



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, February 2, 2021

7:00 PM

130 South McKinley Avenue

Zo Stieber, Mayor

Shannon Rhoda, Ward 1

Chris Ceretto, Ward 2

Mike Sanchez, Ward 3

David Crespino, Ward 1

Tommy Holton, Ward 2

Bruce Fitzgerald, Ward 3

The City Council Meeting will be followed by a Town Hall Meeting/Work Session to discuss WWTP Upgrades

You May Join in Person or Join Remotely by Registering at:

<https://attendee.gotowebinar.com/register/8202213119026433036>

Pledge of Allegiance

Call to Order - Roll Call

Persons to Address Council - This portion of the Agenda is provided to allow members of the audience to present comments to the City Council. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up. Please limit the time of your comments to three (3) minutes - Mayor Stieber

Approval of Agenda

Review of Accounts Payables

a. 02022021 Accounts Payable

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

a. 01192021 City Council Meeting Minutes

b. Second Reading Ordinance 2021-1103 An Ordinance Rezoning Land Legally Described in Exhibit A and Known as the Lupton Village Rezoning, to the PUD Planned Unit Development Zone District

c. AM 2021-016 Approving a Resolution Ratifying the Mayor's Appointment of Mary Ann Merritt to the Senior Citizen Advisory Committee for a Term Beginning February 2, 2021 and Ending December 31, 2021

d. AM 2021-017 Approving the Quadient Postage Machines Lease Agreement for \$144.53 a Month for 60 Months to be Paid from the General Fund

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Stieber

- a. AM 2021-019 Adopt an Annexation, Known as the Toews Annexation, to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement
- b. AM 2021-020 Adopt An Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Toews Initial Zoning, to the 'A' Agricultural District
- c. AM 2021-021 Approve a Resolution for 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

Action Memorandum

- a. AM 2021-018 Approve a Resolution Accepting an Annexation Petition for the Alquist Annexation Submitted by Melody A Alquist and Robert J Alquist and to Set a Public Hearing Date for March 16, 2021
- b. AM 2021-022 Agreement on Development Fee Settlement with Rowley Downs Land Company (RDLC)

Staff Reports

Mayor/Council Reports

Future City Events

- a. 02022021 Upcoming Events

Executive Session To hold a conference with the City's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b). "Related to investigation into legal matters involving City business"

Adjourn

The City Council Meeting will be followed by a Town Hall Meeting/Work Session to discuss WWTP Upgrades



City of Fort Lupton

Check Report

By Check Number

Date Range: 01/20/2021 - 02/02/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Golf Course-Golf Course						
000285	COLORADO DEPARTMENT OF REVENUE	01/20/2021	Regular	0.00	2,214.91	84180
DEC20 SALES TAX	Invoice	01/20/2021	GOLF-DEC20 SALES TAX	0.00	2,214.91	
000239	CITY OF FORT LUPTON	01/26/2021	Regular	0.00	20,955.39	84181
FIN2021004	Invoice	12/31/2020	GOLF-AR INVOICES	0.00	217.91	
FIN2021006	Invoice	01/05/2021	GOLF-REIMBURSE PINNACOL INV20268714...	0.00	1,298.11	
FIN2021017	Invoice	12/22/2020	GOLF-PAYROLL EXPENSES 12/26/20-1/8/21 ...	0.00	19,864.58	
FIN2021019	Credit Memo	12/15/2020	GOLF-FICA COVID REFUND 2ND QRTR EMPL...	0.00	-643.52	
FIN20211015	Invoice	01/06/2021	GOLF-REIMBURSE VERIZON INV9870033301...	0.00	217.91	
INV00683-2	Invoice	12/31/2020	GOLF-AR INVOICES	0.00	0.40	
002668	KARCHER	01/26/2021	Regular	0.00	2,621.56	84182
5333935859	Invoice	12/31/2020	GOLF-HOTSYS 555 HAWK 120V-PRO SHOP	0.00	2,621.56	
000735	LL JOHNSON DISTRIBUTING	01/26/2021	Regular	0.00	1,760.90	84183
1132336-00	Invoice	12/31/2020	GOLF-IRRIGATION SUPPLIES-MAINT	0.00	1,760.90	
000913	POTESTIO BROTHERS EQUIPMENT	01/26/2021	Regular	0.00	22,775.00	84184
15008P	Invoice	12/31/2020	GC-AM2020-198 BROADCAST TOPDRESSER...	0.00	14,650.00	
15009P	Invoice	12/31/2020	GC-AM2020-196 TOW BEHIND AERATOR-MA...	0.00	8,125.00	
000974	SAFE SYSTEMS INC	01/26/2021	Regular	0.00	139.19	84185
870192-1049	Invoice	01/21/2021	GOLF-SECURITY MONITORING	0.00	139.19	
001301	AAA AUTO PARTS INC	02/02/2021	Regular	0.00	1.51	84186
103964	Invoice	01/26/2021	GOLF-OE SOLUTIONS-MAINT	0.00	1.51	
000024	ACE HARDWARE OF FORT LUPTON	02/02/2021	Regular	0.00	154.55	84187
86750	Invoice	01/26/2021	GOLF-WASHERS, NUTS, FINEPOINT MARKER...	0.00	55.46	
86754	Invoice	01/26/2021	GOLF-FASTENERS-MAINT	0.00	1.23	
86761	Invoice	01/26/2021	GOLF-FASTENERS-MAINT	0.00	3.80	
86762	Invoice	01/26/2021	GOLF-FASTENERS-MAINT	0.00	1.11	
86866	Invoice	01/26/2021	GOLF-ASST RIVETS-MAINT	0.00	8.99	
86871	Invoice	01/26/2021	GOLF-GRAIN SCOOPS-MAINT	0.00	1.60	
86917	Invoice	01/26/2021	GOLF-FASTENERS-MAINT	0.00	8.90	
86956	Invoice	01/26/2021	GOLF-10PK METAL, 5PK METAL-MAINT	0.00	43.48	
87042	Invoice	01/26/2021	GOLF-BATTERIES-MAINT	0.00	29.98	
001105	TOSHIBA FINANCIAL SERVICES	02/02/2021	Regular	0.00	231.45	84188
433859550	Invoice	01/26/2021	GOLF-JAN21 COPIER LEASE-PRO SHOP	0.00	231.45	

Bank Code Golf Course Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	23	9	0.00	50,854.46
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	23	9	0.00	50,854.46

Check Report

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Pooled Cash-Pooled Cash						
000285	COLORADO DEPARTMENT OF REVENUE	01/20/2021	Regular	0.00	0.19	68870
DEC20 REC SALES ...	Invoice	01/20/2021	REC-DEC20 SALES TAX	0.00	0.19	
000037	ADVANCED URGENT CARE AND OCC MED	01/26/2021	Regular	0.00	95.00	68871
64910	Invoice	01/21/2021	GF-RAPID COVID TESTING-PD	0.00	95.00	
000097	ASCAP	01/26/2021	Regular	0.00	367.00	68872
500578433 2021	Invoice	01/21/2021	CPR-2021 LICENSE FEE-COM CTR	0.00	367.00	
001820	BADGER METER	01/26/2021	Regular	0.00	2,000.01	68873
1410942	Invoice	01/21/2021	New water service materials	0.00	2,000.01	
002600	BEARCOM	01/26/2021	Regular	0.00	1,445.50	68874
5127458	Invoice	12/31/2020	GF-UPFIT CODE VEHICLE-PD	0.00	1,095.50	
5127459	Invoice	12/31/2020	GF-LIBERTY LIGHTBAR-PD	0.00	350.00	
000372	DELL MARKETING LP	01/26/2021	Regular	0.00	19,091.22	68875
5201430203	Invoice	12/31/2020	Dell Unity Storage Flash Drives - Storage	0.00	19,091.22	
000410	E-470 PUBLIC HIGHWAY AUTHORITY	01/26/2021	Regular	0.00	36.30	68876
2056937038	Invoice	12/31/2020	GF-LATE FEES STMT2058760396-PD	0.00	5.00	
2058760396	Invoice	12/31/2020	GF-TOLL EXPENSE XVQ163-PD	0.00	31.30	
000455	FASTENAL COMPANY 01COFTL	01/26/2021	Regular	0.00	68.90	68877
COFTL172759	Invoice	01/21/2021	GF-PARTS-STREETS	0.00	42.84	
COFTL172777	Invoice	01/21/2021	GF-WINCH-PW SHOP	0.00	26.06	
001919	FUREVERDOG RESCUE AND BOARDING	01/26/2021	Regular	0.00	60.00	68878
DEC20	Invoice	12/31/2020	GF-IMPOUND DOG TO RESCUE-COM SVCS	0.00	60.00	
002193	GOULD EVANS INC	01/26/2021	Regular	0.00	8,140.00	68879
22060309	Invoice	12/31/2020	GF- Municipal Code Update- Comm Dev	0.00	8,140.00	
001930	HUMANA HEALTH PLAN INC	01/26/2021	Regular	0.00	89,376.69	68880
379450433	Invoice	02/01/2021	GF-FEB20 HEALTH COVERAGE	0.00	89,376.69	
000691	KONE INC	01/26/2021	Regular	0.00	140.80	68881
959753872	Invoice	12/31/2020	REC-DEC20 ELEVATOR MAINTENANCE	0.00	140.80	
001689	LEADSONLINE	01/26/2021	Regular	0.00	2,128.00	68882
259398	Invoice	01/21/2021	LEADS On-line Annual Membership	0.00	2,128.00	
000714	LEGACY SCHOOL OF DANCE LLC	01/26/2021	Regular	0.00	560.00	68883
JAN21	Invoice	01/21/2021	REC-JANUARY DANCE CLASSES	0.00	560.00	
000820	MUNICODE	01/26/2021	Regular	0.00	275.00	68884
352020	Invoice	01/21/2021	GF-ADMIN SUPPORT 12/1/20-11/30/21-CITY...	0.00	275.00	
001933	NORTH FRONT RANGE WATER QUALITY PLANNING	01/26/2021	Regular	0.00	708.50	68885
202112	Invoice	01/21/2021	UF-2021 DUES-ADMIN	0.00	708.50	
000861	NVAA	01/26/2021	Regular	0.00	114.00	68886
2021 INSURANCE	Invoice	01/21/2021	CPR-2021 INSURANCE-ATHL	0.00	114.00	
000862	O'REILLY AUTO PARTS	01/26/2021	Regular	0.00	9.97	68887
4489-263997	Invoice	01/21/2021	GF-AEROSOL SPRAY, NOVELTY ITEMS-PARKS	0.00	9.97	
001943	PINNACOL ASSURANCE	01/26/2021	Regular	0.00	500.00	68888
20320044	Invoice	01/21/2021	REC-WC DEDUCTIBLE SCHUMAN	0.00	500.00	
000931	R & L TIRES	01/26/2021	Regular	0.00	15.00	68889
38305	Invoice	01/21/2021	GF-TIRE REPAIR-PARKS	0.00	15.00	
000932	R & M SERVICES	01/26/2021	Regular	0.00	60.62	68890
10560	Invoice	12/31/2020	GF-OIL CHANGE, WASHER FLUID UNIT2001-...	0.00	60.62	

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000942	RENEWABLE FIBER INC	01/26/2021	Regular	0.00	679.76	68891
INV0750527	Invoice	12/31/2020	GF-METRO BROWN MULCH-PARKS	0.00	79.65	
INV075918	Invoice	12/31/2020	GF-WHITE COBBLE-PARKS	0.00	182.86	
INV0761195	Invoice	12/31/2020	GF-PLAY GROUND CHIPS-PARKS	0.00	142.25	
INV0761654	Invoice	12/31/2020	GF-METRO BROWN MULCH-PARKS	0.00	132.75	
INV0761656	Invoice	12/31/2020	GF-SAFE PLAY GROUND CHIPS-PARKS	0.00	142.25	
002654	RUSHWORKS	01/26/2021	Regular	0.00	24,535.00	68892
COFL-110920	Invoice	12/31/2020	AVI - Council - RushWorks	0.00	24,535.00	
001040	STERICYCLE	01/26/2021	Regular	0.00	116.50	68893
3005369890	Invoice	01/21/2021	REC-BIOHAZARD PICKUP	0.00	58.25	
3005407933	Invoice	01/21/2021	REC-BIOHAZARD PICKUP	0.00	58.25	
001635	THE TALLENT COMPANY	01/26/2021	Regular	0.00	2,750.00	68894
1143	Invoice	01/21/2021	GF-COMplete COMMUNICATION-CITY ADM	0.00	2,750.00	
001105	TOSHIBA FINANCIAL SERVICES	01/26/2021	Regular	0.00	1,659.33	68895
433386174	Invoice	01/22/2021	Copier Lease	0.00	1,659.33	
001126	TYLER TECHNOLOGIES	01/26/2021	Regular	0.00	321.00	68896
130-17310	Invoice	12/31/2020	GF-ZEBRA PRINTER PAPER ROLLS-PD	0.00	321.00	
002123	VELOCITY PLANT SERVICES	01/26/2021	Regular	0.00	10,925.00	68897
202101	Invoice	01/21/2021	WTP - Meter Vault emergency repairs	0.00	10,925.00	
001215	WAC-BEARCOM	01/26/2021	Regular	0.00	18,135.96	68898
5064571	Invoice	12/31/2020	Patrol Vehicle Upfitting (2020)	0.00	18,135.96	
001174	WAGNER EQUIPMENT CO.	01/26/2021	Regular	0.00	336.00	68899
S09C0708747	Credit Memo	12/22/2020	GF-INSPECT MACHINE AFTER BEING HIT-MISC	0.00	-336.00	
S09W0851446	Invoice	01/21/2021	GF-INSPECT MACHINE AFTER BEING HIT-MISC	0.00	336.00	
S09W0851604	Invoice	01/21/2021	GF-INSPECT MACHINE AFTER BEING HIT-MISC	0.00	336.00	
002660	WHITESIDE'S BOOTS AND CLOTHING	01/26/2021	Regular	0.00	139.99	68900
366556	Invoice	12/31/2020	GF-SAFETY BOOTS NELSON-FAC	0.00	139.99	
001101	TODD HODGES DESIGN LLC	01/26/2021	Regular	0.00	11,448.75	68901
3291	Invoice	01/26/2021	GF-PLANNING SERVICES 01/04/21 - 01/17/21	0.00	11,448.75	
001301	AAA AUTO PARTS INC	02/02/2021	Regular	0.00	77.35	68902
103144	Invoice	01/26/2021	GF-LEVER PUMP-PW SHOP	0.00	37.40	
103329	Invoice	01/26/2021	GF-LONG REACH SCRAPER, ADHESIVE-STREE...	0.00	29.34	
103347	Invoice	01/26/2021	GF-SAE ORING KIT-STREETS	0.00	10.61	
000026	ACTIVE CABLING & COMMUNICATIONS LLC	02/02/2021	Regular	0.00	2,801.32	68903
202657	Invoice	01/26/2021	Wiring for AVI Project	0.00	2,087.48	
202658	Invoice	01/26/2021	Wiring for new offices at PD	0.00	713.84	
000027	ACTIVE NETWORK	02/02/2021	Regular	0.00	850.00	68904
1014671	Invoice	12/31/2020	REC-4HR REMOTE TRAINING	0.00	850.00	
001646	BANK OF COLORADO	02/02/2021	Regular	0.00	317.82	68905
JAN21	Invoice	01/26/2021	GF-DEC20 CNG PURCHASES	0.00	317.82	
000136	BG'S JAPANESE DESIGNS	02/02/2021	Regular	0.00	790.00	68906
6244	Invoice	01/26/2021	GF-EMBROIDERY SERVICES, JACKETS/BIBS-...	0.00	790.00	
000167	BRIGHTON FORD INC	02/02/2021	Regular	0.00	22.40	68907
117436	Invoice	12/31/2020	GF-TRUCK PARTS-PARKS	0.00	22.40	
002122	BURNS & MCDONNELL ENGINEERING CO INC	02/02/2021	Regular	0.00	142,383.24	68908
122081-9	Invoice	12/31/2020	UF- WWTP Improvement Design- WWTP	0.00	142,383.24	
000182	CEM SALES & SERVICE INC	02/02/2021	Regular	0.00	1,418.00	68909
153451	Invoice	01/26/2021	REC-POOL/SPA CHEMICALS	0.00	860.00	

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
153456	Invoice	01/26/2021	REC-POOL/SPA ANNUAL MAINTENANCE	0.00	558.00	
000268	COLORADO ANALYTICAL LAB	02/02/2021	Regular	0.00	92.00	68910
201229054	Invoice	01/26/2021	UF-TOTAL COLIFORM WATER TESTING-W LI...	0.00	46.00	
210104073	Invoice	01/26/2021	UF-TOTAL COLIFORM WATER TESTING-W LI...	0.00	46.00	
002651	COLORADO COMMUNITY MEDIA	02/02/2021	Regular	0.00	282.96	68911
16627	Invoice	01/26/2021	GF-LEGAL PUBLICATIONS	0.00	282.96	
000306	COMCAST BUSINESS	02/02/2021	Regular	0.00	3,277.01	68912
115337419	Invoice	01/26/2021	Comcast Phones	0.00	3,277.01	
000307	COMCAST CABLE COMM, LLC	02/02/2021	Regular	0.00	498.07	68913
606460117309 JA...	Invoice	01/26/2021	REC-JAN21 CABLE/MUSIC	0.00	278.05	
606460164533 JA...	Invoice	01/26/2021	GF-JAN21 CABLE & INTERNET SERVICES-PW ...	0.00	220.02	
001517	CORE&MAIN LP	02/02/2021	Regular	0.00	8,602.01	68914
N498644	Invoice	12/31/2020	UF-20X36 METER PITS (30)-W LINES	0.00	2,250.00	
N498650	Invoice	12/31/2020	UF-20X36 METER PITS (30)-W LINES	0.00	2,250.00	
N548598	Invoice	01/26/2021	UF-3/4" INSERTS-W LINES	0.00	123.00	
N558649	Invoice	01/26/2021	UF-5' CURB BOX W/ROD (40)-W LINES	0.00	1,732.00	
N558657	Invoice	01/26/2021	UF-6' CURB BOX (40)-W LINES	0.00	1,912.00	
N558672	Invoice	01/26/2021	UF-TOW HOLE LID 1" (39)-W LINES	0.00	335.01	
002702	JOSHUA CORNELIUS	02/02/2021	Regular	0.00	5,200.00	68915
1604	Invoice	01/26/2021	Slide Clean Polish and refurbish plume on Sli...	0.00	5,200.00	
001799	MAC EQUIPMENT INC	02/02/2021	Regular	0.00	799.98	68916
328210	Invoice	01/26/2021	GF-BACKPACK BLOWERS-PARKS	0.00	799.98	
000862	O'REILLY AUTO PARTS	02/02/2021	Regular	0.00	1,623.98	68917
4489-254001	Invoice	12/31/2020	GF-BATTERY UNIT 08-STREETS	0.00	103.03	
4489-261230	Invoice	01/26/2021	CABIN FILTERS, NITRILE GLOVES, MOTOR OIL	0.00	181.66	
4489-261234	Invoice	01/26/2021	MP GREASE, MOLY GREASE, OIL, GLASS CLE...	0.00	283.44	
4489-261398	Invoice	01/26/2021	AIR FILTERS UNIT32	0.00	107.18	
4489-262026	Invoice	01/26/2021	UF-OIL, AIR, FUEL FILTERS-S LINES	0.00	109.43	
4489-262508	Invoice	01/26/2021	GF-OIL, AIR FILTERS (SWEEPER)-STREETS	0.00	72.65	
4489-262517	Invoice	01/26/2021	GF-FUEL/WATER SEP,AIR FILTER, OIL (SWEE...	0.00	381.17	
4489-262606	Invoice	01/26/2021	HEAVY EQUIPMENT HYD FLUID	0.00	149.97	
4489-262754	Invoice	01/26/2021	GF-MICRO V BELT UNIT20-STREETS	0.00	27.78	
4489-262802	Invoice	01/26/2021	A/C O RING KITS	0.00	27.98	
4489-264296	Invoice	01/26/2021	MEGACRIMP CLAMPS, HYD HOSE UNIT03	0.00	55.95	
4489-265320	Invoice	01/26/2021	GF-TOGGLE SWITCH UNIT05-STREETS	0.00	22.96	
4489-265403	Invoice	01/26/2021	GF-STARTER UNIT 05-STREETS	0.00	100.78	
001399	PATRIOT DIAMOND, INC	02/02/2021	Regular	0.00	1,050.00	68918
A11753	Invoice	12/31/2020	ASPHALT & CONCRETE BLADES	0.00	1,050.00	
000935	RAQUEL FERSZT	02/02/2021	Regular	0.00	345.00	68919
989270 DEC20	Invoice	12/31/2020	GF-DEC20 TRANSLATOR SERVICES-COURT	0.00	245.00	
989270 JAN21	Invoice	01/26/2021	GF-JAN21 TRANSLATOR SERVICES-COURT	0.00	100.00	
000942	RENEWABLE FIBER INC	02/02/2021	Regular	0.00	701.75	68920
INV0763241	Invoice	01/26/2021	GF-PLAYGROUND CHIPS, METRO MULCH-PA...	0.00	701.75	
001704	TIFFANY BALDIVIA	02/02/2021	Regular	0.00	109.60	68921
JAN2521	Invoice	01/26/2021	GF-CASE REFUND E0015529-1	0.00	109.60	
001343	TIME CLOCK PLUS	02/02/2021	Regular	0.00	60.00	68922
565890	Invoice	01/26/2021	GF-TCP OVERAGE 12/24/20-01/23/21	0.00	60.00	
001105	TOSHIBA FINANCIAL SERVICES	02/02/2021	Regular	0.00	260.45	68923
433857877	Invoice	01/26/2021	GF-JAN21 BASEMENT COPIER LEASE-IT	0.00	260.45	
001174	WAGNER EQUIPMENT CO.	02/02/2021	Regular	0.00	1,117.06	68924

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P00C2326032	Invoice	01/26/2021	GF-CUTTING EDGE & BIT-STREETS	0.00	985.66	
P00C2326295	Invoice	01/26/2021	GF-YELLOW CAT PAINT UNIT41-STREETS	0.00	131.40	
001963	WASTE CONNECTIONS OF COLO, INC	02/02/2021	Regular	0.00	207.10	68925
31175457 JAN21	Invoice	01/26/2021	GF-FEB21 TRASH PICKUP-PARKS	0.00	114.74	
31177334 JAN21	Invoice	01/26/2021	CEM-FEB21 TRASH PICKUP	0.00	92.36	
001183	WAXIE SANITARY SUPPLY	02/02/2021	Regular	0.00	484.46	68926
79743946	Invoice	01/26/2021	GF-NITRILE SHIELD-PARKS	0.00	484.46	
001224	XCEL ENERGY-GAS	02/02/2021	Regular	0.00	2,551.45	68927
5320352370 DEC20	Invoice	12/31/2020	GF-DEC20 GAS BILL	0.00	2,180.06	
5320352381 JAN21	Invoice	01/26/2021	GF-JAN21 GAS BILL-FAC	0.00	371.39	
000119	BANK OF COLORADO	01/29/2021	Bank Draft	0.00	6,185.80	DFT0001532
INV0000926	Invoice	01/29/2021	HSA DISTRIBUTION	0.00	6,185.80	
000119	BANK OF COLORADO	01/29/2021	Bank Draft	0.00	401.45	DFT0001533
INV0000927	Invoice	01/29/2021	HSA DISTRIBUTION	0.00	401.45	
001416	VALIC_1	01/29/2021	Bank Draft	0.00	30,464.32	DFT0001534
INV0000928	Invoice	01/29/2021	VALIC - 457(b) \$ Contributions	0.00	30,464.32	
001265	IRS	01/29/2021	Bank Draft	0.00	47,088.70	DFT0001535
INV0000929	Invoice	01/29/2021	Federal Withholding	0.00	47,088.70	
001418	CO DEPARTMENT OF REVENUE	01/29/2021	Bank Draft	0.00	7,790.13	DFT0001536
INV0000930	Invoice	01/29/2021	CO Withholding	0.00	7,790.13	

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	95	58	0.00	372,163.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	5	5	0.00	91,930.40
EFT's	0	0	0.00	0.00
	100	63	0.00	464,093.40

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	118	67	0.00	423,017.46
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	5	5	0.00	91,930.40
EFT's	0	0	0.00	0.00
	123	72	0.00	514,947.86

Fund Summary

Fund	Name	Period	Amount
600	GOLF ENTERPRISE FUND	1/2021	50,466.95
600	GOLF ENTERPRISE FUND	2/2021	387.51
999	POOLED CASH/CONSOLIDATED CASH	1/2021	288,170.39
999	POOLED CASH/CONSOLIDATED CASH	2/2021	175,923.01
			514,947.86

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021**

The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, January 19, 2021. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToWebinar. Mayor Zo Stieber called the meeting to order at 7:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber, Councilmembers Shannon Rhoda, Chris Ceretto Bruce Fitzgerald. David Crespín, Tommy Holton, and Michael Sanchez.

Also present were City Administrator, Chris Cross, City Clerk, Mari Pena, City Attorney, Andy Ausmus, Planning Director, Todd Hodges, and Chief John Fryar.

Assistant City Administrator, Glenda Aretxuloeta, Finance Director, Leann Perino, Public Works Director, Roy Vestal participated remotely through GoToWebinar.

PERSONS TO ADDRESS COUNCIL

There was no one to address the public.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the January 19, 2021 payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

It was moved by Tommy Holton and seconded by Bruce Fitzgerald to approve the Agenda as presented. Motion passed unanimously on voice vote.

CONSENT AGENDA

It was moved by David Crespín and seconded by Michael Sanchez to approve the Consent Agenda as presented with the following items: 01052021 City Council Meeting Minutes and Approving Resolution 2021R009 A RESOLUTION APPROVING THE APPOINTMENT OF PERRY BUCK AS A MEMBER OF THE FORT LUPTON URBAN RENEWAL AUTHORITY, TO SERVE AS THE WELD COUNTY REPRESENTATIVE, FOR A FIVE-YEAR TERM EXPIRING JANUARY 19, 2029. Motion passed on voice vote with Chris Ceretto voting 'no' to the motion.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021**

PUBLIC HEARINGS

AM 2021-015 Approve a Resolution Accepting the Willow Bend (F/K/A Fulton Ranch) Subdivision Preliminary Plat and Preliminary PUD Plan

Mayor Stieber opened the public hearing at 7:11 p.m. and asked for a brief description of the proposal.

The Planning Director, Todd Hodges, stated that the Planning Commission approved the project on November 12, 2020. The project went before Council on December 1, 2020, where the motion failed. On December 15, 2021 the City Council voted in favor of a reconsideration to January 19, 2021. The hearing was re-noticed for tonight's meeting and all notification requirements have been met. Any other conditions or revisions would be based on Council concerns. The site that is the subject of the Preliminary Plat and PUD Plan is located east and adjacent to County Road 29 (also known as Northrup Avenue), and south and adjacent to 14th Street right of way. The Preliminary Plat and PUD Plan is for a residential subdivision that will include one parcel of land with 449 lease spaces for single-family manufactured homes on approximately 127.52 acres, more or less. The proposed development will include an amenity center, pocket parks, and interconnecting trails. The planned density for the subdivision is four dwelling units per acre.

John McLaren, President of Sun Inc. Communities provided the presentation. Mr. McLaren's presentation included Sun Communities' core success attributes, community operations, and community results. Also presented were updated manufactured housing architecture showing multiple roof pitches, various elevations of homes, progressive and efficient interior designs with a virtual tour of one of the models. At least 10 different exterior elevations will be offered.

