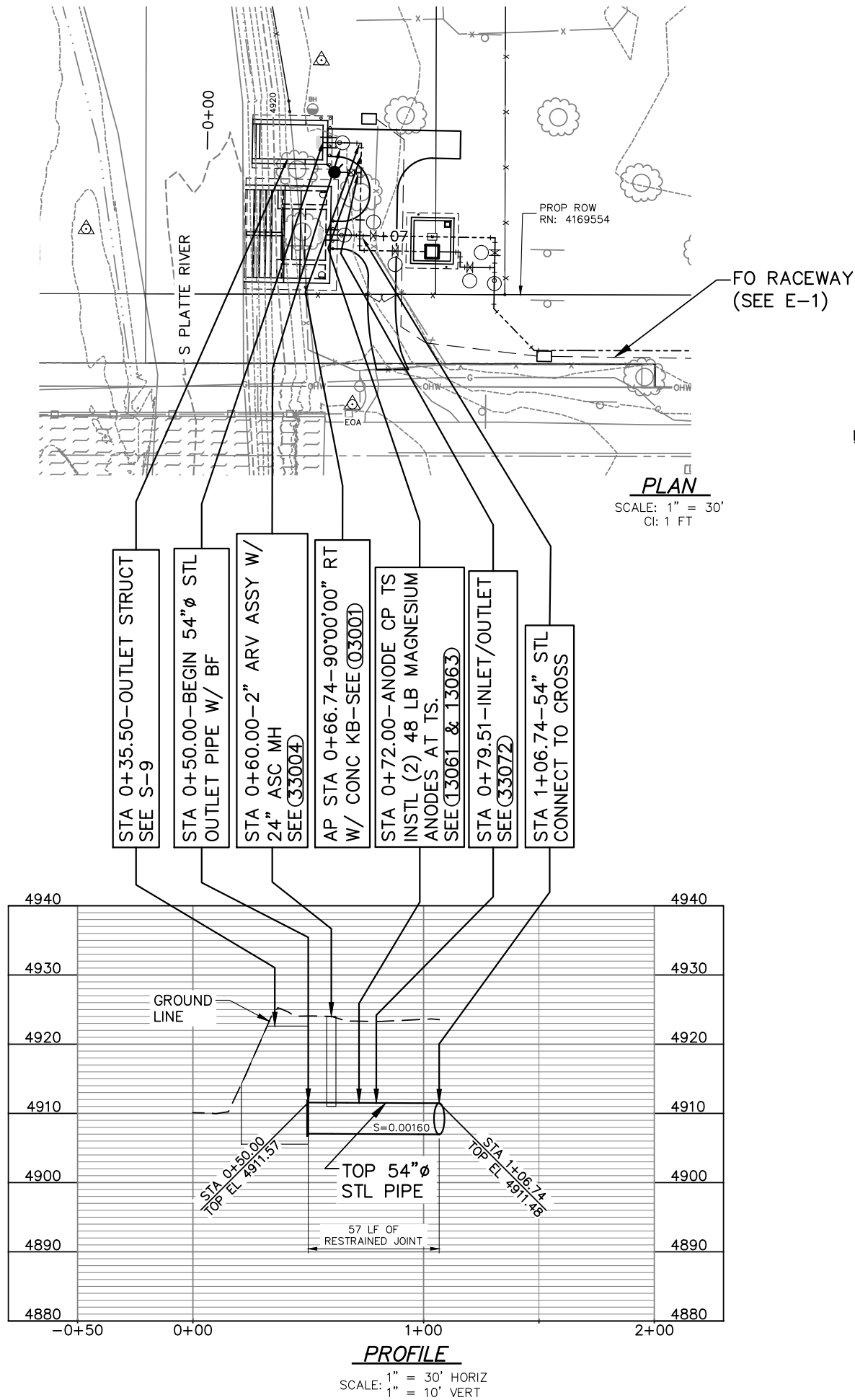
AS-BUILT BY:

DRAWING TITLE

RIVER TO NORTH  
CELL PLAN AND  
PROFILE

C-5

C:\bms\denverwater-pw\smuller\dms30762\20123\_PNP\_OUTFALL\_PIPING.dwg ##### PNP5 12/10/2020 9:28 AM



NOTES:

- KICKBLOCKS NOT SHOWN; SEE (03001).
- FOR FIRE HYDRANT DETAIL, SEE DENVER WATER ENGINEERING STANDARDS, SHEET 10.
- SEE C-2 FOR 16" BYPASS KICKBLOCKING.
- 54" 90° BEND AT STA 0+66.74 TO BE FABRICATED AT 1 TIMES THE DIAMETER.

CONC KICKBLOCK DIM TABLE

| STATION | TYPE   | H-FT | W-FT  |
|---------|--------|------|-------|
| 0+66.74 | TYPE-1 | 5.90 | 18.20 |



1600 West 12th Ave  
Denver, Colorado 80204-3412  
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F: 303.628.6851  
denverwater.org

CONSULTANT



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DENVER, CO 80237  
303 694-2770 (phone)  
303-694-3946 (fax)



LUPTON LAKES

INLET/OUTLET FACILITY

REFERENCE:  
CAPITAL PROJECTS CONSTRUCTION  
STANDARDS 3rd Edition

THIS DRAWING IS BASED ON THE DW\_FT  
LUPTON\_GRID COORDINATE SYSTEM

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| △ |          |                        |
| △ | 12/16/20 | FINAL FOR CONSTRUCTION |

| No        | Date | Description |
|-----------|------|-------------|
| REVISIONS |      |             |

VERIFY SCALES

BAR IS ONE INCH ON  
ORIGINAL DRAWING  
0 1"  
IF NOT ONE INCH ON  
THIS SHEET, ADJUST  
SCALES ACCORDINGLY

PT NO: 20123

DRAWN BY: SM

CHKD BY: S COLE/G THOMPSON

CHKD BY: S BERZINS/M TURNEY

APPD BY:

DATE: FEBRUARY 2020

CONTRACT: 504380

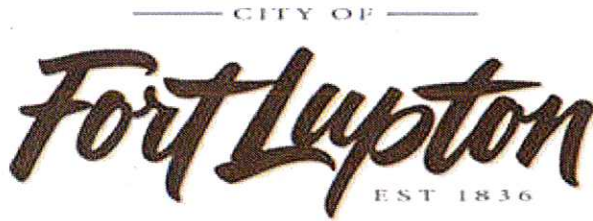
AS-BUILT DATE:

AS-BUILT BY:

DRAWING TITLE

RIVER OUTLET TO  
CROSS PLAN &  
PROFILE

C-6



## Planning &amp; Building

130 S. McKinley Avenue  
Fort Lupton, CO 80621

Phone: 303-857-6694  
Fax: 303.857.0351

[www.fortluptonco.gov](http://www.fortluptonco.gov)

## APPLICATION FOR SPECIAL USE PERMIT

A pre-application conference and site visit may be required prior to submitting the Special Use Permit Application. The applicant may meet with representatives from the Planning Department to discuss the applicant's intended submittal, the City's application requirements and processes and other information relevant to the proposed application. Please contact the Planning Department at 303-857-6694.

Applicant should provide the following:

1. Plat of area with proposed zoning with vicinity map identifying site and surrounding area. If you are constructing a new building or adding to an existing building as part of this application, you must also submit a plot plan, construction plans, and a drainage plan. Approval of the special use permit will be based upon the drawings submitted unless changes are recommended by the engineer, planning commission, or city council.
2. Information as requested

The applicant is responsible for the following:

1. Posting a hearing notice on the property 15 days prior to the hearing.

Name of Property Owner(s): Denver Water, Amy Turney      Phone: 303-628-6625

Address: 1600 West 12th Avenue, Denver, CO 80204

Applicant (if different from owner):

Address:

Home Phone: N/A

Cell Phone: N/A

Address or location of Property for which Special Use Permit is being requested:

Hunt Brothers (12367 County Road 8, Fort Lupton, CO)

Legal Description: See Att B - Easements Hunt Bros. and McAda (Exhibit A)

Current Zoning: Agriculture



Reason for Request:

Development of inlet/outlet facilities that will convey water between the Lupton Lakes

Complex and the South Platte River through a riverbank diversion and water pipeline to the pump station wet well in the North Cell.

Please answer the following questions in detail.

1. What is the proposed use?

Storage and release of water using reclaimed gravel mines for exchange and replacement purposes in the South Platte River Basin.

2. How will the proposed use impact the surrounding properties as it relates to the following areas:

Noise Temporary noise impacts during construction of the proposed system installation

Dust Temporary dust impacts during construction of the proposed system installation that will be addressed through state permitting requirements for air quality

Odo Not Applicable

Safety Not Applicable

Traffic Access to the site will be from Weld County Road 8 via State Highway 85; temporary construction easement occurs north of Weld County Road 8

Light There is no lighting proposed for this project

3. What are the proposed hours of operation?

Un-manned municipal installation with periodic maintenance by Denver Water

4. Are you required to obtain any special licenses or permits through any other government agency? If yes, what types of licenses and permits are required?

Clean Water Act Section 404 Nationwide Permit

5. If this application is for a daycare, how many children will you be caring for?

No

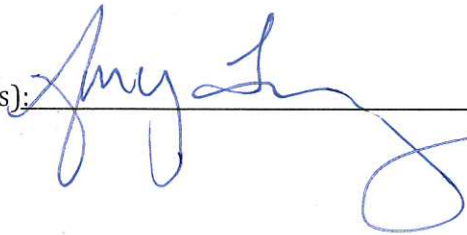
6. If this application is for an assisted living facility, how many units will you have in the facility?

No

7. How many employees will work at the proposed facility?

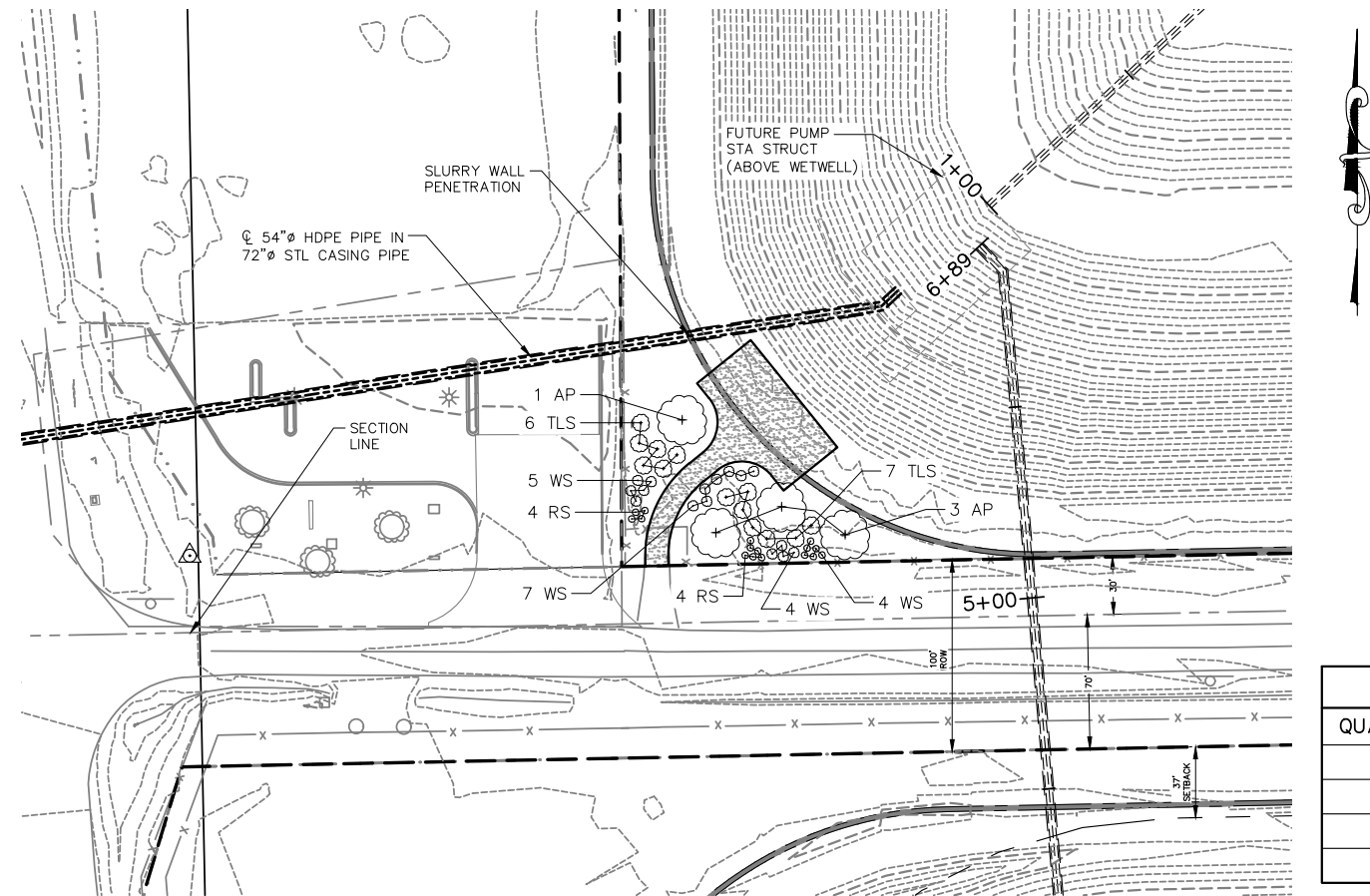
Periodic maintenance by Denver Water during the year, exact employee count unknown

The applicant hereby certifies that the above information, along with the attached plans and project descriptions, is correct. The applicant agrees to comply with the provisions of the zoning ordinances, building code and all other applicable sections of the City Code, Land Use Code, City Plan and all other laws and ordinances affecting the construction and occupancy of the proposed building.

Signature(s):  \_\_\_\_\_

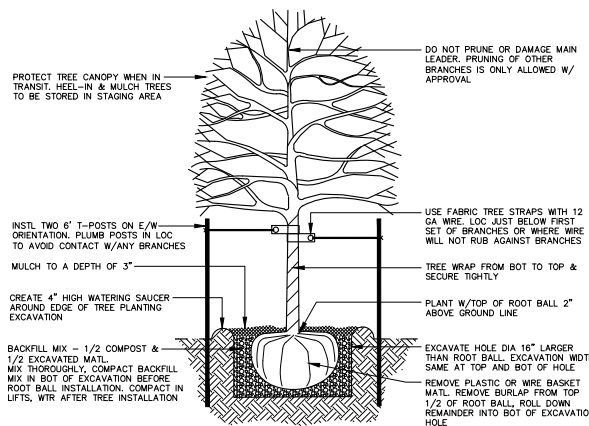
Date: 27-Oct-2020

## **Attachment D      Landscaping Plan**

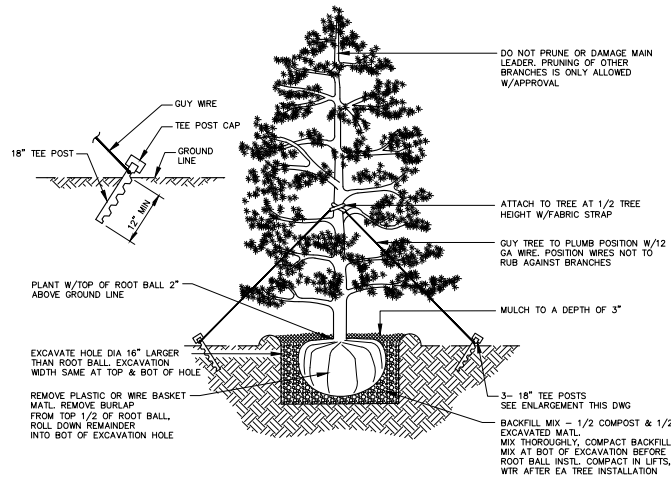


| LANDSCAPING |                    |                          |      |               |
|-------------|--------------------|--------------------------|------|---------------|
| QUANTITY    | COMMON NAME        | BOTANICAL NAME           | CODE | PLANTING SIZE |
| 4           | AUSTRIAN PINE      | PINUS NIGRA              | AP   | 12" B&B       |
| 13          | THREE-LEAF SUMAC   | RHUS TRILOBATA           | TLS  | 5-GALLON      |
| 16          | WESTERN SANDCHERRY | PRUNUS BESSEYI           | WS   | 5-GALLON      |
| 16          | RUSSIAN SAGE       | PEROCSKIA ATRIPLICIFOLIA | RS   | 5-GALLON      |

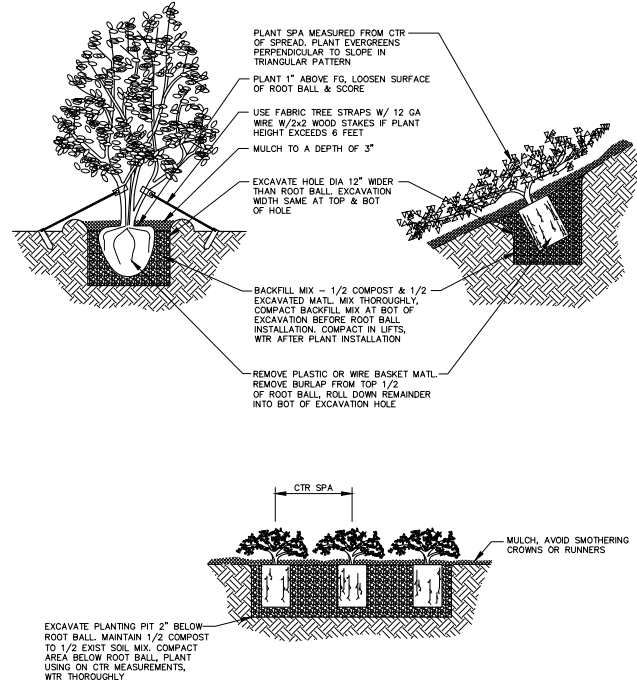
**PUMP STATION  
LANDSCAPE PLAN**  
SCALE: 1" = 50'  
4  
SHT 7



**DECIDUOUS TREE PLANTING**  
NO SCALE



**EVERGREEN TREE PLANTING**  
NO SCALE



**SHRUB AND PERENNIAL PLANTING**  
NO SCALE

DRAWN BY: *S MULLER*  
CHKD BY: *S BERZINS*  
APPD BY: *B PIEDE*  
ORIGINATION DATE: 10/16/20  
REVISION DATE: 11/9/20

**RECLAMATION  
LANDSCAPE**

**AECOM**  
7595 TECHNOLOGY WAY, SUITE 200  
DENVER, CO 80237  
T (303) 694-2770  
F (303) 694-3946  
WWW.AECOM.COM

**DENVER WATER**  
1600 West 12th Ave  
Denver, Colorado 80204-3412  
T: 303.628.6000  
F: 303.628.6851  
denverwater.org

## Alyssa Knutson

---

**From:** Parker, Andrea <andrea.parker@aecom.com>  
**Sent:** Friday, January 8, 2021 9:44 AM  
**To:** Alyssa Knutson  
**Cc:** Todd Hodges; Maria Lancto; brad.piede@denverwater.org; Berzins, Sean  
**Subject:** RE: Lupton Lakes Inlet/Outlet Facility Project: Hearing Date Confirmation & Invoice - Photos  
**Attachments:** Thornton\_Hammer Reservoir\_3666.JPG; Thornton Hammer Reservoir\_3669.JPG; AlbuquerqueSite Visit 145.jpg; Thornton Hammer Reservoir\_3662.JPG  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning Alyssa,

Per your request, we are providing some examples of similar structures. Please note that these are representative and relatively similar (but not exactly) to the Lupton Lakes project, but hopefully will provide some visual reference for the Planning Commission. For example, there won't be a yellow crane as shown on Photo 3662 for the Lupton Lakes project. I am verifying the structure elevation with the engineers and will get back to you on that.

Thanks, Andrea

**Andrea Parker**  
Environmental Planner  
DCS US West, Water  
O 303.796.4764 C 720.937.6759  
[andrea.parker@aecom.com](mailto:andrea.parker@aecom.com)



7595 Technology Way, Denver, CO 80237  
T 303.694.2770 F 303.694.3946  
[www.aecom.com](http://www.aecom.com)

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---

**From:** Alyssa Knutson <AKnutson@Fortluptonco.gov>  
**Sent:** Wednesday, January 06, 2021 2:55 PM  
**To:** Berzins, Sean <sean.berzins@aecom.com>; Parker, Andrea <andrea.parker@aecom.com>  
**Cc:** Todd Hodges <thodges@Fortluptonco.gov>; Maria Lancto <MLancto@Fortluptonco.gov>; brad.piede@denverwater.org  
**Subject:** [EXTERNAL] RE: Lupton Lakes Inlet/Outlet Facility Project: Hearing Date Confirmation & Invoice - MAP

All – are there any photos or images that can be provided to show what the inlet/outlet structure looks like? I'd like to incorporate it into my materials for Planning Commission. I suspect they will like to see that.

Thanks,

Alyssa Knutson, AICP  
Planner II & FLURA Staff Liaison  
130 S. McKinley Ave.  
Fort Lupton, CO 80621





02/28/2012



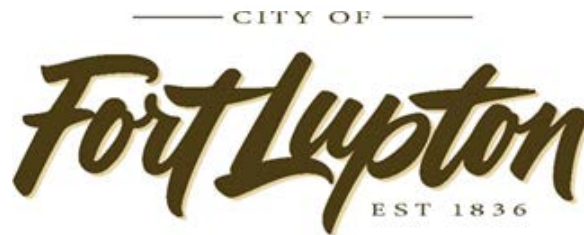












FROM: Alyssa Knutson  
 DATE: 12/07/20  
 PROJECT: Lupton Lakes Inlet/Outlet Facility Project  
 Project No. LUP2020-0033; Plan Nos. SUP2020-0006 & FLPL2020-0001

**INTERNAL DISTRIBUTION:**

- |                                                        |                                                    |                                                           |
|--------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Buildings/Grounds Manager     | <input checked="" type="checkbox"/> City Attorney  | <input checked="" type="checkbox"/> Police Chief          |
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> City Clerk                | <input checked="" type="checkbox"/> Public Works Director |
| <input checked="" type="checkbox"/> Building Inspector | <input type="checkbox"/> Recreation Manager        | <input type="checkbox"/> Golf Course Manager              |
| <input checked="" type="checkbox"/> OMI                | <input checked="" type="checkbox"/> GIS Specialist | <input type="checkbox"/> Finance Director                 |

**OUTSIDE DISTRIBUTION:**

- |                                                                          |                                                                    |
|--------------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fort Lupton Fire Protection District | <input type="checkbox"/> Weld County Dept. of Public Health & Env. |
| <input checked="" type="checkbox"/> CDOT                                 | <input type="checkbox"/> Weld County Public Works                  |
| <input checked="" type="checkbox"/> Colorado DRMS                        | <input type="checkbox"/> Weld County School District RE-8          |
| <input checked="" type="checkbox"/> Colorado Parks and Wildlife          | <input type="checkbox"/> NCWCD                                     |
| <input type="checkbox"/> Division of Water Resources                     | <input type="checkbox"/> Fulton Ditch Company                      |
| <input type="checkbox"/> Army Corp of Engineers                          | <input type="checkbox"/> Platteville Ditch Company                 |
| <input checked="" type="checkbox"/> United Power                         | <input type="checkbox"/> City of Brighton                          |
| <input checked="" type="checkbox"/> Comcast                              | <input type="checkbox"/> Town of Frederick                         |
| <input checked="" type="checkbox"/> CenturyLink                          | <input type="checkbox"/> Town of Platteville                       |
| <input checked="" type="checkbox"/> Xcel Energy                          | <input type="checkbox"/> City of Dacono                            |
| <input type="checkbox"/> Postmaster                                      | <input type="checkbox"/> Town of Firestone                         |
| <input checked="" type="checkbox"/> Weld County Department of Planning   | <input type="checkbox"/> Other:                                    |

If you have comments, please respond by: December 28, 2020

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

COMMENTS:

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## Alyssa Knutson

---

**From:** Bilobran - CDOT, Timothy <timothy.bilobran@state.co.us>  
**Sent:** Wednesday, January 6, 2021 11:22 AM  
**To:** Alyssa Knutson  
**Subject:** Re: FW: Referral Response Request: Lupton Lakes Inlet/Outlet Facility Project; Project No. LUP2020-0033 & Plan Nos. SUP2020-0006 & FLPL2020-0001

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Alyssa,

That seems to be a very large installation under Hwy 85. They will need to start working with my unit to discuss the utility permit requirements. Please have them contact this person:

**Dustin Steelman**  
Region 4 Assistant Utility Specialist



10601 W. 10th St. Greeley, CO 80634  
P 970.350.2164 C 970.373.7736  
[Dustin.steelman@state.co.us](mailto:Dustin.steelman@state.co.us) | [www.cotrip.org](http://www.cotrip.org) | [www.codot.gov](http://www.codot.gov)

Thanks,  
Tim

On Wed, Jan 6, 2021 at 9:57 AM Alyssa Knutson <[AKnutson@fortluptonco.gov](mailto:AKnutson@fortluptonco.gov)> wrote:

Hello – this is a reminder that the deadline to comment on this project has passed. If you have not yet commented, but would like the opportunity to do so, please submit a response by no later than tomorrow afternoon.

Thank you,

Alyssa Knutson, AICP

Planner II & FLURA Staff Liaison

130 S. McKinley Ave.

Fort Lupton, CO 80621



Office: 303.857.6694

Direct: 720.466.6128

Mobile: 303.304.4498



*This institution is an equal opportunity provider and employer.*

---

**From:** Alyssa Knutson

**Sent:** Monday, December 7, 2020 8:48 AM

**Cc:** Todd Hodges <thodges@Fortluptonco.gov>; Maria Lancto <MLancto@Fortluptonco.gov>

**Subject:** Referral Response Request: Lupton Lakes Inlet/Outlet Facility Project; Project No. LUP2020-0033 & Plan Nos. SUP2020-0006 & FLPL2020-0001

Good Afternoon,

The documentation located at the following link is submitted to you for review and recommendation for a special use permit being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortlupton.org/DocumentCenter/Index/529>.

Any comments you consider relevant to this request would be appreciated. Please reply by **December 28, 2020**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The Public Hearings for this matter are scheduled for:

Planning Commission: Thursday, January 14, 2021 at 6:00 PM; and

City Council: Tuesday, February 2, 2020 at 7:00 PM

Your time in this matter is greatly appreciated!



Thank you,

Alyssa Knutson, AICP

Planner II

City of Fort Lupton

Direct: (720) 466-6128

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--

**Tim Bilobran**  
Region 4 Permits Manager



O 970.350.2163 | C 970.302.4022 | F 970.350.2198  
[timothy.bilobran@state.co.us](mailto:timothy.bilobran@state.co.us) | [codot.gov](http://codot.gov) | [www.cotrip.org](http://www.cotrip.org)  
10601 W. 10th Street, Greeley, CO 80634



December 28, 2020

Fort Lupton Planning Department

Re: Lupton Lakes Inlet/Outlet Facility Project; Project No. LUP2020-0033 & Plan Nos. SUP2020-0006 & FLPL2020-0001

Dear Mr. Hodges and Ms. Knutson:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Lupton Lakes Inlet/Outlet Facility Project. After review of the information, we have the following comments:

- United Power has a 3-ph overhead line on the north side of WCR 8. Should it need to be relocated, please notify United Power.

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,

*Amber Mendoza*

Amber Mendoza  
ROW Agent  
720.249.9315 | [platreferral@unitedpower.com](mailto:platreferral@unitedpower.com)



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571. 3284  
donna.l.george@xcelenergy.com

December 28, 2020

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

Attn: Alyssa Knutson and Todd Hodges

**Re: Lupton Lakes Inlet-Outlet Facility Project**  
**Case #s LUP2020-0033 / SUP2020-0006 / FLPL2020-0001**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **Lupton Lakes Inlet-Outlet Facility Project**. Please be aware PSCo owns and operates existing natural gas distribution facilities within Weld County Road 8, and, an existing service line to the subject property crossing the proposed 54" HDPE Pipe in 72" Steel Casing Pipe. Please show this service line on the plans. 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. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Should the project require any new natural gas service or modification to existing facilities, the property owner/developer/contractor must complete the application process via [xcelenergy.com/InstallAndConnect](https://xcelenergy.com/InstallAndConnect).

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

## Alyssa Knutson

---

**From:** Kelly Dykstra <kdykstra@procodeinc.net>  
**Sent:** Thursday, January 7, 2021 4:20 PM  
**To:** Todd Hodges; Shannon DeVries  
**Cc:** Alyssa Knutson  
**Subject:** RE: Question regarding Contractor License

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello All,

I have looked at a site plan and am not seeing any buildings. That said, if there are any buildings such a pump shelter, or permanent foundation supporting a structure we would need to get the engineering for both a foundation and a building. Any electrical proposed will need an engineered one line drawing for the site. (including any site lighting if proposed).

As far as the question about the contractor licensing, I will leave that to Shannon as I am not too sure the City's requirements. Any commercial project will require a Colorado licensed electrician.

Hope that helps, let me know if I can help with anything.

## Kelly Dykstra

**Deputy Building Official**

(970) 305-3161

[www.procodeinc.net](http://www.procodeinc.net)



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---

**From:** Todd Hodges <thodges@FortLuptonco.gov>  
**Sent:** Thursday, January 7, 2021 2:25 PM  
**To:** Kelly Dykstra <kdykstra@procodeinc.net>; Shannon DeVries <SDevries@FortLuptonco.gov>  
**Subject:** FW: Question regarding Contractor License

This is a project that Alyssa is working on and we are going to PC next week. Can you two follow up on this one? Kelly, this is the one I left you a message on.

I am in a zoom mtg for the next hour but happy to talk after that.

Thanks



Todd A. Hodges  
Planning Director  
City of Fort Lupton  
303-994-3174  
[thodges@fortluptonco.gov](mailto:thodges@fortluptonco.gov)

---

**From:** Lisa Glasby [<mailto:Lisa.Glasby@moltzconstruction.com>]  
**Sent:** Wednesday, January 6, 2021 1:55 PM  
**To:** Todd Hodges <[thodges@fortluptonco.gov](mailto:thodges@fortluptonco.gov)>  
**Subject:** Question regarding Contractor License

Good Afternoon Todd,

Moltz Construction has been awarded the Lupton Lakes Inlet Outlet Facility project in Fort Lupton. I am applying for a contractor's license and I am checking to be sure I choose the correct option. Here's a brief overview of the project:

- A. Intake structure: Form, reinforce, and place a reinforced concrete structure, including all appurtenances, as shown on the Drawings.
- B. Outfall structure: Form, reinforce, and place a reinforced concrete structure, including all appurtenances, as shown on the Drawings.
- C. Trash rack: Furnish and install a trash rack on the intake structure.
- D. Meter vault: Form, reinforce, and place a reinforced concrete structure, including all appurtenances, as shown on the Drawings.
- E. Pipeline: Furnish and install approximately 1,451 feet of 54-inch diameter fused-joint HDPE pipeline, along with valves and appurtenances, as shown on the Drawings.
- F. Tunnel: Install a tunnel and steel casing pipe under US Highway 85 using the micro tunnel boring method, as shown on the Drawings.
- G. Furnish and install approximately 159 feet of polyurethane coated, epoxy lined welded steel pipe, along with appurtenances, and a reinforced concrete cast-in-place structure, as shown on the Drawings.

Would we apply for a G or B license? Thank you!

Regards,

Lisa Glasby  
Project Coordinator  
[lisa.glasby@moltzconstruction.com](mailto:lisa.glasby@moltzconstruction.com)  
[certs@moltzconstruction.com](mailto:certs@moltzconstruction.com)



Moltz Construction, Inc.  
8807 County Road 175  
PO Box 729  
Salida, CO 81201  
Cell: 830-609-7952

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Colorado Community Media  
750 W. Hampden Ave. Suite 225  
Englewood, CO 80110

CITY OF FT LUPTON - LEGALS  
130 S McKinley Avenue  
Fort Lupton CO 80621

Description: Pub Hear-Lupton Lakes SUP

## AFFIDAVIT OF PUBLICATION

State of Colorado }  
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 12/30/2020, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



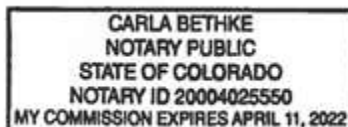
For the Fort Lupton Press

State of Colorado }  
County of Weld } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 12/30/2020. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

20004025550-684229

Carla Bethke  
Notary Public  
My commission ends April 11, 2022



**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 a special use permit known as the Lupton Lakes Inlet/Outlet Facility Project. This project will take place entirely within Fort Lupton city limits. The proposal will include a pipeline that will begin at a parcel located at the northwest corner of S. Denver Avenue and County Road 8, which is located in the 'A' Agricultural Zone District (Denver Water/Lupton Lakes). The pipeline will extend west to the parcel located at the northwest corner of U.S. Highway 85 and County Road 8, which is located in the 'A' Agricultural Zone District (Hunt Brothers Properties, Inc.) where a river intake and outlet structure will be constructed. The pipeline connection between the two parcels will be by an easement through the parcel located at the northeast corner of U.S. Highway 85 and County Road 8, which is located in the 'I-1' Light Industrial Zone District (McAda Drilling Fluids Inc.), and crossing U.S. Highway 85 by bored installation.

The public hearings are to be held before the Planning Commission on Thursday, January 14, 2021, at 6:00 P.M. and before the City Council on Tuesday, February 2, 2021 at 7:00 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 to the public at the time of the hearings due to COVID-19, 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.fortlupton.gov](http://www.fortlupton.gov).

Further information is available through the City Planning and Building Department at (303) 687-6894.

**ALL INTERESTED PERSONS  
MAY ATTEND.**

**LEGAL DESCRIPTION**

**DENVER WATER/LUPTON  
LAKES NORTH CELL**

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 8, BEING A RIGHT-OF-WAY 60 FEET IN WIDTH AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 88 AT PAGE 273, FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 18 BEARS S45°28'15"E, A DISTANCE OF 42.15 FEET; THENCE S88°18'37"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 298.31 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 31 AT PAGE 91; THENCE N00°10'41"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 124.70 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE N89°25'26"E, ALONG SAID NORTH LINE, A DISTANCE OF 299.27 FEET TO A POINT; THENCE N07°07'43"W, A DISTANCE OF 124.56 FEET TO A POINT ON THE SOUTHERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 30 AT PAGE 91; THENCE RUNNING ALONG SAID SOUTHERLY LINE, THE FOLLOWING (2) TWO COURSES:

1. N89°25'26"E, A DISTANCE OF 69.39 FEET TO A POINT;

2. N07°07'43"W, A DISTANCE OF 123.31 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE N89°25'26"E, ALONG SAID NORTH LINE, A DISTANCE OF 635.93 FEET TO A POINT ON THE WESTERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO AT RECEPTION NO. 3118802; THENCE RUNNING ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID PARCEL OF LAND THE FOLLOWING (2) TWO COURSES:

1. S00°02'14"E, ALONG THE WESTERLY LINE, A DISTANCE OF 792.19 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF LAND;

2. N89°25'26"E, ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 598.57 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 27 AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 88 AT PAGE 273; THENCE S00°02'14"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 497.86 FEET TO THE POINT OF BEGINNING.

THE PARCEL DESCRIBED HEREIN CONTAINS 10.535 ACRES MORE OR LESS.

**MCADA DRILLING  
FLUIDS INC EASEMENT  
LEGAL DESCRIPTION**

AN EASEMENT 40 FEET IN WIDTH OVER AND ACROSS A PARCEL OF LAND AS DESCRIBED UNDER RECEPTION NUMBER 3871084 OF THE WELD COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS N85°15'11"E, A DISTANCE OF 1322.73 FEET, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 18 BY A 2 INCH ALUMINUM CAP IN LAND SURVEY BOX PLUS ILLEGIBLE, AND MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18 BY A 3 1/4 INCH ALUMINUM CAP LS 4392;

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18; THENCE N45°15'11"E, A DISTANCE OF 1174.2 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL DESCRIBED UNDER RECEPTION NUMBER 3871084 AND THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWO (2) COURSES:

1. N31°48'56"W, A DISTANCE OF 42.31 FEET;

2. N05°12'56"W, A DISTANCE OF 0.95 FEET;

THENCE N80°48'17"E, A DISTANCE OF 276.74 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL DESCRIBED UNDER RECEPTION NUMBER 3871084;

THENCE S00°16'06"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 40.49;

THENCE S80°48'17"W, A DISTANCE OF 554.25 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 10.629 SQUARE FEET OR 0.244 ACRES, MORE OR LESS.

**HUNT BROTHERS  
PROPERTIES, INC EASEMENT  
LEGAL DESCRIPTION**

THREE EASEMENTS OVER AND ACROSS A PARCEL OF LAND AS DESCRIBED UNDER RECEPTION NUMBER 4186554 OF THE WELD COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS N89°07'43"E, A DISTANCE OF 1321.00 FEET, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18 BY A 2 INCH ALUMINUM CAP IN LAND SURVEY BOX PLUS ILLEGIBLE, AND MONUMENTED AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 18 BY A 2 INCH ALUMINUM CAP IN LAND SURVEY BOX PLUS ILLEGIBLE;

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

THENCE N07°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 1 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

PARCEL NO 2 COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 3 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 4 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 5 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 6 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 7 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 8 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 9 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 10 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 11 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 12 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 13 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 14 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 15 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 16 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 17 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 18 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 19 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 20 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 21 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 22 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 23 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 24 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 25 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 26 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 27 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 28 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 29 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 30 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 31 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 32 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 33 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 34 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 35 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 36 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 37 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 38 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 39 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 40 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 41 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 42 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 43 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 44 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 45 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 46 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 47 CONTAINS AN AREA OF 18.853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH:

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"W, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.89 FEET TO THE POINT OF BEGINNING;

PARCEL NO 48 CONTAINS AN AREA OF 18

### CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 30<sup>th</sup> day of December 2020, a true and correct copy of the foregoing Notice of Public Hearings and Special Use Permit map for the Lupton Lakes Inlet/Outlet Facility Project Special Use Permit was sent via U.S. Mail, postage pre-paid, to the following addresses:

COUNTY ROAD 27 LLC  
2322 S DENVER AVE  
FORT LUPTON, CO 80621

MCADA DRILLING FLUIDS  
PO BOX 1080  
BAY CITY, TX 77404

MARTIN W WILLIAMS  
ESTATE OF LYN WILLIAMS  
14820 COUNTY ROAD 27  
BRIGHTON, CO 80603

GREGORY P NEELY  
SANDRA NEELY  
12838 COUNTY ROAD 8 1/2  
FORT LUPTON, CO 80621

JOH PAUL C WALKER  
BROOKE EMILY MARGARET OBRIEN  
12638 COUNTY ROAD 8/12  
FORT LUPTON, CO 80621

VILLANO BROTHERS PROPERTIES INC  
2391 S DENVER AVE  
FORT LUPTON, CO 80621

LEON A SCHEEL  
LINDA L SCHEEL  
2055 S DENVER AVE  
FORT LUPTON, CO 80621

LORNA K GREIN  
12645 COUNTY ROAD 8 1/2  
FORT LUPTON, CO 80621

COLORADO DEPARTMENT OF HIGHWAYS  
4201 E ARKANSAS AVE  
DENVER, CO 80222

BOARD OF COMMISSIONERS  
CITY AND COUNTY OF DENVER  
1600 W 12<sup>TH</sup> AVE  
DENVER, CO 80204

CITY OF AURORA  
15151 E ALAMEDA PKWY  
AURORA, CO 80012

VECCHIARELLI HOLDINGS LLC  
755 N 9<sup>TH</sup> AVE  
BRIGHTON, CO 80603

DOUD LAND COMPANY  
25528 GENESEE TRAIL RD  
GOLDE, CO 80401

TRS EQUITIES LLC  
SHIPMAN THEODORE R LIVING TRUST  
8301 E PRENTICE AVE STE 110  
GREENWOOD VILLAGE, CO 80111

MAXUM ENTERPRISES  
PO BOX 54446  
LEXINGTON, KY 40555

GLAZE INDUSTRIAL PROPERTIES LLC  
12224 WHEELING CT  
HENDERSON, CO 80640

HALLIBURTON CO  
ATTN: PROPERTY TAX DEPARTMENT  
PO BOX 1431  
DUNCAN, CO 73534

HUNT BROTHERS PROPERTIES INC  
C/O ASPHALT SPECIALTIES INC  
10100 DALLAS ST  
HENDERSON, CO 80640

JOLLY STORAGE  
SUSAN K REEVES, SASAKI FAMILY HOLDINGS LLC, SASAKI  
H&E REV TRUST, SASAKI TOM FSMILY TRUST  
C/O JANE SASAKI  
1821 COUNTY ROAD 27  
BRIGHTON, CO 80603

GRANDPADICK PARTNERS LP  
PADICK PARTNERS  
CLIFFORD FAMILY INTERVIVOS TRUST  
C/O CLIFFORD ENTERPRISES  
818 W RIVERSIDE AVE STE 660  
SPOKANE, WA 99201

  
\_\_\_\_\_  
City Official





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**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 a special use permit known as the Lupton Lakes Inlet/Outlet Facility Project. This project will take place entirely within Fort Lupton city limits. The proposal will include a pipeline that will begin at a parcel located at the northwest corner of S. Denver Avenue and County Road 8, which is located in the 'A' Agricultural Zone District (Denver Water/Lupton Lakes). The pipeline will extend west to the parcel located at the northwest corner of U.S. Highway 85 and County Road 8, which is located in the 'A' Agricultural Zone District (Hunt Brothers Properties Inc.) where a river intake and outlet structure will be constructed. The pipeline connection between the two parcels will be by an easement through the parcel located at the northeast corner of U.S. Highway 85 and County Road 8, which is located in the I-1 Light Industrial Zone District (McAda Drilling Fluids Inc.), and crossing U.S. Highway 85 by bored installation.