Included was the following supplemental information that was requested:

- Manufacture Homes Value Appreciations - Sun's portfolio provided sales information with year over year changes in the average sales prices and Zillow home value index changes. The same information was provided for Eagle Crest in Firestone, Colorado.
- Manufacture Housing Foundation Systems - The permanent foundations are designed and certified by a licensed structural engineer. Manufactured Home foundations as per the State Manufactured Homes and Factory Built Housing Installation Handbook.
- Tornado Shelter - Tornado Risk Map Shelters not required by State of Colorado under International Building Code. Fort Lupton isn't in an Tornado Risk area. All homes meet standard of the state, local and federal requirements.
- Manufactured Homes Real Estate Taxes - MH Real estate taxes community (land and improvements) are owned by sun the homes are owned by residents and residents pay the taxes on the home not the land.
- Metro District – Cottonwood Greens Metro District placed by the current property owner but Sun is committed to not using the metro district.
- Rules and Regulations – high standards with respect of community and appearance with inspections every 6 weeks.
- Sales and Rent Process – all prospective residents complete the same qualification process, completed at Sun's Community, criminal background check, and lease agreements. residency qualification process

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FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021

Mr. McLaren stated that the average residency is 14 years with the stay of homes at 50 years, if homes move out, they would be replaced according to standards by HUD and the State of Colorado.

Bill Anderson, with Atwell LLC, stated that the project would be situated on 127 acres, with 449 home sites, 3.5 units per acre. This includes a 3-acre amenity center, with 5.5 acres of pocket parks, trail system and trail connections, and 43.8 acres and open space. The project would be built out on 4 phases with the 1st phase in the middle of the west end and the last phase located north of 14th street. The city's zoning allows for 4-6 units per acre, and this project is 3.5 units per acre. Mr. Anderson added that additional parking for home sites is now 3 parking spaces and for guests the following: Tract D 10 spaces, Tract I 12 spaces, Tract K 51 spaces, Tract P 14 spaces, Tract S 10 spaces for a total of 97 spaces. If additional parking is needed in the future the site can accommodate. Each manufactured home comes with sidewalk, 3 parking spaces and a tree.

Mr. Anderson stated that the changes since the sketch plat include: less units, added storm water detentions ponds, 14th Street re-aligned to avoid the KP Kaufman Facility, an emergency access point added, centralized 14th street access driveway, expanded regional trail system north of 14th Street, bridge connections across the Fulton Ditch, and a relocated maintenance facility.

Mr. McLaren was asked where the location of the mail facility would be placed. Mr. McLaren indicated that there was the possibility of the mail facility being located at the entry way, but was unsure.

John McLaren requested approval of the Preliminary Plat and PUD. He indicated that all sketch plat comments have been addressed and has been working with staff. The project is compliant with all city standards, policy and regulations. Staff has recommended approval and no additional comments were received from the Planning Commission. He stated that all evidence supports the approval. Lastly, he thanked the Council.

Tommy Holton asked what the sales tax rate would be and inquired over subleases. Mr. McLaren stated that he was unsure but that homes are titled similar to vehicles. He also stated that subleases typically don't happen, however 2020 has proven to be different and Sun Communities is looking at options on a case by case basis.

Mike Sanchez was concerned about empty lots, and who would be held responsible for filling the empty space if trailers moved out. Mr. McLaren stated Sun Communities would be responsible.

Chris Ceretto asked who would pay the property taxes. Mr. McLaren stated Sun Communities would be responsible.

David Crespin asked about the eviction process. Mr. McLaren stated that the process followed is state mandated for collection. This last year, Sun Communities has implemented a hardship program due to COVID.

Bruce Fitzgerald asked about the finance options noting that a regular real estate option wasn't

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021

available. Mr. McLaren stated that homes are usually purchased cash, financed through a local bank or credit union. Sun Communities is in a partnership with a company where Sun is an investor for financing. The typical down payment is 10% with a 15 to 20-year term. The rate is not the same as a home.

Mayor Stieber inquired about the width of the streets. Mr. McLaren stated that the street width was 26 feet.

Mayor Stieber added that everyone in the County owns a high concentration of crew cab dualies. She asked what the regulations are for any resident wanting to have additional guests for parties. Mr. McLaren stated that there is no parking in the street, there is a wide curb and gutter section however all homes have extra space, and guest parking will be located throughout the community. Guests may have to walk a block, but parking will be available, and there is the opportunity to add additional parking if needed. Mayor Stieber asked if mobile home or trailer would be allowed in the park. Mr. McLaren indicated that a camper would be allowed for a period of time.

Tommy Holton asked who would be responsible for streets. Mr. McLaren replied that Sun Communities would own the streets.

Mayor Stieber stated that she is concerned about the snow load but would leave that to the building code. She also stated concerns over the colors of houses, elevations and color scheme.

Mayor Stieber asked about trash collection and if fences were allowed for pets. Mr. McLaren stated that trash would be by curbside pickup and that fences aren't allowed on the properties due to aesthetics however there is a dog park available for pets.

Tommy Holton stated that since the last meeting no conditions of approval have been added, he asked if Sun Communities only dealt with the concerns, however concerns aren't legal and the conditions of approval are. Mr. Holton wondered why they didn't do that. The conditions of approval would be on the recorded plat. He added that concerns were raised about tornados and stuff but where are the conditions of approval that are going to be on the plat?

The Planning Director, Todd Hodges stated that Council could add conditions of approval to ensure that those things are completed. According to his notes, Council's concerns are: the minimum selections of homes and the abandonment of the metro district.

Discussion occurred over the addition of the conditions of approval on the final plat and the timing of the Subdivision Improvements Agreement. The Planning Director stated that the final plat and the Subdivision Improvements Agreement would still be coming before Council for final approval. The Public Works Director, Roy Vestal added that the Subdivision Improvements Agreement would address access on Road 14 and any improvements.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal.

Robin Hatchway who resides in Firestone, recommended living at Sun Communities. She moved from a bigger City. She was impressed with the immaculate properties and beautiful landscaping

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021

and loves living in the community.

There being no further comments from the public, Mayor Stieber closed the public hearing at 7:57 p.m.

Discussion occurred over the timing of additional conditions of approval. The City Attorney, Andy Ausmus, stated that some of the concerns that were raised may not be conditions of approval. The abandonment of the metro district is a condition of approval.

Shannon Rhoda added that she originally voted no because the clubhouse/pool amenity is in direct competition with the recreation center. Although she loves the concept, she feels it may take away from the recreation center. The City's population base is not high enough to be able to do both. She also believes that the owners should be able to purchase the land.

Discussion occurred over the timing of the subdivision improvements agreement. The Public Works Director, Roy Vestal, stated that the subdivision improvements agreement can be brought before or as the same time as the final plat provided that an agreement has been reached.

Tommy Holton stated that he just wants the Council to approve or not approve the agreement.

Mayor Stieber asked the Council if they were ready to make a motion with the addition of the elevations and the discontinuance of the metro district.

Legal Counsel for Sun Communities, Cameron Grant, stated that the metro district is controlled by the owner. At this time, Sun Communities can't do a thing until the property is purchased. Once the property is purchased, the metro district can be terminated. Yes, it can be a condition of approval contingent upon confirming the dissolution of the metro district.

Mayor Stieber asked that not all homes be the same color.

The City Attorney, Andy Ausmus stated that some items aren't conditions of approval and some are.

Mayor Stieber asked if all 10 floor elevations were to be painted the same color. Mr. McLaren responded that not all would be the same color.

The City Attorney indicated Council's concerns to be: parking, roof pitch, foundation, and dissolution of the metro district. The property taxes are what they are. There were conditions listed imposed by the Planning Commission. There were policy questions regarding tax implications as well.

Mayor Stieber stated concerns over the small pools. She suggested maybe find a place where they would not conflict, if they were small only for children, that can be discussed.

The Planning Director stated that the staff and the Planning Commission didn't feel it was a conflict but these amenities in a development are for the people within the development. It doesn't

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021**

state that it's going to compete with the recreation center but it's a difference of opinion. The Council can add conditions of approval or can add conditions at the final plat.

Mayor Stieber added that homeowners can have pools, they just aren't that large, maybe the pool can be limited to a splash pool.

Tommy Holton stated that this application should go before town hall before voting on final plat due to its project size. The City Council should have enough time to review it before it goes to a Council meeting.

The Planning Director stated that he would work with the attorney to see what is appropriate for this matter. The final plat is a meeting and not a public hearing. Due to it being a public meeting, it may not be an issue but he will consult with the attorney.

Tommy Holton stated he wants the application to come before town hall. The Planning Director stated that the improvements agreement could be brought before a town hall meeting, prior to the City Council meeting. The Public Works Director stated that there were no problems with bringing the agreement, since its typically done that way.

Tommy Holton stated that he didn't like the way this hearing was handled. A month ago the Council went through this and it got voted down. Then the attorney's got involved and here we are again. Mr. Holton didn't appreciate how this was handled before the Council.

The Planning Director asked if there were specific conditions for tonight or should staff just work with them.

Mayor Stieber indicated that she wanted a real understanding that the presentation tonight is not a condition but its strongly indicated that conditions are expected before they get to the final plat.

Tommy Holton stated that staff can take the record from tonight to develop conditions of approval as appropriate with the Planning Department, the Attorney, and the Public Works Director for the Subdivision Improvements Agreement.

It was moved by Chris Ceretto to approve Resolution 2020R010 A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE WILLOW BEND (F/K/A FULTON RANCH) SUBDIVISION PRELIMINARY PLAT AND PRELIMINARY PUD PLAN TO CREATE A SINGLE LOT RESIDENTIAL SUBDIVISION LOCATED EAST AND ADJACENT TO COUNTY ROAD 29, AND SOUTH AND ADJACENT TO 14TH STREET contingent upon the applicant addressing concerns herein tonight whether through staff review or conditions. The motion was seconded by Bruce Fitzgerald. The motion passed with Shannon Rhoda voting 'no' to the motion.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021**

ACTION AGENDA

AM 2021-014 Approve a Resolution Accepting an Annexation Petition for the Hagler Annexation Nos. 1-5 Submitted by Mandi Hagler and Lee Hagler and to Set a Public Hearing Date for March 2, 2021

The applicants, Mandi Hagler and Lee Hagler have submitted an annexation petition to initiate annexation proceedings for two parcels of land. The parcels are located north and adjacent to County Road 22 and approximately 0.20 miles east from County Road 19. The annexation is considered a flagpole annexation and includes County Road 19 right of way beginning 0.50 miles north of County Road 14 and continuing north to County Road 24, and includes County Road 22 right of way beginning at County Road 19 and continuing east to the parcels being annexed. This proposed annexation, known as the Hagler Annexation Nos. 1 – 5, consists of a total of 44.837 acres, more or less. The resolution is to accept the annexation petition and initiate the review process and sets the public hearing to March 2, 2021. Approval of the resolution simply means that there is an interest in considering the annexation.

It was moved by Tommy Holton and seconded by David Crespino to approve Resolution 2021R011 A RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE HAGLER ANNEXATION NOS. 1-5 AND SETTING THE PUBLIC HEARING FOR MARCH 2, 2021. Motion passed unanimously on roll call vote.

STAFF

The City Clerk, Mari Peña stated that tonight's meeting was live streamed on the City's website and the picture looks great.

The Finance Director, Leann Perino, stated that the Finance Department was working on year end financials and the auditors will be in next week.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor Council.

FUTURE CITY EVENTS

January 18, 2021	City Offices Closed in Observance of Martin Luther King Day
January 19, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
January 26, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
February 2, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
January 19, 2021**

February 9, 2021 Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

ADJOURNMENT

Mayor Stieber adjourned the meeting at 8:01 p.m.

Respectfully Submitted,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

ORDINANCE NO. 2021-1103

INTRODUCED BY: BRUCE FITZGERALD

ADOPT ORDINANCE 2021-1103 REZONING LAND LEGALLY DESCRIBED IN EXHIBIT A, AND KNOWN AS THE LUPTON VILLAGE REZONING, TO THE PUD PLANNED UNIT DEVELOPMENT ZONE DISTRICT.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 5th day of January, 2021.

PUBLISHED in the Fort Lupton Press the 13th day of January 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this 2nd day of February 2021.

PUBLISHED BY TITLE ONLY the 10th day of February 2021.

EFFECTIVE (after publication) the 12th day of March 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A

PROPERTY DESCRIPTION

A TRACT OF LAND BEING PART OF TRACT B AND PART OF TRACT C, FORT LUPTON COMMUNITY CENTER SUBDIVISION, A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF FORT LUPTON, WELD COUNTY, COLORADO, AND A PORTION OF SOUTH ROLLIE AVENUE LYING WITHIN SAID SUBDIVISION, THE PLAT OF SAID SUBDIVISION RECORDED MAY 5, 2000 AS RECEPTION NUMBER 2766474 IN THE WELD COUNTY, COLORADO CLERK AND RECORDER'S OFFICE, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(NOTE: THE BEARINGS IN THIS DESCRIPTION ARE BASED ON THE EAST LINE OF SAID SOUTHWEST QUARTER AS MONUMENTED AT THE CENTER QUARTER-CORNER OF SAID SECTION 5 BY A FOUND 3-1/4 INCH ALUMINUM CAP MARKED "PLS 13155" IN A MONUMENT BOX, FROM WHENCE THE SOUTH QUARTER-CORNER OF SAID SECTION 5 MONUMENTED BY A FOUND 3-1/4 INCH ALUMINUM CAP MARKED "PLS 13155" IN A MONUMENT BOX BEARS SOUTH 00° 16' 19" EAST A GROUND DISTANCE OF 2651.12 FEET, BEING THE RECORD BEARING AS SHOWN ON SAID PLAT.)

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT C MONUMENTED BY A FOUND REBAR WITH A RED PLASTIC CAP MARKED "PLS 37971", SAID CORNER LYING NORTH 00° 16' 19" WEST 30.00 FEET FROM (AS MEASURED ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER) THE SOUTH QUARTER-CORNER OF SAID SECTION 5; THENCE SOUTH 89° 40' 33" WEST 1588.22 FEET ON THE SOUTH LINE OF TRACT C AND ON THE SOUTH LINE OF SAID TRACT B TO A RED PLASTIC CAP MARKED "PLS 37971" FOUND AND HELD AS THE SOUTHWEST CORNER OF SAID TRACT B; THENCE DEPARTING SAID SOUTH LINE NORTH 00° 42' 20" WEST 270.00 FEET ON THE WESTERLY LINE OF SAID TRACT B TO A POINT; THENCE CONTINUING ON SAID WESTERLY LINE THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES: 1) SOUTH 89° 40' 33" WEST 33.00 FEET TO A POINT; 2) THENCE NORTH 00° 45' 37" WEST 362.58 FEET TO A 3/4 INCH PIPE WITH A WASHER FOUND AT THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN A DEED RECORDED DECEMBER 14, 1972 AS RECEPTION NUMBER 1603588 IN SAID CLERK AND RECORDER'S OFFICE; 3) THENCE SOUTH 89° 44' 14" WEST 175.00 FEET TO A 3/4 INCH PIPE WITH A WASHER FOUND AT THE NORTHWEST CORNER OF SAID PARCEL; 4) THENCE NORTH 00° 39' 34" WEST 381.85 FEET TO THE SOUTHWEST CORNER OF FORT LUPTON COMMUNITY CENTER SUBDIVISION SECOND AMENDMENT, A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE, THE PLAT OF SAID SUBDIVISION RECORDED MARCH 6, 2018 AS RECEPTION NUMBER 4380390 IN SAID CLERK AND RECORDER'S OFFICE; THENCE DEPARTING SAID WESTERLY LINE NORTH 89° 38' 16" EAST 745.93 FEET ON THE SOUTH LINE OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION SECOND AMENDMENT TO A 2 INCH ALUMINUM CAP MARKED "PLS 37971" FOUND

AT THE SOUTHEAST CORNER OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION SECOND AMENDMENT; THENCE DEPARTING SAID SOUTH LINE NORTH 00° 42' 20" WEST 498.11 FEET ON THE EAST LINE OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION SECOND AMENDMENT TO A RED PLASTIC CAP MARKED "PLS 37971" FOUND AT THE NORTHEAST CORNER OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION SECOND AMENDMENT, SAID CORNER LYING ON THE SOUTH LINE OF FORT LUPTON COMMUNITY CENTER SUBDIVISION FILING NO. 4, A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE, THE PLAT OF SAID SUBDIVISION RECORDED DECEMBER 21, 2004 AS RECEPTION NUMBER 3246147 IN SAID CLERK AND RECORDER'S OFFICE; THENCE DEPARTING SAID EAST LINE NORTH 89° 37' 53" EAST 5.00 FEET ON THE SOUTH LINE OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION FILING NO. 4 TO THE SOUTHEAST CORNER OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION FILING NO. 4; THENCE DEPARTING SAID SOUTH LINE NORTH 00° 42' 20" WEST 441.21 FEET ON THE EAST LINE OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION FILING NO. 4 TO THE NORTHEAST CORNER OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION FILING NO. 4; THENCE DEPARTING SAID EAST LINE NORTH 89° 38' 16" EAST 1060.12 FEET ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF FORT LUPTON COMMUNITY CENTER SUBDIVISION FILING NO. 2, A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE, THE PLAT OF SAID SUBDIVISION RECORDED JANUARY 3, 2002 AS RECEPTION NUMBER 2913645 IN SAID CLERK AND RECORDER'S OFFICE, AND ON SAID SOUTH LINE TO A YELLOW PLASTIC CAP MARKED "ESC LS37609" FOUND AT THE SOUTHEAST CORNER OF SAID FORT LUPTON COMMUNITY CENTER SUBDIVISION FILING NO. 2, SAID CORNER BEING A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00° 16' 19" EAST 1955.10 FEET ON SAID WEST LINE, ALSO BEING THE WEST LINE OF SAID TRACT C, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 2,702,844 SQUARE FEET OR 62.049 ACRES.

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Mike Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-016

APPROVING A RESOLUTION RATIFYING THE MAYOR'S APPOINTMENT OF MARY ANN MERRITT TO THE SENIOR CITIZEN ADVISORY COMMITTEE FOR A TERM BEGINNING FEBRUARY 2, 2021 AND ENDING DECEMBER 31, 2021

I. **Agenda Date:** Council Meeting – February 2, 2021

II. **Attachments:**

- a. Resolution 2020Rxx
- b. Application

III. **Summary Statement:**

Mary Ann Merritt has submitted an application to the Senior Citizen Advisory Committee. Terms of all members of all advisory/governing committees shall commence on January following every regular municipal election and continue until December 31 following the next regular municipal election. The newly elected Mayor shall appoint members to all advisory committees to be ratified by the City Council and members so appointed shall serve at the pleasure of the Mayor.

All voting members of advisory committees shall live within one of the following zones: school district, fire district, or Fort Lupton zip code.

IV. **Submitted by:** _____
Maricela Peña, City Clerk

V. **Reviewed by:** _____
Finance Director

VI. **Approved for Presentation:** _____
City Administrator

VII. **Attorney Review** _____ Approved _____ Pending Approval

VII. **Certification of Council Approval:** _____
City Clerk _____ Date _____

VIII. Detail of Issue/Request:

Mary Ann Merritt has submitted an application to the Senior Citizen Advisory Committee. Terms of all members of all advisory/governing committees shall commence on January following every regular municipal election and continue until December 31 following the next regular municipal election. The newly elected Mayor shall appoint members to all advisory committees to be ratified by the City Council and members so appointed shall serve at the pleasure of the Mayor.

All voting members of advisory committees shall live within one of the following zones: school district, fire district, or Fort Lupton zip code.

IX. Legal/Political Considerations:

None noted.

X. Alternatives/Options:

1. Approve the Resolution.
2. Don't approve the Resolution.

XI. Financial Considerations:

None noted.

XII. Staff Recommendation:

Approve the proposed resolution.

RESOLUTION 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON RATIFYING THE MAYOR'S APPOINTMENT OF MARY ANN MERRITT TO THE SENIOR CITIZEN ADVISORY COMMITTEE FOR A TERM BEGINNING FEBRUARY 2, 2021 AND ENDING DECEMBER 31, 2021

WHEREAS, Mary Ann Merritt has expressed interested and has submitted an application to the Senior Citizen Advisory Committee; and

WHEREAS, terms of all members of all advisory/governing committees shall commence on January following every regular municipal election and continue until December 31 following the next regular municipal election; and

WHEREAS, The Mayor shall appoint members to all advisory committees to be ratified by the City Council and members so appointed shall serve at the pleasure of the Mayor; and

WHEREAS, all voting members of advisory committees shall live within one of the following zones: school district, fire district, or Fort Lupton zip code.

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council hereby ratifies the Mayor's appointment of Mary Ann Merritt to the Senior Citizen Advisory Committee for a term beginning February 2, 2021 and ending December 31, 2021.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 2nd DAY OF FEBRUARY 2021.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



RECEIVED

JAN 04 2021

Merritt

CITY OF FORT LUPTON
APPLICATION FOR CITIZEN ADVISORY BOARD/
COMMISSION APPOINTMENT

City Boards and Commissions play an important role in forming City policy. To be considered as a candidate, please complete this application and return it to the City Clerk's Office at 130 South McKinley Avenue, Fort Lupton, CO 80621; Phone: 720-466-6101. The City Clerk will submit your application to the Mayor for review. Thank you for your interest!

Date: 12-23-2020

City of Fort Lupton Resident? Yes



No



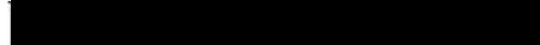
Name:

MARI ANN MERRITT

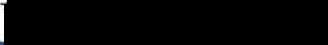
Home Phone:



Address:



Cell Phone:



FT. LUPTON, CO 80621

Work Phone:

NA

Occupation:

Retired

e-mail:



Board or Commission you are applying for: (Please use a separate application if applying for more than one.)

Senior Advisory

1. Please list your work experience, community involvement, and other interests which apply to this Board or Commission: (Information may be continued on back of form or attached.)

OWNED Professional Cleaning Service for 11 years - 18+ years
with Dept. of Soc. Services - girl + boy scout Leader - Choir +
School Teacher - 7+ years volunteer @ Platte Valley Med Center -
2 years Volunteer @ Butler Elementary -

2. List any licenses, certificates of special training, or education which apply to this Board or Commission:

3. Briefly describe the reasons for your interest in serving on this City Board or Commission:

I want to become more involved with local interests +
give back to Ft. Lupton Community.

4. Please list supporting documents if not continued on other side:

Signature of Applicant: by signing this application
I agree that I have received a copy of the City
Council Code of Ethics and Conduct.

Mary Ann Merritt

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Mike Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald Ward 3

AM 2021-017

APPROVING THE QUADIENT POSTAGE MACHINE LEASE AGREEMENT FOR \$144.53 A MONTH FOR 60 MONTHS TO BE PAID FROM OF THE GENERAL FUND

I. **Agenda Date:** Council Meeting – February 2, 2021

II. **Attachments:** a. Quadient Lease Documents

III. **Summary Statement:**

The ten-year-old postage machine at City Hall needs to be replaced. Quadient is offering a 5-year lease on a new machine for \$144.53 per month.

IV. **Submitted by:** _____
Leann Perino, Finance Director

V. **Finance Reviewed** _____
Finance Director

VI. **Approved for Presentation:** _____
City Administrator

VII. **Attorney Reviewed** _____ Approved _____ Pending Approval

VIII. **Certification of Council Approval:** _____
City Clerk Date

IX. Detail of Issue/Request:

The ten-year-old postage machine at City Hall need to be replaced. Quadient is offering a 5-year lease on a new machine for \$144.53 per month. The lease on our current machine is \$161 a month.

X. Legal/Political Considerations:

None

XI. Alternatives/Options:

None.

XII. Financial Considerations:

The postage machine lease is included in the postage budget of all the City's funds. The cost is allocated monthly by use. The annual amount budget is \$1,932 the annual amount of the new lease is \$1,734.36.

XIII. Staff Recommendation:

Approve the lease agreement with Quadient Leasing

PARTICIPATING ADDENDUM EXHIBIT F, NEOPOST STRAIGHT LEASE AGREEMENT TERMS



Colorado PA Product Lease Agreement Terms for NASPO ADSP016-169901

In this Lease Agreement (the "Lease"), the words "You" and "Your" mean the lessee, which is the entity that is identified as the Customer "(Purchasing Entity)" on the Lease Agreement purchase agreement ("PO"). "We," "Us" and "Our" mean the lessor, MailFinance Inc. "Supplier" refers to either Neopost USA Inc. ("Contractor"), or any other third party that has manufactured, or is providing services related to, the Products.

1. **Lease of Products. THIS LEASE IS UNCONDITIONAL AND NON-CANCELABLE** (except as provided in Section 23, below) during the Initial Term (as defined below). You agree to lease from Us the equipment, embedded software, Software, services or other products listed on the PO, (collectively the "Products") according to the terms stated herein. For the avoidance of doubt, postage meters for use in mailing machines are excluded from the definition of Products. The term "Software" means any software that is subject to this Lease, other than software programs that are embedded in the hardware.
2. **Promise to Pay.** You promise to pay to Us the lease payment shown on the PO ("Lease Payment") in accordance with the payment schedule set forth thereon.
3. **Initial Term; Renewal.** The Initial Term of this Lease will begin on the date the Products are accepted, per the Master Agreement, and will continue for the number of months shown on the applicable PO ("Initial Term"). You must notify Us in writing at least thirty (30) days before the end of the Initial Term that (i) You intend to return the Products at the end of the Initial Term or (ii) You intend to renew the Lease on a month to month basis (each a "Renewal Period"). If You fail to give us such notice, then We will provide return shipping instructions at the end of the

Initial Term. The amount You pay for the Products will remain unchanged during each Renewal Period. We will not notify You that the Initial Term or any Renewal Period is ending. You may terminate this Lease at the conclusion of any Renewal Period by giving Us thirty (30) days prior written notice of Your intent to do so. If You notify Us in writing that You intend to terminate the Lease, as set forth above, You shall return the Products pursuant to Section 11 of this Lease.

4. **Payments.** Lease Payments, and other charges provided for herein, are payable in arrears periodically as stated on the PO. You agree to make Lease Payments to Us at the address specified on Our invoices, or at any other place designated by Us within forty-five (45) days of the date of Our Invoice.
5. **Delivery and Location of Products.** The Products will be delivered to You at the installation address specified on the PO ("Installation Address") or, if no such location is specified, to Your billing address. Your acceptance of the Products occurs upon delivery, inspection, and acceptance of the Products. You shall not remove the Products from the Installation Address unless You first get Our written permission to do so.
6. **Ownership, Use, and Maintenance of Products.** We will own and have title to the Products during the Lease. You agree that the Products are and shall remain Our personal property. You authorize Us to record (and amend, if appropriate) a UCC financing statement to protect Our interests. You represent that the Products will be used solely for commercial purposes and not for personal, family or household purposes. You agree to maintain the Products in accordance with the applicable operation manuals and to

keep the Products in good working order, ordinary wear and tear excepted.

to its full replacement cost.