The public hearings are to be held before the Planning Commission on Thursday, January 14, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 2, 2021 at 7:00 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 to the public at the time of the hearings due to COVID-19, 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](http://www.fortluptonco.gov).

Further information is available through the City Planning and Building Department at (303) 857-6694.

**ALL INTERESTED PERSONS MAY ATTEND.**

**LEGAL DESCRIPTION**

**DENVER WATER/LUPTON LAKES NORTH CELL  
LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 8, BEING A RIGHT-OF-WAY 60 FEET IN WIDTH AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 86 AT PAGE 273; FROM WHENCE THE SOUTHEAST CORNER OF SAID SECTION 18 BEARS S45°28'15"E, A DISTANCE OF 42.15 FEET; THENCE S89°18'33"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2285.31 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 31 AT PAGE 78; THENCE N00°10'41"E; ALONG SAID EASTERLY LINE, A

DISTANCE OF 1294.70 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE N89°25'26"E, ALONG SAID NORTH LINE, A DISTANCE OF 299.27 FEET TO A POINT; THENCE N00°07'26"E, A DISTANCE OF 1294.56 FEET TO A POINT ON THE SOUTHERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 357 AT PAGE 581; THENCE RUNNING ALONG SAID SOUTHERLY LINE, THE FOLLOWING (2) TWO COURSES:

1. N89°29'48"E, A DISTANCE OF 691.39 FEET TO A POINT;
2. N89°29'45"E, A DISTANCE OF 295.69 FEET TO A POINT;

THENCE S00°07'26"W, A DISTANCE OF 1293.31 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SOUTHEAST QUARTER OF SAID SECTION 18; THENCE N89°25'26"E, ALONG SAID NORTH LINE. A DISTANCE OF 635.93 FEET TO A POINT ON THE WESTERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO AT RECEPTION NO. 3119802; THENCE RUNNING ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID PARCEL OF LAND THE FOLLOWING (2) TWO COURSES:

1. S00°05'14"E, ALONG THE WESTERLY LINE, A DISTANCE OF 792.19 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF LAND;
2. N89°25'26"E, ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 356.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 27 AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 86 AT PAGE 273; THENCE S00°05'14"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 497.86 FEET TO THE POINT OF BEGINNING.

THE PARCEL DESCRIBED HEREIN CONTAINS 90.535 ACRES MORE OR LESS

**MCADA DRILLING FLUIDS INC. EASEMENT  
LEGAL DESCRIPTION**

AN EASEMENT 40 FEET IN WIDTH OVER AND ACROSS A PARCEL OF LAND AS DESCRIBED UNDER RECEPTION NUMBER 3871084 OF THE WELD COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:**

THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEARS N88°51'51"E, A DISTANCE OF 1322.73 FEET, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18 BY A 2 INCH ALUMINUM CAP IN LAND SURVEY BOX PLS ILLEGIBLE, AND MONUMENTED AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18 BY A 3 ¼ INCH ALUMINUM CAP LS 4392;

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18;

THENCE N41°53'16"E, A DISTANCE OF 117.42 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL DESCRIBED UNDER RECEPTION NUMBER 3871084 AND THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWO (2) COURSES:

1. N31°48'56"W, A DISTANCE OF 42.31 FEET;
2. N05°12'56"W, A DISTANCE OF 0.95 FEET;



THENCE N80°48'17"E, A DISTANCE OF 276.74 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL DESCRIBED UNDER RECEPTION NUMBER 3871084;  
THENCE S00°16'06"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 40.49;  
THENCE S80°48'17"W, A DISTANCE OF 254.25 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 10,629 SQUARE FEET OR 0.244 ACRES, MORE OR LESS.

**HUNT BROTHERS PROPERTIES, INC. EASEMENT  
LEGAL DESCRIPTION**

THREE EASEMENTS OVER AND ACROSS A PARCEL OF LAND AS DESCRIBED UNDER RECEPTION NUMBER 4169554 OF THE WELD COUNTY RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, BEARS N89°07'43"E, A DISTANCE OF 1321.20 FEET, MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18 BY A 2 1/2 INCH ALUMINUM CAP IN LAND SURVEY BOX RLS 11372, AND MONUMENTED AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18 BY A 2 INCH ALUMINUM CAP IN LAND SURVEY BOX PLS ILLEGIBLE:

**PARCEL NO 1**

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18;

THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, A DISTANCE OF 225.53 FEET;

THENCE N0°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N0°52'17"W, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"E, A DISTANCE OF 125.69 FEET;

THENCE S0°52'17"E, A DISTANCE OF 150.00 FEET;

THENCE S89°07'43"W, A DISTANCE OF 125.69 FEET TO THE POINT OF BEGINNING;

PARCEL NO 1 CONTAINS AN AREA OF 18,853 SQUARE FEET OR 0.433 ACRES, MORE OR LESS;

TOGETHER WITH;

**PARCEL NO 2**

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18;

THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER

OF SECTION 18, A DISTANCE OF 351.22 FEET;

THENCE N0°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N0°52'17"W, A DISTANCE OF 150.00 FEET;

THENCE N89°07'43"E, A DISTANCE OF 30.00 FEET;  
THENCE S0°52'17"E, A DISTANCE OF 150.00 FEET;  
THENCE S89°07'43"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;  
PARCEL NO 2 CONTAINS AN AREA OF 4,500 SQUARE FEET OR 0.103 ACRES, MORE OR LESS; TOGETHER WITH;

**PARCEL NO 3**

COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18;  
THENCE N89°07'43"E, ALONG SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, A DISTANCE OF 225.53 FEET;  
THENCE N0°52'17"W, A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF WELD COUNTY ROAD 8 AS DESCRIBED UNDER RECEPTION NUMBER 2366351 OF THE WELD COUNTY RECORDS AND THE POINT OF BEGINNING;  
THEN CONTINUING N0°52'17"W, A DISTANCE OF 30.00 FEET;  
THENCE N89°07'43"E, A DISTANCE OF 788.28 FEET;  
THENCE N80°48'17"E, A DISTANCE OF 212.57 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 85 AS DESCRIBED IN BOOK 1399 AT PAGE 233 UNDER RECEPTION NUMBER 1188313 OF THE WELD COUNTY RECORDS;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

1. S27°18'38"W, A DISTANCE OF 71.82 FEET;
2. S5°13'08" E, A DISTANCE OF 7.49 FEET TO A POINT ON THE NORTHERLY RIGHT-OF WAY OF WELD COUNTY ROAD 8 AS DESCRIBED IN BOOK 86 AT PAGE 273 OF THE WELD COUNTY RECORDS;

THENCE S89°07'43"W, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 744.29 FEET TO THE SOUTHEAST CORNER OF AN ADDITIONAL 10 FOOT WIDE STRIP OF RIGHT-OF-WAY FOR WELD COUNTY ROAD 8 AS DESCRIBED UNDER SAID RECEPTION NUMBER 2366351;  
THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY OF COUNTY ROAD 8 AS DESCRIBED UNDER SAID RECEPTION NUMBER 2366351 THE FOLLOWING TWO (2) COURSES:

1. N0°52'17"W, A DISTANCE OF 10.00 FEET;
2. S89°07'43"W, A DISTANCE OF 220.97 FEET TO THE POINT OF BEGINNING;

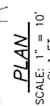
PARCEL NO 3 CONTAINS AN AREA OF 39,646 SQUARE FEET OR 0.910 ACRES, MORE OR LESS;  
PARCEL NO 1, PARCEL NO 2 AND PARCEL NO 3 COMBINED CONTAIN AN AREA OF 62,999 SQUARE FEET OR 1.446 ACRES, MORE OR LESS.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT  
[bit.ly/fldevelopment](https://bit.ly/fldevelopment) AND SCROLLING DOWN TO THE ROWS TITLED: LUPTON LAKES  
INLET/OUTLET FACILITY SPECIAL USE PERMIT.

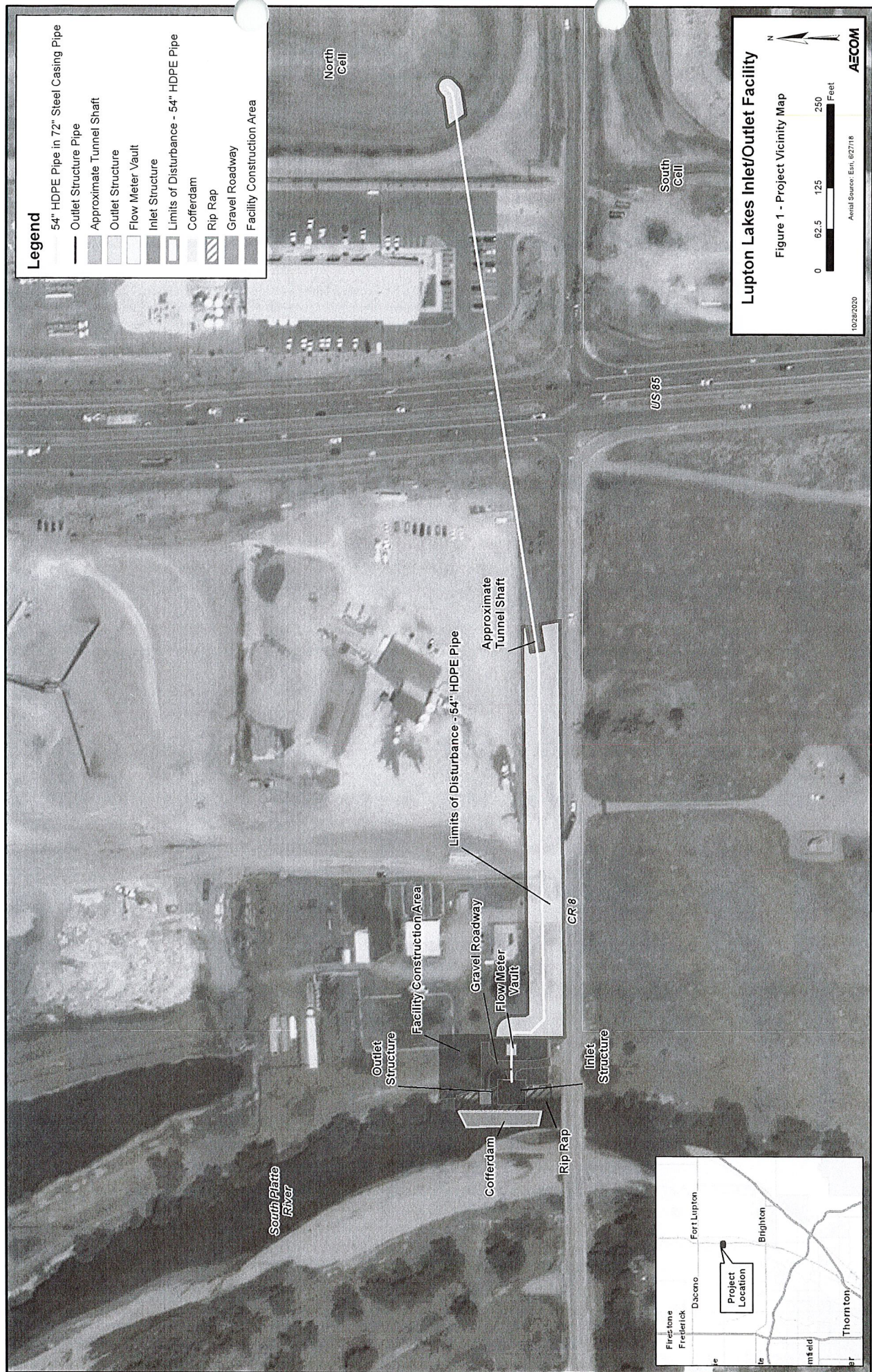


| Point # | Row Description | Elevation | Northing    | Easting     |
|---------|-----------------|-----------|-------------|-------------|
| 31      | INLET STRUCT    | 4925.49   | 259624.8953 | 189539.1314 |
| 32      | INLET STRUCT    | 4925.68   | 259666.8953 | 189539.1314 |
| 33      | INLET STRUCT    | 4909.50   | 259666.8953 | 189502.1314 |
| 34      | INLET STRUCT    | 4909.50   | 259624.8953 | 189502.1314 |
| 35      | OUTLET STRUCT   | 4925.55   | 259676.3953 | 189537.1314 |
| 36      | OUTLET STRUCT   | 4925.46   | 259695.3953 | 189537.1314 |
| 37      | OUTLET STRUCT   | 4911.64   | 259695.3953 | 189504.6314 |
| 38      | OUTLET STRUCT   | 4911.17   | 259676.3953 | 189504.6314 |
| 39      | FLOW METER      | 4924.90   | 259637.6453 | 189574.5480 |
| 40      | FLOW METER      | 4923.04   | 259637.6453 | 189593.0480 |
| 41      | FLOW METER      | 4924.91   | 259654.1453 | 189574.5480 |
| 42      | FLOW METER      | 4923.04   | 259654.1453 | 189593.0480 |
| 43      | MH              | 4921.37   | 259624.1519 | 189607.4291 |
| 44      | ARV             | 4920.92   | 259625.5619 | 189608.7980 |
| 45      | ARV             | 4925.49   | 259645.8953 | 189549.1314 |
| 46      | ARV             | 4925.48   | 259685.8953 | 189546.6314 |

1. EXIST ASPHALT PAD, POINTS 11- 15 NOT ON THIS DRAWING.







**Legend**

- 54" HDPE Pipe in 72" Steel Casing Pipe
- Outlet Structure Pipe
- Approximate Tunnel Shaft
- Outlet Structure
- Flow Meter Vault
- Inlet Structure
- Limits of Disturbance - 54" HDPE Pipe
- Cofferdam
- Rip Rap
- Gravel Roadway
- Facility Construction Area

**Lupton Lakes Inlet/Outlet Facility**

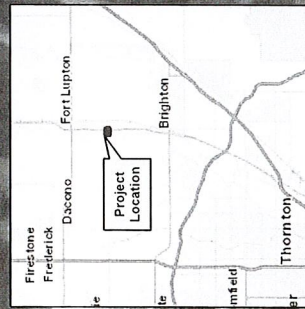
Figure 1 - Project Vicinity Map



Aerial Source: Esri, 6/27/18

10/28/2020

AECOM





**Sign Posting Affidavit**

Lupton Lakes Inlet/Outlet Facility Project  
Project No. LUP2020-0033 / Plan No. SUP2020-0006



CR 8 (West of Highway 85)



CR 8 (East of Highway 85)



S. Denver Ave.

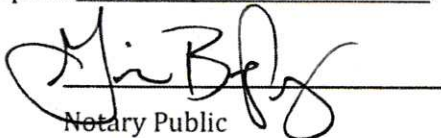
I, Amy Turney hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 17 day of December, 2020.



Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Amy Turney, this 29<sup>th</sup>  
day of December, 2020 Witness my hand and seal.

My commission expires 2-24-2022.

  
Notary Public

(SEAL)



## **RESOLUTION NO. P2021-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ANNEXATION SUBMITTED BY LEONARD TOEWS AND SHERRI TOEWS, AND KNOWN AS THE TOEWS ANNEXATION AND INITIAL ZONING TO ‘A’ AGRICULTURAL FOR LAND LEGALLY DESCRIBED IN EXHIBIT A.**

**WHEREAS**, the Planning Commission held a public hearing on January 14, 2021, for the purpose of reviewing the application from Leonard Toews and Sherri Toews for an annexation, known as the Toews Annexation and initial zoning to the ‘A’ Agricultural 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; 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 annexation known as the Toews Annexation, and initial zoning to the ‘A’ Agricultural Zone District for land legally described in Exhibit A, conditional upon the following:

- I. Prior to recording the annexation map:
  - A. The title of the annexation map shall include Project No. LUP2020-0035 & Plan Nos. ANX2020-0005 & COZ2020-0006.
  - B. Any redline comments provided by City Staff shall be made to the annexation map.
  - C. Applicant shall provide written evidence that comments from the Public Works Director have been adequately addressed.
  - D. Applicant shall provide written acknowledgement of the comments from Public Service Company of Colorado (Xcel Energy).
  - E. Applicant shall provide written acknowledgement of the comments from United Power.

- F. Applicant shall provide written acknowledgement of the comments from the Weld County Planning Department.
- G. Applicant shall schedule a Pre-Application Meeting with the Planning Department to determine the requirements for any future development.

**DONE THIS 14<sup>th</sup> DAY OF JANUARY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.**

---

Chairman

ATTEST:

---

Planning Director



## **EXHIBIT A**

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.77 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

**TOEWS ANNEXATION AND INITIAL ZONING STAFF REPORT**  
**PROJECT NO. LUP2020-0035 / PLAN NOS. ANX2020-0005 & COZ2020-0006**

**PROJECT DESCRIPTION**

Project No.: LUP2020-0035/ Plan Nos. ANX2020-0005 & COZ2020-0006

Project name: Toews Annexation & Initial Zoning

Owner's Name: Leonard Toews and Sherri Toews ("Applicants")

Location of Request:

The site consists of a parcel of land located at the northwest corner of the intersection of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). The site is located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. It is directly adjacent to the City Limits on the south.



Nature of Request:

The Applicant has submitted a request for annexation of a parcel of land with an initial zoning designation to the 'A' Agricultural Zone District. The Applicant desires to develop a portion of the property in the City of Fort Lupton at a future date. Any future development will require an additional land use process for

review by Planning Commission and City Council. The property currently contains a farmhouse, warehouse, greenhouse, and farmland.

Site Size: 33.77 acres, more or less.

Proposed Zone District: 'A' Agricultural

Concept Land Use Plan: The annexation will not entail new or additional residential, commercial, or industrial development. The project shall consist of an annexation into the city limits of Fort Lupton for purposes of working with the City on any future development.

Existing Use: Agricultural and residential facilities, including a warehouse and greenhouse.

Hearing Dates: Planning Commission – January 14, 2021 at 6:00 PM; and  
City Council – February 2, 2021 at 7:00 PM.

Hearing Location: Virtual Public Hearing via GoToMeeting. See instructions for attending the virtual meeting on the Planning Commission agenda.

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 Applicant is requesting approval of an annexation and initial zoning to the 'A' Agricultural 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 January 4, 2021 by certified mail, return-receipt requested. The annexation impact report was sent on January 4, 2021 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 December 15, 2020, the City Council accepted the annexation petition and set the public hearing date for this matter on February 2, 2021.*

- 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.*

- 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 will not prevent future annexation of 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. This zoning conforms to the surrounding zoning.*

- 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 continuity of noncontiguous parcels.*

## **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The Fort Lupton Comprehensive Plan designates the northern portion of this property for agricultural and rural residential land uses. The southern portion on the property is designated for commercial transitional land uses.

The agricultural and rural residential designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties located under Estate Zoning.

The commercial transition designation identifies potential growth areas for commercial development outside the municipal boundaries or primary commercial districts of Fort Lupton. These areas should support gradual, long-term commercial investment outward from the City's urban core, including incremental transitioning of agricultural uses to commercial development.

The existing use of the property conforms to the agricultural and rural residential land use designation.

## **REFERRALS**

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

|                                    |                                      |                |
|------------------------------------|--------------------------------------|----------------|
| Buildings / Grounds Manager        | Building Inspector                   | OMI            |
| City Attorney                      | Police Chief                         | GIS Specialist |
| Public Works Director              | Fort Lupton Fire Protection District | CDOT           |
| Colorado DRMS                      | United Power                         | Comcast        |
| CenturyLink                        | Xcel Energy                          | Postmaster     |
| Weld County Department of Planning | Weld County School District RE-8     | NCWCD          |

***For more information on this development, please refer to the Planning Commission packet provided.  
Additional documents are available for review at the Fort Lupton City Hall.***



## Planning &amp; Building

130 S. McKinley Avenue  
Fort Lupton, CO 80621

Phone: 303.857.6694  
Fax: 303.857.0351

Project No. \_\_\_\_\_

## Land Use Application Form

## A. CONTACT INFORMATION

1) Property Owner Name: Leonard Toews, Sherri Toews

Company: \_\_\_\_\_

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.comAddress: 5535 County Road 23, Fort Lupton CO 80621Preferred method of contact? Email: \_\_\_\_\_ Phone: ☒ Mail: \_\_\_\_\_2) Representative Name: Len Toews

Company: \_\_\_\_\_

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.comAddress: 5535 County Road 23, Fort Lupton, CO 80621Preferred method of contact? Email: \_\_\_\_\_ Phone: ☒ Mail: \_\_\_\_\_3) Billing Contact (where invoices should be directed to): Len Toews

Billing Company: \_\_\_\_\_

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.comAddress: 5535 County Road 23, Fort Lupton, CO 80621

## B. SITE DESCRIPTION

Site Address: 5535 County Road 23, Fort Lupton, CO 80621Parcel Number: 146902100005Existing Zone Classification: Agricultural Proposed Zone Classification: Agricultural/CommercialWater Type: Well Name: ToewsSewage Type: Septic District Name or Location Hauled to: \_\_\_\_\_

## C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Sketch Plat

Administrative Site Plan

PUD Plan (Preliminary &amp; Final)

Preliminary Plat

Special Use Permit

Variance

Final Plat

Oil &amp; Gas Permit

Administrative Variance

Minor Subdivision

Annexation & Initial Zone

Appeal

Amended Plat

Change of Zone

Other: \_\_\_\_\_

Site Plan

Comp Plan Amendment

**D. PROJECT DESCRIPTION**

Project Name: Toews

Please provide a short description of the proposed project in the space provided below:

Annexation of 35 Acre agricultural property  
presently in unincorporated Weld County  
into Fort Lupton.

**E. REQUIRED DOCUMENTS**

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

**F. CERTIFICATIONS**

**Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**Owner Certification**

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: Leonard Toews Date: September 8/2020

**For Office Use Only**

Received Date: \_\_\_\_\_

If the application is not complete, state reasons why it is incomplete:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Deemed Complete Date: \_\_\_\_\_

Fees Submitted: \_\_\_\_\_ Escrow Submitted: \_\_\_\_\_



## 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 Toews 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 or will be contiguous with the City of Fort Lupton within such time as required by Section 31-12-104.
  - 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, 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.
  - f. 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, 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.
  - g. 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. The area proposed to be annexed is not part of any incorporated city, city and county, or town.



- h. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Fort Lupton was held within the twelve months preceding the filing of this petition.
  - i. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
  - j. 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.
  - k. The territory to be annexed is 33.77 acres in total area.
  - l. 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.
  - m. 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.
  - n. 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. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of an annexation map shall be submitted to the City, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information:
- a. The date of preparation, the scale and a symbol designating true north.
  - b. The name of the annexation.
  - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
  - d. The legal description.
  - e. Distinction of the boundary that is contiguous to the City and the length of same.
  - f. Lot and block numbers if the area is already platted.
  - g. Existing and proposed easements and rights-of-way.

- h. Existing and requested zoning and acreage of each requested zone.
  - i. Ownership of all parcels within and adjacent to the annexation.
  - j. Appropriate certification blocks as directed by the Planning Department.
- 5. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of a master plan shall be submitted to the City of Fort Lupton, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information.
  - a. The date of preparation, the scale and a symbol designating true north.
  - b. The name of the annexation.
  - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
  - d. Existing and proposed easements and rights-of-way.
  - e. Block numbers and lot numbers with approximate dimensions.
  - f. Proposed gross and net residential density.
  - g. Existing watercourses with adequate easements for flood control.
  - h. Designation of all public sites to be reserved and dedicated.
  - i. Existing two-foot contours.
  - j. Appropriate certification blocks as directed by the Planning Department.
- 6. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of five (5) copies of all required supportive information shall be submitted to the City of Fort Lupton which shall include the following:
  - a. Soils description and limitation.
  - b. Preliminary utility plan.
  - c. Mailing addresses of all property owners within five hundred (500) feet of the annexation.
  - d. Affidavit concerning the amount and historical use of all water rights owned.
  - e. Vicinity map with one and one-half (1 ½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
  - f. Statement on community need for proposed annexation and zoning.
  - g. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
- 7. 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.



8. 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.
9. 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 and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
10. 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. 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.
11. The non-refundable annexation application fee of \$1,279.28 tendered herewith.

Leonard Toews L.T. 5535 County Road 23 November 6/2020  
Fort Lupton, CO 80621

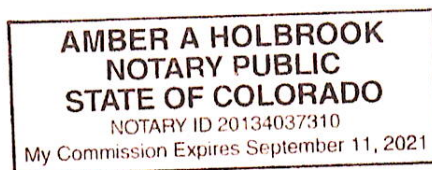
Sherril Toews S.T. 5535 County Rd 23  
Fort Lupton, CO 80621 Nov. 6, 2020

The foregoing signature(s) was/were subscribed and sworn to before me this 6 day of  
November, 2020, by Leonard Toews & Sherril Toews.

Witness my hand and official seal.

My commission expires on Sept 11, 2021.

Amber A Holbrook  
Notary Public



Land Owned

If necessary, attach separate sheet.

#### AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO    )  
                                  )ss.  
COUNTY OF WELD        )

\_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires on \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

## Annexation & Initial Zoning Submittals

### 9. A. Written Description of Proposal.

Leonard and Sherri Toews are proposing that their 35 acre farm known as Brandywine Farms be annexed into the city of Fort Lupton. The proposed 35 acre property has been part of the city of Fort Lupton Comprehensive plan for many years as it sits at the intersection of highway 52 and county road 23 which is the arterial road for the city. This property is the first property west of Fort Lupton that is out of the flood plain and ready for development. This property also sits at the present entrance to the city as our neighbors on the west border have already annexed into the city. The farm has a quarter mile of frontage on highway 52, and a quarter mile of frontage on County Road 23. The farm is presently zoned agricultural in Unincorporated Weld County and we are proposing that it is annexed into the city of Fort Lupton as agricultural. The property has a farmhouse, warehouse, greenhouse, several agricultural buildings and over 30 acres of farmland.

### B. Google Earth Satellite Map Attached.

### C. Toews Annexation Survey Map Attached.

## Annexation & Initial Zoning Submittals

12. a. Sandy loam soil, no limitations

b. There are no known hazards on the property.

c. Will be addressed with the minor subdivision/site plan.

d. Water rights include a domestic/livestock well used for cattle, bison, animals and home.

This well has historically been granted an unlimited use for agriculture purposes for animals.

e. It is within the needs of the Fort Lupton community that our property be annexed because we located close to the city and within the new city limits. We are within the present Fort Lupton comprehensive plan and ideal for future development along the highway 52 corridor and county road 23 corridor (arterial road).

## Annexation & Initial Zoning Submittals

### 16. Legal Description of Property for Annexation

PT E2NE 4 2 1 67 LOT A REC EXEMPT

RECX11-0009



## Annexation & Initial Zoning Submittals

### 9. A. Written Description of Proposal.

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### C. Toews Annexation Survey Map Attached.

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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 or will be contiguous with the City of Fort Lupton within such time as required by Section 31-12-104.
  - 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, 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.
  - f. 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, 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.
  - g. 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. The area proposed to be annexed is not part of any incorporated city, city and county, or town.



- h. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Fort Lupton was held within the twelve months preceding the filing of this petition.
  - i. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
  - j. 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.
  - k. The territory to be annexed is 33.77 acres in total area.
  - l. 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.
  - m. 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.
  - n. 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. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of an annexation map shall be submitted to the City, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information:
- a. The date of preparation, the scale and a symbol designating true north.
  - b. The name of the annexation.
  - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
  - d. The legal description.
  - e. Distinction of the boundary that is contiguous to the City and the length of same.
  - f. Lot and block numbers if the area is already platted.
  - g. Existing and proposed easements and rights-of-way.

- h. Existing and requested zoning and acreage of each requested zone.
  - i. Ownership of all parcels within and adjacent to the annexation.
  - j. Appropriate certification blocks as directed by the Planning Department.
5. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of a master plan shall be submitted to the City of Fort Lupton, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information.
- a. The date of preparation, the scale and a symbol designating true north.
  - b. The name of the annexation.
  - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
  - d. Existing and proposed easements and rights-of-way.
  - e. Block numbers and lot numbers with approximate dimensions.
  - f. Proposed gross and net residential density.
  - g. Existing watercourses with adequate easements for flood control.
  - h. Designation of all public sites to be reserved and dedicated.
  - i. Existing two-foot contours.
  - j. Appropriate certification blocks as directed by the Planning Department.
6. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of five (5) copies of all required supportive information shall be submitted to the City of Fort Lupton which shall include the following:
- a. Soils description and limitation.
  - b. Preliminary utility plan.
  - c. Mailing addresses of all property owners within five hundred (500) feet of the annexation.
  - d. Affidavit concerning the amount and historical use of all water rights owned.
  - e. Vicinity map with one and one-half (1 ½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
  - f. Statement on community need for proposed annexation and zoning.
  - g. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
7. 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.



8. 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.
9. 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 and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
10. 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. 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.
11. The non-refundable annexation application fee of \$1,279.28 tendered herewith.

Leonard Toews L.T. 5535 County Road 23 November 6/2020  
Fort Lupton, CO 80621

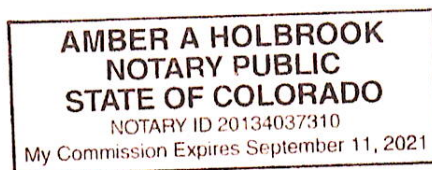
Sherril Toews S.T. 5535 County Rd 23  
Fort Lupton, CO 80621 Nov. 6, 2020

The foregoing signature(s) was/were subscribed and sworn to before me this 6 day of  
November, 2020, by Leonard Toews & Sherril Toews.

Witness my hand and official seal.

My commission expires on Sept 11, 2021.

Amber A Holbrook  
Notary Public



Land Owned

If necessary, attach separate sheet.

#### AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO     )  
                                      )ss.  
COUNTY OF WELD        )

\_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires on \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**RESOLUTION NO. 2020R085**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE TOEWS ANNEXATION AND SETTING THE PUBLIC HEARING FOR FEBRUARY 2, 2021**

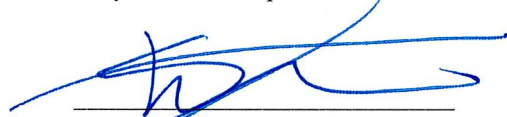
**WHEREAS**, the Fort Lupton City Council has reviewed the annexation petition submitted by Leonard Toews and Sherri Toews for 33.77 acres, more or less, and known as the Toews Annexation; and

**WHEREAS**, the Fort Lupton City Council finds the annexation petition to be complete and in substantial conformance with the requirements of C.R.S. 31-12-107 (1) as amended.

**NOW THEREFORE BE IT RESOLVED** that the Fort Lupton City Council hereby approves this Resolution initiating annexation proceedings for the Toews Annexation and sets the hearing date for February 2, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

**APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 15<sup>th</sup> DAY OF DECEMBER 2020.**

City of Fort Lupton, Colorado



Zo Stieber, Mayor

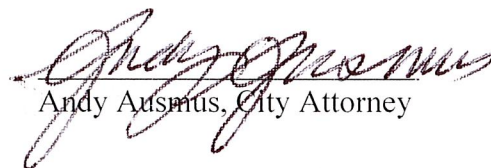
Attest:



Maricela Peña, City Clerk



Approved as to form:



Andy Ausmus, City Attorney



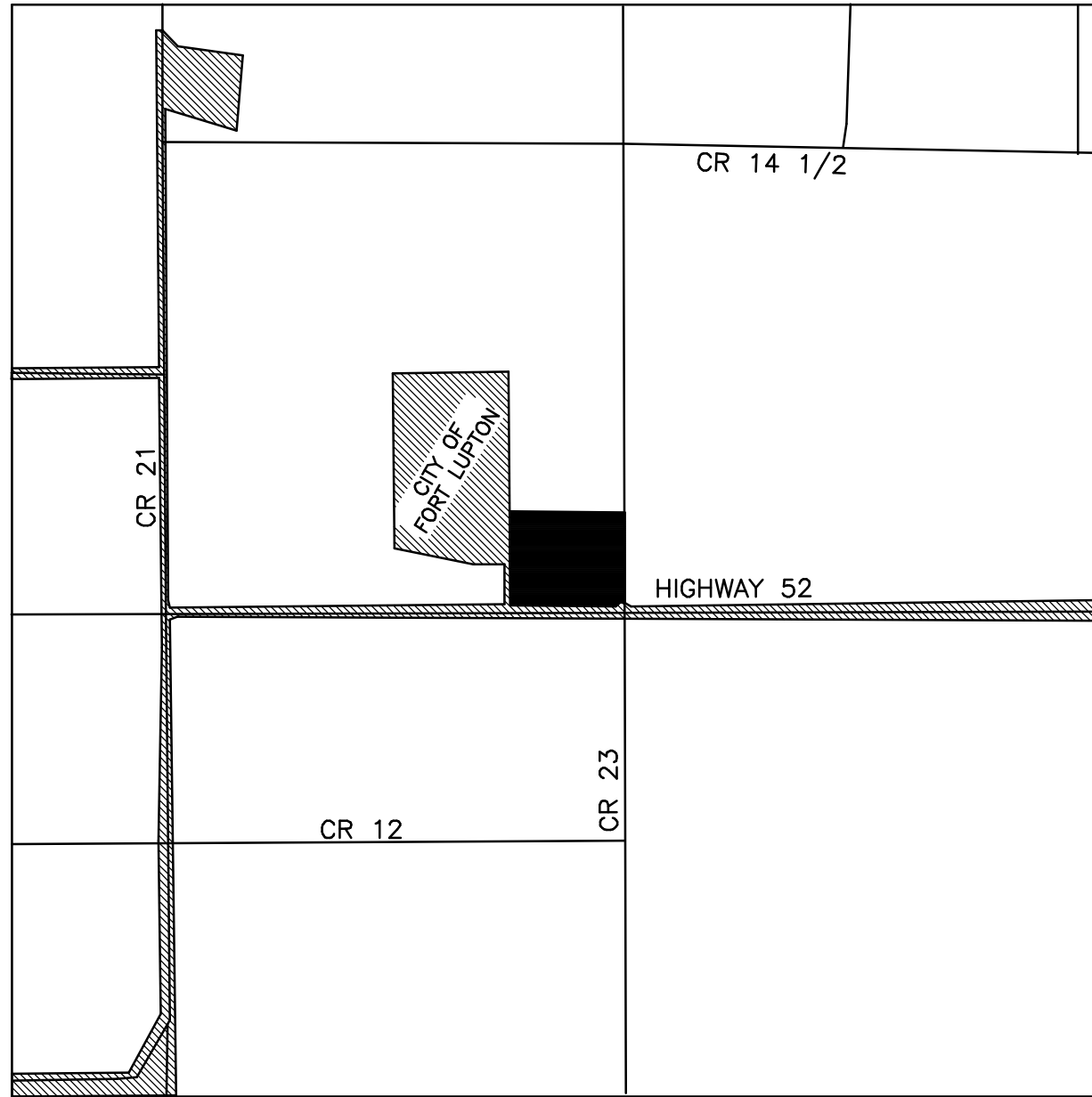
# Toews Annexation Map

Project No. LUP2020-XXXX

Plan No. ANX2020-XXXX

Located in the West 1/2 of the Northeast 1/4 of Section 2,  
Township 1 North, Range 67 West of the 6th P.M.,  
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

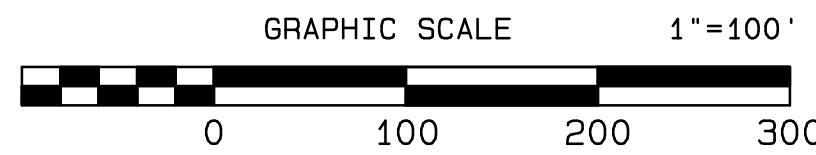


VICINITY MAP  
SCALE: 1"=2000'

LOT 2  
NPC MINOR SUBDIVISION  
REC. NO. 4355777  
PARCEL NO. 146902101002  
W2H PROPERTY LLC

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N00°00'00"E | 110.00'  |
| L2   | S89°26'53"E | 25.34'   |
| L3   | S44°26'09"E | 6.66'    |
| L4   | N45°36'09"E | 70.70'   |
| L5   | S89°26'53"E | 22.75'   |

LOT B  
RECX-0009  
REC. NO. 3799966  
PARCEL NO. 146902100006  
HOWARD E. BINDER



LOT A  
RECX-0009  
REC. NO. 4355777  
PARCEL NO. 146902100001  
AMDO M. & ELVIRA M. VILLALOBOS

## PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52; AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.77 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

## NOTES:

- BOUNDARY INFORMATION FOR THIS ANNEXATION MAP IS BASED UPON FIELD EVIDENCE TOGETHER WITH CALCULATIONS BASED UPON ANNEXATION PLATS, RECORDED EXEMPTION PLATS, LAND SURVEY PLATS, AND OTHER SURVEY INFORMATION OF RECORD. ALL INFORMATION HAS BEEN ROTATED TO MATCH THE BASIS OF BEARING AS SHOWN HEREON.
- BASIS OF BEARING: THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR NORTH 00°00'00" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS PRIOR TO SUCH REMOVAL SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.
- CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

LOT 1  
NPC MINOR SUBDIVISION  
REC. NO. 4355777  
PARCEL NO. 146902101001  
W2H PROPERTY LLC

LOT A  
AMRE-2765  
REC. NO. 2818943  
PARCEL NO. 146902000078  
JAMES GRANT TERRY

## ANNEXATION CONTIGUITY TABLE:

|                                    |               |
|------------------------------------|---------------|
| TOTAL PERIMETER:                   | 4,858.43 FEET |
| REQUIRED 1/6 CONTIGUOUS PERIMETER: | 809.74 FEET   |
| CONTIGUOUS BOUNDARY:               | 2461.23 FEET  |

EXISTING CITY OF FORT LUPTON BOUNDARY

CENTER-EAST 1/16 CORNER SECTION 2.  
FOUND 3/4" REBAR WITH 2 1/2"  
ALUMINUM CAP LS 23027.