7. **Assignment of Supplier's Warranties.** We hereby assign to You any warranties relating to the Products that We may have received from the Supplier.
8. **Relationship of the Parties.** You agree that You, not We, selected the Products and the Supplier, and that We are a separate company from the Supplier and that the Supplier is not Our agent. IF YOU ARE A PARTY TO ANY POSTAGE METER RENTAL, MAINTENANCE, SERVICE, SUPPLIES OR OTHER CONTRACT WITH ANY SUPPLIER, WE ARE NOT A PARTY THERETO, AND SUCH CONTRACT IS NOT PART OF THIS LEASE (EVEN THOUGH WE MAY, AS A CONVENIENCE TO YOU AND THE SUPPLIER, BILL AND COLLECT MONIES OWED BY YOU TO THEM).
9. **Default.** You will be in default under this Lease if You fail to pay any amount within forty-five (45) days of the date of receipt of Our invoice, or fail to perform or observe any other obligation in this Lease. If You default, We may, upon a thirty (30) day written notice to You, do any one or more of the following at Our option, concurrently or separately: (A) cancel this Lease; (B) require You to return the Products pursuant to Section 11 below; (C) take possession of and/or render the Products unusable, and for such purposes You hereby authorize Us and Our designees to enter Your premises, with prior reasonable notice or other process of law; and (D) require You to pay to Us, an amount equal to the sum of all Lease Payments and other amounts then due and past due;; (ii) all remaining Lease Payments for the then-current term; and (iii) in the event that You fail to return the Products to Us within thirty (30) calendar days of Our notice of default, an amount equal to the residual value of the Products at the end of the then-current term.
10. **Loss; Damage; Insurance.** You shall: (i) bear the risk of loss and damage to the Product(s) during the Initial Term and any Renewal Period; and (ii) keep the Product(s) insured, at Your expense, against all risks of loss and damage in an amount at least equal

11. **Return of Products.** You are required to return the tangible products under this Lease. In such a case, at the end of the Lease, You shall, after receiving an Equipment Return Authorization ("ERA") number from Us, promptly send the Products, at Your expense plus shipping and handling costs, to any location(s) that We designate in the contiguous United States. The Products must be properly packed for shipment with the ERA number clearly visible, freight prepaid and fully insured, and must be received in good condition, less normal wear and tear.
12. **Assignment.** YOU SHALL NOT SELL, TRANSFER, ASSIGN, SUBLEASE, PLEDGE OR OTHERWISE ENCUMBER (COLLECTIVELY, "TRANSFER") THE PRODUCTS OR THIS LEASE IN WHOLE OR IN PART.
13. **Disclaimer of Warranties.** WE MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, REGARDING ANY MATTER WHATSOEVER, INCLUDING, BUT NOT LIMITED TO, THE SUITABILITY OF THE PRODUCT(S), ITS CONDITION, ITS MERCHANTABILITY, ITS FITNESS FOR A PARTICULAR PURPOSE, ITS FREEDOM FROM INFRINGEMENT, OR OTHERWISE. WE PROVIDE THE PRODUCTS TO YOU "AS IS," "WHERE IS" AND "WITH ALL FAULTS."
14. **Limitation of Liability.** THE AMOUNTS OF THE LIMITATIONS OF LIABILITY OF THIS AGREEMENT SHALL APPLY ONLY IN EXCESS OF ANY INSURANCE TO BE MAINTAINED UNDER SECTION 12 OF EXH A OF THE PARTICIPATING ADDENDUM, AND NO INSURANCE POLICY SHALL BE INTERPRETED AS BEING SUBJECT TO ANY LIMITATIONS OF LIABILITY OF THIS AGREEMENT. WE SHALL NOT BE LIABLE TO YOU AND YOU SHALL NOT MAKE A CLAIM AGAINST US FOR ANY LOSS, DAMAGE (INCLUDING INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES), OR EXPENSE OF ANY KIND ARISING DIRECTLY OR INDIRECTLY FROM THE DELIVERY, INSTALLATION, USE, RETURN, LOSS OF USE, DEFECT, MALFUNCTION, OR ANY OTHER MATTER RELATING TO THE PRODUCTS (COLLECTIVELY, "PRODUCT MATTERS"). NOTWITHSTANDING ANY OTHER PROVISION

OF THIS LEASE, EXCEPT FOR DIRECT DAMAGES RESULTING FROM PERSONAL INJURY, DEATH, OR DAMAGE TO TANGIBLE PROPERTY CAUSED BY OUR NEGLIGENCE OR WILLFUL MISCONDUCT, THE MAXIMUM OUR LIABILITY TO YOU FOR DAMAGES HEREUNDER SHALL NOT EXCEED \$1,000,000.00 EACH OCCURANCE, OR \$2,000,000.00 GENERAL AGGREGATE.

15. Notice. All notices related to this Lease to Us shall be made by You, or an attorney representing You. Notice of non-renewal of this Lease shall be made as outlined in Section 3. Other notices, requests and other communications hereunder shall also be in writing and sent to: MailFinance Inc., 478 Wheelers Farms Road, Milford, CT 06461 ("Notice Address"). Such notices shall be considered given when: (i) delivered personally, or (ii) sent by commercial overnight courier with written confirmation of delivery. In the event that We do not accept Your offer to enter into this Lease, then You have the right to a written statement that specifies the reasons that Your offer was not accepted. You can request such a statement by writing to Us at the Notice Address.

16. Integration. There are no unwritten or oral agreements between You and Us. The Lease can be changed only by a written agreement between You and Us. Any additional terms and conditions referenced on any Purchase Order shall be void and have no effect on this Lease.

17. Severability. In the event any provision of this Lease shall be deemed to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties agree to replace any invalid provision with a valid provision, which most closely approximates the intent and economic effect of the invalid provision.

18. Waiver or Delay. A waiver of any default hereunder or of any term or condition of this Lease shall not be deemed to be a continuing waiver or a waiver of any other default or any other term or condition, but shall apply solely to the instance to which such waiver is

directed. We may accept late payments, partial payments, checks, or money orders marked "payment in full," or with a similar notation, without compromising any rights under this Lease.

19. Survival of Obligations. Your obligations under this Lease shall survive any expiration or termination of the Participating Addendum and Master Agreement that governs it. Any obligations and duties which by their nature extend beyond the expiration or termination of this Lease shall survive the expiration or termination of this Lease.

20. Choice of Law and Venue. This Lease shall be governed under the laws of the State of Colorado, without regard to conflicts of law, and jurisdiction shall lie exclusively in a court of competent jurisdiction in the State of Colorado. In any litigation or other proceeding by which one party either seeks to enforce its rights under this Lease (whether in contract, tort, or both) or seeks a declaration of any rights or obligations under this Lease, to the extent allowable by law, the prevailing party shall be awarded its reasonable costs and expenses incurred.

21. Intentionally Blank

22. Intentionally Blank

23. Termination.

A. Non-Appropriation.

i. You warrant and represent that You intend to enter into this Lease for the entire Stated Term, and you acknowledge that We have relied upon such represented intention when determining the applicable pricing plan.

ii. You may terminate this Lease at the end of Your current fiscal year, or at the end of any subsequent fiscal year, if appropriated funds are not available to You for the Lease Payments that will be due in the next fiscal year. In the event of such a non-appropriation, then You shall provide written notice to Us that states: Sufficient funds have not been and will not be appropriated for the remaining payments due under the Lease.

B. Convenience. You may terminate this Lease at anytime and for any reason or for no reason ("Termination for Convenience"); provided that You comply with the provisions of this paragraph. In the event of a Termination for Convenience, You shall pay Us a termination charge equal to the net present value of the periodic payments remaining in the Initial Term or, if applicable, the then-current Renewal Term, discounted to the present value at an interest rate equal to six percent (6%) per annum. Such amount must be received by Us within thirty (30) days of the effective date of the termination.

24. Additional Postage Meter Terms. If the Products require a postage meter, then You agree that Neopost USA's Postage Meter Rental Agreement shall govern your rental of such postage meter.

POSTAGE METER RENTAL AGREEMENT

1. Incorporation of Certain Terms. Customer ("Purchasing Entity") acknowledges that: (i) it has entered a Lease Agreement with MailFinance Inc. (the "Lease"); and (ii) if the Products that are subject to the Lease includes a mailing machine, then the terms of this Postage Meter Rental Agreement ("Rental Agreement") shall govern its rental of the Postage Meter (as defined below) for such machine. Any defined terms in the Lease shall have the same meanings in this Rental Agreement, except that "We," "Us," and "Our," refers to Neopost USA Inc. ("Contractor"), and any reference to "Products" shall refer to the Postage Meter. Sections 10, 11 and 13 through 24 of the Lease are hereby incorporated into this Rental Agreement, except that any reference in those section to the "Lease" refer to this Rental Agreement.

2. Provisions as to Use. You acknowledge that: (i) as required by United States Postal Service ("USPS") regulations, the postage meter(s) identified on the PO (the "Postage Meter") is being rented to You and that it is Our property; (ii) the Postage Meter will be surrendered by You upon demand by Us; (iii) You are responsible for the control and use of the Postage Meter; (iv) You will comply with

all applicable laws regarding Your use or possession of the Postage Meter; (v) the use of the Postage Meter is subject to the conditions established from time to time by the United States Postal Service; and (vi) the Postage Meter is to be used only for generating an indicia to evidence the prepayment of postage and to account for postal funds. It is a violation of Federal law to misuse or tamper with the Postage Meter and, if You do so, We may terminate this Rental Agreement upon notice to You.

3. Rental Fee, Term, and Taxes. The rental fee for the Postage Meter rental during the Initial Term is included in the Lease Payment. For each Renewal Term, You agree to pay Our then-current fee, per the Master Agreement, for the Postage Meter rental. The Postage Meter rental fee does not include the cost of consumable supplies. The term of the rental shall be equal to the term of the Lease. You agree that you will return the Postage Meter at the end of the Lease term and that You will do so in the manner set forth in Section 11 of the Lease. If the meter is NOT returned within 30 days, then the customer will forfeit any remaining postage they may have left on the meter. They will also be subject to a \$100 lost meter charge, billable upon the 31st day.

4. Postage Meter Maintenance, Inspections, and Location. We will keep the Postage Meter in good working condition during the term of this Rental Agreement. The United States Postal Service regulations may require Us to periodically inspect the Postage Meter. You agree to cooperate with Us regarding such inspections. We may, from time to time, access and download information from Your Postage Meter to provide us with information about Your postage usage and We may share that information with the United States Postal Service and our servicing dealership. You agree to promptly update Us whenever there is any change in Your name, address, telephone number, the licensing post office, or the location of the Postage Meter.

5. Postage Advances. We do not sell postage. In the event You require an emergency advance for postage, We, at Our sole discretion, may advance You money to reset

the Postage Meter. If We do provide such an advance, You agree to repay Us within five (5) days from the time of such advance: (i) the amount of the emergency advance; and a mutually agreed upon advance fee.

6. **Default.** In the event You fail to perform in accordance with the terms set forth in this Rental Agreement, or any other Agreement with Us, or MailFinance Inc., which is directly associated with this Meter Rental, then We may, with a thirty (30) day prior written notice to You: (i) repossess the Postage Meter(s); (ii) disable the Postage Meter; and/or (iii) immediately terminate this Rental Agreement. Furthermore, upon the return of the Postage Meter, You hereby authorize Us to offset any amount of postage remaining in the Postage Meter, prior to any refund to You, against any amount due to Us or MailFinance, which is directly associated with this Meter Rental.

7. **Rate Updates.**

- A. **Maintenance of Postal Rates.** It is Your sole responsibility to ensure that correct amounts are applied as payment for mailing and shipping services. We shall not be responsible for returns for delivery delays, refusals, or any other problems caused by applying the incorrect rate to mail or packages.
- B. **Rate Updates with Online Services.** If the PO indicates that You are enrolled in Our Online Services program, then We will make available periodic updates for Your covered Products and/or Postage Meter, including updates to maintain accurate USPS rates for the USPS services that are compatible with such Products or Postage Meter. **The rate updates that are offered with Our Online Services program are only available for products that are Integrated (as defined below) into Your mailing machine.** For the purposes of this section, "Integrated" means that the covered hardware cannot properly operate on a stand-alone basis and it has been incorporated into the mail machine. Products that are not Integrated including, but not limited to, all

Software and scales with "ST-77," or "SE" in the model number, will not receive updated rates as part of Our Online Services program (collectively "Excluded Products").

- C. **Rate Updates with Rate Change Protection and Software Advantage.** If You have any of Our Excluded Products, You may have elected to purchase Rate Change Protection ("RCP") from Us for Your hardware products or Software Advantage for Your Software. If the PO indicates that You have selected RCP or Software Advantage, We will make available the following updates for Your covered Products or Software: (i) updates to maintain accurate rates for the services offered by the USPS and other couriers that are compatible with Your covered Products or Software; and (ii) updates for major zip or zone changes that are compatible with Your covered Products or Software. If any reprogramming is required because You have moved the Products or Postage Meter to a new location, none of the services described in this Section cover the cost to do so. If You have not selected RCP or Software Advantage, You agree that We may send You periodic rate updates as needed and You agree to either: (i) promptly pay the then-current price for such update; or (ii) return the unused, update to Us within ten (10) business days of receiving it. Customers with an outstanding Accounts Receivable balance may not receive a rate update until the open balance is resolved.

8. **United States Postal Service acknowledgment of deposit requirement.** By signing this Postage Meter Rental Agreement, You acknowledge and agree that You have read the United States Postal Service Acknowledgement of Deposit (the "Acknowledgement"), which is available on the USPS website, and will comply with its terms and conditions, as it may be amended from time to time.

9. **Additional United States Postal Service terms.**

- A. By signing this Postage Meter Rental

Agreement, You acknowledge that You are also entering into an Agreement with the United States Postal Service ("USPS") in accordance with the Domestic Mail Manual ("DMM") 604.4, Postage Payment Methods, Postage Meters and PC Postage Products (collectively, "Postage Evidencing Systems" or "PES") and accept responsibility for control and use of the PES contained therein.

- B. You also acknowledge You have read the DMM 604.4, Postage Payment Methods, Postage Meters and PC Postage Products (Postage Evidencing Systems), located on the USPS website, and agree to abide by all rules and regulations governing its use.
- C. Failure to comply with the rules and regulations contained in the DMM or use of the PES in any fraudulent or unlawful scheme or enterprise may result in the revocation of this Rental Agreement.
- D. You further acknowledge that any use of this PES that fraudulently deprives the USPS of revenue can cause You to be subject to civil and criminal penalties applicable to fraud and/or false claims against the United States. The submission of a false, fictitious or fraudulent statement can result in imprisonment of up to five (5) years and fines of up to \$10,000 (18 U.S.C. 1001). In addition, a civil penalty of up to \$5,000 and an additional assessment of twice the amount falsely claimed may be imposed (30 U.S.C. 3802).
- E. You further understand that the rules and regulations regarding use of this PES as documented in the USPS Domestic Mail Manual may be updated from time to time by the USPS and it is Your obligation to comply with any current or future rules and regulations regarding its use.
- F. You are responsible for immediately reporting (within seventy-two hours or less) the theft or loss of the postage meter that is subject to this Rental Agreement. Failure to comply with this

notification provision in a timely manner may result in the denial of refund of funds remaining on the postage meter at the time of the loss or theft.

MAINTENANCE AGREEMENT

1. **Incorporation of Certain Terms.** You acknowledge that You ("Purchasing Entity") have entered a Lease Agreement with MailFinance Inc. (the "Lease"). Any defined terms in the Lease shall have the same meanings in this Maintenance Agreement, except that "We," "Us," and "Our," refer to Neopost USA Inc. ("Contractor"). Sections 12 through 23 of the Lease are hereby incorporated into this Maintenance Agreement, except that any reference in those sections to the "Lease" refers to this Maintenance Agreement.
2. **Neopost's Terms and Conditions for Maintenance Services.** If the PO Indicates that You have purchased maintenance services, then Neopost USA Inc., or one of its affiliates, will provide maintenance services for the Products in accordance with the Colorado Participating Addendum, Exhibit B, for the level of maintenance services that You have purchased. Those services will be provided for the entire term of the Lease and are NON-CANCELABLE. You agree that You have access to such terms and that they are incorporated into this Maintenance Agreement by this reference, and that You shall be bound by such terms as if they were fully stated herein. **Notwithstanding the foregoing, maintenance services are not available on HD Office Printer Series products.**
3. **Auto Ink Program.** If the PO indicates that You have elected to participate in Our Auto Ink Program (the "Program"), then you hereby authorize Us to ship You a new ink cartridge for the Product whenever the Product indicates that the then-current ink cartridge reaches twenty percent (20%) of its capacity. You authorize Us to charge the then current fee, per the Master Agreement, for such cartridge (plus applicable taxes and shipping charges) to Your TotalFunds Account. You may opt out of the Program at

any time by sending an email to
CIMneworders@neopost.com.

ONLINE SERVICES AND SOFTWARE AGREEMENT

1. **Incorporation of Certain Terms.** You acknowledge that You ("Purchasing Entity") have entered a Lease Agreement with MailFinance Inc. (the "Lease"). Any defined terms in the Lease shall have the same meanings in this Online Services and Software Agreement ("OSS Agreement"), except that "We," "Us," and "Our," refer to Neopost USA Inc. ("Contractor"). Sections 12 through 23 of the Lease are hereby incorporated into this OSS Agreement, except that any reference in those sections to the "Lease" refer to this OSS Agreement.

2. **License Grant and Additional Terms.** In exchange for the license fees that are included in Your Lease Payment, We hereby grant to You a nonexclusive, nontransferable license to use the Software products, including related documentation, described on the PO, solely for Your own use on or with the Products. You warrant and represent that You will not sell, transfer, disclose or otherwise make available such Software products or copies thereof to third parties; provided, however, that the Software products may be used by Your employees or independent contractors using the Products. No title or ownership of the Software products or any portion thereof is transferred to You. PO Such terms are included in the Participating Addendum, and are incorporated herein by this reference and You agree to be bound by such terms.

3. **Software Support.** Unless otherwise specified in the applicable Software terms, if You have purchased support for the Software, We will provide the following for a period of one (1) year: (i) software updates and, if applicable, carrier rate updates that keep You current and compliant with supported carrier rates, fees, zone schedules, label, barcode and forms changes; (ii) updates to the Software; (iii) corrective bug fixes as released; and (iv) technical support for the Software (collectively "Software Maintenance"). At the conclusion of each year of Software Maintenance, and upon a

thirty (30) day prior written notice from You, You shall have the option to renew the Software Maintenance for additional one-year periods at Our then-current fee, per the Master Agreement. If you fail to notify us of your intent, Your Software Maintenance services shall be terminated. You acknowledge that the Software may fail to comply with applicable regulations if you do not have Software Maintenance and that We shall not have any liability in connection with any such failure. If You allow the Software Maintenance to lapse, You may reinstate such services; provided that you pay all fees that would have been due from the expiration of Your last Software Maintenance period through the reinstatement date.



**Government Product Lease Agreement
with Postage Meter Rental Agreement**

Section (A) Office Information

Office Number	Office Name	Phone #	Date
9480	Complete Mailing Solutions	(303) 761-0681	01/14/2021

Section (B) Billing Information

Company Name	City of Fort Lupton		
DBA			
Billing Address	130 S MCKINLEY AVE		
City State Zip+4	FORT LUPTON	CO	80621-1343
Contact Name	Leann Perino	Phone	(720) 466-6120
Contact Title	Finance Director	Fax	
Email Address	lperino@fortluptonco.gov	PO #	

Section (C) Installation Information (if different from billing information)

Company Name	City of Fort Lupton		
Installation Address	130 S MCKINLEY AVE		
City State Zip+4	FORT LUPTON	CO	80621-1343
Contact Name	Leann Perino	Phone	(720) 466-6120
Contact Title	Finance Director	Fax	
Email Address	lperino@fortluptonco.gov		
Main Post Office	Fort Lupton CO	PO 5-Digit Zip Code	80621

Section (D) Products

Qty	Model / Part Number	Description (include Serial Number, if applicable)
1	IXSAF	IX-5 Series Base w/ Autofeeder, Sealer, Catch Tray & Ink Cartridge
1	IXWP5	IX Series 5 lb Weighing Platform

Section (E) Lease Payment Information & Lease Payment Schedule

Tax Status: ☐ Taxable ☒ Tax Exempt <i>Certificate attached</i> Billing Frequency: ☐ Monthly ☒ Quarterly ☐ Annually Billing Method: ☒ Standard ☐ Arrears	Number of Months	Monthly Payment (Plus applicable taxes)	
	First	60	\$144.53
	Current Lease Number:		
	☐ ACH (Customer to submit authorization form)		

Section (F) Postage Meter & Postage Funding Information

Meter Model	IXSAFAI	Machine Model	IX5AF
Postage Funding Method: ☒ Bill Me ☐ Prepay by Check ☐ ACH Debit (Submit customer authorization form) ☐ OMAS ☐ CPU (include authorization form) Agency Code Sub Agency Code		Postage Funding Account: ☒ POC ☐ TMS ☒ New ☐ Existing Existing Account Number:	

Service Products (Check all that apply)

☒ Online Postal Rates iMeter™ App (SP10) ☐ Online Postal Expense Manager iMeter™ App (SP20/NeoStats) ☐ Online E-Services iMeter™ App (SP30) ☐ NeoShip PLUS (EP70PLUS) ☐ NeoShip Install & User Guide (EP70GUIDES) ☐ RunMyMail ☐ 3G/4G Cell Service ☒ Maintenance ☒ Installation/Training ☐ Software Support for premise (non-cloud) solutions

Section (G) Approval

Existing customers who currently fund the Postage account by ACH Debit will not be converted to the Postage Funding Account unless initial here _____.

This document consists of a Government Product Lease Agreement with Quadient Leasing USA, Inc.; and a Postage Meter Rental Agreement, and Online Services and Software Agreement with Quadient, Inc.; and a Postage Funding Account Agreement with Quadient Finance USA, Inc. Your signature constitutes an offer to enter into such agreements, and acknowledges that you have received, read, and agree to all applicable terms and conditions (version Government-Equipment-Lease-Terms-USPS-Dealer-V9-2020), which are also available at www.quadient.com/Government-Equipment-Lease-Terms-USPS-Dealer-V9-2020, and that you are authorized to sign the agreements on behalf of the customer identified above. The applicable agreements will become binding on the companies identified above only after an authorized individual accepts your offer by signing below, or when the equipment is shipped to you.

Guided by Quadient, Inc.'s Sustainable Design and Responsible Manufacturing Policy, our Products may contain reused components. For more Information visit <https://www.quadient.com/about-us/sustainable-design-and-manufacturing>.

***** SEE PURCHASE ORDER ***** Authorized Signature	Print Name and Title	Date Accepted
Accepted by Quadient Inc. and its Affiliates		Date Accepted

EQUIPMENT AND SOFTWARE MAINTENANCE & SUPPORT AGREEMENT

☐ Proship Software Maintenance ☒ Standard Maintenance ☐ PremierPlus

Install At	Bill To
Company: City of Fort Lupton	Company: Quadient Leasing
Attention: Leann Perino	Attention:
Address: 130 S McKinley Ave	Address:
City, St, Zip: Fort Lupton CO 80621	City, St, Zip:
Person to Contact/Phone: Phone:	Person to Contact/Phone: Phone:
Contact Email:	Contact Email:
Additional Contact/Fax: 303-857-6694 Fax:	Accts Payable Contact/Fax: Fax:

Customer Purchase Order:		Effective Dates:	
QUANTITY	MAKE / MODEL / DESCRIPTION	SERIAL #	TOTAL
1	IX5 WP5 mail system		\$ in lease
			\$
			\$
			\$
			\$
			\$
			\$
Payment Method: ☐ Bill Client ☒ Include in Lease			Sub Total
Max. Scheduled PM Cleanings per year: 2			Tax
			TBD
			Total
			\$
Name (Print):		Title:	
Authorized Signature:		Date:	
Sales Representative:		Approved by CMS Officer: Paul Johnson Date:	
Additional Inclusions and Exclusions:			
By signing this document, Client Agrees to CMS Terms & Conditions (https://cms-colorado.com/wp-content/uploads/2018/04/Maintenance-Agreement-TandC-April-2018-1.pdf)			

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-019

ADOPT AN ANNEXATION, KNOWN AS THE TOEWS ANNEXATION, TO ANNEX LAND LEGALLY DESCRIBED IN EXHIBIT "A" TO THE PROPOSED ORDINANCE, AND APPROVING THE ANNEXATION AGREEMENT

I. Agenda Date: Council Meeting – February 2, 2021

II. Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution, Minutes, and Staff Report
- c. Land Use Application
- d. Project Description
- e. Annexation Agreement & Petition
- f. City Council Resolution No. 2020R085
- g. Annexation Map
- h. Vicinity Map
- i. Statement on Community Need
- j. Soils Report
- k. Annexation Impact Report
- l. Referral Response
- m. Legal Notifications

III. Summary Statement:

Leonard Toews and Sherri Toews (the "Applicants") have submitted a request for annexation of land totaling 33.77 acres, more or less, known as the Toews Annexation. The Property is located at the northwest corner of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). The Property is adjacent to City limits along its southern and western boundaries. The proposed initial zoning is to the 'A' Agricultural Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation.

IV. Submitted by: _____
Planner

V. Finance Reviewed _____
Finance Director

VI. Approved for Presentation: _____
City Administrator

VII. Attorney Reviewed _____ Approved _____ Pending Approval

VIII. Certification of Council Approval: _____
City Clerk _____ Date _____

IX. Detail of Issue/Request:

Leonard Toews and Sherri Toews (the "Applicants") have submitted a request for annexation of land totaling 33.77 acres, more or less, known as the Toews Annexation. The Property is located at the northwest corner of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). The Property is adjacent to City limits along its southern and western boundaries. The proposed initial zoning is to the 'A' Agricultural Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation.

The purpose of the annexation is to enable the Applicants to work with the City for future development of the Property. Any future development will require an additional land use process for review by Planning Commission and City Council. Currently, the property is used for agricultural and rural residential land uses, including a warehouse and greenhouse. At this time the use of the Property is not changing.

X. Legal/Political Considerations:

This annexation meets the requirements set forth by Colorado Statutes in 31-12-104 and by Municipal Code, Section 15-3. The Applicant has submitted the required documents pursuant to the Code.

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 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.

XI. Alternatives/Options:

The City Council has the following options for this request:

- a) Adopt The Ordinance.*
- b) Do not adopt The Ordinance.*

XII. Financial Considerations:

The applicant has paid all applicable land use application fees and are covering ongoing review expenses.

XIII. Staff Recommendation:

Staff recommends conditional approval of the proposed Ordinance annexing land legally described in Exhibit A of the proposed Ordinance and approving the annexation agreement.

ORDINANCE NO. 2021-xxxx

INTRODUCED BY: x

ADOPT ORDINANCE 2021-xxxx ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT “A” KNOWN AS THE TOEWS ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, a petition for annexation of the subject property was filed with the City on December 15, 2020. The owner of 100% of the territory, with the exception of any road rights-of-ways, if applicable, hereinafter described as the Toews Annexation, is Leonard Toews and Sherri Toews, and this territory is not solely a public street or rights-of-ways. The City Council accepted said petition and has found and determined that an election was not required for this annexation under state statute or municipal ordinance or code section and that no additional terms and conditions are to be imposed upon the annexation, other than those expressed in the annexation agreement. The Planning Commission of the City of Fort Lupton, after public hearing on January 14, 2021, has recommended approval of the annexation. After a public hearing on February 2, 2021, Council found that the area to be annexed is eligible for annexation pursuant to Section 31-12-104 C.R.S. as to contiguity; and, the area is not affected by any of the limitations that would prevent annexation set forth in Section 31-12-105 C.R.S.