LOT B  
RE-85  
REC. NO. 1623319  
PARCEL NO. 146902000002  
FUSARO LLC

EAST 1/4 CORNER SECTION 2.  
FOUND 3/4" REBAR WITH 2"  
ALUMINUM CAP LS 25937.

PARCEL NO. 146901000015  
RAMIREZ TRUCKING &  
OIL FIELD SERVICES INC

## OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT LEONARD TOEWS AND SHERRI TOEWS, BEING SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF WADE ANNEXATION. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

LEONARD TOEWS \_\_\_\_\_ SHERRI TOEWS \_\_\_\_\_  
STATE OF COLORADO } SS.  
COUNTY OF WELD }  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY \_\_\_\_\_  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. WITNESS MY HAND AND SEAL.  
MY COMMISSION EXPIRES \_\_\_\_\_.

NOTARY PUBLIC

## PLANNING COMMISSION RECOMMENDATION:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE CITY COUNCIL VIA RESOLUTION NO. P2020-XXX  
RECOMMENDED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION

## MAYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. 2020-XXXX OF THE CITY OF FORT LUPTON, PASSED AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020 AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE NO. 2020-XXXX 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 \_\_\_\_\_, 2020.

ATTEST: CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

## SURVEYOR'S STATEMENT:

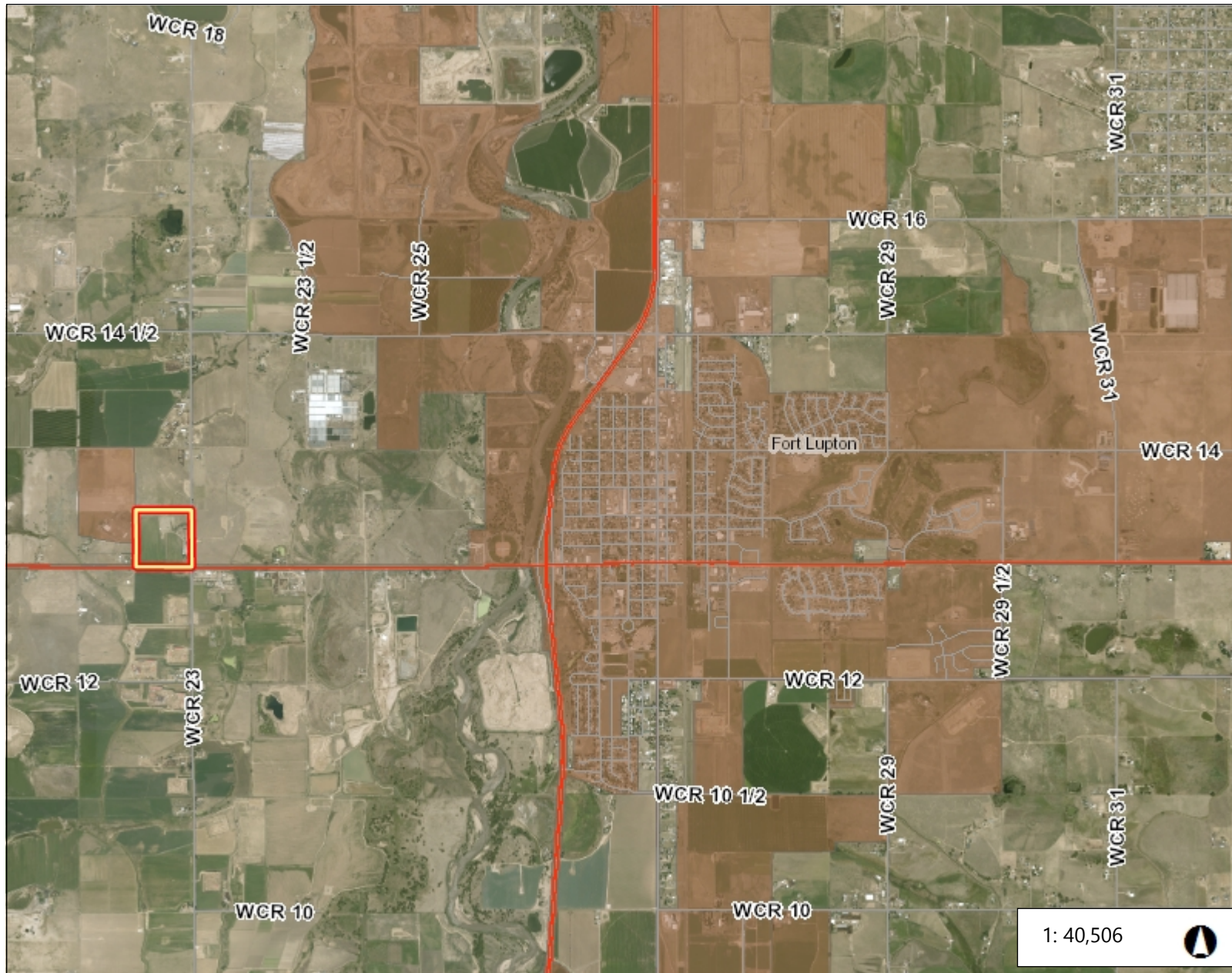
I, MERLE R. HOOS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID ANNEXATION MAP TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ME TO DETERMINE OWNERSHIP. FURTHERMORE THIS CERTIFIES THAT AT LEAST ONE-SIXTH (1/6) OF THE PROPERTY SHOWN HEREON IS CONTIGUOUS WITH THE MUNICIPAL BOUNDARY OF THE CITY OF FORT LUPTON, COLORADO.

MERLE R. HOOS, PLS 38046  
FOR AND ON BEHALF OF  
AMERICAN WEST LAND SURVEYING CO.  
A COLORADO CORPORATION



PO Box 129, Brighton, CO 80601 \* P:303-659-1532 \* mrh.amw@gmail.com  
SCALE 1" = 100' DRAWN BY: MRH CHECKED BY: CDH DATE: September 29, 2020  
JOB NO: 20- REVISIONS:12-2-2020

FILE: Z:\T1-2N\T1N\_R67W\S2\LOWES ANNEX.pro



Legend

- Parcels
- Highway
- Road
- County Boundary

1: 40,506



6,751.1 0 3,375.54 6,751.1 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Weld County Colorado

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

## Annexation & Initial Zoning Submittals

12. a. Sandy loam soil, no limitations

b. There are no known hazards on the property.

c. Will be addressed with the minor subdivision/site plan.

d. Water rights include a domestic/livestock well used for cattle, bison, animals and home.

This well has historically been granted an unlimited use for agriculture purposes for animals.

e. It is within the needs of the Fort Lupton community that our property be annexed because we located close to the city and within the new city limits. We are within the present Fort Lupton comprehensive plan and ideal for future development along the highway 52 corridor and county road 23 corridor (arterial road).





United States  
Department of  
Agriculture

**NRCS**

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for **Weld County, Colorado, Southern Part**





# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil



scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map





## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

### Water Features

 Streams and Canals

### Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Weld County, Colorado, Southern Part  
Survey Area Data: Version 19, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

| Map Unit Symbol                    | Map Unit Name                                | Acres in AOI | Percent of AOI |
|------------------------------------|----------------------------------------------|--------------|----------------|
| 47                                 | Olney fine sandy loam, 1 to 3 percent slopes | 29.7         | 83.5%          |
| 52                                 | Otero sandy loam, 3 to 5 percent slopes      | 5.9          | 16.5%          |
| <b>Totals for Area of Interest</b> |                                              | <b>35.6</b>  | <b>100.0%</b>  |

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Weld County, Colorado, Southern Part

### 47—Olney fine sandy loam, 1 to 3 percent slopes

#### Map Unit Setting

*National map unit symbol:* 362v

*Elevation:* 4,600 to 5,200 feet

*Mean annual precipitation:* 11 to 15 inches

*Mean annual air temperature:* 46 to 54 degrees F

*Frost-free period:* 125 to 175 days

*Farmland classification:* Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

#### Map Unit Composition

*Olney and similar soils:* 85 percent

*Minor components:* 15 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Olney

##### Setting

*Landform:* Plains

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Mixed deposit outwash

##### Typical profile

*H1 - 0 to 10 inches:* fine sandy loam

*H2 - 10 to 20 inches:* sandy clay loam

*H3 - 20 to 25 inches:* sandy clay loam

*H4 - 25 to 60 inches:* fine sandy loam

##### Properties and qualities

*Slope:* 1 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Runoff class:* Low

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.57 to 2.00 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 15 percent

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

*Available water capacity:* Moderate (about 7.0 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 3e

*Land capability classification (nonirrigated):* 4c

*Hydrologic Soil Group:* B

*Ecological site:* R067BY024CO - Sandy Plains

*Hydric soil rating:* No



## Minor Components

### Zigweid

*Percent of map unit:* 10 percent

*Hydric soil rating:* No

### Vona

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

## 52—Otero sandy loam, 3 to 5 percent slopes

### Map Unit Setting

*National map unit symbol:* 3631

*Elevation:* 4,700 to 5,250 feet

*Mean annual precipitation:* 12 to 15 inches

*Mean annual air temperature:* 48 to 52 degrees F

*Frost-free period:* 130 to 180 days

*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Otero and similar soils:* 85 percent

*Minor components:* 15 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Otero

#### Setting

*Landform:* Plains

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Eolian deposits and/or mixed outwash

#### Typical profile

*H1 - 0 to 12 inches:* sandy loam

*H2 - 12 to 60 inches:* fine sandy loam

#### Properties and qualities

*Slope:* 3 to 5 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Runoff class:* Very low

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.57 to 5.95 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 10 percent

*Maximum salinity:* Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

*Available water capacity:* Moderate (about 7.7 inches)

**Interpretive groups**

*Land capability classification (irrigated): 3e*

*Land capability classification (nonirrigated): 4e*

*Hydrologic Soil Group: A*

*Ecological site: R067BY024CO - Sandy Plains*

*Hydric soil rating: No*

**Minor Components**

**Kim**

*Percent of map unit: 12 percent*

*Hydric soil rating: No*

**Vona**

*Percent of map unit: 3 percent*

*Hydric soil rating: No*

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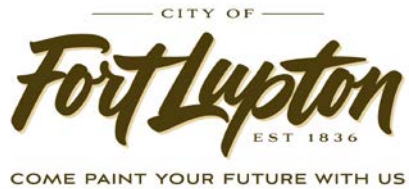
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## **CERTIFICATE OF MAILING**

I, the undersigned, hereby certify that on the 4<sup>th</sup> day of January 2021, I sent the following documents related to the Toews Annexation: Impact Report via certified mail with return-receipt requested to the following:

Weld County Commissioners  
1150 O Street  
PO Box 758  
Greeley, CO 80631

A handwritten signature in purple ink that reads "Maria Lanato".

---

**City Official**



## Planning & Building

130 S. McKinley Avenue Phone: 303-857-6694  
Fort Lupton, CO 80621 Fax: 303.857.0351  
[www.fortluptonco.gov](http://www.fortluptonco.gov)

January 4, 2021

### **TOEWS ANNEXATION ANNEXATION IMPACT REPORT**

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#### ***Statement of Purpose***

This Annexation Impact Report, which has been prepared pursuant to Section 31-12-108.5 of the Colorado Revised Statutes, is based on the Annexation Petition for an annexation known as the Toews Annexation submitted by the Applicants, Leonard Toews and Sherri Toews. It is being reviewed and evaluated by the City of Fort Lupton staff, and is scheduled for review by the City of Fort Lupton Planning Commission on January 14, 2021 at 6:00 PM and City Council on February 2, 2021 at 7:00 PM. Please contact the Planning Department at the address on the cover of this report, or at telephone number 303-857-6694, with any comments and/or questions.

#### ***Project Description***

The property proposed for annexation is located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The property is situated at the northwest corner of the intersection of Highway 52 and County Road 23. The total acreage of the Toews Annexation is 33.77 acres, more or less. The annexation meets the 1/6<sup>th</sup> or 16.67% contiguity requirements set by State Statutes. The annexation map is attached along with the vicinity map.

Requested zoning for the properties proposed for annexation is 'A' Agricultural and is substantially compliant with City of Fort Lupton Zoning Regulations. The land is currently zoned Agricultural in Weld County.

This report is divided into six elements, which correspond to C.R.S. 31-12-108.5(1)(a) through (f) and are set forth as follows:

- (a) a map or maps of the municipality and adjacent territory to show the following:
  - (I) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
  - (II) The present streets, major trunk water lines, sewer interceptors, and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation and;
  - (III) The existing and proposed land use pattern in the areas to be annexed.
- (b) a copy of any draft of the annexation agreement, if available;

- (c) a statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;
- (d) a statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;
- (e) a statement identifying existing districts within the area to be annexed;
- (f) a statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.

The following maps\* have been attached as required in subparagraph (a) of C.R.S. Section 31-12-108.5:

- The present and proposed boundaries of the City of Fort Lupton in the immediate vicinity of the proposed annexation;
- The present streets, major water transmission mains, primary sanitary sewer outfalls, storm drainage infrastructure, ancillary utility mainlines, irrigation canals and ditches, and the proposed extension of such streets and utility services in the vicinity of the proposed annexation;
- The existing and proposed land use pattern in the area. The existing land use pattern is agricultural and residential.

In addition, pursuant to the requirements of subparagraphs (b) through (f), inclusive of said section, the following items have been addressed or presented:

- (a) A final Annexation Agreement and Annexation Ordinance shall be submitted to the Weld County Clerk and Recorder for recording and to the Weld County Attorney, upon request.
- (b) The plans of the City of Fort Lupton for extending municipal services to, or otherwise providing for, municipal services to the subject property to be annexed as follows:
  1. **On-Site / Off-Street Improvements:** The annexation agreement will address any future improvements.
  2. **Dry Utilities to Service Property:** Electrical, telephone, cable television and natural gas facilities are located in the vicinity of the property or already serving the property to be annexed.
  3. **Water Transmission and Sanitary Sewer Interceptors:** Water and sewer service can be extended to serve this site and will be addressed in the annexation agreement.
  4. **Police, Fire, and Other City Services:** Police protection will be provided by the City of Fort Lupton. Fire protection will be provided by the Fort Lupton Fire Protection District.
  5. **Water Distribution and Sewer Collection:** At the time of development that requires it, the developer of the property will be responsible for all construction of any required water and sanitary sewer systems in accordance with the City's Standards or agreements with other service providers and Specifications for on-site services. This item will be addressed in the annexation agreement.

6. **Storm Drainage:** Storm drainage should not be negatively impacted.
  7. **Public Lands / Open Space:** The dedication of public lands and open space will be addressed in the annexation agreement.
  8. **Public Facility Extension:** The City does not anticipate that there will be a need for the Applicants to extend or construct any offsite public facilities, i.e. recreation centers, etc., for the annexation and initial zoning.
- (c) In the event that property is developed further and the extension of municipal services to the annexed property is required, the development of future water, sewer, and storm water infrastructure shall be accomplished by one or more of the following Financing Methods:
1. Development Fees and Surcharges collected by the City of Fort Lupton;
  2. Direct Developer Financing;
  3. Metropolitan Districts;
  4. Special Improvement Districts; and/or
  5. Otherwise by agreement between City and the Developer as deemed appropriate.
- (d) Consistent with C.R.S. 31-12-108.5, the Districts and all taxing entities are identified with the current 2019 property tax mill levy attached hereto.
- (f) This current annexation and zoning should not have any negative impact on the Weld County RE-8 Fort Lupton School District. Any future development proposals will be sent to the School District for review and comments. The School District has received a referral request for their review and comment.

***\*Please contact Maria Lancto at [mlancto@fortluptonco.gov](mailto:mlancto@fortluptonco.gov) or 303-857-6694 to request any of the provided maps in a larger format or in electronic format.***

**Attachments:**

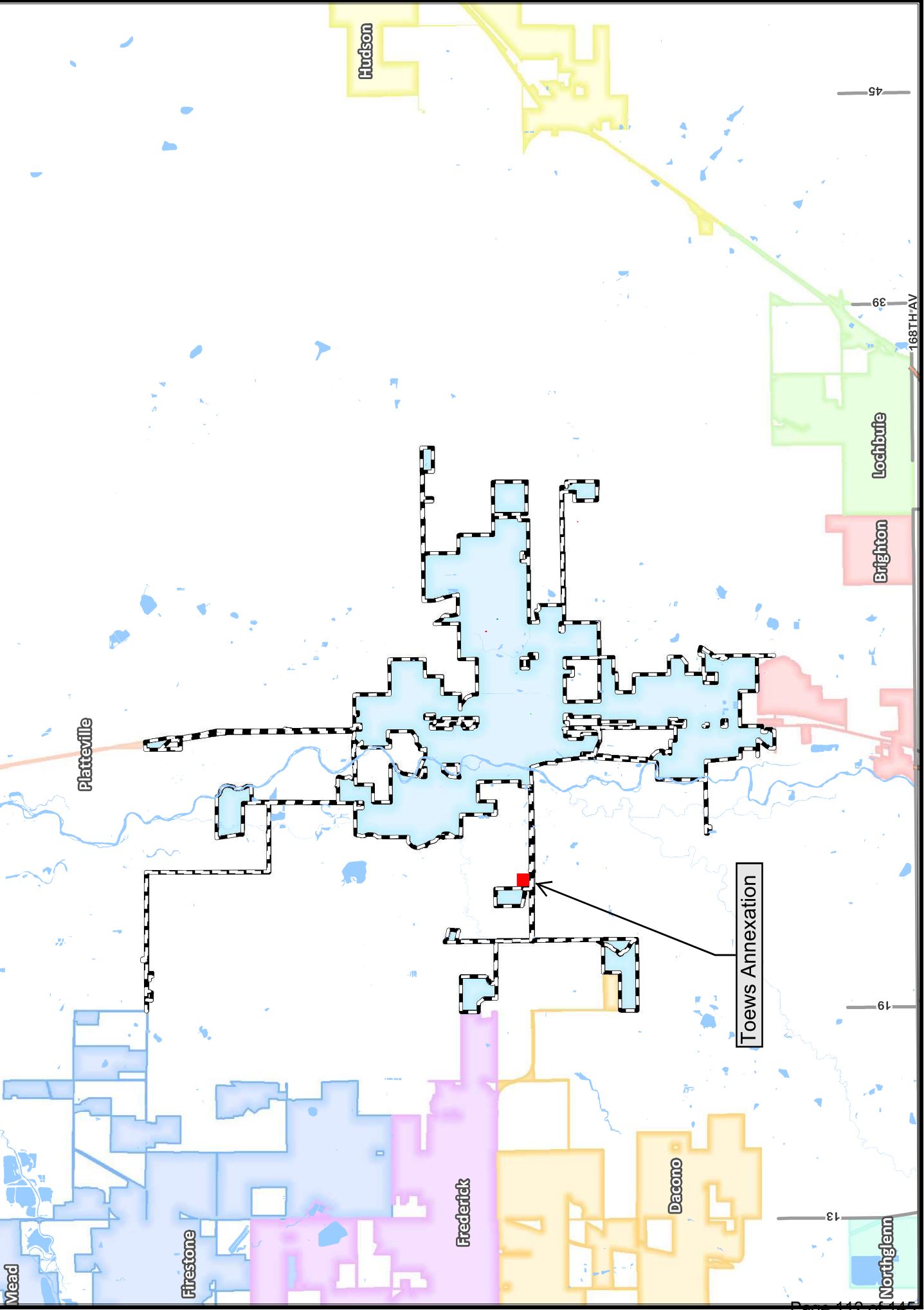
1. Annexation map and vicinity map with Fort Lupton boundary
2. Comprehensive Plan Land Use Map
3. Zoning map
4. Water maps
5. Wastewater maps
6. Storm drainage study area maps
7. Storm sewer map
8. Irrigation canals and ditches map
9. Ultimate Roadway Network Map
10. 2020 Tax Levies Weld County, Colorado

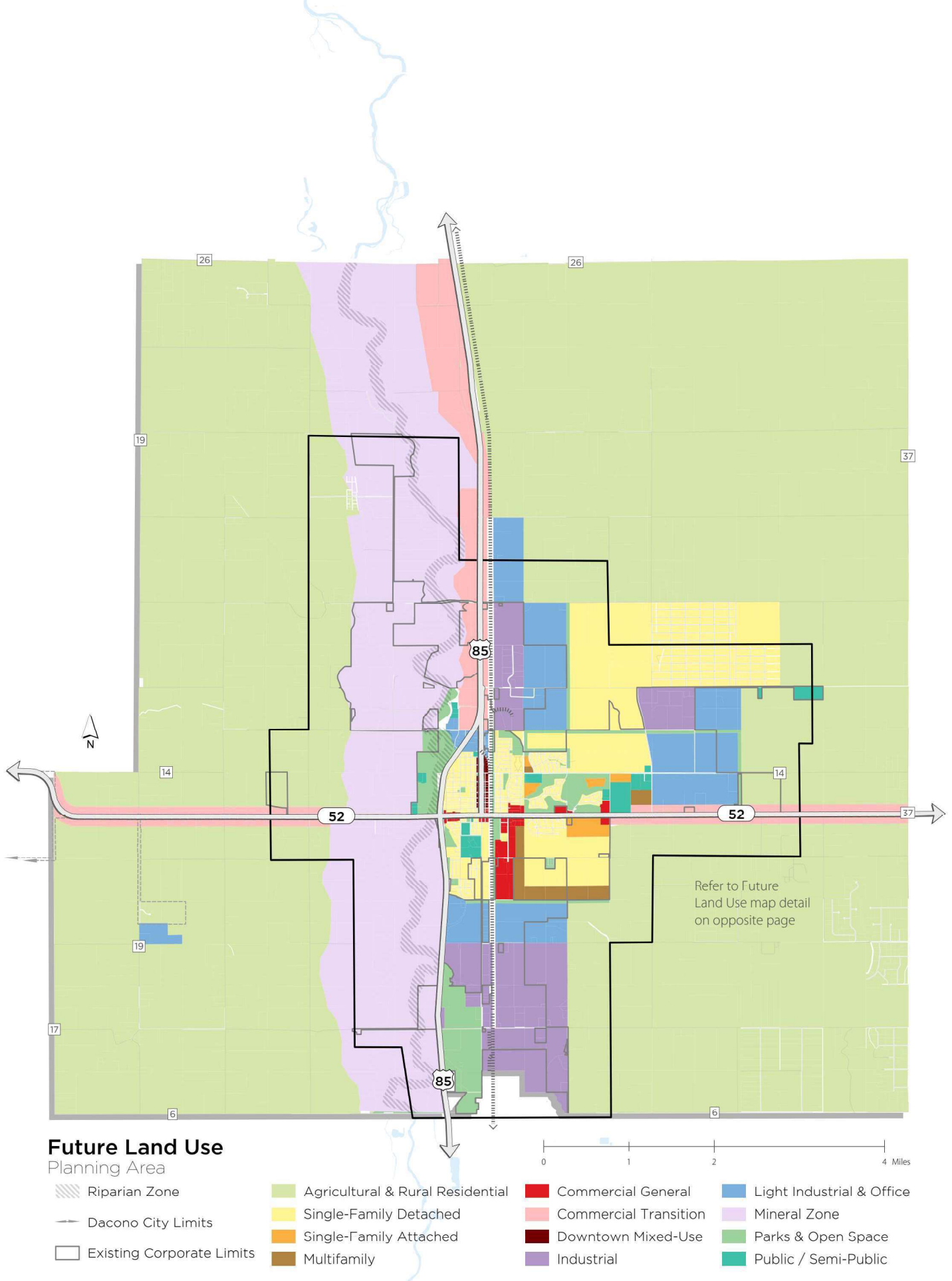




# Toews Annexation

Scale = 1:111,624  
*Fort Lupton*









|                                                                                       |                                |                                                                                       |                              |
|---------------------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------|------------------------------|
|  | Agriculture                    |  | R-O Residential Office       |
|  | Estate                         |  | C-1 General Commercial       |
|  | R-1A Low Density Residential   |  | C-2 Heavy Commercial         |
|  | R-1 Low Density Residential    |  | I-1 Light Industrial         |
|  | R-2 Medium Density Residential |  | I-2 Heavy Industrial         |
|  | R-3 High Density Residential   |  | Parks & Open Space           |
|  | M-H Mobile Home                |  | PUD Planned Unit Development |

 Wild Parcels    
  Fort Lupton City Limits    
  Section Lines  
 Railroad    
 US Highway 85    
 Township Lines

Scale = 1:13,500



March 08, 2019

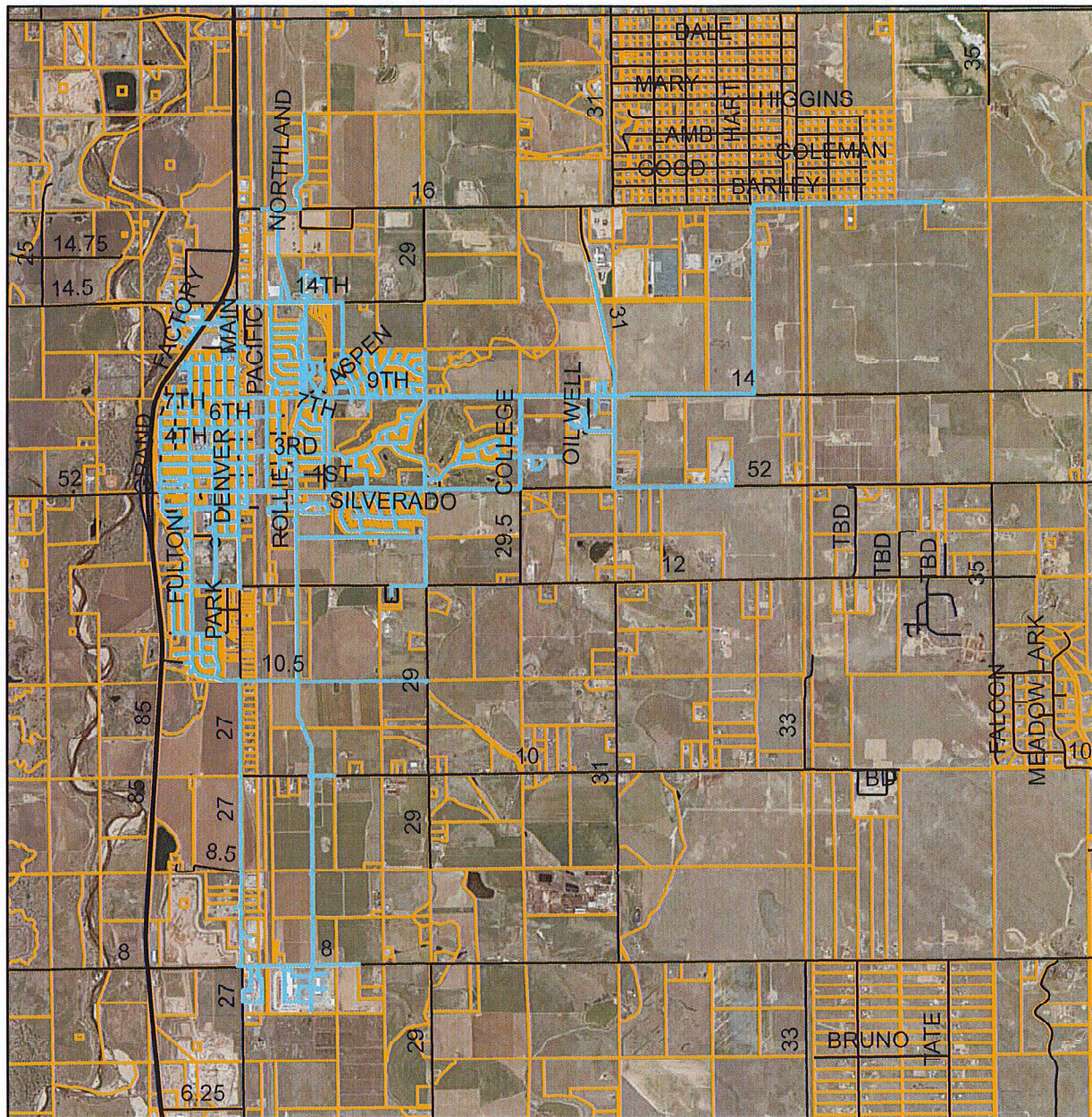
CITY OF  
**Fort Lupton**  
SINCE 1868

**Disclaimer:**  
This map was designed and intended for City of Fort Lap service only; it is not guaranteed to survey accuracy. This map is based on the best information available on the date shown on this map. The City of Fort Lap makes no warranties or guarantees, either expressed or implied, as to the content, accuracy or correctness of this map, nor accepts any liability arising from, inaccuracy, incompleteness, or misleading information contained therein. Any reproduction or use of this map or portions thereof is prohibited without written permission of the City of Fort Lap.





# Fort Lupton Utility Map



## Utilities

Water



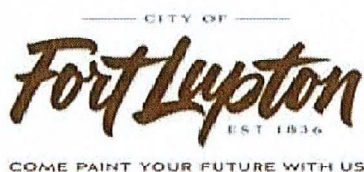
0 0.5 1 2 Miles



Sanitary Sewer



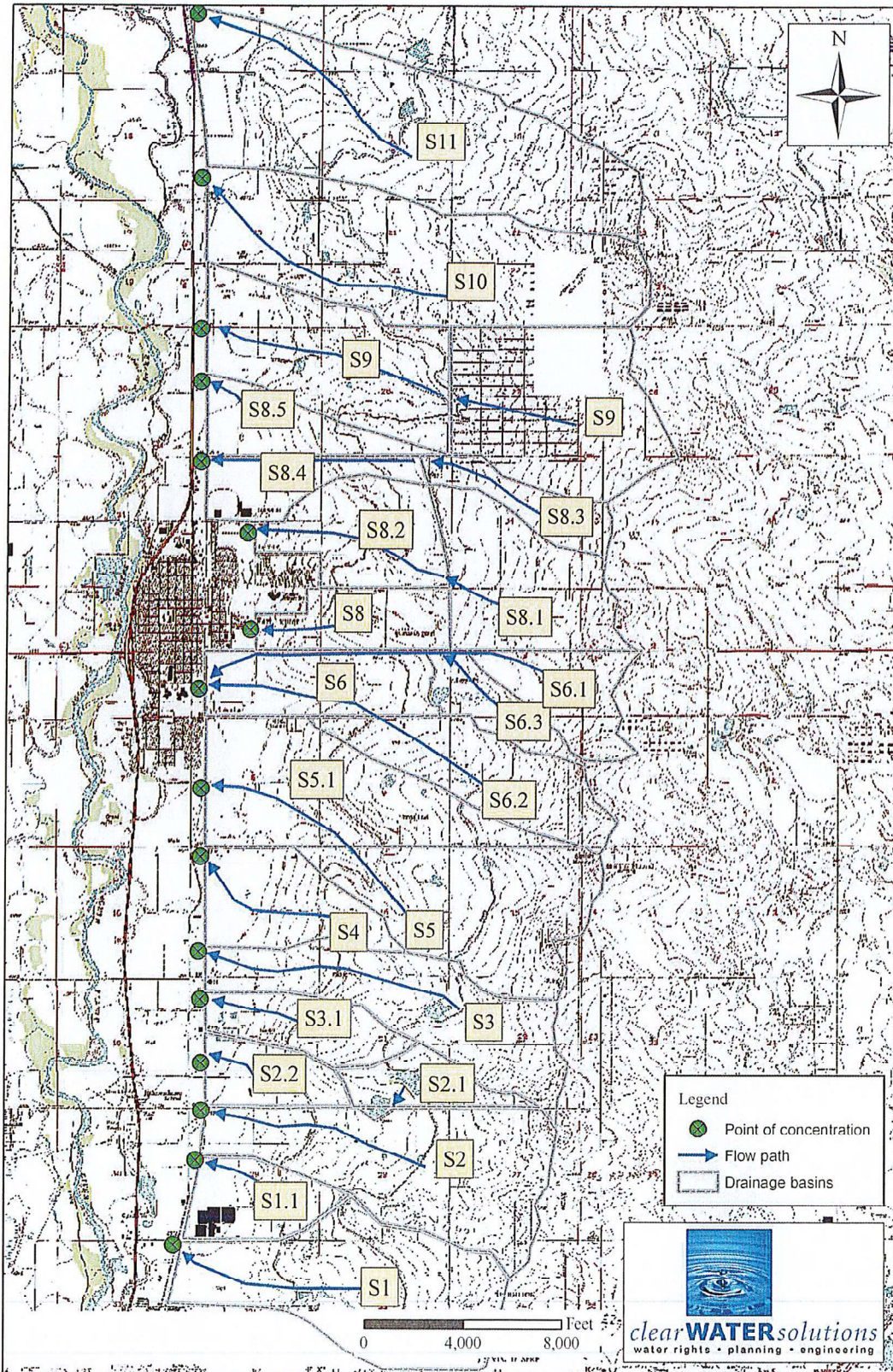
A horizontal number line representing distance in miles. It starts at 0 on the left and ends at 2 Miles on the right. Major tick marks are labeled at 0, 0.5, 1, and 2 Miles. There are 10 equal intervals between 0 and 1, and another 10 equal intervals between 1 and 2. Each interval represents 0.1 miles. There are 19 small tick marks in total, one at each interval boundary.



Page 116 of 145



Figure 8-1  
City of Fort Lupton  
Storm Drainage Study Area



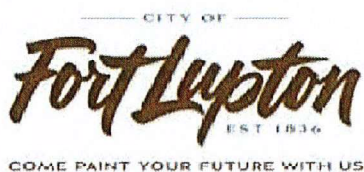


This aerial map illustrates the proposed rail alignment in pink, starting from the airport area and extending through the city center towards the northeast. The alignment passes through several key areas, including Northland, Arden, Silverado, and Crown Prince. Major roads like I-70, I-25, and I-76 are clearly visible, along with various neighborhoods and landmarks. The map also shows the locations of several schools and parks, such as Arden Elementary, Silverado Elementary, and Crown Prince Elementary. The alignment is shown in a series of segments, with some segments highlighted in a darker pink color to indicate specific sections of the route.

— Storm Sewer

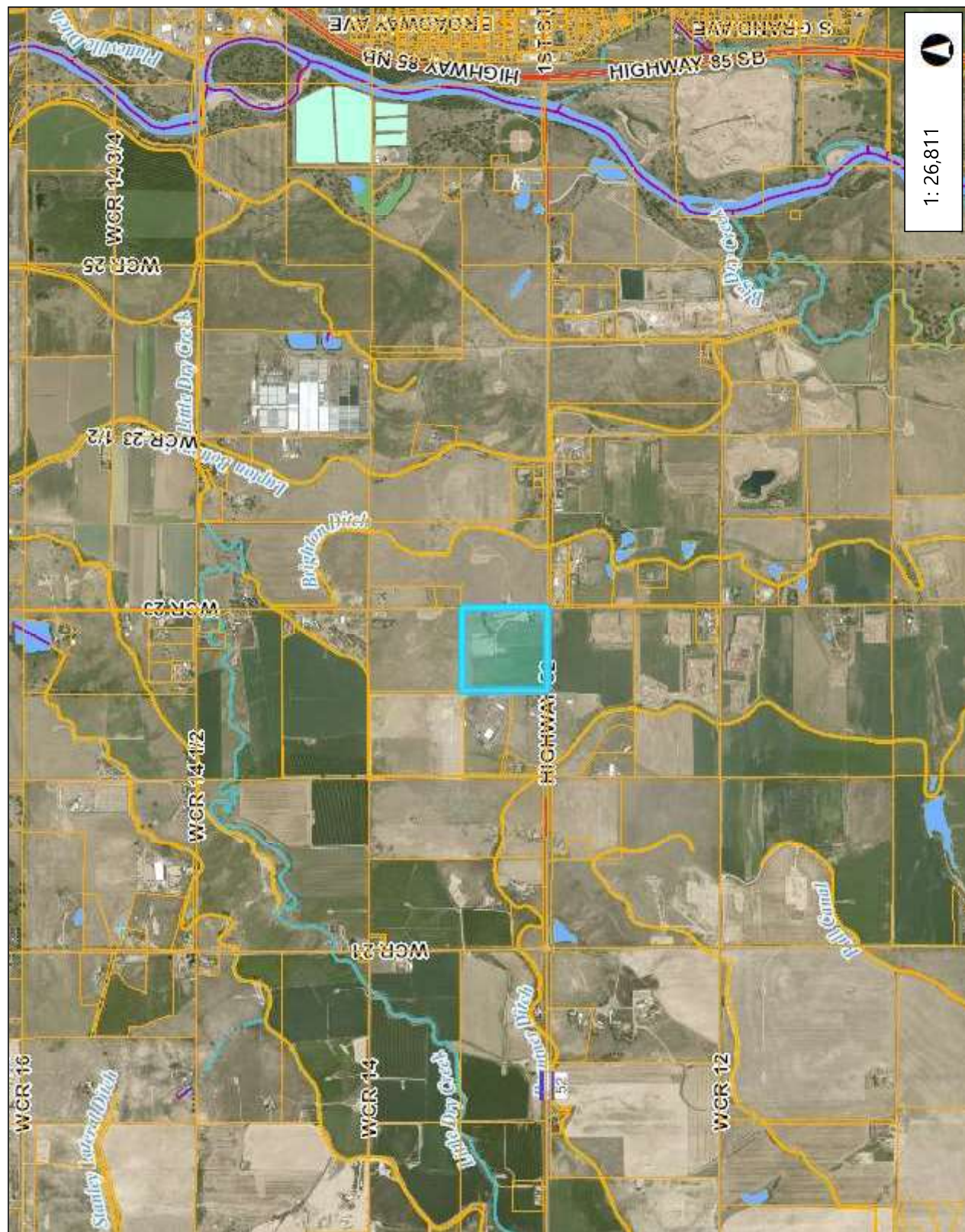


A horizontal number line representing distance in miles. It starts at 0 and ends at 2. Major tick marks are labeled at 0, 0.5, 1, and 2 Miles. There are 10 equal intervals between 0 and 1, and 10 equal intervals between 1 and 2. Each interval represents 0.1 miles. Unlabeled tick marks are present at 0.1, 0.2, 0.3, 0.4, 0.6, 0.7, 0.8, 0.9, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, and 1.9 miles.