WHEREAS, the annexation agreement between the applicant and the City has been reviewed by City staff and by this Council and is approved and shall be signed by the Mayor.

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the subject property is hereby annexed conditional to 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.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of February 2021.

PUBLISHED in the Fort Lupton Press the xxth day of xx 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this xxnd day of xx 2021.

PUBLISHED BY TITLE ONLY the xxth day of xx 2021.

EFFECTIVE (after publication) the xxth day of xx 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

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.

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 14th 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.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, January 14, 2020.

Chair Mike Simone called the meeting to order at 5:59 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone and Commission Members Carlos Barron, Lynne Derby, Kathy Kvasnicka, Thomas Meyers, Paul Weber. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, and Planning Assistant Magaly Morales-Tejada.

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.

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 Member Kathy Kvasnicka and seconded by Member Lynne Derby.

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Carlos Barron and seconded by Member Kathy Kvasnicka.

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. There was one, JT Walker. Chair Simone explained how the public comment portion works and asked if the public had an item not on the agenda. JT Walker stated he didn't have a comment at the moment and was just curious as to what this meeting was about. Chair Simone closed Public Comment.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

ACTION ITEMS

Election of Officers

Chair Mike Simone stated that he is currently the Chairperson and Bushrod White is the Vice-Chair. He asked for a motion for the Chair of the Planning Commission.

Planner Alyssa Knutson explained that there may now be a nomination for who the Board feels should be Chair.

Chair Simone asked if there were any nominations.

Paul Weber asked if this included re-election.

Chair Simone stated yes.

Member Kathy Kvasnicka motioned to nominate Mike Simone as Chairperson. Member Thomas Meyers seconded.

Chair Simone asked if there were any other nominations, hearing none Chair Simone took a vote. The election passed unanimously.

Chair Simone then stated that Bushrod White is the current Vice-Chair and asked if there was a nomination for Vice-Chair.

Member Paul Weber nominated Bushrod White as Vice-Chair, Member Kathy Kvasnicka seconded.

Chair Simone asked if there were any other nominations for Vice-Chair, hearing none Chair Simone took a vote. The election passed unanimously.

P2021-001 Lupton Lakes Inlet/Outlet Facility & Pipeline Project Special Use Permit

Chair Mike Simone asked staff to introduce this item.

Planner Alyssa Knutson presented the proposal. She stated the pipeline would extend from Denver Water's Lupton Lakes Complex property which is located at the northwest corner of Denver Ave. and County Road 8, and just east of the McAda property. She stated the pipeline would continue to the river at the Hunt Brothers property, which will have an Inlet/Outlet structure built. The Hunt Brothers property is located east and adjacent to the river and north and adjacent to County Road 8. She stated there are some easements required that she will allow the applicant to explain further. She stated that a special use permit is required, because it is not a use listed in the Agricultural or I-2 Heavy Industrial zone districts, which

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021

are the districts being impacted. She explained however that the Code allows for public utility facilities and staff has determined that it is a similar use. Ms. Knutson stated that notice was posted in three visible locations along the project site, published in the newspaper, and mailings to neighbors within 100 feet of the three parcels involved were sent out. Ms. Knutson then stated the applicant has a presentation.

Chair Simone asked the applicant for their name and address.

Applicant stated his name as Brad Piede. He provided the Denver Water address 1600 12th Ave Denver CO 80204.

Chair Simone asked if Mr. Piede if he understood that members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Piede 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. Piede stated yes.

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

Mr. Piede 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. Piede stated yes.

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

Mr. Piede stated yes.

Chair Simone asked if he waived his 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. Piede stated yes.

Mr. Piede introduced himself as the design project manager, and introduced his team. Mr. Piede explained that Lupton Lakes is the northern most incomplete gravel pit downstream

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

reservoir system for Denver Water. He explained that Lupton Lakes is divided into 2 cells, with the North Cell being largely complete and the South Cell in the process of being mined. He provided more background on the complex. He stated that this project specifically is to get a pipeline from the reservoirs to the river. He stated that they have received approval from CDOT and an easement from McAda properties. Mr. Piede listed the permits that they have received or are currently in contact with from this project. He concluded the presentation by explaining why this pipeline is being built now. He stated that there was a lot of development in the Lupton Lakes area and Denver Water felt the need to get the pipe in the ground and worry about the aboveground installations later.

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

Mr. Piede stated yes.

Chair Simone opened up the public comment portion of the hearing.

JP Walker from the public stated he didn't think it affects his living situation and then stated he was curious if the North Cell would be open to the public.

Chair Simone closed the public hearing.

Brad Piede answered JP Walker by saying the other cells are not generally open to the public and he believes it is unlikely that it will be. Mr. Piede said there has been discussions about a potential trail through or adjacent to the reservoir. He stated the complex is very much still under development.

Chair Simone asked Mr. Piede if he felt he had a full and fair opportunity to participate in the public meeting tonight.

Mr. Piede stated yes.

Chair Simone asked the Commissioners if they had any questions; seeing none, he requested a motion to approve Resolution P2021-001.

It was moved by Member Paul Weber and Member Kathy Kvasnicka seconded.

Motion was approved unanimously.

P2021-002 Toews Annexation & Initial Zoning

Chair Simone asked staff to present.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

Planner Maria Lancto stated that this application was submitted by Leonard and Sherry Toews, known as the "Toews Annexation", with initial zoning to the agricultural zone district. She stated the site is located on the northwest corner of Highway 52 and County Road 23 and adjacent to the city limits along its southern boundary. Ms. Lancto stated that the area to be annexed is approximately 33.77 acres. She explained that the applicant's goal for annexation is to be able to work with the City for future development projects. Ms. Lancto stated that all notification requirements had been met including posting at the property, publishing in the newspaper, and mailing to adjacent properties. She stated that applicant Leonard Toews is present and would be happy to address any questions.

Chair Simone asked the applicant if he had a formal presentation.

Leonard Toews stated he did not but believed that Planner Maria Lancto did a great job presenting. He did add that his property is the first property on the north side of Highway 52 that comes out of the floodplain. He stated that the two properties to the west of his property annexed in to Fort Lupton a few years prior.

Member Carlos Barron asked if he was surrounded by annexed property.

Leonard Toews said they were not entirely surrounded.

Chair Simone asked Leonard Toews if he understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Toews 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. Toews stated yes.

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

Mr. Toews 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. Toews stated yes.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

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

Mr. Toews stated yes.

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

Mr. Toews stated yes.

Chair Simone asked Mr. Toews 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. Toews stated yes.

Chair Simone asked Mr. Toews if he had anything he would have like to present in support of his application that he felt he was prevented from doing.

Mr. Toews stated no.

Chair Simone opened up the public comment portion of the hearing. Hearing no-one from the public wishing to speak, Chair Simone closed the public comment portion.

Chair Simone asked Mr. Toews if he has had a full and fair opportunity to participate in the public meeting.

Mr. Toews stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. Hearing none, he requested a motion to approve Resolution2021-0002. It was moved by Member Paul Weber and seconded by Member Carlos Barron.

Motion was approved unanimously.

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
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

FUTURE BUSINESS

Next Meeting of the Planning Commission

The next meeting of the Planning Commission is scheduled for January 28, 2021 at 6:00 PM.

ADJOURNMENT

Member Kathy Kvasnicka made a motion to adjourn.

Member Lynne Derby seconded.

Chair Mike Simone adjourned the meeting at 6:38 PM.

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair



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 & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621Phone: 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 & Final)

Preliminary Plat

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 DESCRIPTIONProject 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

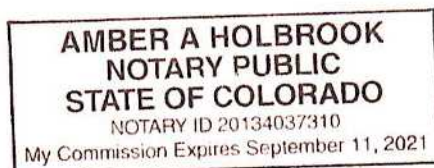
Sherril Toews S.T. 5535 County Rd 23
Fort Lupton, CO 80621 Nov. 6, 2020

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.

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.



Planning & Building

130 S. McKinley Avenue Phone: 303.857.6694
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortlupton.org

NAME OF PROJECT/PROPERTY **ANNEXATION AGREEMENT**

THIS AGREEMENT is made and entered into this _____ day of _____, 2021, by and between _____ (“Owner”) and the City of Fort Lupton (“Fort Lupton” or “City”), a municipal corporation of the State of Colorado (collectively, the “Parties”).

WITNESSETH:

WHEREAS, Owner desires to annex to Fort Lupton the property more particularly described on Exhibit A, which is attached hereto, incorporated herein, and made a part hereof (such property is hereinafter referred to as “the Property”); and

WHEREAS, Owner has executed a petition to annex the Property, a copy of which petition is attached hereto as Exhibit B, and incorporated herein and made a part hereof; and

WHEREAS, it is to the mutual benefit of the Parties hereto to enter into the following Agreement; and

WHEREAS, Owner acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions, and other regulations of Fort Lupton, as they may be amended from time to time; and

WHEREAS, the Parties mutually agree that the annexation of the Property shall not create any additional cost or impose additional burden on the existing residents of the City to provide public facilities and services to the Property after annexation; and

WHEREAS, Owner acknowledges that the need for conveyances and dedication of certain property, including but not limited to property for rights of ways and easements to Fort Lupton as contemplated in this Agreement, are directly related to and generated by development intended to occur within the Property and that no taking thereby will occur requiring any compensation.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE PREMISES AND THE CONVENANTS AS HEREINAFTER SET FORTH, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. **Maps and Surveys.** Owner agrees to execute, promptly upon request of Fort Lupton, any and all maps, surveys, engineering, master planning, annexation impact reports and public notice and other documents necessary to finalize the annexation of the Property and the other provisions of this Agreement.
2. **Exclusivity.** Owner agrees to not sign any other petition for annexation of the Property or any petition for an annexation election relating to the Property, except upon request of Fort Lupton.
3. **Fees.** Owner agrees to pay Fort Lupton an annexation fee in the amount of **\$1,279.20**.
4. **Resolution of Substantial Compliance.** Fort Lupton shall act upon the annexation petition on **December 15, 2020** and shall set a public hearing for **February 2, 2021**, unless Owner consents to later action.
5. **Zoning.**

Parties recognize that it is necessary by State law, to zone the Property within 90 days of annexation, and that the most appropriate use of the Property is for Agricultural purposes. Owner has submitted a request to zone the Property 'A' Agricultural and the City will act upon this request following a public hearing on February 2, 2021. Notwithstanding such zoning, City agrees that Owner's Present Uses (defined below) of the Property shall be deemed to be lawful nonconforming uses and such Present Uses may continue on the Property so long as Owner does not change the use of the Property. For purposes of this Agreement, Present Uses means all current activities, practices and uses of, on, or about the Property, whether engaged in by or on behalf of Owner, which include these types of uses: agricultural and residential structures and uses, agricultural activities, farming, hunting, waste water management, farm vehicle management, livestock, ditch burning, weed and pest management, dust and noise abatement, odor management, times of operation, land and crop management, outdoor storage of farm and marketing materials, growing crops that are the same or similar to those that are currently grown on the Property, and irrigating such crops through accepted, either presently or in the future, irrigation practices. This includes the allowance to permit accessory buildings in the agricultural district more than 1000 square feet. Owner shall take all action necessary to permit zoning by Fort Lupton of the annexed Property within the time prescribed by State statutes. The Owner recognizes that the City has adopted design standards for Residential and Commercial uses and the Owner will comply with, and adhere to, these guidelines subject to the terms of this Agreement.

6. **Rights-of-Way and Easements.** Owner agrees to dedicate by General Warranty Deed or appropriate instrument of conveyance acceptable to the City, easements and rights-of-way for streets and other public ways and for other public purposes, as required by City master plans, ordinances, and resolutions. Such dedications shall occur immediately upon request of the City, except that internal rights-of-way shall be dedicated at the time of subdivision platting, unless the City specifies another time.
7. **Streets.** Owner agrees to design, improve, and provide signage, lighting, and signalization for all public streets and other public ways within or adjacent to the Property in accordance with City ordinances and resolutions and other applicable standards, subject to any reimbursement which may be provided for in such ordinances, resolutions, and standards, and to make such other improvements as required by City ordinances and resolutions, to guarantee construction of all required improvements, and, if requested by Fort Lupton, to dedicate to Fort Lupton any or all other required improvements. Owner agrees to enter into an agreement pertaining to such improvements and other matters prior to any development and/or subdivision of the Property.
8. **Compliance with Master Plans.** Owner agrees that future development of the Property will comply with any adopted infrastructure plans, including but not limited to, transportation, drainage, water, sewer, land use and comprehensive plans.
9. **Special Improvement Districts.** If requested by Fort Lupton, Owner agrees to include the Property in one or more special improvement districts or other mechanisms established by Fort Lupton for making improvements to streets and other public ways, or for making other public improvements authorized by law, and Owner hereby appoints the City Administrator of Fort Lupton as Owner's attorney-in-fact for the purpose of executing all documents determined by Fort Lupton to be necessary for such inclusion. If requested by Owner, Fort Lupton agrees to consider the establishment of one or more special improvement districts for making such improvements.
10. **Compliance with Ordinances, Resolutions and Standards.** Owner agrees that the design, improvement, construction, development, and use of the Property shall be in conformance with, and that Owner shall comply with, all City ordinances and resolutions including, without limitation, ordinances and resolutions pertaining to subdivision, zoning, storm drainage, utilities, and flood control.
11. **Limitations.** Nothing contained in this Agreement shall constitute or be interpreted as a repeal of the City's ordinances or resolutions, or as a waiver of the City's legislative, governmental, or police powers to promote and protect the health, safety, and welfare of the City and its inhabitants; nor shall this Agreement prohibit the enactment or increase by the City of any tax or fee.
12. **Disconnection.** No right or remedy of disconnection of the Property from the City shall accrue from this Agreement, other than that provided by applicable State laws. In the event the Property or any portion thereof is disconnected at Owner's request, Fort Lupton

shall have no obligation to serve the disconnected Property or portion thereof and this Agreement shall be void and of no further force and effect as to such Property or portion thereof.

13. **Severability.** The Parties agree that if any part, term, portion, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining parts, terms, portions, or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, portion, or provision held to be invalid.
14. **Municipal Services.** Fort Lupton agrees to make available to the Property all of the usual municipal services in accordance with the ordinances and policies of the City, which services include, but are not limited to, police protection and water and sewer services. Owner acknowledges that City services do not include, as of the date of the execution of this Agreement, fire protection or emergency medical services, but the Property is presently included within the boundaries of and is entitled to receive such services from the Fort Lupton Fire Protection District.
15. **Existing Water Rights.** Fort Lupton acknowledges that Owner's underground water rights are limited to certain wells located on the Property. Fort Lupton agrees that Owner shall retain the well rights.
16. **Future Conveyance of Water Rights.** In accordance with Fort Lupton Municipal Code Section 13-122, Owner agrees to convey to the City all water rights necessary for development, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, but the City retains the right to require cash in lieu thereof. Water rights may be conveyed on a pro-rata basis as the Property develops.

Owner hereby acknowledges its receipt of a copy of Fort Lupton Municipal Code Section 13-122 concerning City policy with respect to the dedication of water rights, or cash in lieu, to the City in connection with annexations, and agrees to comply with such resolutions and with any amendments thereto, including any applicable amendments adopted subsequent to the annexation of the subject Property.
17. **Parks and Public Lands.** Owner agrees to dedicate to the City, or pay cash in lieu of land, areas to be used for public purposes if required by City at the time of platting. Lands dedicated shall be acceptable to City and shall comprise six (6) percent of gross residential and two (2) percent of gross non-residential land. All dedicated lands shall be platted by the Owner in accordance the City's subdivision regulations. Owner agrees to pay to City at the time of building permit any applicable park development fees as enacted by City Council by ordinance.

18. **Cooperation.** The Parties agree that they will cooperate with one another in accomplishing the terms, conditions, and provisions of the Agreement, and will execute such additional documents as necessary to effectuate the same.
19. **Amendments.** This Agreement may be amended with the written consent of the City and Owner of the Property. Such amendments shall be in writing, shall be recorded with the County Clerk of Weld County, Colorado, shall be covenants running with the land, and shall be binding upon all persons or entities having an interest in the Property subject to the amendment unless otherwise specified in the amendment.
20. **Sole Agreement.** This Agreement embodies the entire agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations, or agreements, either verbal or written, between the Parties.
21. **Liability.** Owner agrees to indemnify and hold harmless the City and the City's officers, employees, agents, and contractors, from and against all liability, claims, and demands, including attorney's fees and court costs, which arise out of or are in any manner connected with the annexation of the Property, or with any other annexation or other action determined necessary or desirable by the City in order to effectuate the annexation of the Property, or which are in any manner connected with Fort Lupton's enforcement of this Agreement. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the City's option to pay the attorney's fees for defense counsel of the City's choice for any such liability, claims, or demands.
22. **No Waiver of Governmental Immunity.** The City, its elected officials, officers and employees are relying upon, and do not waive or intent to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or otherwise available to the City. Nothing herein shall operate as a waiver of any right the City has of governmental immunity under Colorado law which is specifically herein reserved.
23. **"Owner" Defined.** As used in this Agreement, the term "Owner" shall include any of the heirs, transferees, successors, or assigns of Owner, and all such parties shall have the right to enforce this Agreement, and shall be subject to the terms of this Agreement, as if they were the original Parties thereto.
24. **External References.** As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any City ordinance, resolution, or policies are incorporated herein by reference, and the Parties agree that amendments or revisions thereto shall be binding upon Owner.

25. **Transferability.** This Agreement shall be binding upon and inure to the benefit of the heirs, transferees, successors, and assigns hereof, and shall constitute covenants running with the land.
26. **Recording.** This Agreement shall be recorded with the County Clerk of Weld County, Colorado, at Owner's expense.
27. **Enforcement.** Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.
28. **Termination.** This Agreement shall be null and void if the City fails to approve the annexation of the Property.
29. **No Assurance of Annexation.** The Owner acknowledges that the annexation and zoning of the Property are subject to the legislative discretion of the Fort Lupton City Council. No assurances of annexation or zoning have been made or relied upon by Owner. In the event that, in the exercise of its legislative discretion, any action with respect to the Property herein contemplated is not taken, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the withdrawal of the petition for annexation by the Owner, or disconnection from the City in accordance with State law, as may be appropriate.
30. **Inclusion in NCWCD.** The Owner consents to petition for inclusion into the Northern Colorado Water Conservancy District and the municipal sub-district pursuant to Section 97-45-136 (3.6) C.R.S. and to pay the appropriate inclusion fees and costs associated with such inclusion **within six months of the date of annexation.** Owner acknowledges that, upon inclusion into the district and sub-district, Owner'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 sub-district at the time of inclusion of Owner's lands. Owner agrees 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 sub-district can impose such mill levies and special assessments as it has the authority to impose. Owner also agrees to waive, upon inclusion, any right, which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

OWNER

By: _____
Leonard Toews

CITY OF FORT LUPTON

By: _____
Zo Stieber, Mayor

ATTEST:

By: _____
Mari Peña, City Clerk

State of Colorado)
) ss
County of Weld)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by
_____ as _____.

Notary Signature

Seal

State of Colorado)
) ss
County of Weld)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by
Zo Stieber as Mayor for the City of Fort Lupton, Colorado.

Notary Signature

Seal

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.

EXHIBIT B

Signed Petition for Annexation (Attached)

DRAFT

EXHIBIT C
[IF APPLICABLE – SEE PARAGRAPH 15]
Water Rights Appurtenant to Property

<u>Water rights</u>	<u>Number of Shares</u>	<u>Certificate Number(s)</u>
TBD	TBD	TBD

DRAFT

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

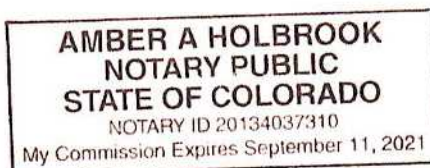
Sherril Toews S.T. 5535 County Rd 23
Fort Lupton, CO 80621 Nov. 6, 2020

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

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.

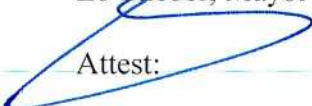
APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 15th DAY OF DECEMBER 2020.

City of Fort Lupton, Colorado

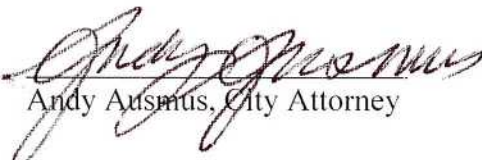



Zo Stieber, Mayor

Attest:


Maricela Peña, City Clerk

Approved as to form:


Andy Ausmus, City Attorney

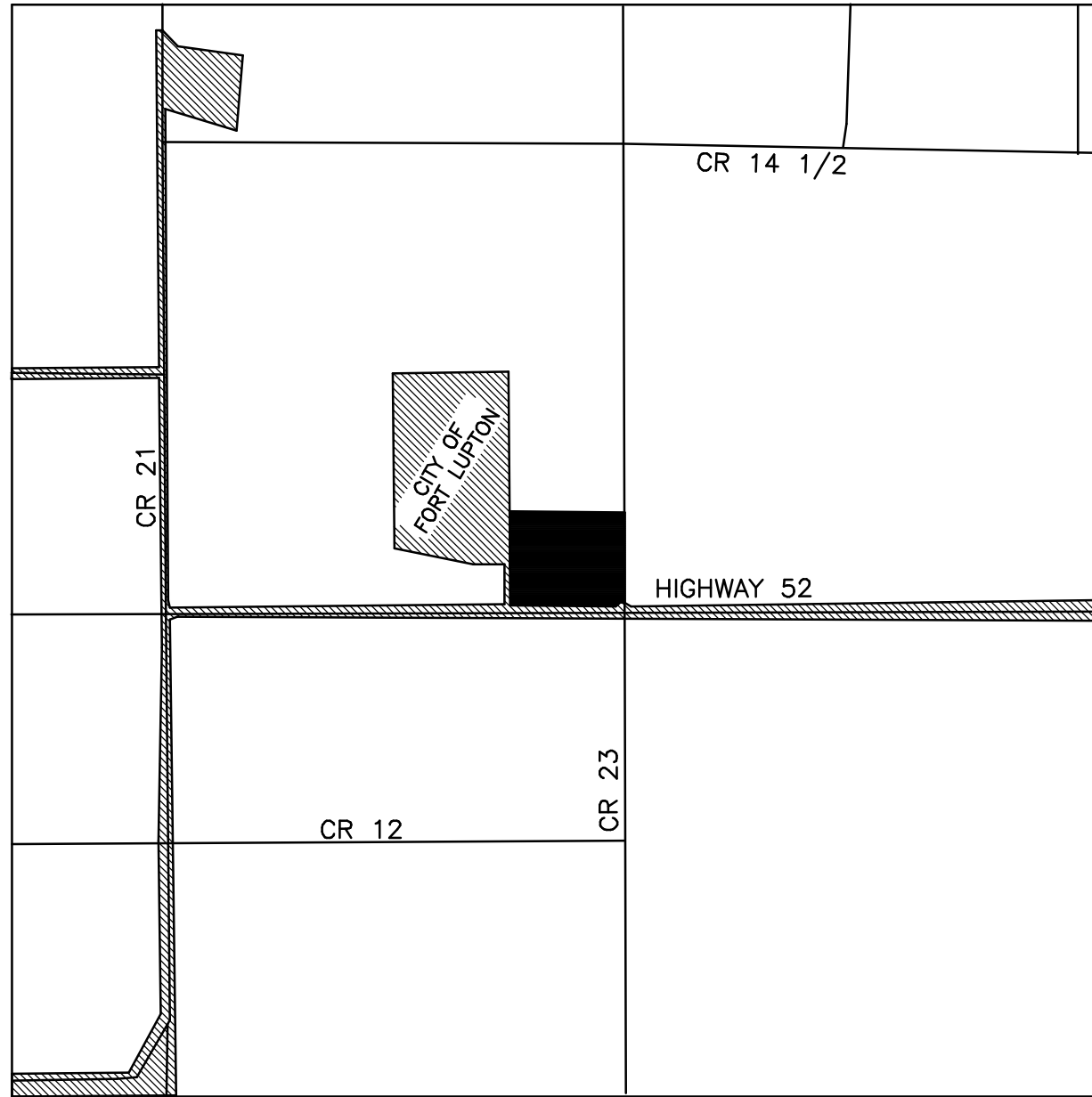
Toews Annexation Map

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

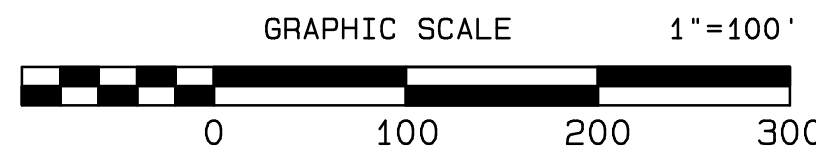


VICINITY MAP
SCALE: 1"=2000'

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:

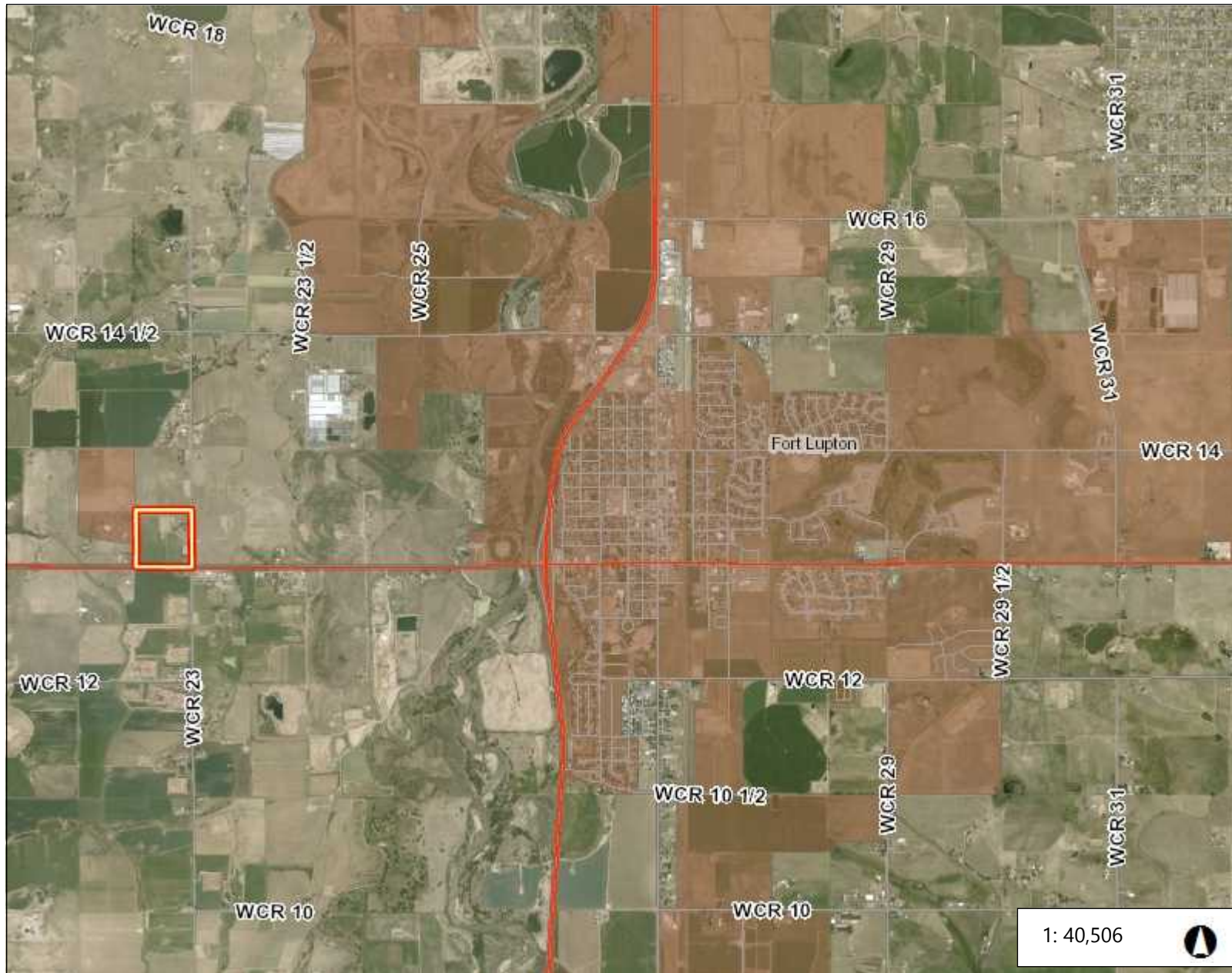
I, MERLE R. HOOS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID ANNEXATION MAP TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY DOES NOT 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

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).

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.

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How Soil Surveys Are Made

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

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%
Totals for Area of Interest		35.6	100.0%

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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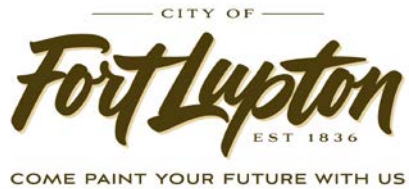
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CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 4th 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

Maria Laneto

City Official



Planning & Building

130 S. McKinley Avenue Phone: 303-857-6694
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortluptonco.gov

January 4, 2021

TOEWS ANNEXATION ANNEXATION IMPACT REPORT

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 1/6th 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 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

The map shows a section of the City of San Jose, California, bounded by Highway 52 to the north and Highway 101 to the east. The map includes several streets and lots, with a shaded area labeled "PACIFIC POWER & LIGHT" in the center. The map is divided into several sections by Highway 52 and Highway 101. The sections are labeled with lot numbers and street names. The shaded area is located in the center of the map, between Highway 52 and Highway 101. The map also shows the intersection of Highway 52 and Highway 101, and the intersection of Highway 52 and Highway 101. The map is a detailed plan of a portion of the City of San Jose, California, showing the intersection of Highway 52 and Highway 101. The map includes various street names, lot numbers, and a shaded area labeled "PACIFIC POWER & LIGHT".

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

[illegible]

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'

GRAPHIC SCALE 1"=100'

[illegible]

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.

CHARRPSON, FORT LUPTON PLANNING COMMISSION

LOT A
REX-0009
REC. NO. 3799966
33.77 ACRES +/-
1,470.798 SQ.FT. +/-

MAYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. 2020-XXXXX OF THE CITY OF FORT LUPION, PASSED AND ADOPTED ON THE _____ DAY OF _____, 2020, AND THAT THE MAYOR AND THE CITY OF FORT LUPION, AS AUTHORIZED BY ORDINANCE NO. 2020-XXXXX ON BEHALF OF THE CITY OF FORT LUPION, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID ANNEXATION MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

DAY OF _____, 2020.

ATTEST: CITY CLERK

SURVEYOR'S STATEMENT:

I, MERLE R. HOOS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANIMATION MAP REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID ANIMATION 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

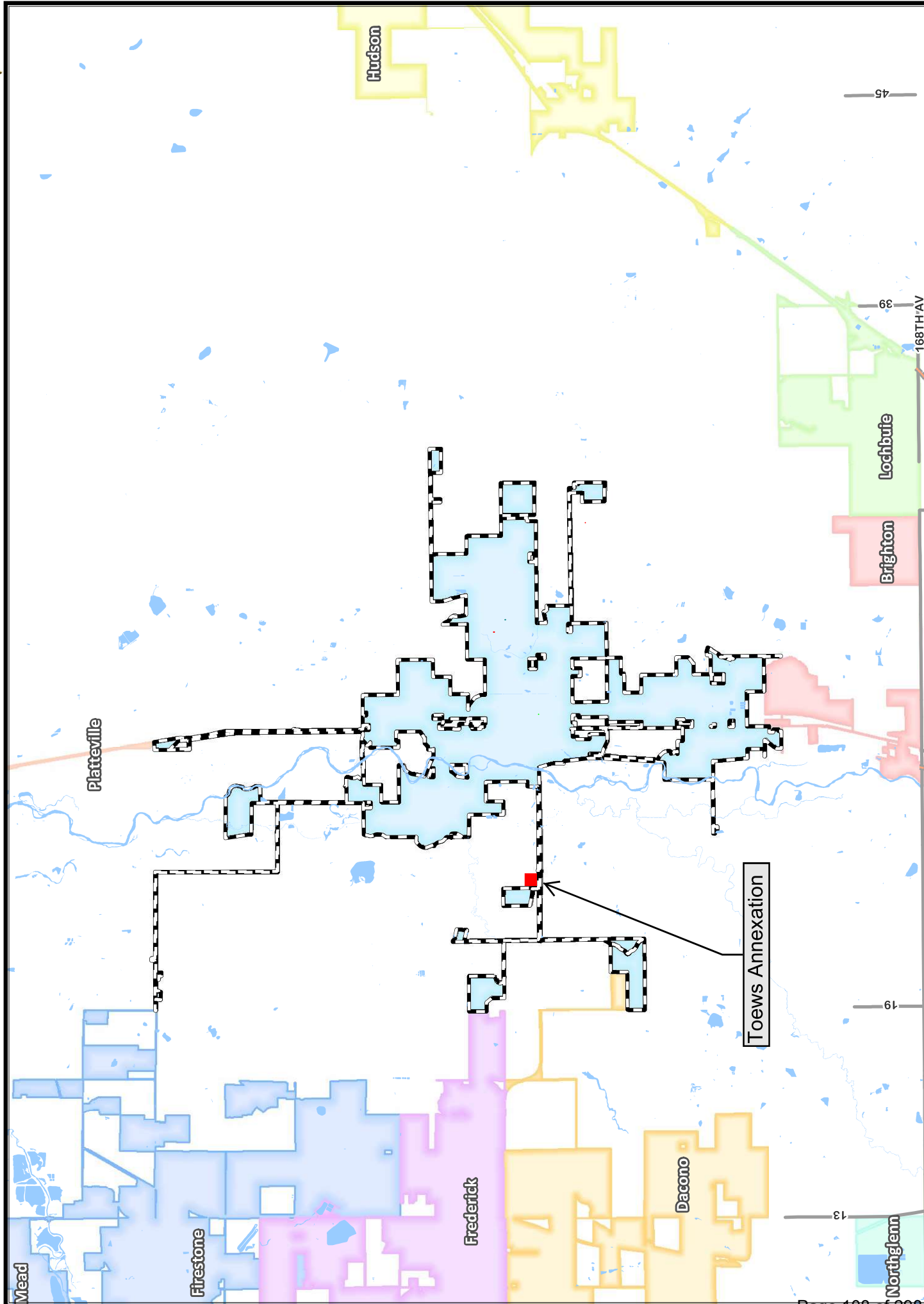
MERLE R. HOOS, PLS 3804-6
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.
A COLORADO CORPORATION

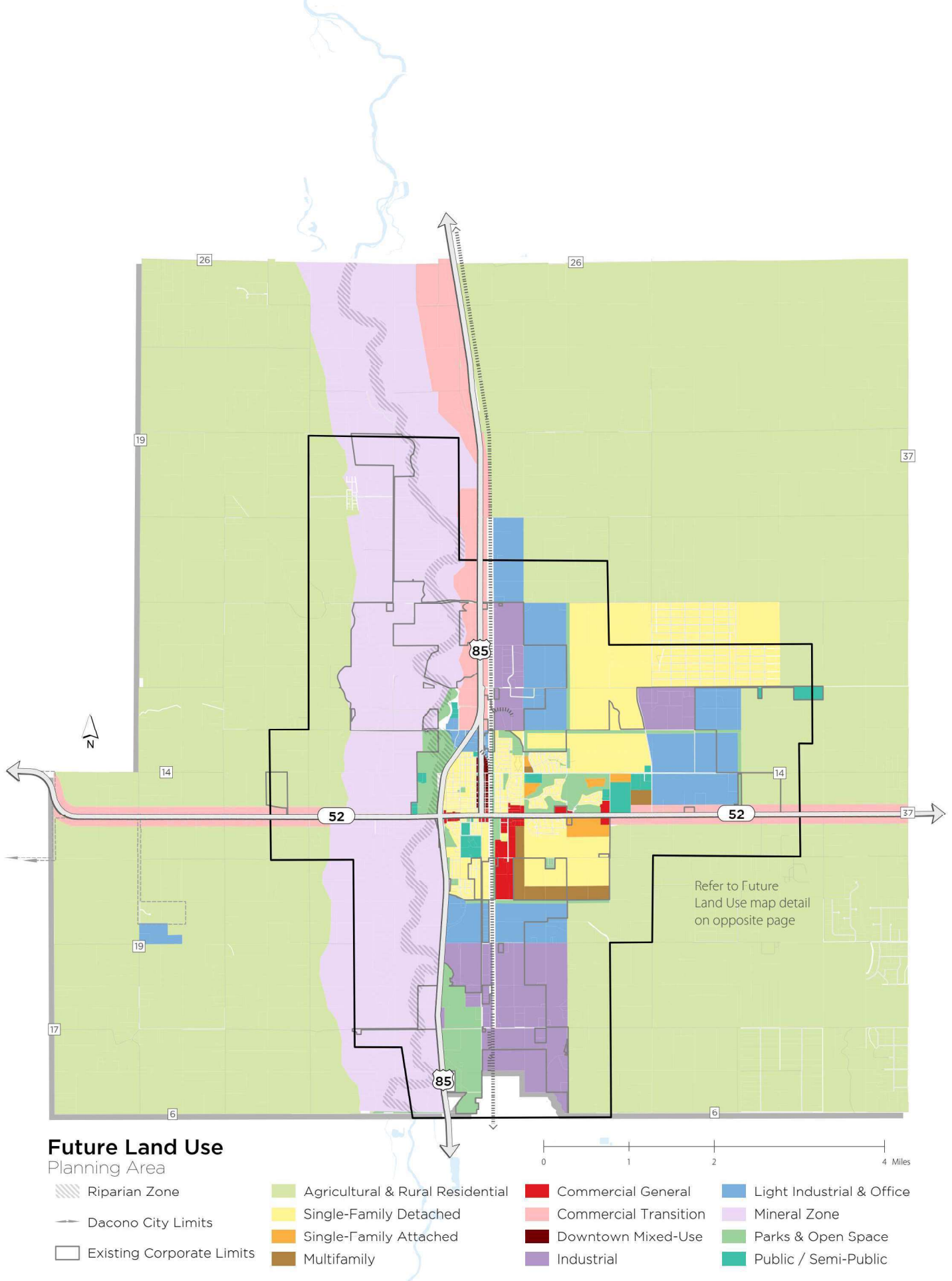
ANNEXATION CONTIGUITY TABLE:	
TOTAL PERIMETER:	4,858.43 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER:	809.74 FEET
CONTIGUOUS BOUNDARY:	2461.23 FEET

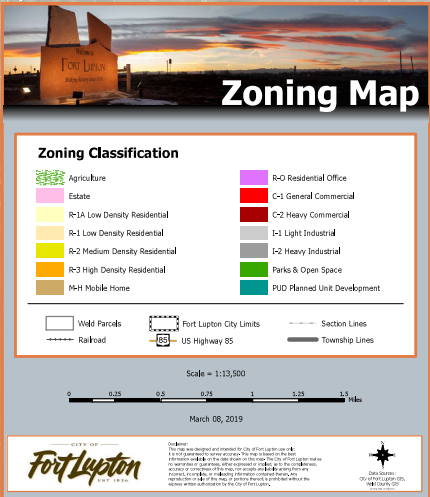
 **American West**
Land Surveying Co.
A Family Owned Corporation Since 1941
PO Box 128, Brighton, CO 80601 • 303-658-1532 • info@amwsc.com

FILE: Z:\T1-2N\T1N_R67W\52\LOWES ANNEX.pro	SCALE 1" = 100'	DRAWN BY: MHH	CHECKED BY: CDH	DATE: SEPTEMBER 29, 2020
JOB NO: 20-		REVISIONS: 12-2-2020		

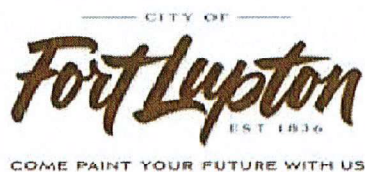
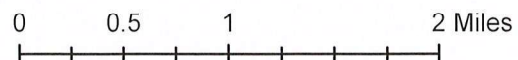
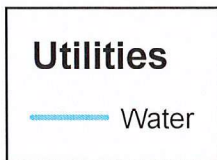
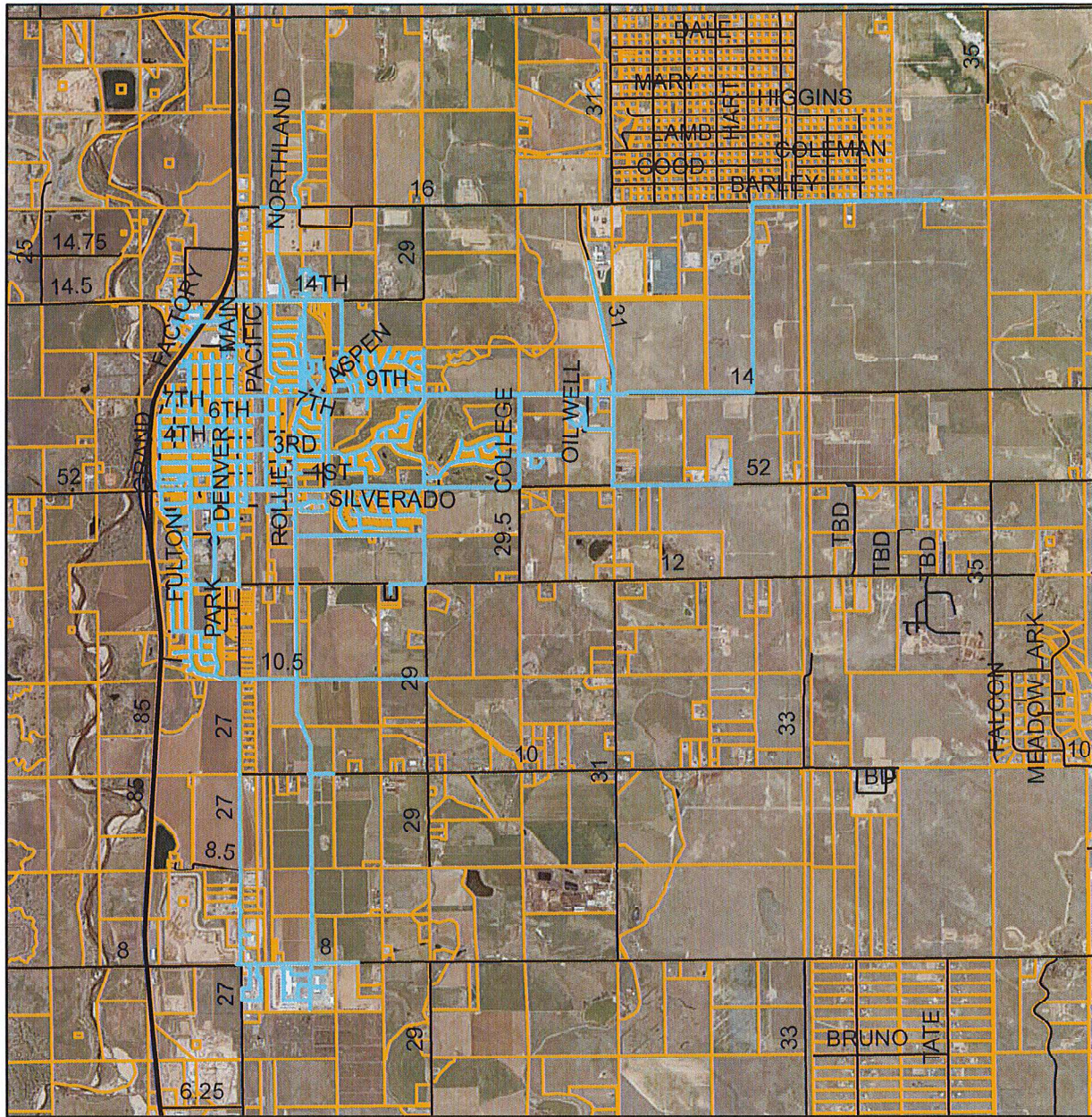
Toews Annexation





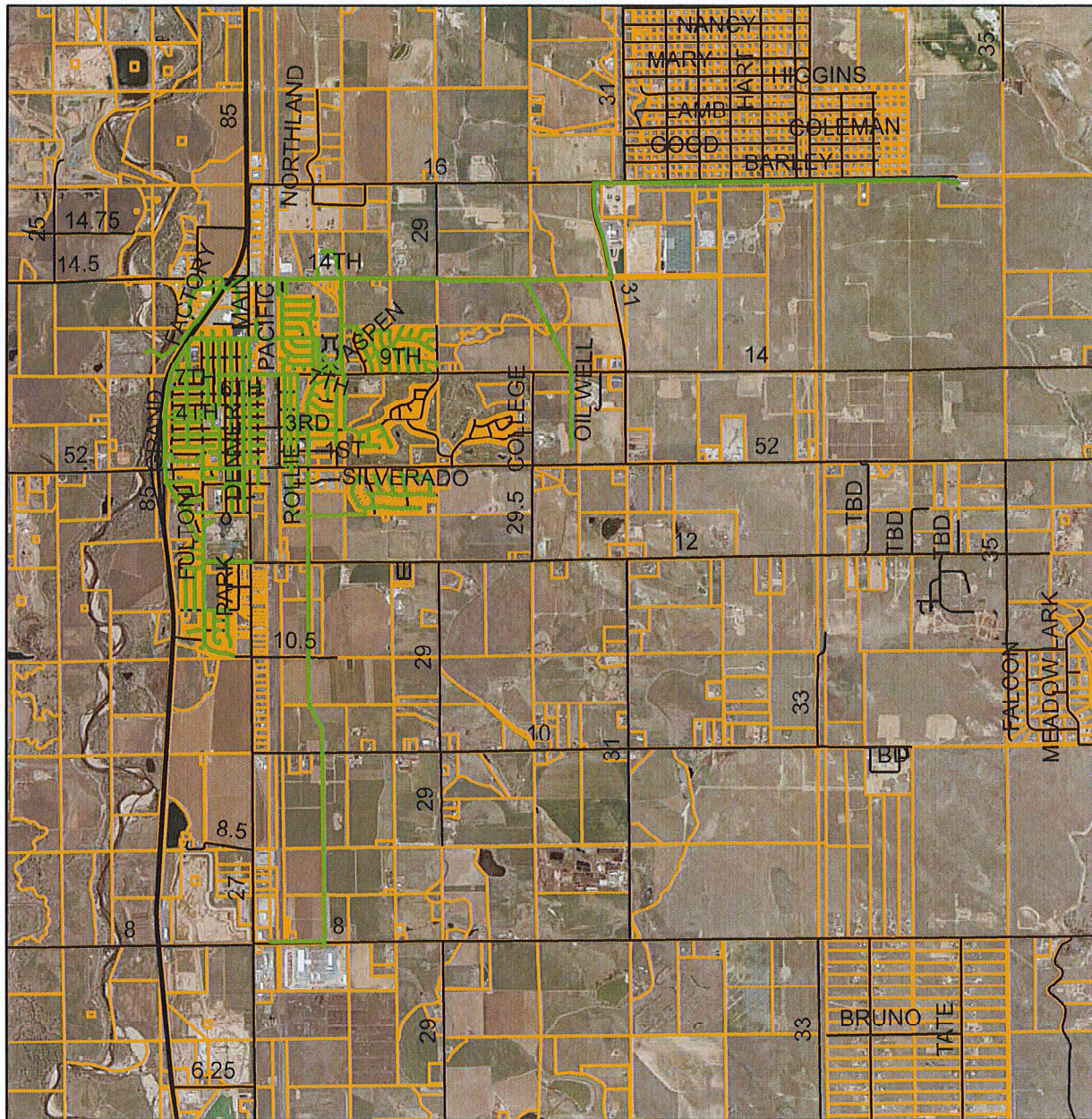


Fort Lupton Utility Map



Utilities/Proposed Subdivision are in their best approximated locations as of 9/25/18 and are subject to change. Map is not for distribution among any other entity or persons other than intended recipient(s).

Fort Lupton Utility Map



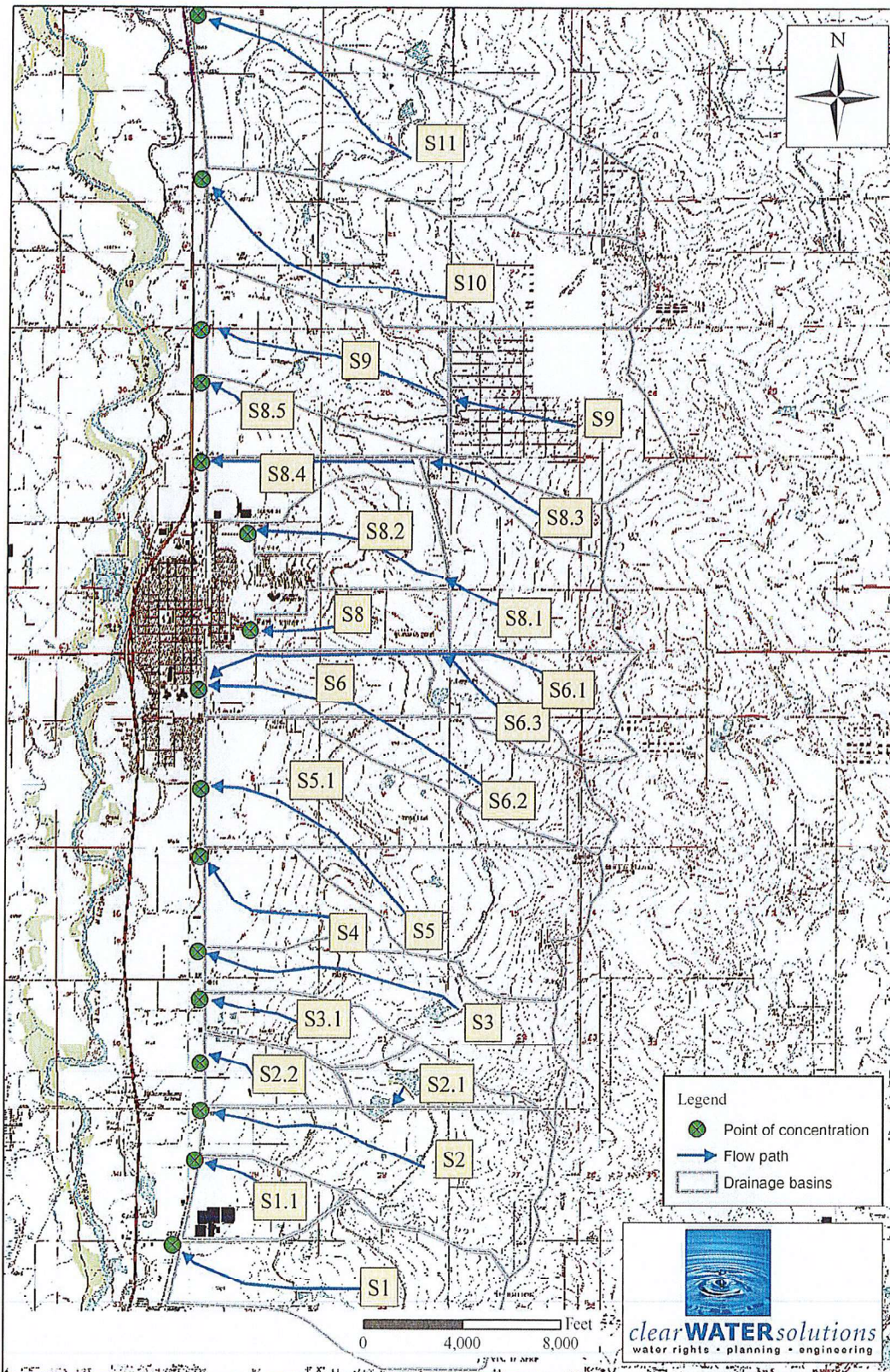
Utilities

Sanitary Sewer



0 0.5 1 2 Miles

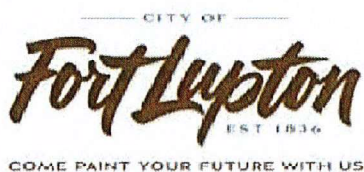
Figure 8-1
City of Fort Lupton
Storm Drainage Study Area



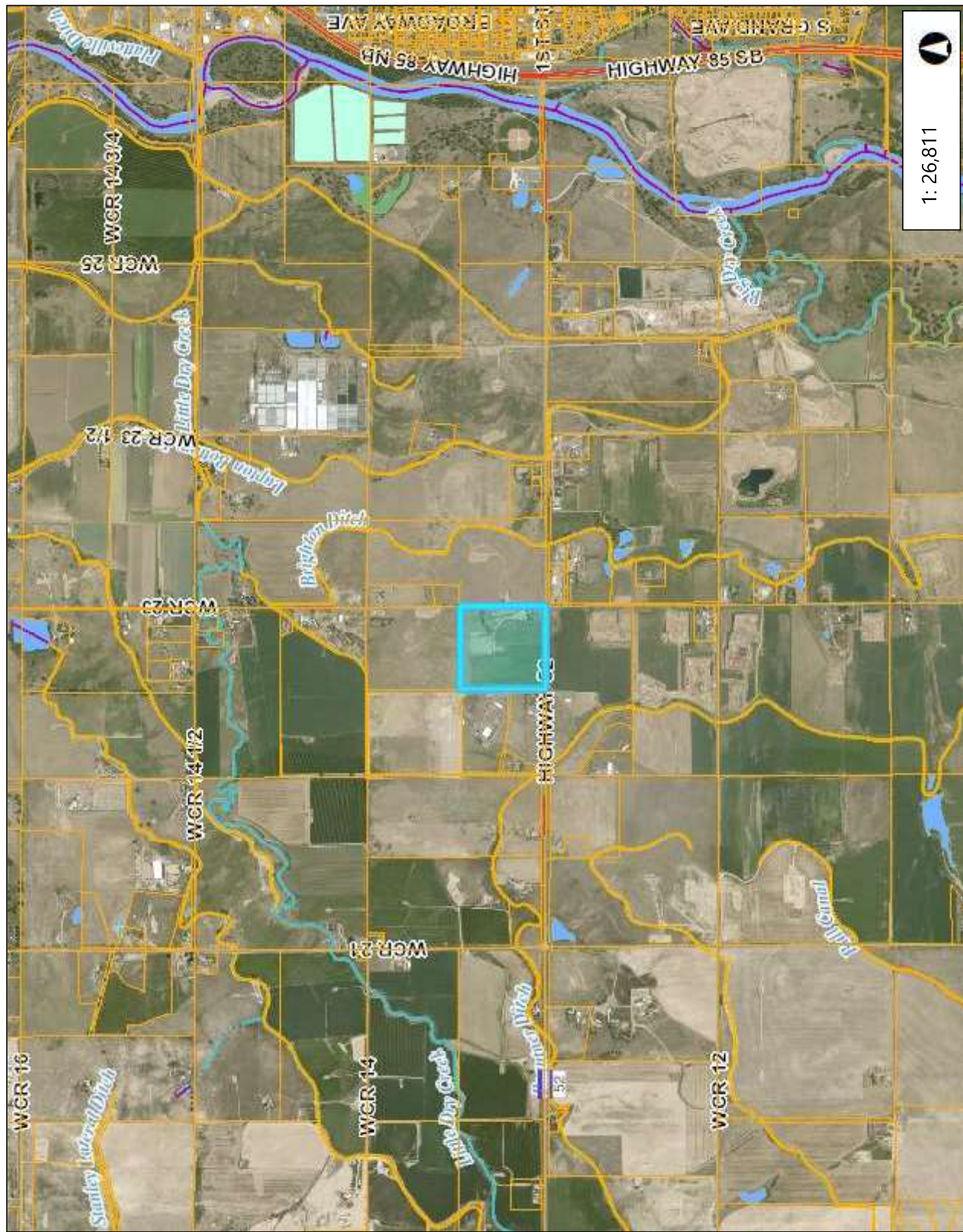
— Storm Sewer



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. There are 19 small tick marks in total, one at each interval boundary.