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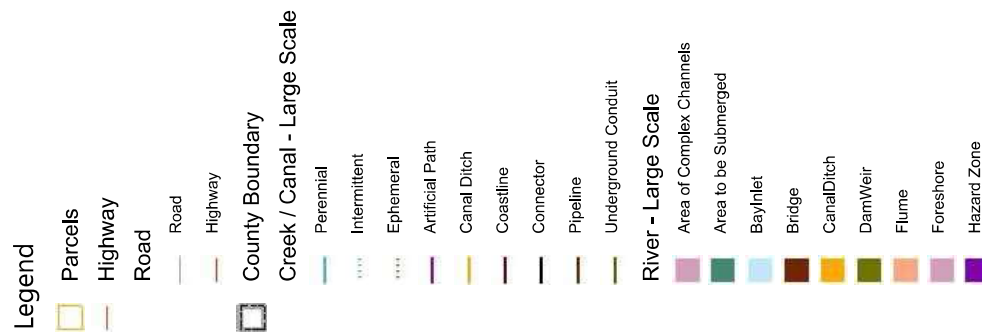


|         |   |          |         |      |
|---------|---|----------|---------|------|
| 4,468.5 | 0 | 2,234.23 | 4,468.5 | Feet |
|---------|---|----------|---------|------|

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

© Weld County Colorado

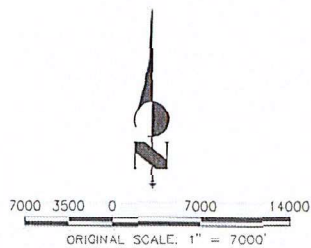
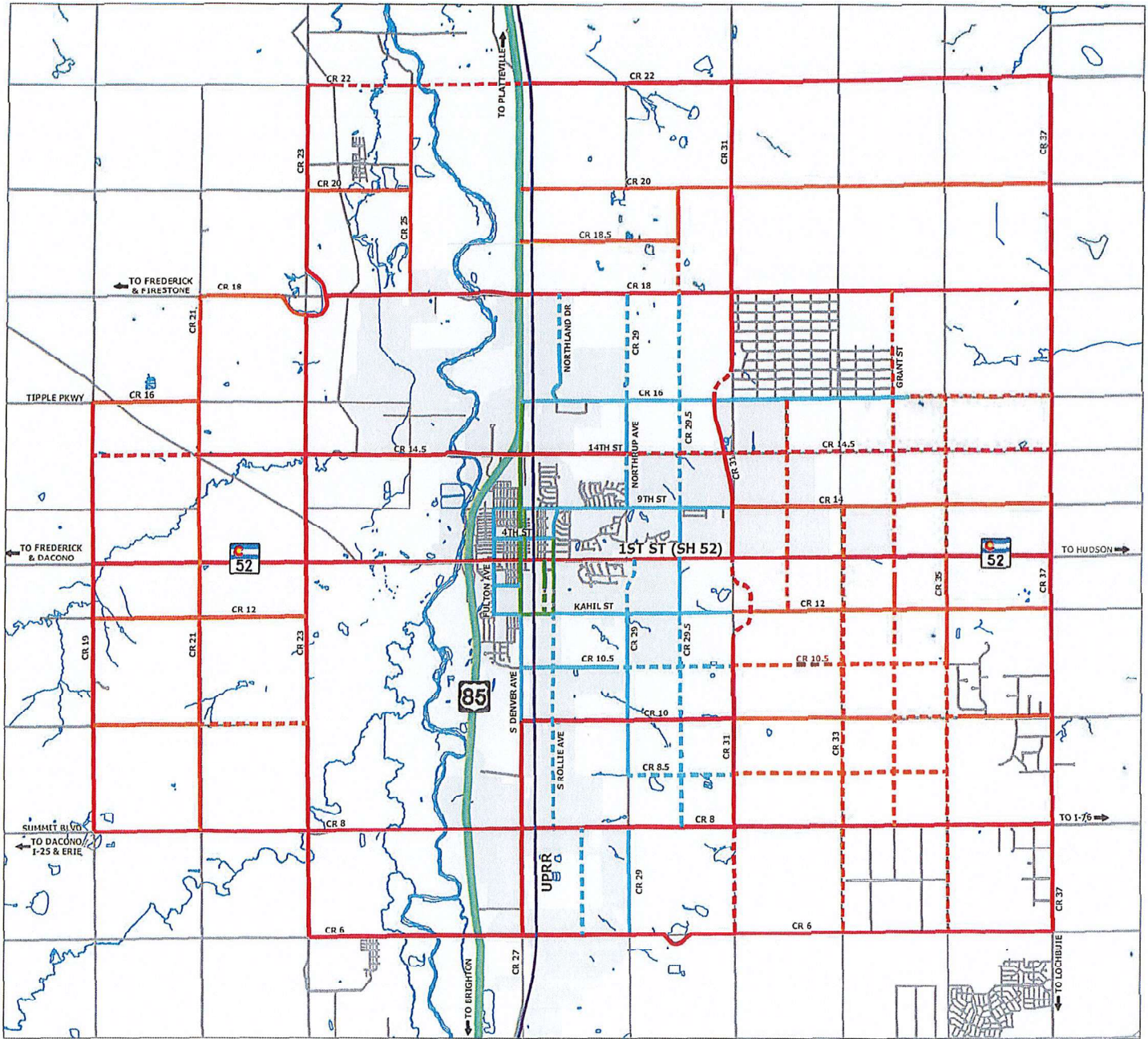
THIS MAP IS NOT TO BE USED FOR NAVIGATION



## Notes



Figure 9: Ultimate Roadway Network



**EXISTING NETWORK  
LEGEND - ROAD IMPROVEMENTS**

- 4-LANE ARTERIAL
- RURAL COLLECTOR
- URBAN COLLECTOR
- RETAIL STREET
- UNION PACIFIC RR
- 4-LANE HIGHWAY

FORT LUPTON CITY LIMITS

**FUTURE NETWORK  
LEGEND - ROAD IMPROVEMENTS**

- - - 4-LANE ARTERIAL
- - - RURAL COLLECTOR
- - - URBAN COLLECTOR
- - - RETAIL STREET

NOTE: FUTURE ROADWAYS ARE SHOWN ON A CONCEPTUAL BASIS.

## WELD COUNTY TAX DISTRICT AND AUTHORITY REPORT

### FOR TAX YEAR 2020

#### Tax District - 3685

| <u>Authority Code</u> | <u>Authority Name</u>                | <u>Mill Levy</u>  |
|-----------------------|--------------------------------------|-------------------|
| 0100                  | WELD COUNTY                          | 15.038000         |
| 0213                  | SCHOOL DIST RE1J-LONGMONT            | 56.542000         |
| 0301                  | NORTHERN COLORADO WATER (NCW)        | 1.000000          |
| 0406                  | FIRESTONE TOWN                       | 6.805000          |
| 0507                  | FREDERICK-FIRESTONE FIRE             | 13.900000         |
| 0531                  | FREDERICK-FIRESTONE FIRE (BOND 2022) | 0.483000          |
| 0900                  | CARBON VALLEY REC                    | 4.427000          |
| 1050                  | HIGH PLAINS LIBRARY                  | 3.181000          |
| 1202                  | LONGMONT CONSERVATION                | 0.000000          |
| 1348                  | STONERIDGE METRO DISTRICT            | 34.000000         |
| <b>Total Levy</b>     |                                      | <b>135.376000</b> |

#### Tax District - 3686

| <u>Authority Code</u> | <u>Authority Name</u>                    | <u>Mill Levy</u> |
|-----------------------|------------------------------------------|------------------|
| 0100                  | WELD COUNTY                              | 15.038000        |
| 0208                  | SCHOOL DIST RE8-FORT LUPTON              | 18.526000        |
| 0302                  | CENTRAL COLORADO WATER (CCW)             | 1.156000         |
| 0309                  | CENTRAL COLORADO WATER SUBDISTRICT (CCS) | 2.151000         |
| 0506                  | FORT LUPTON FIRE                         | 9.297000         |
| 0530                  | FORT LUPTON FIRE (BOND 2022)             | 0.362000         |
| 0700                  | AIMS JUNIOR COLLEGE                      | 6.305000         |
| 1050                  | HIGH PLAINS LIBRARY                      | 3.181000         |
| 1201                  | PLATTE VALLEY CONSERVATION               | 0.000000         |
| <b>Total Levy</b>     |                                          | <b>56.016000</b> |

## Maria Lancto

---

**From:** John Fryar  
**Sent:** Wednesday, December 16, 2020 4:08 PM  
**To:** Maria Lancto  
**Subject:** RE: Referral Response Request: Toews Annexation; Project No: LUP2020-0035; Plan Nos.: ANX2020-0005 & COZ2020-0006

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

No LE issues.



Committment rather than Compliance  
Remember "Find a Way to Help"

John Fryar, Chief of Police  
130 S. McKinley Ave  
Fort Lupton, CO 80621

Work (303) 857-4011  
Cell (303) 210-0100

---

**From:** Maria Lancto  
**Sent:** Wednesday, December 16, 2020 4:03 PM  
**Cc:** Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>  
**Subject:** Referral Response Request: Toews Annexation; Project No: LUP2020-0035; Plan Nos.: ANX2020-0005 & COZ2020-0006

Good Afternoon,

The documentation located at the following link is submitted to you for review and recommendation for an annexation being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link <https://www.fortlupton.org/DocumentCenter/Index/531>.

Any comments you consider relevant to this request would be appreciated. Please reply by **January 6, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.



The Public Hearings for this matter are scheduled for:

Planning Commission: Thursday, January 14, 2021 at 6:00 PM; and  
City Council: Tuesday, February 2, 2020 at 7:00 PM

Your time in this matter is greatly appreciated.  
Thank you,

Maria Lancto

Planner I

130 S. McKinley Ave.  
Fort Lupton, CO 80621  
Office: 303.857.6694  
Extension: 6107  
Cell: 303.718.0172





## Public Works

130 S. McKinley Avenue  
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

[www.fortluptonco.gov](http://www.fortluptonco.gov)

### MEMO

To: Todd Hodges  
Alyssa Knutson

From: Roy Vestal

Date: December 31, 2020

Subject: Toews Annexation; Project No: LUP2020-0035;  
Plan Nos.: ANX2020-0005 & COZ2020-0006  
Public Works Review

---

Public Works has reviewed the submitted documents for the above referenced development project with the following comments for inclusion with the Annexation submittal.

#### **1. Annexation Map**

- a. A ROW Reservation of 25' along the eastern property line is required. City Transportation Plan identifies CR 23 designated as an arterial with a future ROW requirement of 110 feet wide centered on the Section line, half of which will be on this property (60' is existing requiring an additional 25' on both sides).



**Right of Way & Permits**  
1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303.571.3284  
donna.l.george@xcelenergy.com

January 5, 2021

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

Attn: Alyssa Knutson and Todd Hodges

**Re: Toews Annexation and Zoning**  
**Case #s LUP2020-0035 / ANX2020-0005 / COZ2020-0006**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **Toews Annexation and Zoning** and has no objection to this proposed rezone, contingent upon Public Service Company of Colorado's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

The City of Fort Lupton must send us notification after approval of the proposed annexation has been finalized. This notification should be sent to Jacob Van Laere (303-571-3818) at: Xcel Energy, 1123 West 3<sup>rd</sup> Avenue, Denver, Colorado 80223 or [jacob.van.laere@xcelenergy.com](mailto:jacob.van.laere@xcelenergy.com). This will allow our mapping department to make the necessary updates to our mapping system.

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



January 7, 2021

Fort Lupton Planning Department  
130 S. McKinley Avenue  
Fort Lupton, CO 80621  
[www.fortlupton.org](http://www.fortlupton.org)

Re: Toews Annexation and Initial Zoning Project No. LUP2020-0035 and Plan Nos. ANX2020-0005 & COZ2020-0006

Dear Mr. Hodges and Ms. Knutson:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Toews Annexation. After review of the information, United Power has no concerns or objection to the proposed Annexation or Initial Zoning.; contingent upon United Power's ability to maintain all existing rights, facilities/equipment, and existing easements. This request should not hinder our ability for future expansion, including all present and any future accommodations for electrical distribution.

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,

*Amber Mendoza*

Amber Mendoza  
ROW Agent  
720.249.9315 | [platreferral@unitedpower.com](mailto:platreferral@unitedpower.com)





## DEPARTMENT OF PLANNING SERVICES

1555 N. 17<sup>th</sup> Ave

Greeley, CO 80631

Website: [www.weldgov.com](http://www.weldgov.com)

Email: [jflesher@weldgov.com](mailto:jflesher@weldgov.com)

Phone: (970) 400-3552

Fax: (970) 304-6498

Via Email

December 22, 2020

Alyssa Knutson, Planner  
City of Fort Lupton  
130 S. McKinley Avenue  
Fort Lupton, CO 80621

Subject: Toews Annexation

Dear Alyssa:

The Weld County Department of Planning Services has reviewed this proposal and submits the following comments for your consideration.

Please note that a building labeled "loafing shed" on the recorded exemption plat may be located within existing right-of-way of County Road 23 and one labeled "metal shed" may be located within future right-of-way as shown on the annexation map.

There is an existing County-approved use by special review for a kennel on the property to the west at 10711 Highway 52 (USR-1766).

### General comments:

There is no County commitment to upgrade County roads and bridges to accommodate municipal developments.

The present zoning of adjacent and surrounding unincorporated properties are predominantly Agricultural. Owners of property in the area of this proposal should be made aware that agricultural uses, even when done in a manner consistent with good agricultural practices, may generate impacts such as noise, dust, flies, odors, aerial spraying, and slow-moving equipment on County roadways. It is important for future residents to note that adjacent properties may be in unincorporated Weld County and that Weld County has adopted a Right-to-Farm Statement and a Right to Extract Mineral Resources Statement and recommends they be placed on all plats adjacent to unincorporated areas:

### Right-to-Farm Statement

Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged

to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high-speed traffic, sand burs, puncture vines, territorial farm dogs and livestock and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.

#### Weld County Right to Extract Mineral Resources Statement

Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the State's commercial mineral deposits are essential to the State's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state.

Mineral resource locations are widespread throughout the County and people moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

Thank you for the opportunity to comment on this proposal. This response addresses general requirements, concerns, or issues and is intended to assist in your community's decision-making process regarding this land use proposal. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,

Jim Flesher, AICP  
Long-Range Planner  
Weld County

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

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located at the northwest corner of the intersection of Highway 52 and County Road 23 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, January 14, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 2, 2021, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held in the City Hall, 130 South McKinley Avenue, Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Planning & Building Department at (303) 857-6694.

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT

WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.77 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

**RESOLUTION NO. 2020R085**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE TOEWS ANNEXATION AND SETTING THE PUBLIC HEARING FOR FEBRUARY 2, 2021**

**WHEREAS**, the Fort Lupton City Council has reviewed the annexation petition submitted by Leonard Toews and Sherri Toews for 33.77 acres, more or less, and known as the Toews Annexation; and

**WHEREAS**, the Fort Lupton City Council finds the annexation petition to be complete and in substantial conformance with the requirements of C.R.S. 31-12-107 (1) as amended.

**NOW THEREFORE BE IT RESOLVED** that the Fort Lupton City Council hereby approves this Resolution initiating annexation proceedings for the Toews Annexation and sets the hearing date for February 2, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

**APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 15th DAY OF DECEMBER 2020.**

City of Fort Lupton, Colorado  
/s/ Zo Stieber  
Zo Stieber, Mayor

Attest:  
s/Maricela Peña  
Maricela Peña, Interim City Clerk

Approved as to form:  
s/Andy Ausmus  
Andy Ausmus, City Attorney

Published in the Fort Lupton Press  
December 30, 2020 and January 6, 13  
and 20, 2021

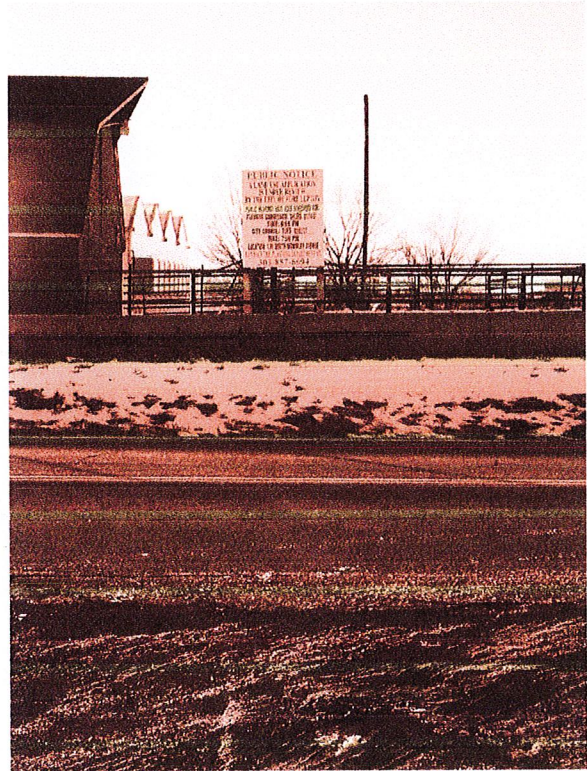


**Sign Posting Affidavit**

LUP2020-0035; ANX2020-0005 & COZ2020-0006



Highway 52



County Road 23

I, Leonard Toews hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 30<sup>th</sup> day of December, 2020.

Leonard Toews

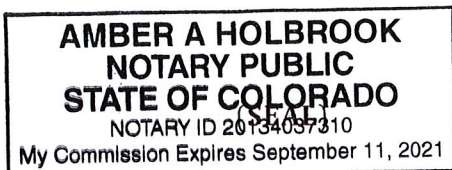
Signature of Owner or Owner's Representative

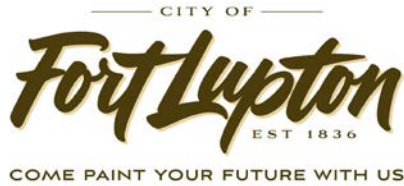
The foregoing instrument was acknowledged before me by Leonard Toews, this 4 day of January, 2020. Witness my hand and seal.

My commission expires Sept 11, 2021.

Amber Holbrook

Notary Public





---

## CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 4<sup>th</sup> day of January 2021, a true and correct copy of the foregoing Notice of Public Hearings and Annexation Petition for the Toews Annexation was sent via Certified Mail, Return-Receipt Requested, to the following addresses:

Aims Junior College  
P.O. Box 69  
Greeley, CO 80632

Platte Valley Conservation  
57 West Bromley Lane  
Brighton, CO 80601

Central Colorado Water Conservancy District  
3209 W. 28<sup>th</sup> Street  
Greeley, CO 80631

Weld County RE-8 School District  
Attn: Alan Kaylor  
200 S Fulton Ave  
Fort Lupton, CO 80621

Fort Lupton Fire Protection District  
1121 Denver Avenue  
Fort Lupton, CO 80621

Weld County Commissioners  
1150 O Street  
PO Box 758  
Greeley, CO 80631

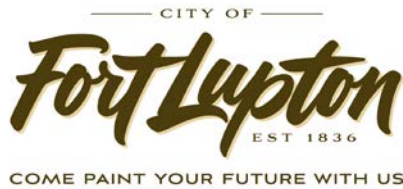
High Plains Library  
2650 W. 29<sup>th</sup> Street  
Greeley, CO 80631

Weld County Attorney  
1150 O Street  
PO Box 758  
Greeley, CO 80631

*Maria Laneto*

---

**City Official**



---

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

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**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.77 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.



**RESOLUTION NO. 2020R085**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE TOEWS ANNEXATION AND SETTING THE PUBLIC HEARING FOR FEBRUARY 2, 2021**

**WHEREAS**, the Fort Lupton City Council has reviewed the annexation petition submitted by Leonard Toews and Sherri Toews for 33.77 acres, more or less, and known as the Toews Annexation; and

**WHEREAS**, the Fort Lupton City Council finds the annexation petition to be complete and in substantial conformance with the requirements of C.R.S. 31-12-107 (1) as amended.