Page 114 of 298



1: 26,811



Legend

- Parcels
- Highway
- Road
- Road
- Highway
- County Boundary
- Creek / Canal - Large Scale
- Perennial
- Intermittent
- Ephemeral
- Artificial Path
- Canal Ditch
- Coastline
- Connector
- Pipeline
- Underground Conduit
- River - Large Scale
- Area of Complex Channels
- Area to be Submerged
- Bay/Inlet
- Bridge
- Canal/Ditch
- Dam/Weir
- Flume
- Foreshore
- Hazard Zone

Notes

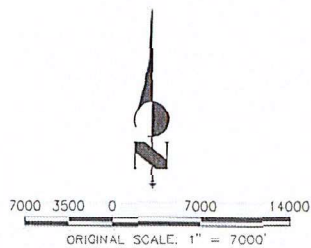
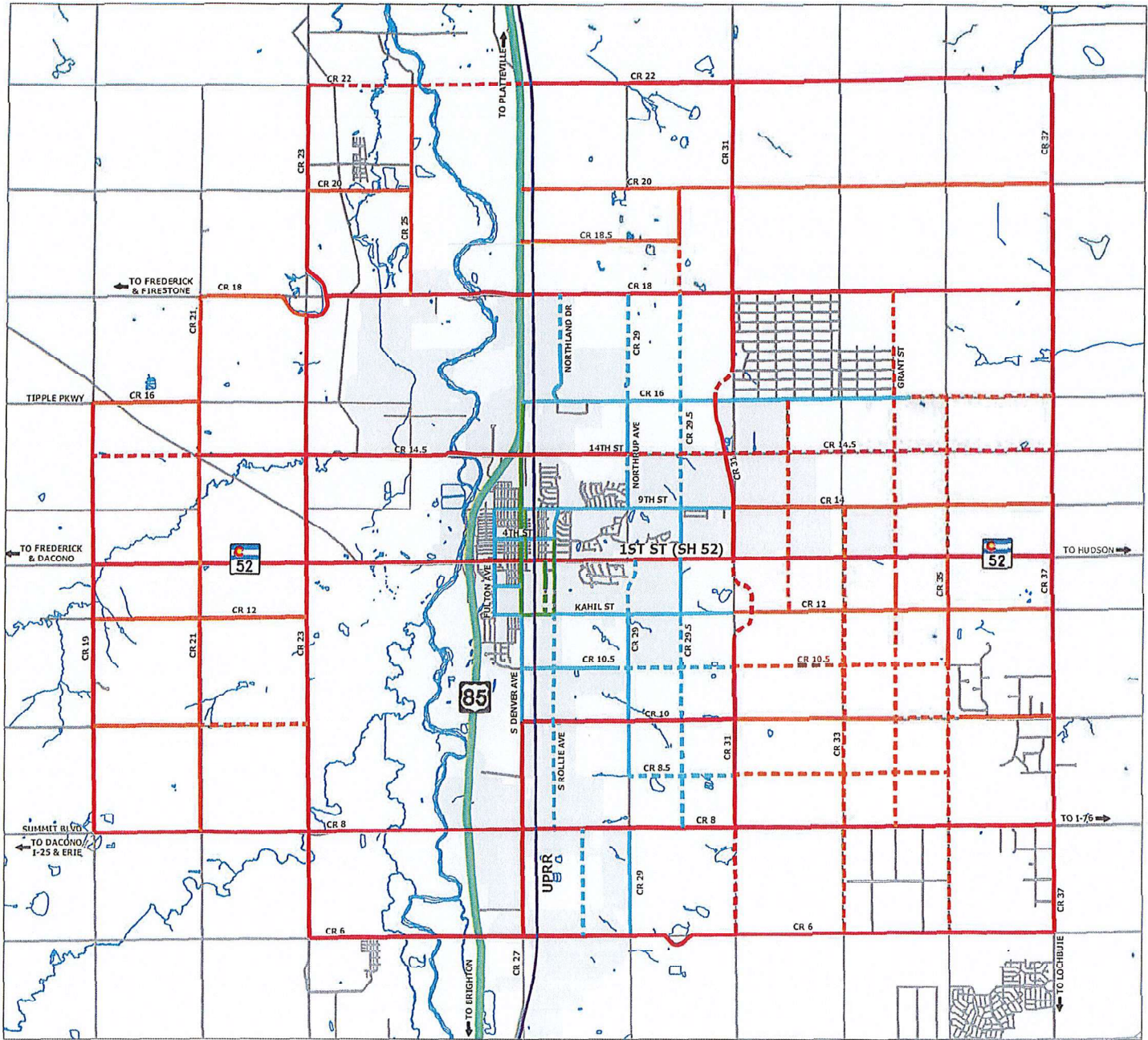
4,468.5 0 2,234.23 4,468.5 Feet

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.

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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
Total Levy		135.376000

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
Total Levy		56.016000

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

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 3rd 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 3rd Avenue, Denver, Colorado 80223 or 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



January 7, 2021

Fort Lupton Planning Department
130 S. McKinley Avenue
Fort Lupton, CO 80621
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



DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.com

Email: 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

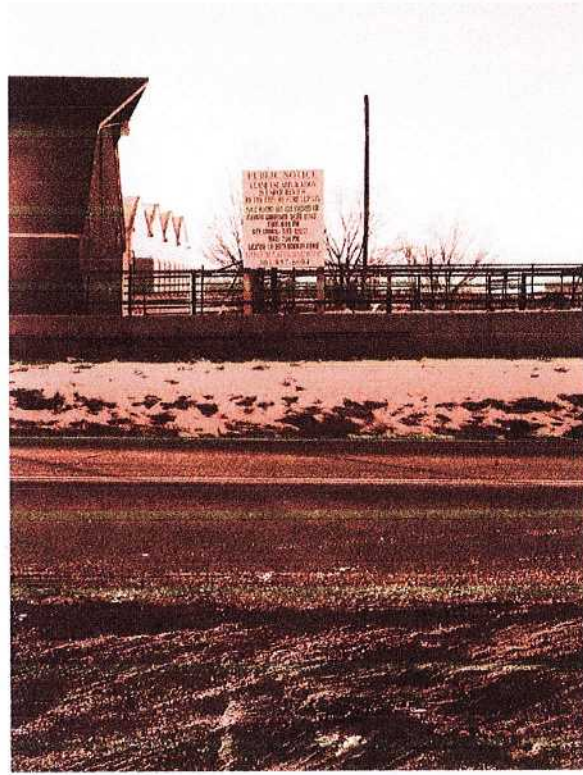
Published in the Fort Lupton Press
December 30, 2020 and January 6, 13
and 20, 2021

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 30th day of December, 2020.

Leonard Toews

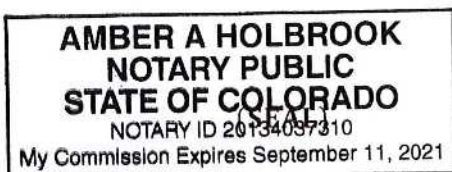
Signature of Owner or Owner's Representative

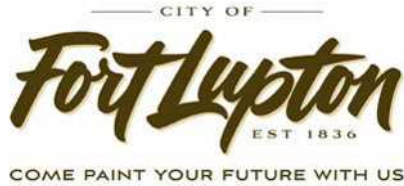
The foregoing instrument was acknowledged before me by Leonard Toews, this 4 day of January, 2020. Witness my hand and seal.

My commission expires Sept 11, 2021.

Amber Holbrook

Notary Public





CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 4th 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. 28th 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

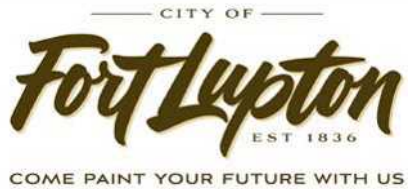
Weld County Commissioners
1150 O Street
PO Box 758
Greeley, CO 80631

High Plains Library
2650 W. 29th 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 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

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

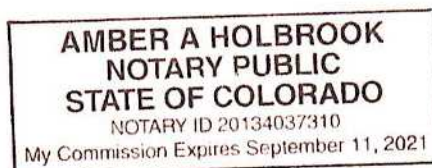
Sherril Toews S.T. 5535 County Rd 23
Fort Lupton, CO 80621 Nov. 6, 2020

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

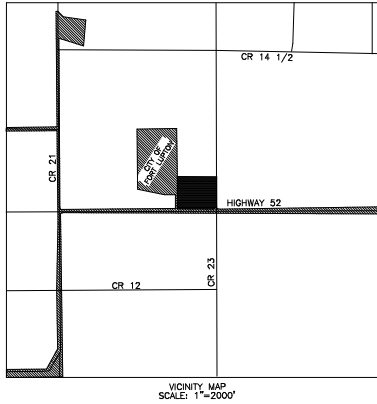
Toews Annexation Map

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

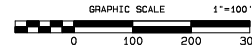
Sheet 1 of 1



LOT 2
NPC MINOR SUBDIVISION
REC. NO. 4300777
PARCEL NO. 14602010002
WISH 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. 1460200008
HOWARD E. BINDER



LOT 9
REC. NO. 3799966
PARCEL NO. 1460200008
HOWARD E. BINDER

LOT 10
REC. NO. 3799966
PARCEL NO. 1460200008
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 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 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 00°00'00" EAST, A DISTANCE OF 104.41 FEET TO THE NORTH LINE OF LOT 1 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 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 00°00'00" EAST, A DISTANCE OF 1099.78 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 1336.02 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.
- 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 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, KNOTTING STAKE, 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. 14602010001
WISH PROPERTY LLC

LOT 1
ANR-2785
REC. NO. 2818943
PARCEL NO. 14602000078
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
FUSANO LLC

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

PARCEL NO. 14602000015
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 OF FORT LUPTON.

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 OF THE CITY OF FORT LUPTON, HAVE ACKNOWLEDGED AND ADOPTED THE SAID ANNEXATION MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

APPROVED THIS ____ DAY OF _____, 2020.

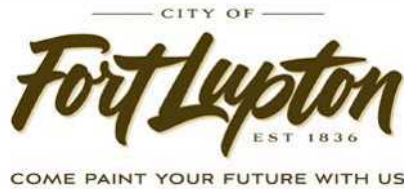
ATTEST: CITY CLERK _____ MAYOR _____

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, P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.
A COLORADO CORPORATION





CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 30th 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. 13TH 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

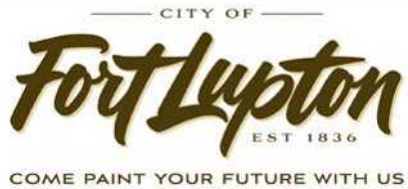
DAN ODELL
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

AMADO & EVIRA VILLALOBOS
1224 E 18TH WAY
RIFLE, CO 81650

RT WIELAND
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

Maria Lando

City Official



**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

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.

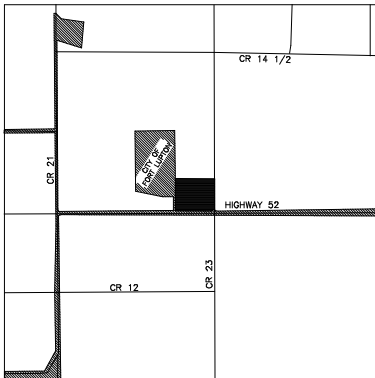
Toews Annexation Map

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

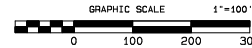


VICINITY MAP
SCALE: 1"=200'

LOT 2
NPC MINOR SUBDIVISION
REC. NO. 4309777
PARCEL NO. 14600101002
WISH 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



LOT 9
REC. NO. 3799966
PARCEL NO. 14600100008
HOWARD E. BINDER

LOT 10
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 104.41 FEET TO THE NORTH LINE OF LOT 1 OF RECORDED EXEMPTION NO. 1460-02-1 REC-2006; RECORDED OCTOBER 20, 2011 AS RESECTION NO. 2799966; THENCE CONSIDERED WITH THE NORTH LINE OF SAID LOT 1 NORTH 89°26'53" WEST, A DISTANCE OF 1342.76 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 1099.76 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 1336.02 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:**
- 1) 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.
 - 2) 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.
 - 3) ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
 - 4) 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.
 - 5) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT AS DEFINED BY SECTION 38-23-103 (1), C.R.S., OR CONTING CORNER AS DEFINED IN SECTION 38-23-103 (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 A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-23-103 (1), 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.
 - 6) 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. 4309777
PARCEL NO. 14600101001
WISH PROPERTY LLC

LOT A
RECEX-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
FUSANO 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 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 }
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 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 AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE NO. 2020-XXXX, 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

American West
Land Surveying Co.
A Family Owned Corporation Since 1981
PO Box 128, Brighton, CO 80001 • P303-858-1532 • mrv@amw.com
SCALE: 1" = 100' DRAWN BY: MHR CHECKED BY: CDR | DATE: September 28, 2020
259 165 20 REVISIONS: 12-3-2020

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-020

ADOPT AN ORDINANCE TO INITIALLY ZONE LAND LEGALLY DESCRIBED IN EXHIBIT A OF
THE PROPOSED ORDINANCE, AND KNOWN AS THE TOEWS INITIAL ZONING, TO THE 'A'
AGRICULTURAL ZONE DISTRICT

I. **Agenda Date:** Council Meeting – February 2, 2021

II. **Attachments:**

- a. Proposed Ordinance
- b. Planning Commission Resolution, Minutes & Staff Report
- c. Land Use Application
- d. Project Description
- e. Annexation Map (Showing Proposed Zoning)
- f. Referral Responses
- g. Legal Notifications

III. **Summary Statement:**

Leonard Toews and Sherri Toews (the "Applicants"), have submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The Property that is the subject of the initial zoning is situated at the northwest corner of the intersection of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Toews Annexation at a hearing on February 2, 2021. This request is to initially zone the property included within that Annexation.

IV. **Submitted by:** _____
Planner

V. **Finance Reviewed** _____
Finance Director

VI. **Approved for Presentation:** _____
City Administrator

VII. **Attorney Reviewed** _____ Approved _____ Pending Approval

VIII. **Certification of Council Approval:** _____
City Clerk _____ Date _____

IX. Detail of Issue/Request:

Leonard Toews and Sherri Toews (the "Applicants"), have submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The Property that is the subject of the initial zoning is situated at the northwest corner of the intersection of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Toews Annexation at a hearing on February 2, 2021. This request is to initially zone the property included within that Annexation.

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 Property is currently being used for agricultural and rural residential land uses, including a warehouse and greenhouse. The use of the Property will not be changing with at this time.

X. Legal/Political Considerations:

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 (only 100 feet required by the Code, but notice was sent with the notice of annexation, which requires a 500 foot notice), and publishing notice of the hearing at least fifteen days prior to the hearing.

XI. Alternatives/Options:

The City Council has the following options for this request:

- a) Adopt The Ordinance.*
- b) Do not adopt The Ordinance.*

XII. Financial Considerations:

The applicant has paid all applicable land use application fees and are covering ongoing review expenses.

XIII. Staff Recommendation:

Staff recommends conditional approval of the proposed Ordinance initially zoning the land described in Exhibit A of the proposed Ordinance to the 'A' Agricultural Zone District.

ORDINANCE NO. 2021-xxxx

INTRODUCED BY: x

ADOPT ORDINANCE 2021-xxxx INITIALLY ZONING LAND KNOWN AS THE TOEWS INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE ‘A’ AGRICULTURAL ZONE DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO:

WHEREAS, under the procedures detailed in Section 16-9 of the Fort Lupton Municipal Code, the Applicants, Leonard Toews and Sherri Toews, submitted a request to initially zone 33.77± acres of land more particularly described in Exhibit A.

WHEREAS, the Planning Commission held a public hearing on the zone request on January 14, 2021, and recommended approval to City Council of the initial zoning of land described in Exhibit A to the ‘A’ Agricultural Zone District, with all the uses-by-right allowed in said district.

WHEREAS, the City Council, after public notice and hearing, and consideration of the Planning Commission recommendation, declares that the official zoning map be amended to reflect the initial zone on the property described in Exhibit A of this Ordinance to the ‘A’ Agricultural Zone District, and that The Ordinance is hereby approved.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of February 2021.

PUBLISHED in the Fort Lupton Press the xxth day of xx 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this 2nd day of June 2021.

PUBLISHED BY TITLE ONLY the xxth day of xx 2021.

EFFECTIVE (after publication) the xxth day of xx 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

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.

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 14th 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:

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**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, January 14, 2020.

Chair Mike Simone called the meeting to order at 5:59 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone and Commission Members Carlos Barron, Lynne Derby, Kathy Kvasnicka, Thomas Meyers, Paul Weber. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, and Planning Assistant Magaly Morales-Tejada.

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.

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 Member Kathy Kvasnicka and seconded by Member Lynne Derby.

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Carlos Barron and seconded by Member Kathy Kvasnicka.

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. There was one, JT Walker. Chair Simone explained how the public comment portion works and asked if the public had an item not on the agenda. JT Walker stated he didn't have a comment at the moment and was just curious as to what this meeting was about. Chair Simone closed Public Comment.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

ACTION ITEMS

Election of Officers

Chair Mike Simone stated that he is currently the Chairperson and Bushrod White is the Vice-Chair. He asked for a motion for the Chair of the Planning Commission.

Planner Alyssa Knutson explained that there may now be a nomination for who the Board feels should be Chair.

Chair Simone asked if there were any nominations.

Paul Weber asked if this included re-election.

Chair Simone stated yes.

Member Kathy Kvasnicka motioned to nominate Mike Simone as Chairperson. Member Thomas Meyers seconded.

Chair Simone asked if there were any other nominations, hearing none Chair Simone took a vote. The election passed unanimously.

Chair Simone then stated that Bushrod White is the current Vice-Chair and asked if there was a nomination for Vice-Chair.

Member Paul Weber nominated Bushrod White as Vice-Chair, Member Kathy Kvasnicka seconded.

Chair Simone asked if there were any other nominations for Vice-Chair, hearing none Chair Simone took a vote. The election passed unanimously.

P2021-001 Lupton Lakes Inlet/Outlet Facility & Pipeline Project Special Use Permit

Chair Mike Simone asked staff to introduce this item.

Planner Alyssa Knutson presented the proposal. She stated the pipeline would extend from Denver Water's Lupton Lakes Complex property which is located at the northwest corner of Denver Ave. and County Road 8, and just east of the McAda property. She stated the pipeline would continue to the river at the Hunt Brothers property, which will have an Inlet/Outlet structure built. The Hunt Brothers property is located east and adjacent to the river and north and adjacent to County Road 8. She stated there are some easements required that she will allow the applicant to explain further. She stated that a special use permit is required, because it is not a use listed in the Agricultural or I-2 Heavy Industrial zone districts, which

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are the districts being impacted. She explained however that the Code allows for public utility facilities and staff has determined that it is a similar use. Ms. Knutson stated that notice was posted in three visible locations along the project site, published in the newspaper, and mailings to neighbors within 100 feet of the three parcels involved were sent out. Ms. Knutson then stated the applicant has a presentation.

Chair Simone asked the applicant for their name and address.

Applicant stated his name as Brad Piede. He provided the Denver Water address 1600 12th Ave Denver CO 80204.

Chair Simone asked if Mr. Piede if he understood that members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Piede 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. Piede stated yes.

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

Mr. Piede 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. Piede stated yes.

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

Mr. Piede stated yes.

Chair Simone asked if he waived his 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. Piede stated yes.

Mr. Piede introduced himself as the design project manager, and introduced his team. Mr. Piede explained that Lupton Lakes is the northern most incomplete gravel pit downstream

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reservoir system for Denver Water. He explained that Lupton Lakes is divided into 2 cells, with the North Cell being largely complete and the South Cell in the process of being mined. He provided more background on the complex. He stated that this project specifically is to get a pipeline from the reservoirs to the river. He stated that they have received approval from CDOT and an easement from McAda properties. Mr. Piede listed the permits that they have received or are currently in contact with from this project. He concluded the presentation by explaining why this pipeline is being built now. He stated that there was a lot of development in the Lupton Lakes area and Denver Water felt the need to get the pipe in the ground and worry about the aboveground installations later.

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

Mr. Piede stated yes.

Chair Simone opened up the public comment portion of the hearing.

JP Walker from the public stated he didn't think it affects his living situation and then stated he was curious if the North Cell would be open to the public.

Chair Simone closed the public hearing.

Brad Piede answered JP Walker by saying the other cells are not generally open to the public and he believes it is unlikely that it will be. Mr. Piede said there has been discussions about a potential trail through or adjacent to the reservoir. He stated the complex is very much still under development.

Chair Simone asked Mr. Piede if he felt he had a full and fair opportunity to participate in the public meeting tonight.

Mr. Piede stated yes.

Chair Simone asked the Commissioners if they had any questions; seeing none, he requested a motion to approve Resolution P2021-001.

It was moved by Member Paul Weber and Member Kathy Kvasnicka seconded.

Motion was approved unanimously.

P2021-002 Toews Annexation & Initial Zoning

Chair Simone asked staff to present.

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Planner Maria Lancto stated that this application was submitted by Leonard and Sherry Toews, known as the "Toews Annexation", with initial zoning to the agricultural zone district. She stated the site is located on the northwest corner of Highway 52 and County Road 23 and adjacent to the city limits along its southern boundary. Ms. Lancto stated that the area to be annexed is approximately 33.77 acres. She explained that the applicant's goal for annexation is to be able to work with the City for future development projects. Ms. Lancto stated that all notification requirements had been met including posting at the property, publishing in the newspaper, and mailing to adjacent properties. She stated that applicant Leonard Toews is present and would be happy to address any questions.

Chair Simone asked the applicant if he had a formal presentation.

Leonard Toews stated he did not but believed that Planner Maria Lancto did a great job presenting. He did add that his property is the first property on the north side of Highway 52 that comes out of the floodplain. He stated that the two properties to the west of his property annexed in to Fort Lupton a few years prior.

Member Carlos Barron asked if he was surrounded by annexed property.

Leonard Toews said they were not entirely surrounded.

Chair Simone asked Leonard Toews if he understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Toews 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. Toews stated yes.

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

Mr. Toews 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. Toews stated yes.

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

Mr. Toews stated yes.

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

Mr. Toews stated yes.

Chair Simone asked Mr. Toews 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. Toews stated yes.

Chair Simone asked Mr. Toews if he had anything he would have like to present in support of his application that he felt he was prevented from doing.

Mr. Toews stated no.

Chair Simone opened up the public comment portion of the hearing. Hearing no-one from the public wishing to speak, Chair Simone closed the public comment portion.

Chair Simone asked Mr. Toews if he has had a full and fair opportunity to participate in the public meeting.

Mr. Toews stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. Hearing none, he requested a motion to approve Resolution2021-0002. It was moved by Member Paul Weber and seconded by Member Carlos Barron.

Motion was approved unanimously.

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.

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FUTURE BUSINESS

Next Meeting of the Planning Commission

The next meeting of the Planning Commission is scheduled for January 28, 2021 at 6:00 PM.

ADJOURNMENT

Member Kathy Kvasnicka made a motion to adjourn.

Member Lynne Derby seconded.

Chair Mike Simone adjourned the meeting at 6:38 PM.

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair



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 & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621Phone: 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 & Final)

Preliminary Plat

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 DESCRIPTIONProject 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

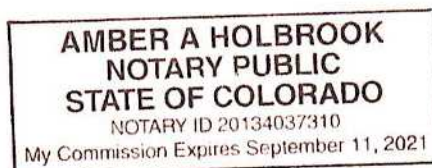
Sherril Toews S.T. 5535 County Rd 23
Fort Lupton, CO 80621 Nov. 6, 2020

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.

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.