**NOW THEREFORE BE IT RESOLVED** that the Fort Lupton City Council hereby approves this Resolution initiating annexation proceedings for the Toews Annexation and sets the hearing date for February 2, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

**APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 15<sup>th</sup> DAY OF DECEMBER 2020.**

City of Fort Lupton, Colorado

s/Zo Stieber  
Zo Stieber, Mayor

Attest:

s/Maricela Peña  
Maricela Peña, Interim City Clerk

Approved as to form:

s/Andy Ausmus  
Andy Ausmus, City Attorney

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/fldevelopment) AND SCROLLING DOWN TO THE ROWS TITLED: TOEWS ANNEXATION AND INITIAL ZONING.



## 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 Toews 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 or will be contiguous with the City of Fort Lupton within such time as required by Section 31-12-104.
  - 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, 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.
  - f. 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, 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.
  - g. 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. The area proposed to be annexed is not part of any incorporated city, city and county, or town.

- h. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Fort Lupton was held within the twelve months preceding the filing of this petition.
  - i. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
  - j. 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.
  - k. The territory to be annexed is 33.77 acres in total area.
  - l. 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.
  - m. 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.
  - n. 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. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of an annexation map shall be submitted to the City, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information:
- a. The date of preparation, the scale and a symbol designating true north.
  - b. The name of the annexation.
  - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
  - d. The legal description.
  - e. Distinction of the boundary that is contiguous to the City and the length of same.
  - f. Lot and block numbers if the area is already platted.
  - g. Existing and proposed easements and rights-of-way.



- h. Existing and requested zoning and acreage of each requested zone.
  - i. Ownership of all parcels within and adjacent to the annexation.
  - j. Appropriate certification blocks as directed by the Planning Department.
5. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of a master plan shall be submitted to the City of Fort Lupton, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information.
- a. The date of preparation, the scale and a symbol designating true north.
  - b. The name of the annexation.
  - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
  - d. Existing and proposed easements and rights-of-way.
  - e. Block numbers and lot numbers with approximate dimensions.
  - f. Proposed gross and net residential density.
  - g. Existing watercourses with adequate easements for flood control.
  - h. Designation of all public sites to be reserved and dedicated.
  - i. Existing two-foot contours.
  - j. Appropriate certification blocks as directed by the Planning Department.
6. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of five (5) copies of all required supportive information shall be submitted to the City of Fort Lupton which shall include the following:
- a. Soils description and limitation.
  - b. Preliminary utility plan.
  - c. Mailing addresses of all property owners within five hundred (500) feet of the annexation.
  - d. Affidavit concerning the amount and historical use of all water rights owned.
  - e. Vicinity map with one and one-half (1 ½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
  - f. Statement on community need for proposed annexation and zoning.
  - g. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
7. 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.

8. 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.
9. 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 and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
10. 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. 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.
11. The non-refundable annexation application fee of \$1,279.28 tendered herewith.



Leonard Toews L.T. 5535 County Road 23 November 6/2020  
Fort Lupton, CO 80621

Sherril Toews S.T. 5535 County Rd 23  
Fort Lupton, CO 80621 Nov. 6, 2020

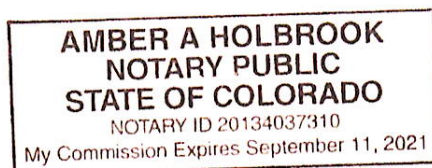
The foregoing signature(s) was/were subscribed and sworn to before me this 6 day of  
November, 2020, by Leonard Toews & Sherril Toews.

Witness my hand and official seal.

My commission expires on Sept 11, 2021.

Amber A Holbrook

Notary Public



Land Owned

If necessary, attach separate sheet.

#### AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO     )  
                                          )ss.  
COUNTY OF WELD         )

\_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires on \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

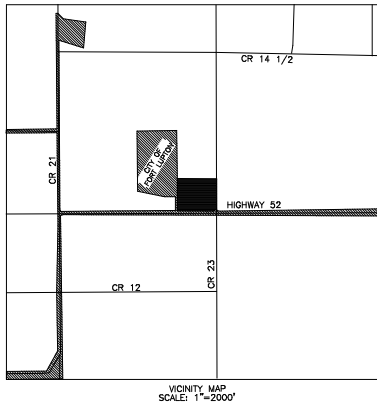
# Toews Annexation Map

Project No. LUP2020-XXXX

Plan No. ANX2020-XXXX

Located in the West 1/2 of the Northeast 1/4 of Section 2,  
Township 1 North, Range 67 West of the 6th P.M.,  
City of Fort Lupton, County of Weld, State of Colorado

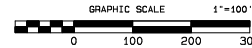
Sheet 1 of 1



LOT 2  
NPC MINOR SUBDIVISION  
REC. NO. 4300777  
PARCEL NO. 14600101000  
W&H PROPERTY LLC

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N00°00'00"E | 110.00'  |
| L2   | S89°26'53"E | 25.34'   |
| L3   | S44°28'09"E | 6.66'    |
| L4   | N45°36'09"E | 70.70'   |
| L5   | S89°26'53"E | 22.75'   |

LOT 8  
REC. NO. 3799966  
PARCEL NO. 14602100008  
HOWARD E. BINDER



LOT 9  
REC. NO. 3799966  
PARCEL NO. 14602100008  
HOWARD E. BINDER

## PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE CONSIDERED WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 0°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52; AND THE POINT OF BEGINNING; THENCE CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 44°28'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE CONSIDERED WITH SAID EAST RIGHT OF WAY NORTH 0°00'00" EAST, A DISTANCE OF 70.70 FEET TO THE NORTH LINE OF LOT 8 OF RECORDED EXEMPTION NO. 1460-02-1 REC-2006; RECORDED OCTOBER 20, 2011 AS RECORDED EXEMPTION NO. 279888; THENCE CONSIDERED WITH THE NORTH LINE OF SAID LOT 8 NORTH 89°26'53" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE CONSIDERED WITH THE WEST LINE OF SAID LOT 8 SOUTH 0°00'00" EAST, A DISTANCE OF 110.00 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING CONSIDERED WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.77 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

## NOTES:

- BOUNDARY INFORMATION FOR THIS ANNEXATION MAP IS BASED UPON FIELD EVIDENCE TOGETHER WITH CALCULATIONS BASED UPON ANNEXATION PLATS, RECORDED EXEMPTION PLATS, LAND SURVEY PLATS, AND OTHER SURVEY INFORMATION OF RECORD. ALL INFORMATION HAS BEEN NOTATED TO MATCH THE BASIS OF BEARING AS SHOWN HEREON.
- BASES OF BEARING: THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR NORTH 0°00'00" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREON RELATIVE THERETO.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DETECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DETECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DETECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT AS DEFINED BY SECTION 38-53-103 (1)(b), C.R.S., OR CONTING CORNER AS DEFINED IN SECTION 38-53-103 (1)(c), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE, KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1)(c), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND IN WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMETS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.
- CERTIFICATION DEFINES: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL JUDGMENT REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

LOT 1  
NPC MINOR SUBDIVISION  
REC. NO. 4300777  
PARCEL NO. 14600101001  
W&H PROPERTY LLC

LOT 7  
ANR-2785  
REC. NO. 2818943  
PARCEL NO. 14600000078  
JAMES GRANT TERRY

## ANNEXATION CONTIGUITY TABLE:

|                                    |               |
|------------------------------------|---------------|
| TOTAL PERIMETER:                   | 4,886.43 FEET |
| REQUIRED 1/8 CONTIGUOUS PERIMETER: | 809.74 FEET   |
| CONTIGUOUS BOUNDARY:               | 2461.23 FEET  |

EXISTING CITY OF  
FORT LUPTON  
BOUNDARY

CENTER-EAST 1/16 CORNER SECTION 2.  
FOUND 3/4" REBAR WITH 2 1/2"  
ALUMINUM CAP LS 23027.

LOT 8  
REC. NO. 1603319  
PARCEL NO. 14602000002  
FUSARO LLC

EAST 1/4 CORNER SECTION 2.  
FOUND 3/4" REBAR WITH 2"  
ALUMINUM CAP LS 25937.

PARCEL NO. 14600100015  
RABIERZ TRUCKING &  
OIL FIELD SERVICES INC

## OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT LEONARD TOEWS AND SHERR TOEWS, BEING SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF WADE ANNEXATION, IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

LEONARD TOEWS \_\_\_\_\_ SHERR TOEWS \_\_\_\_\_  
STATE OF COLORADO }  
COUNTY OF WELD } SS.  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY \_\_\_\_\_  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. WITNESS MY HAND AND SEAL.  
MY COMMISSION EXPIRES \_\_\_\_\_.

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

## PLANNING COMMISSION RECOMMENDATION:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE CITY COUNCIL.

CITY COUNCIL VIA RESOLUTION NO. P2020-XXX  
RECOMMENDED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION \_\_\_\_\_

## MAYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. 2020-XXXX OF THE CITY OF FORT LUPTON, COLORADO, AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020; AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE NO. 2020-XXXX OF THE CITY OF FORT LUPTON, ADOPTED AND ADOPTS THE SAID ANNEXATION MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

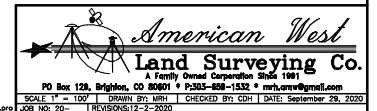
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

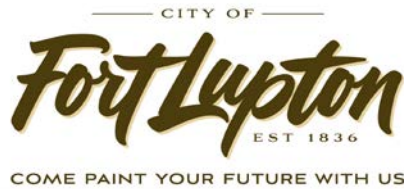
ATTEST: CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

## SURVEYOR'S STATEMENT:

I, MERLE R. HOOD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID ANNEXATION MAP TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ME TO DETERMINE OWNERSHIP. FURTHERMORE, THIS CERTIFICATE THAT AT LEAST ONE-SIXTH (1/6) OF THE PROPERTY SHOWN HEREON IS CONTIGUOUS WITH THE MUNICIPAL BOUNDARY OF THE CITY OF FORT LUPTON, COLORADO.

MERLE R. HOOD, PLS 38046  
FOR AND ON BEHALF OF  
AMERICAN WEST LAND SURVEYING CO.  
A COLORADO CORPORATION





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## CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 30<sup>th</sup> day of December, 2020, a true and correct copy of the foregoing Notice of Public Hearings and annexation map for the Toews Annexation was sent via U.S. Mail, postage pre-paid, to the following addresses:

RAMIREZ TRUCKING  
152 S ROLAND AVE  
FORT LUPTON, CO 80621

HEIN RICHARD  
5290 E YALE CIR STE 103  
DENVER, CO 80222

J. FRANCIS WIELAND  
5406 COUNTY ROAD 23  
FORT LUPTON, CO 80621

BEVERLY LAMBRECHT  
616 N. 13<sup>TH</sup> AVE  
BRIGHTON, CO 80601

DRL & SON HOLDINGS, LLC  
160 BRIAR GROVE DRIVE  
PRINCETON, TX 75407

W2H PROPERTY LLC  
10749 HIGHWAY 52  
FORT LUPTON, CO 80621

NPC LLC  
10741 HIGHWAY 52  
FORT LUPTON, CO 80621

HOWARD BINDER  
6215 COUNTY ROAD 23  
FORT LUPTON, CO 80621

JAMES TERRY  
10711 HIGHWAY 52  
FORT LUPTON, CO 80621

FUSARO LLC  
P.O. BOX 192  
FORT LUPTON, CO 80621

PEHR LAND TRUST  
5238 COUNTY ROAD 23  
FORT LUPTON, CO 80621

DOUG & REGINA SCHMOTZER  
5962 COUNTY ROAD 23  
FORT LUPTON, CO 80621

DAN ODELL  
5406 COUNTY ROAD 23  
FORT LUPTON, CO 80621

AMADO & EVIRA VILLALOBOS  
1224 E 18<sup>TH</sup> WAY  
RIFLE, CO 81650

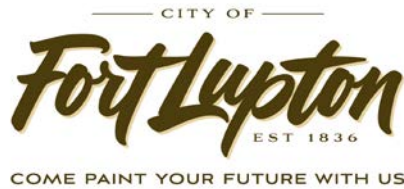
RT WIELAND  
5406 COUNTY ROAD 23  
FORT LUPTON, CO 80621

*Maria Lanco*

---

**City Official**





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

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located at the northwest corner of the intersection of Highway 52 and County Road 23 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, January 14, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 2, 2021, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held in the City Hall, 130 South McKinley Avenue, Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Planning & Building Department at (303) 857-6694.

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.77 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

**RESOLUTION NO. 2020R085**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE TOEWS ANNEXATION AND SETTING THE PUBLIC HEARING FOR FEBRUARY 2, 2021**

**WHEREAS**, the Fort Lupton City Council has reviewed the annexation petition submitted by Leonard Toews and Sherri Toews for 33.77 acres, more or less, and known as the Toews Annexation; and

**WHEREAS**, the Fort Lupton City Council finds the annexation petition to be complete and in substantial conformance with the requirements of C.R.S. 31-12-107 (1) as amended.

**NOW THEREFORE BE IT RESOLVED** that the Fort Lupton City Council hereby approves this Resolution initiating annexation proceedings for the Toews Annexation and sets the hearing date for February 2, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

**APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 15<sup>th</sup> DAY OF DECEMBER 2020.**

City of Fort Lupton, Colorado

s/Zo Stieber

Zo Stieber, Mayor

Attest:

s/Maricela Peña

Maricela Peña, Interim City Clerk

Approved as to form:

s/Andy Ausmus

Andy Ausmus, City Attorney

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/fldevelopment) AND SCROLLING DOWN TO THE ROWS TITLED: TOEWS ANNEXATION AND INITIAL ZONING.

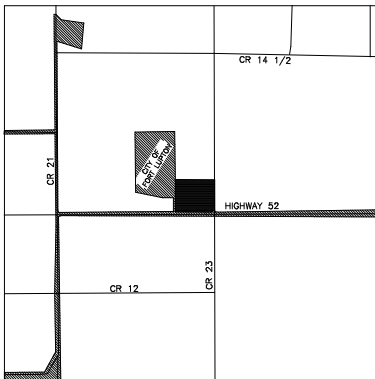
# Toews Annexation Map

Project No. LUP2020-XXXX

Plan No. ANX2020-XXXX

Located in the West 1/2 of the Northeast 1/4 of Section 2,  
Township 1 North, Range 67 West of the 6th P.M.,  
City of Fort Lupton, County of Weld, State of Colorado

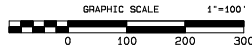
Sheet 1 of 1



LOT 2  
NPC MINOR SUBDIVISION  
REC. NO. 330877  
PARCEL NO. 14600101002  
W3H PROPERTY LLC

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | N00°00'00"E | 110.00'  |
| L2   | S89°26'53"E | 25.34'   |
| L3   | S44°28'09"E | 6.66'    |
| L4   | N45°36'09"E | 70.70'   |
| L5   | S89°26'53"E | 22.75'   |

LOT 8  
REC. NO. 3799966  
PARCEL NO. 14600100008  
HOWARD E. BINDER



## PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE CONSIDERED WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 0°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52; AND THE POINT OF BEGINNING; THENCE CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 44°28'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE CONSIDERED WITH SAID EAST RIGHT OF WAY NORTH 0°00'00" EAST, A DISTANCE OF 70.70 FEET TO THE NORTH LINE OF LOT 1 OF RECORDED EXEMPTION NO. 1460-02-1 REC-2006; RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE CONSIDERED WITH THE NORTH LINE OF SAID LOT 1 NORTH 89°26'53" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE CONSIDERED WITH THE WEST LINE OF SAID LOT 1 SOUTH 0°00'00" EAST, A DISTANCE OF 110.00 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 44°28'09" EAST, A DISTANCE OF 6.66 FEET; THENCE CONTINUING CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.77 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

## NOTES:

- BOUNDARY INFORMATION FOR THIS ANNEXATION MAP IS BASED UPON FIELD EVIDENCE TOGETHER WITH CALCULATIONS BASED UPON ANNEXATION PLANS, RECORDED EXEMPTION PLATS, LAND SURVEY PLATS, AND OTHER SURVEY INFORMATION OF RECORD. ALL INFORMATION HAS BEEN NOTATED TO MATCH THE BASIS OF BEARING AS SHOWN HEREON.
- BASIS OF BEARING: THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR NORTH 0°00'00" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREON RELATIVE THERETO.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DETECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DETECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DETECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT AS DEFINED BY SECTION 38-53-103 (1), C.R.S., OR CONTING CORNER AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE, MONUMENT, OR A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND IN WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMES AT CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.
- CERTIFICATION DEFINES THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL JUDGMENT REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

LOT 1  
NPC MINOR SUBDIVISION  
REC. NO. 330877  
PARCEL NO. 14600101001  
W3H PROPERTY LLC

LOT 2  
NPC MINOR SUBDIVISION  
REC. NO. 330877  
PARCEL NO. 14600101002  
JAMES GRANT TERRY

LOT A  
REC-0009  
REC. NO. 3799966  
33.77 ACRES +/-  
1,470,798 SQ.FT. +/-

## ANNEXATION CONTIGUITY TABLE:

|                                    |               |
|------------------------------------|---------------|
| TOTAL PERIMETER:                   | 4,886.43 FEET |
| REQUIRED 1/8 CONTIGUOUS PERIMETER: | 809.74 FEET   |
| CONTIGUOUS BOUNDARY:               | 2461.23 FEET  |

EXISTING CITY OF FORT LUPTON BOUNDARY

CENTER-EAST 1/16 CORNER SECTION 2.  
FOUND 3/4" REBAR WITH 2 1/2"  
ALUMINUM CAP LS 23027.

LOT 8  
REC. NO. 1603319  
PARCEL NO. 14600200002  
FUSION LLC

EAST 1/4 CORNER SECTION 2.  
FOUND 3/4" REBAR WITH 2"  
ALUMINUM CAP LS 25937.

PARCEL NO. 14600100015  
RABIERZ TRUCKING &  
OIL FIELD SERVICES INC.

## OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT LEONARD TOEWS AND SHERR TOEWS, BEING SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF WADE ANNEXATION, IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

LEONARD TOEWS \_\_\_\_\_ SHERR TOEWS \_\_\_\_\_  
STATE OF COLORADO }  
COUNTY OF WELD } SS.  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY \_\_\_\_\_  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. WITNESS MY HAND AND SEAL.  
MY COMMISSION EXPIRES \_\_\_\_\_.

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

## PLANNING COMMISSION RECOMMENDATION:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE CITY COUNCIL.

CITY COUNCIL VIA RESOLUTION NO. P2020-XXX  
RECOMMENDED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION \_\_\_\_\_

## MAYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. 2020-XXX AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE NO. 2020-XXX, DO HEREBY RECOMMEND SAID ANNEXATION MAP TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ME TO DETERMINE OWNERSHIP. FURTHERMORE, THIS CERTIFICATE THAT AT LEAST ONE-SIXTH (1/6) OF THE PROPERTY SHOWN HEREON IS CONTIGUOUS WITH THE MUNICIPAL BOUNDARY OF THE CITY OF FORT LUPTON, COLORADO.

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST: CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

## SURVEYOR'S STATEMENT:

I, MERLE R. HOOD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID ANNEXATION MAP TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ME TO DETERMINE OWNERSHIP. FURTHERMORE, THIS CERTIFICATE THAT AT LEAST ONE-SIXTH (1/6) OF THE PROPERTY SHOWN HEREON IS CONTIGUOUS WITH THE MUNICIPAL BOUNDARY OF THE CITY OF FORT LUPTON, COLORADO.

MERLE R. HOOD, PLS 38046  
FOR AND ON BEHALF OF  
AMERICAN WEST LAND SURVEYING CO.  
A COLORADO CORPORATION