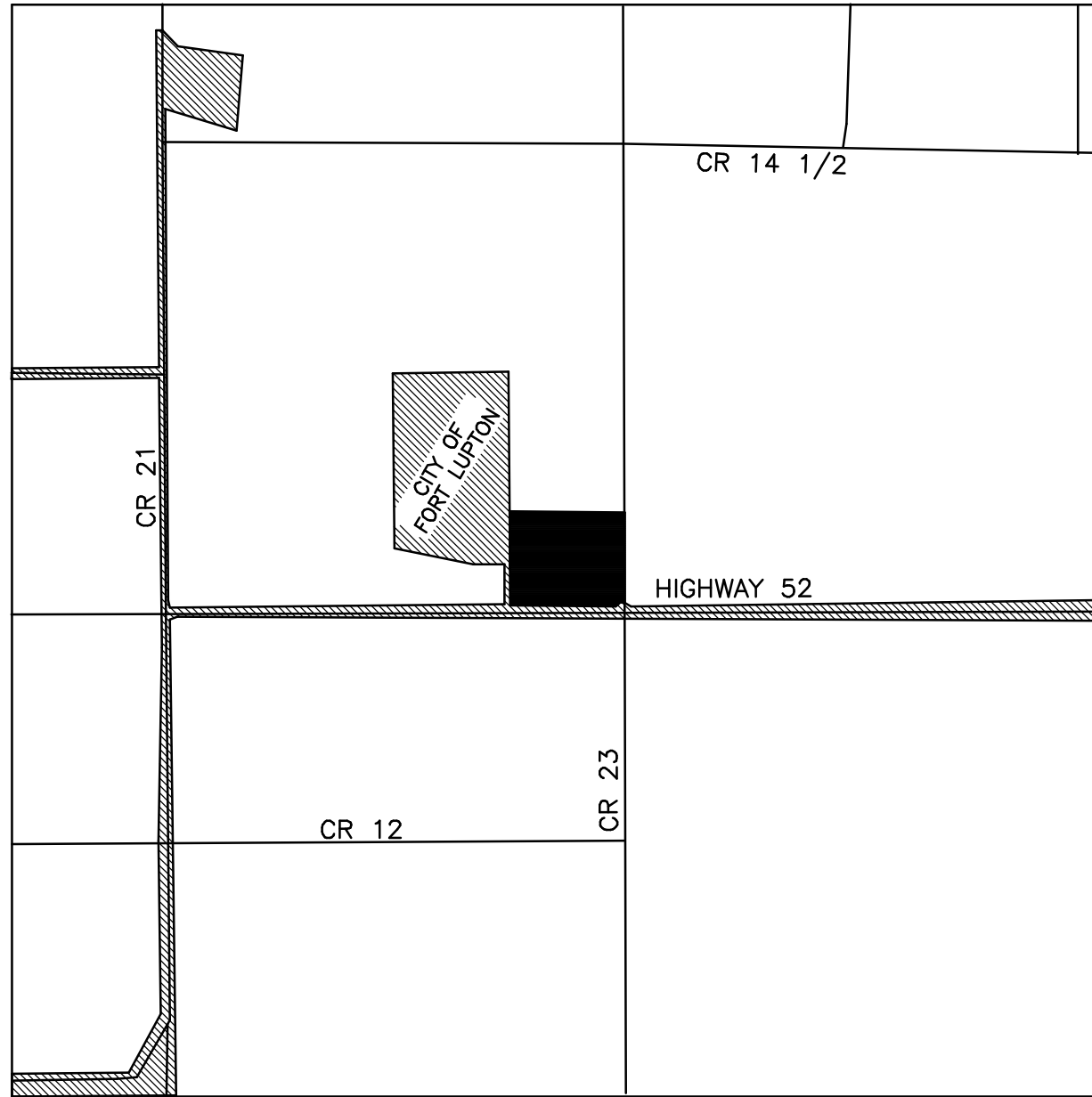
Toews Annexation Map

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

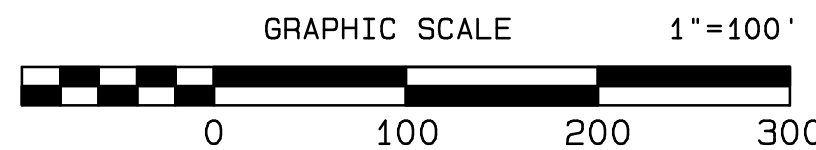


VICINITY MAP
SCALE: 1"=2000'

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



FILE: Z:\T1-2N\T1N_R67W\S2\LOWES ANNEX.pro

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

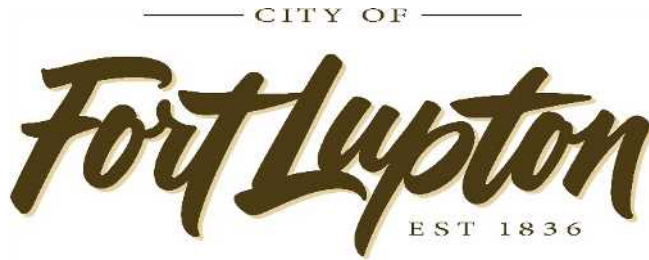
Your time in this matter is greatly appreciated.
Thank you,

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

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 3rd 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 3rd Avenue, Denver, Colorado 80223 or 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



January 7, 2021

Fort Lupton Planning Department
130 S. McKinley Avenue
Fort Lupton, CO 80621
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



DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.com

Email: 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:

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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

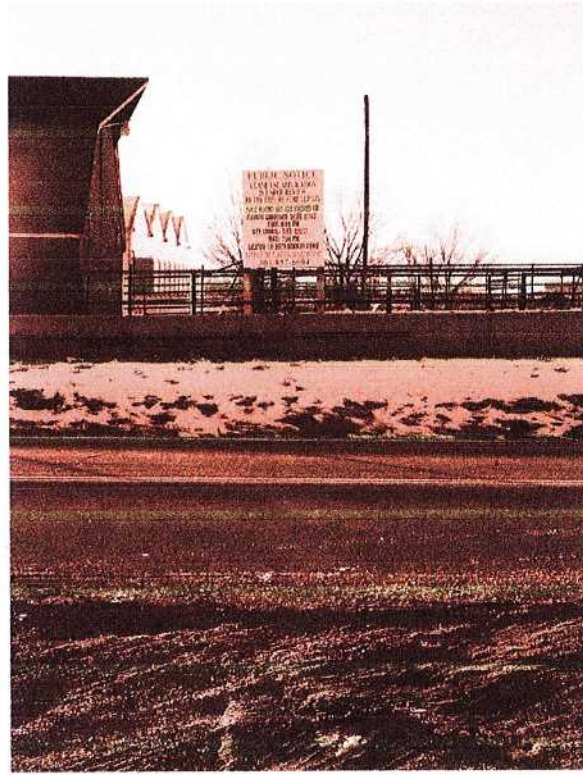
Published in the Fort Lupton Press
December 30, 2020 and January 6, 13
and 20, 2021

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 30th day of December, 2020.

Leonard Toews

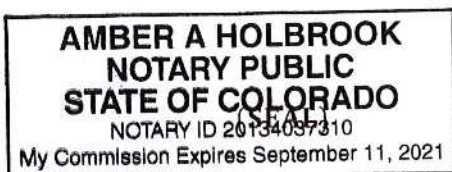
Signature of Owner or Owner's Representative

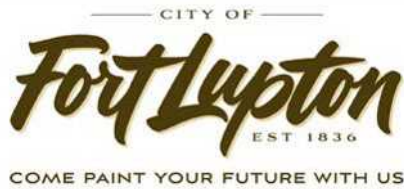
The foregoing instrument was acknowledged before me by Leonard Toews, this 4 day of January, 2020. Witness my hand and seal.

My commission expires Sept 11, 2021.

Amber Holbrook

Notary Public





CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 4th 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. 28th 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

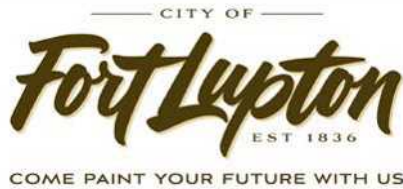
Weld County Commissioners
1150 O Street
PO Box 758
Greeley, CO 80631

High Plains Library
2650 W. 29th 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**

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

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

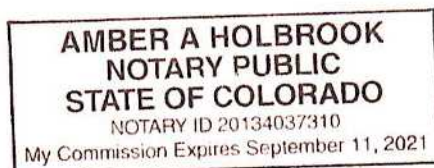
Sherril Toews S.T. 5535 County Rd 23
Fort Lupton, CO 80621 Nov. 6, 2020

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

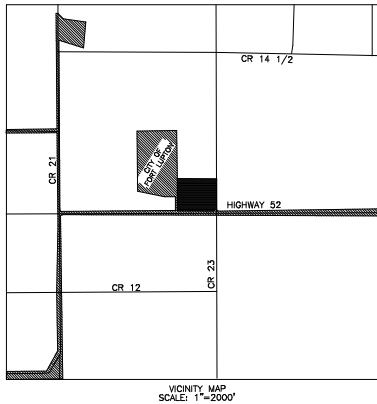
Toews Annexation Map

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

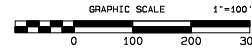
Sheet 1 of 1



LOT 2
NPC MINOR SUBDIVISION
REC. NO. 4330777
PARCEL NO. 14602010002
WISH 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. 1460200008
HOWARD E. BINDER



LOT 9
REC. NO. 3799966
PARCEL NO. 1460200008
HOWARD E. BINDER

LOT 10
REC. NO. 3799966
PARCEL NO. 1460200008
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 104.41 FEET TO THE NORTH LINE OF LOT 1 OF SAID SECTION 2, 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 1342.79 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 ANNETION PLANS, RECORDED DESCRIPTION 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, 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. 4330777
PARCEL NO. 14602010001
WISH PROPERTY LLC

LOT 1
ANR-2785
REC. NO. 2818943
PARCEL NO. 14602000078
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. 1602319
PARCEL NO. 14602000002
FUSANO LLC

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

PARCEL NO. 14602000015
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.

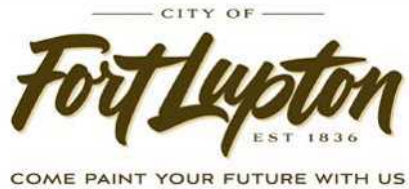
ATTEST: CITY CLERK _____ MAYOR _____

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





CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 30th 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. 13TH 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

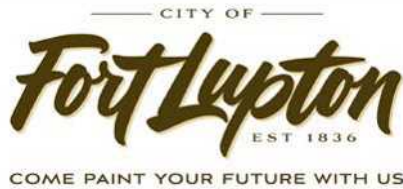
DAN ODELL
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

AMADO & EVIRA VILLALOBOS
1224 E 18TH WAY
RIFLE, CO 81650

RT WIELAND
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

Maria Lando

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 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

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.

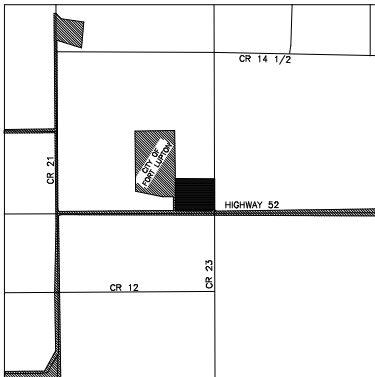
Toews Annexation Map

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

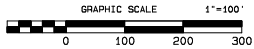


VICINITY MAP
SCALE: 1"=200'

LOT 2
NPC MINOR SUBDIVISION
REC. NO. 4300777
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 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 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 00°00'00" EAST, A DISTANCE OF 104.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1460-02-1 REC-0006 RECORDED OCTOBER 20, 2011 AS RESECTION NO. 2799966; THENCE CONSIDERED 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 CONSIDERED WITH THE WEST LINE OF SAID LOT A SOUTH 00°00'00" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE CONSIDERED WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1306.10 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:**
- 1) 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.
 - 2) 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 HEREON RELATIVE THERETO.
 - 3) ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
 - 4) 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.
 - 5) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT AS DEFINED BY SECTION 38-23-103 (1), C.R.S., OR CONTING CORNER AS DEFINED IN SECTION 38-23-103 (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 A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-23-103 (1), 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.
 - 6) 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
W3H PROPERTY LLC

LOT 2
NPC MINOR SUBDIVISION
REC. NO. 2818943
PARCEL NO. 14600000078
JAMES GRANT TERRY

LOT A
RECEX-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. 14600000002
FUSWAG LLC

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

OWNER'S APPROVAL:

I, LEONARD 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 }
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 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. HOODS, 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. HOODS, P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.
A COLORADO CORPORATION

American West Land Surveying Co.
A Family Owned Corporation Since 1981
PO Box 128, Brighton, CO 80001 • P303-858-1532 • mrv@amw.com
SCALE: 1" = 100' DRAWN BY: MHR CHECKED BY: CDR DATE: September 28, 2020
FILE: Z:\T1-BV\T1N1_R67W\SD\LOWES ANNEXATION\2020\2020-10-20-REVISIONS\12-3-2020

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-021

APPROVE A RESOLUTION FOR 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.

- I. **Agenda Date:** Council Meeting – February 2, 2021
- II. **Attachments:**
- a. Proposed Resolution
 - b. Planning Commission Resolution, Minutes & Staff Report
 - c. Land Use Application
 - d. Special Use Permit Application & Project Description
 - e. Special Use Permit Maps
 - f. Landscaping Plan
 - g. Photo Examples of Inlet/Outlet Structure
 - h. Referral Responses
 - i. Legal Notifications

III. **Summary Statement:**

Denver Water (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.

IV. **Submitted by:** _____
Planner

V. **Finance Reviewed** _____
Finance Director

VI. **Approved for Presentation:** _____
City Administrator

VII. **Attorney Reviewed** _____ Approved _____ Pending Approval

VIII. **Certification of Council Approval:** _____
City Clerk _____ Date _____

IX. Detail of Issue/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.

The properties that are included within this special use permit application are zoned either 'A' Agricultural (the Denver Water and Hunt Brothers' parcels), or I-1 Light Industrial (the McAda Drilling Fluids parcel). While a river intake and outlet structure and associated pipelines are not specifically mentioned in either of these zone districts, 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.

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.*

X. Legal/Political Considerations:

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 were published in the Fort Lupton Press on December 30, 2020.

Notice of the public hearings were posted on December 17, 2020, which is at least fifteen (15) days prior to the hearings, as required by the Zoning Regulations.

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

XI. Alternatives/Options:

The City Council has the following three options for each request:

- a) Approve the request;*
- b) Deny the request; or*
- c) Refer the request back to Planning Commission for further study.*

XII. Financial Considerations:

The Applicant has paid all applicable land use application fees and is covering ongoing review expenses.

XIII. Staff Recommendation:

Staff recommends conditional approval of the Lupton Lakes Inlet/Outlet Facility and Pipeline Project Special Use Permit. The conditions are listed in the proposed Resolution provided to Council, which includes an additional resolution shown in red that has been added after the Planning Commission hearing in order to address comments received from Colorado Parks and Wildlife.

RESOLUTION NO. 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING 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, and consideration of staff comments, applicant's presentation and any public input, the Planning Commission recommended approval, with conditions, of the special use permit application; and

WHEREAS, the City Council held a public hearing to consider and review the request for the special use permit on February 2, 2021; and

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

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

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the plans and supporting documentation, referral comments, as well as any citizen input in response to this application. Based upon the review of applicable policies and goals in the Fort Lupton Comprehensive Plan, review of the Zoning Regulations, and analysis of referral comments and the facts presented on this date, the City Council hereby approves the Lupton Lakes Inlet/Outlet Facility and Pipeline Project Special Use Permit, with the following conditions:

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.
- K. Written evidence shall be provided to acknowledge and respond to the comment from Colorado Parks and Wildlife.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 2nd DAY OF FEBRUARY 2021.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

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 14th DAY OF JANUARY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

This Resolution was approved unanimously by Planning Commission on January 14, 2021, however we have not been able to receive the Chairman's electronic signature back due to COVID-19. As soon as the signature is received, the signed Resolution will be added to the project records.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, January 14, 2020.

Chair Mike Simone called the meeting to order at 5:59 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone and Commission Members Carlos Barron, Lynne Derby, Kathy Kvasnicka, Thomas Meyers, Paul Weber. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, and Planning Assistant Magaly Morales-Tejada.

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.

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 Member Kathy Kvasnicka and seconded by Member Lynne Derby.

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Carlos Barron and seconded by Member Kathy Kvasnicka.

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. There was one, JT Walker. Chair Simone explained how the public comment portion works and asked if the public had an item not on the agenda. JT Walker stated he didn't have a comment at the moment and was just curious as to what this meeting was about. Chair Simone closed Public Comment.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

ACTION ITEMS

Election of Officers

Chair Mike Simone stated that he is currently the Chairperson and Bushrod White is the Vice-Chair. He asked for a motion for the Chair of the Planning Commission.

Planner Alyssa Knutson explained that there may now be a nomination for who the Board feels should be Chair.

Chair Simone asked if there were any nominations.

Paul Weber asked if this included re-election.

Chair Simone stated yes.

Member Kathy Kvasnicka motioned to nominate Mike Simone as Chairperson. Member Thomas Meyers seconded.

Chair Simone asked if there were any other nominations, hearing none Chair Simone took a vote. The election passed unanimously.

Chair Simone then stated that Bushrod White is the current Vice-Chair and asked if there was a nomination for Vice-Chair.

Member Paul Weber nominated Bushrod White as Vice-Chair, Member Kathy Kvasnicka seconded.

Chair Simone asked if there were any other nominations for Vice-Chair, hearing none Chair Simone took a vote. The election passed unanimously.

P2021-001 Lupton Lakes Inlet/Outlet Facility & Pipeline Project Special Use Permit

Chair Mike Simone asked staff to introduce this item.

Planner Alyssa Knutson presented the proposal. She stated the pipeline would extend from Denver Water's Lupton Lakes Complex property which is located at the northwest corner of Denver Ave. and County Road 8, and just east of the McAda property. She stated the pipeline would continue to the river at the Hunt Brothers property, which will have an Inlet/Outlet structure built. The Hunt Brothers property is located east and adjacent to the river and north and adjacent to County Road 8. She stated there are some easements required that she will allow the applicant to explain further. She stated that a special use permit is required, because it is not a use listed in the Agricultural or I-2 Heavy Industrial zone districts, which

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 14, 2021**

are the districts being impacted. She explained however that the Code allows for public utility facilities and staff has determined that it is a similar use. Ms. Knutson stated that notice was posted in three visible locations along the project site, published in the newspaper, and mailings to neighbors within 100 feet of the three parcels involved were sent out. Ms. Knutson then stated the applicant has a presentation.

Chair Simone asked the applicant for their name and address.

Applicant stated his name as Brad Piede. He provided the Denver Water address 1600 12th Ave Denver CO 80204.

Chair Simone asked if Mr. Piede if he understood that members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Piede 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. Piede stated yes.

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

Mr. Piede 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. Piede stated yes.

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

Mr. Piede stated yes.

Chair Simone asked if he waived his 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. Piede stated yes.

Mr. Piede introduced himself as the design project manager, and introduced his team. Mr. Piede explained that Lupton Lakes is the northern most incomplete gravel pit downstream

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reservoir system for Denver Water. He explained that Lupton Lakes is divided into 2 cells, with the North Cell being largely complete and the South Cell in the process of being mined. He provided more background on the complex. He stated that this project specifically is to get a pipeline from the reservoirs to the river. He stated that they have received approval from CDOT and an easement from McAda properties. Mr. Piede listed the permits that they have received or are currently in contact with from this project. He concluded the presentation by explaining why this pipeline is being built now. He stated that there was a lot of development in the Lupton Lakes area and Denver Water felt the need to get the pipe in the ground and worry about the aboveground installations later.

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

Mr. Piede stated yes.

Chair Simone opened up the public comment portion of the hearing.

JP Walker from the public stated he didn't think it affects his living situation and then stated he was curious if the North Cell would be open to the public.

Chair Simone closed the public hearing.

Brad Piede answered JP Walker by saying the other cells are not generally open to the public and he believes it is unlikely that it will be. Mr. Piede said there has been discussions about a potential trail through or adjacent to the reservoir. He stated the complex is very much still under development.

Chair Simone asked Mr. Piede if he felt he had a full and fair opportunity to participate in the public meeting tonight.

Mr. Piede stated yes.

Chair Simone asked the Commissioners if they had any questions; seeing none, he requested a motion to approve Resolution P2021-001.

It was moved by Member Paul Weber and Member Kathy Kvasnicka seconded.

Motion was approved unanimously.

P2021-002 Toews Annexation & Initial Zoning

Chair Simone asked staff to present.

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Planner Maria Lancto stated that this application was submitted by Leonard and Sherry Toews, known as the "Toews Annexation", with initial zoning to the agricultural zone district. She stated the site is located on the northwest corner of Highway 52 and County Road 23 and adjacent to the city limits along its southern boundary. Ms. Lancto stated that the area to be annexed is approximately 33.77 acres. She explained that the applicant's goal for annexation is to be able to work with the City for future development projects. Ms. Lancto stated that all notification requirements had been met including posting at the property, publishing in the newspaper, and mailing to adjacent properties. She stated that applicant Leonard Toews is present and would be happy to address any questions.

Chair Simone asked the applicant if he had a formal presentation.

Leonard Toews stated he did not but believed that Planner Maria Lancto did a great job presenting. He did add that his property is the first property on the north side of Highway 52 that comes out of the floodplain. He stated that the two properties to the west of his property annexed in to Fort Lupton a few years prior.

Member Carlos Barron asked if he was surrounded by annexed property.

Leonard Toews said they were not entirely surrounded.

Chair Simone asked Leonard Toews if he understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Toews 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. Toews stated yes.

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

Mr. Toews 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. Toews stated yes.

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

Mr. Toews stated yes.

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

Mr. Toews stated yes.

Chair Simone asked Mr. Toews 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. Toews stated yes.

Chair Simone asked Mr. Toews if he had anything he would have like to present in support of his application that he felt he was prevented from doing.

Mr. Toews stated no.

Chair Simone opened up the public comment portion of the hearing. Hearing no-one from the public wishing to speak, Chair Simone closed the public comment portion.

Chair Simone asked Mr. Toews if he has had a full and fair opportunity to participate in the public meeting.

Mr. Toews stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. Hearing none, he requested a motion to approve Resolution2021-0002. It was moved by Member Paul Weber and seconded by Member Carlos Barron.

Motion was approved unanimously.

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.

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FUTURE BUSINESS

Next Meeting of the Planning Commission

The next meeting of the Planning Commission is scheduled for January 28, 2021 at 6:00 PM.

ADJOURNMENT

Member Kathy Kvasnicka made a motion to adjourn.

Member Lynne Derby seconded.

Chair Mike Simone adjourned the meeting at 6:38 PM.

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair

**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 6th 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 & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

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	☒ 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	

Project No. _____

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: *Andrea 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

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: _____

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.

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

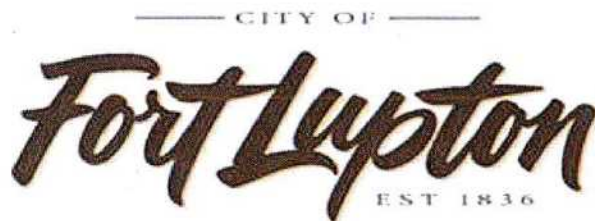
Required documents will be discussed during the pre-application meeting with the Planning Department. If any documents are missing, the acceptance of the application may be delayed until the submittal is complete.

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.



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303-857-6694
Fax: 303.857.0351

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

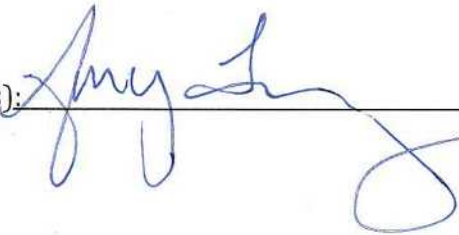
6. If this application is for an assisted living facility, how many units will you have in the facility?

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 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.

Attachment C Site Plan and Certification

**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 6th 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.

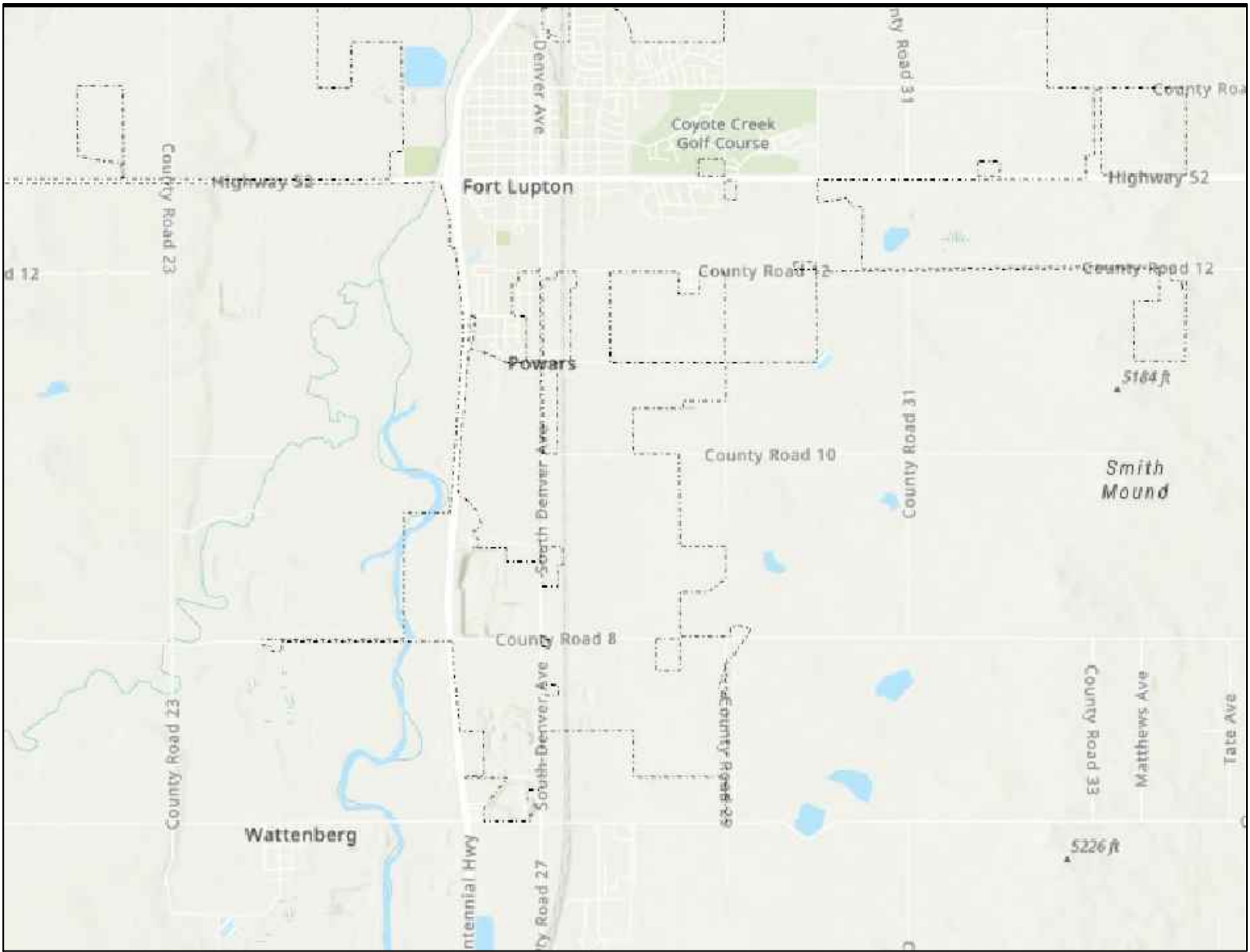
Mayor

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:

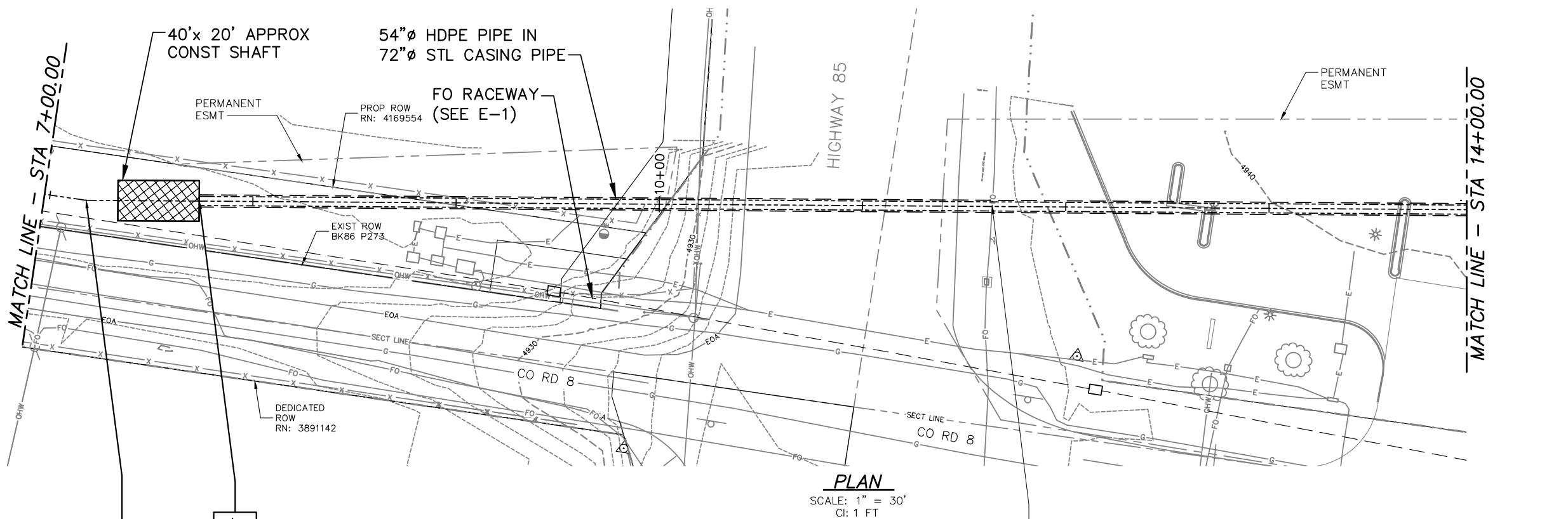
RECOMMENDED ON DAY OF , 20, BY RESOLUTION NO.
CHAIRPERSON, FORT LUPTON PLANNING COMMISSION

MAYOR'S CERTIFICATE:

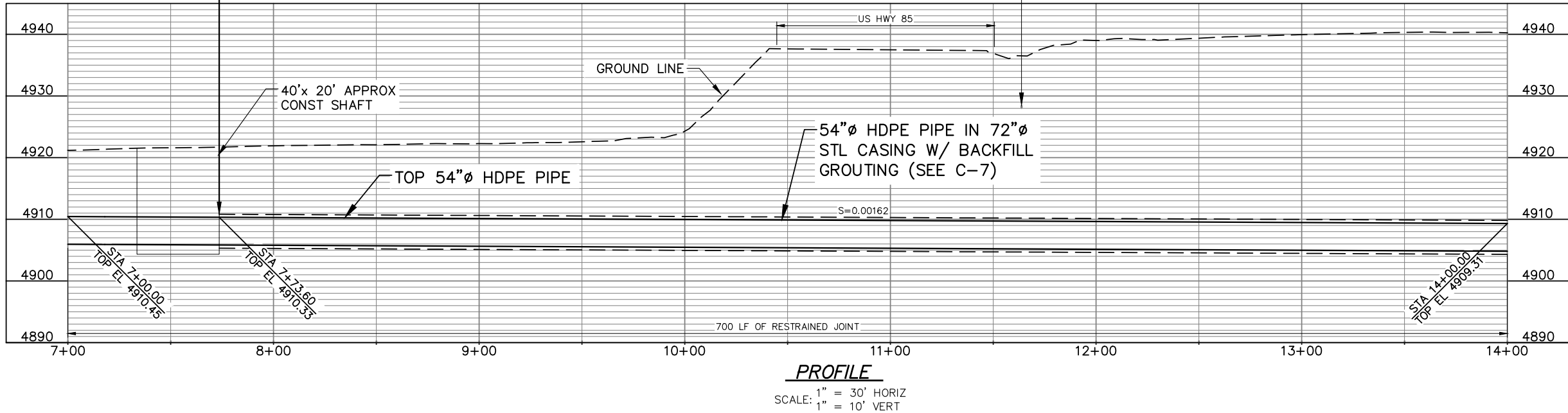
THIS IS TO CERTIFY THAT A PLAT OF THE ABOVE DESCRIBED PROPERTY WAS APPROVED BY RESOLUTION NO.
OF THE CITY OF FORT LUPTON PASSED AND ADOPTED ON THE DAY OF , 20, A.D.,
AND THAT THE MAYOR OF THE CITY OF FORT LUPTON, AS AUTHORIZED BY SAID RESOLUTION NO.,
ON BEHALF OF THE CITY OF FORT LUPTON, HEREBY ACKNOWLEDGES AND ADOPTS THE PLAT UPON WHICH
THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR
ATTEST:
CITY CLERK
(SEAL)

C:\msa\denverwater-pw\smullen\dms30762\20123_PNP RIVER TO WETWELL PIPING 2 OF 3.dwg ### PNP2 12/10/2020 9:27 AM



CONC KICKBLOCK DIM TABLE			
STATION	TYPE	H-FT	W-FT
7+17.92	TYPE-1	5.90	10.20



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

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:

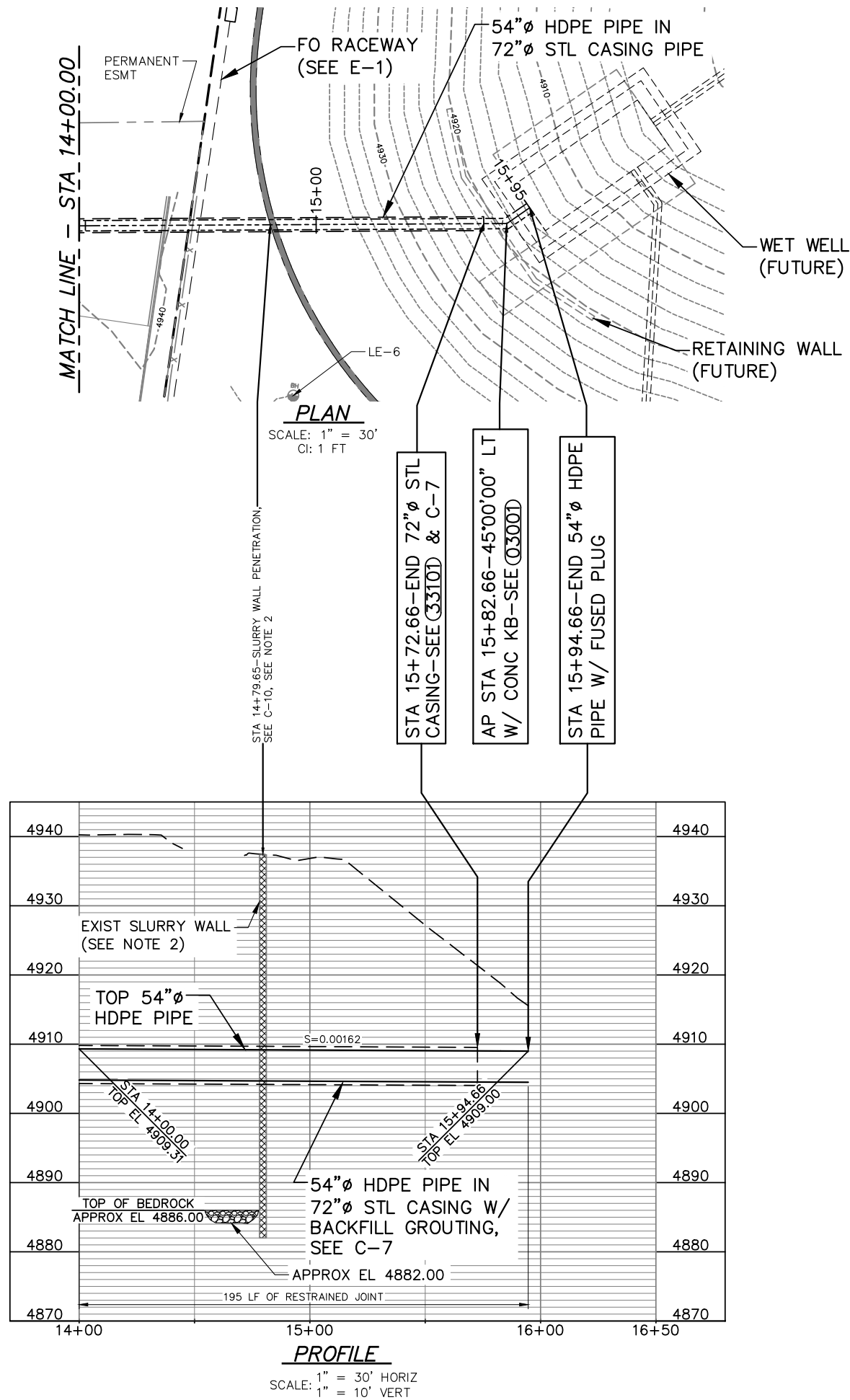
AS-BUILT BY:

DRAWING TITLE

RIVER TO NORTH
CELL PLAN AND
PROFILE

C-4

C:\bms\denverwater-pw\smullen\dms30762\20123_PNP RIVER TO WETWELL PIPING 3 OF 3.dwg ### PNP3 12/10/2020 9:28 AM



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

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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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:

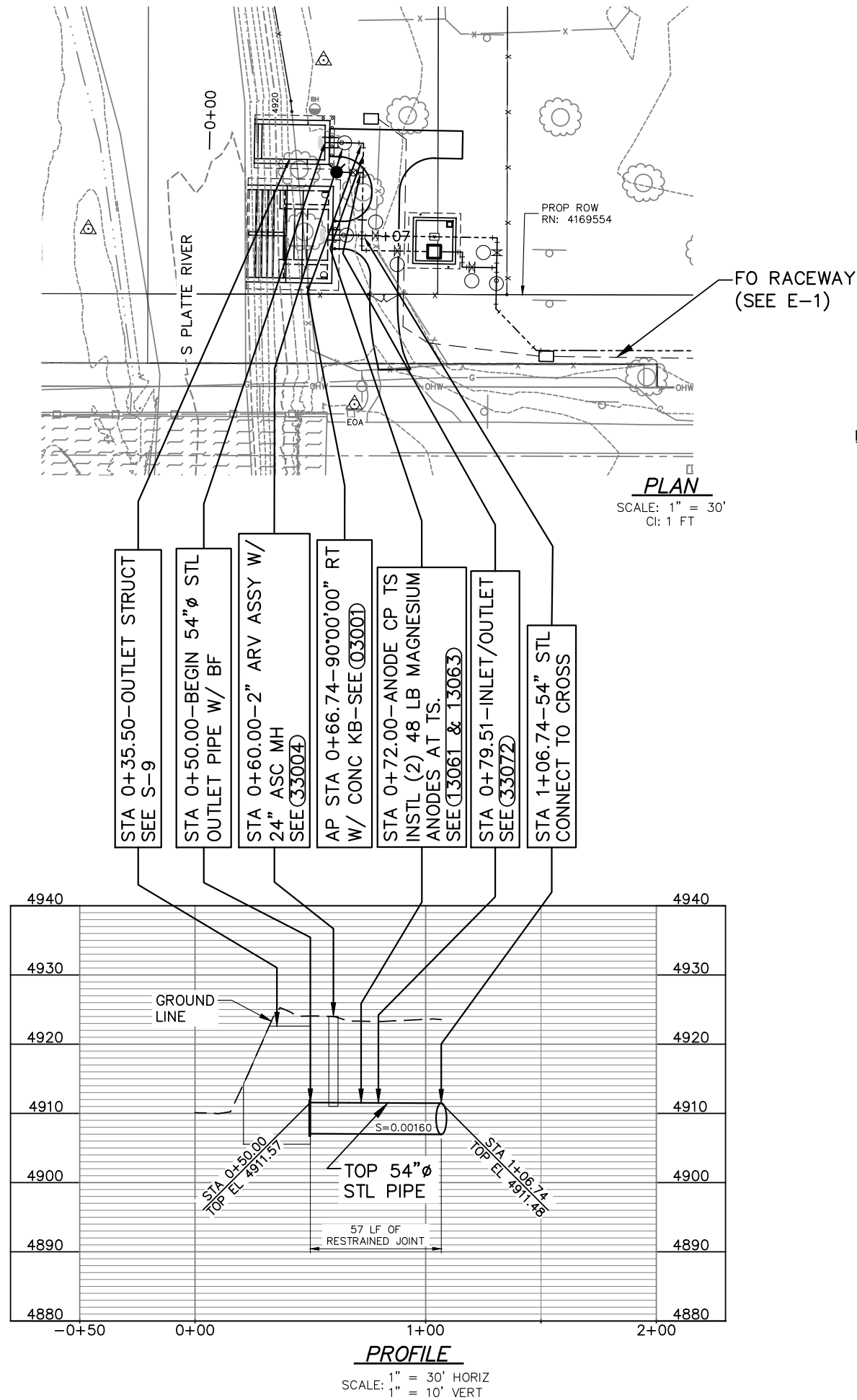
AS-BUILT BY:

DRAWING TITLE

RIVER 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:

1. KICKBLOCKS NOT SHOWN; SEE (03001).
2. FOR FIRE HYDRANT DETAIL, SEE DENVER WATER ENGINEERING STANDARDS, SHEET 10.
3. SEE C-2 FOR 16" BYPASS KICKBLOCKING.
4. 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
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
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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:

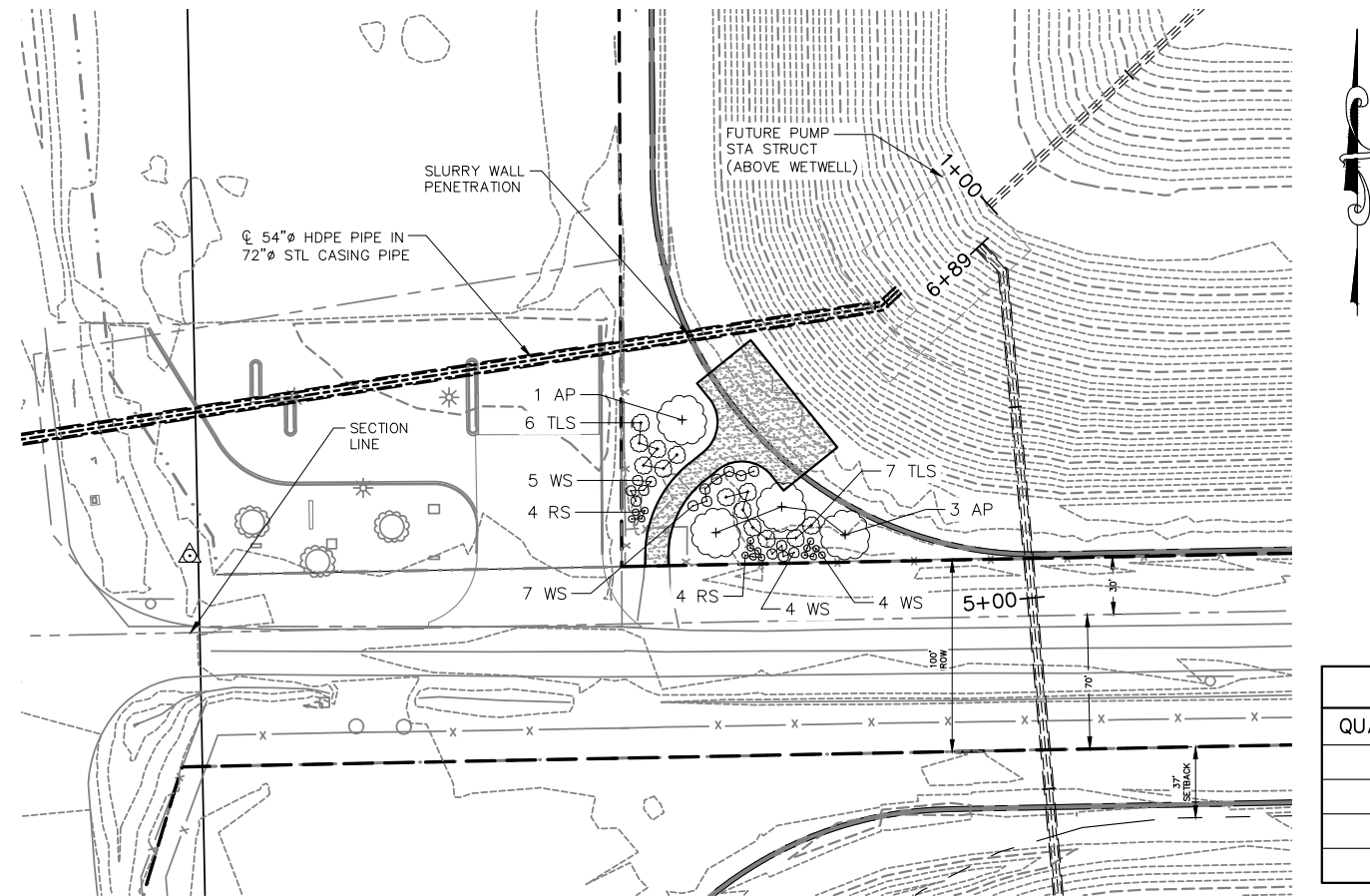
AS-BUILT BY:

DRAWING TITLE

RIVER OUTLET TO
CROSS PLAN &
PROFILE

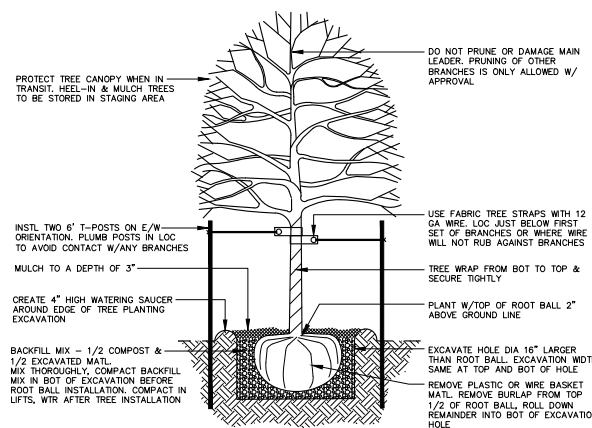
C-6

Attachment D Landscaping Plan

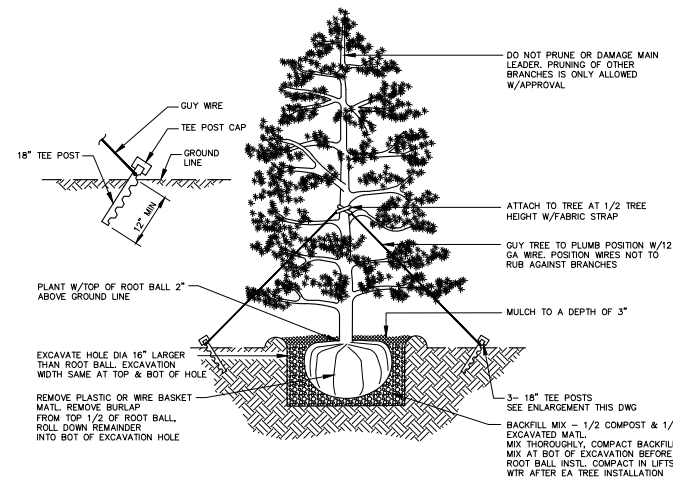


LANDSCAPING				
QUANTITY	COMMON NAME	BOTANICAL NAME	CODE	PLANTING SIZE
4	AUSTRIAN PINE	PINUS NIGRA	AP	12" B&B
13	THREE-LEAF SUMAC	RHUS TRILOBATA	TLS	5-GALLON
16	WESTERN SANDCHERRY	PRUNUS BESSEYI	WS	5-GALLON
16	RUSSIAN SAGE	PEROCSKIA ATRIPLICIFOLIA	RS	5-GALLON

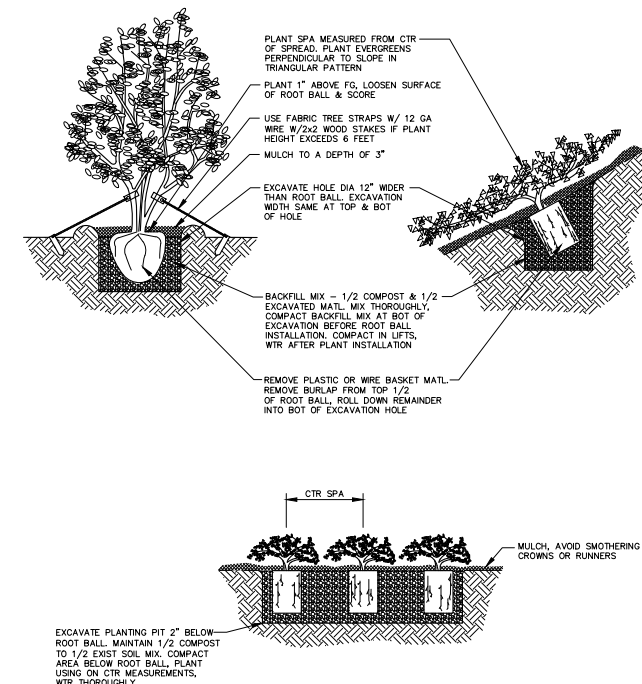
PUMP STATION
LANDSCAPE PLAN
SCALE: 1" = 50'
4
SHT 7



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



7595 Technology Way, Denver, CO 80237
T 303.694.2770 F 303.694.3946
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

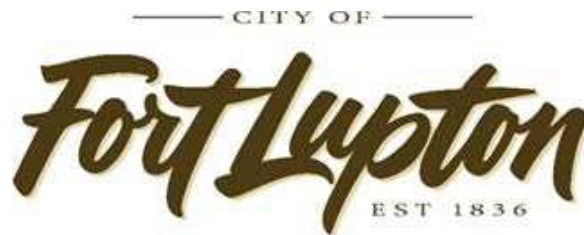


02/28/2012









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:

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

OUTSIDE DISTRIBUTION:

- | | |
|--|--|
| ☒ Fort Lupton Fire Protection District | ☐ Weld County Dept. of Public Health & Env. |
| ☒ CDOT | ☐ Weld County Public Works |
| ☒ Colorado DRMS | ☐ Weld County School District RE-8 |
| ☒ Colorado Parks and Wildlife | ☐ NCWCD |
| ☐ Division of Water Resources | ☐ Fulton Ditch Company |
| ☐ Army Corp of Engineers | ☐ Platteville Ditch Company |
| ☒ United Power | ☐ City of Brighton |
| ☒ Comcast | ☐ Town of Frederick |
| ☒ CenturyLink | ☐ Town of Platteville |
| ☒ Xcel Energy | ☐ City of Dacono |
| ☐ Postmaster | ☐ Town of Firestone |
| ☒ Weld County Department of Planning | ☐ 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. A non-response to this referral may be considered a favorable response.

COMMENTS:

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 | www.cotrip.org | www.codot.gov

Thanks,
Tim

On Wed, Jan 6, 2021 at 9:57 AM Alyssa Knutson <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

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

--

Tim Bilobran
Region 4 Permits Manager



O 970.350.2163 | C 970.302.4022 | F 970.350.2198
timothy.bilobran@state.co.us | codot.gov | 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



Right of Way & Permits

1123 West 3rd 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.

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



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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

From: Lisa Glasby [<mailto:Lisa.Glasby@moltzconstruction.com>]
Sent: Wednesday, January 6, 2021 1:55 PM
To: Todd Hodges <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
certs@moltzconstruction.com



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

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

Alyssa Knutson

From: John Fryar
Sent: Monday, December 7, 2020 9:00 AM
To: Alyssa Knutson
Subject: RE: 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: Completed

I don't see any 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: 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



COLORADO

Parks and Wildlife

Department of Natural Resources

Area 2 - Lon Hagler
4207 W CR16E
Loveland, CO 80537
P 970.472.4460 | F 970.472.4468

December 22, 2020

Alyssa Knutson
City of Fort Lupton
130 S. McKinley Ave.
Fort Lupton, CO 80621
AKnutson@fortluptonco.gov

Re: Lupton Lakes Inlet/Outlet Facility Project

Dear Ms. Knutson:

Thank you for the opportunity to comment on the Lupton Lakes Inlet/Outlet Facility project. The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality park system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

CPW has reviewed this project and assessed any potential impact to fish and wildlife within the project site and the surrounding area. The proposed facility lies north of County Road 8 along the bank of South Platte River from which a pipeline will run east under Hwy 85 to reclaimed gravel mines that will be used for water storage.

CPW recommends that anytime that work is done in a river, pond, or wetland that precautions are taken to prevent the spread of invasive species including but not limited to Eurasian water milfoil, zebra mussels, quagga mussels, and New Zealand mudsnails. The proposed inlet/outlet facility will require work within the S. Platte River, therefore these best management practices (BMPs) are suggested if the equipment being used has been previously used in another stream, river, pond, or wetland:

- Remove all mud and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with a solution of commercial grade quaternary ammonium disinfectant compound containing at least 8.0% active ingredient diluted in solution to achieve at least 0.8% concentration (roughly 12 ounces of product per gallon of water). Specifically, a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaner and water, can be used for effective treatment.



Treated equipment should be kept moist for a least 10 minutes, managing rinsate as a solid waste in accordance with local, county, state, or federal regulations, OR

- Remove all mud and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with water hotter than 140 degrees Fahrenheit for at least 10 minutes.
- Clean hand tools, boots, and any other equipment that will be used in the water with one of the above options as well. Do not move water from one water body to another. Be sure equipment is dry before use.

In addition to the above BMPs relating to instream construction, CPW has concerns regarding the bi-directional transfer of water between the two storage reservoirs and the South Platte River. The lentic (i.e. pond) habitat in the reservoirs will create conditions favorable to a suite of fish species that are not native to the river, and that can adversely affect the native fish community in the river through competition and predation. The unscreened transfer of water would allow such species to establish productive populations in the reservoirs that become a source of these fish into the South Platte River. Though less of a concern, some native fish may be lost from the South Platte River when water is diverted to the reservoirs. Therefore, CPW requests the following:

- Consider screening the intake and outlet structure to prevent the movement of fish between the river and the reservoirs. Ideally, such a screen would screen out all life stages of fish, including eggs and larvae. However, a larger aperture screen, such as quarter or half inch, would also be beneficial in screening juvenile and adult fish at a minimum if a complete screen is not feasible.
- Consider providing CPW access to sample the fish community in the reservoirs if desired.

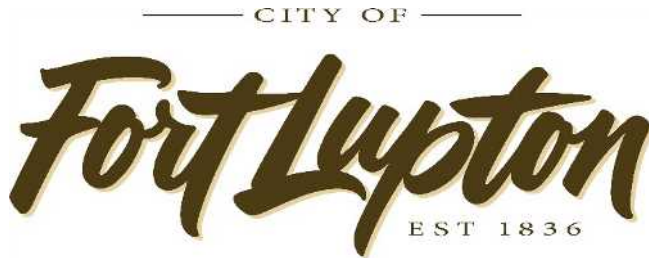
Finally, based on the information provided to CPW, it appears that a new channel spanning low-head diversion is not included in the proposed plan for diverting water to the reservoirs. CPW prefers this approach, as such diversions typically created barriers to fish passage in the river, interrupting important natural life cycle processes for native fish. If such a diversion is proposed, CPW requests the opportunity to provide new comments.

Thank you again for the opportunity to comment on the Lupton Lakes Inlet/Outlet Facility project. If you have any questions, please contact District Wildlife Manager Chris Mettenbrink at Chris.Mettenbrink@state.co.us or at (303) 906-1979.

Sincerely,



Jason Duetsch
Area Wildlife Manager



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson

From: Roy Vestal

Date: December 10, 2020

Subject: Lupton Lakes Inlet/Outlet Facility Project
Project No. LUP2020-0033 & Plan Nos. SUP2020-0006 & FLPL2020-0001
Public Works Review

Public Works has reviewed the submitted documents for the above referenced development project with the following comments for inclusion with the Final Site Plan submittal. Be advised, review of construction drawings is for general compliance with city standards. There may be additional concerns as this design develops.

1. Site Plan

- a. PW has no issues with the site plan at the river or the landscape plans on site.
- b. It would be preferred to show and label the ROW lines and Future ROW (55' north of Section Line).
- c. I would like to see the final drawings for the pipeline along CR 8.

There may be additional concerns as this design develops.

Final approval of drawings does not infer the drawings are error free. The City shall have full authority to review and approve all submittals and construction for compliance with these DESIGN STANDARDS and CONSTRUCTION SPECIFICATIONS. An approval or acceptance by the City does not relieve the owner, engineer, designer, or contractor from responsibility for ensuring that the calculations, plans, specifications, construction, and record drawings are in compliance with these DESIGN STANDARDS. Any approval or acceptance by the City shall not result in any liability to the City or its employees for any claim, suit, loss, damage, or injury resulting from the use or implementation of the approved documents. Nothing in these DESIGN STANDARDS shall be construed to circumvent any sections of the City of Fort Lupton Code or sub codes, pertaining to responsibility for reports, studies, designs, and construction.

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.



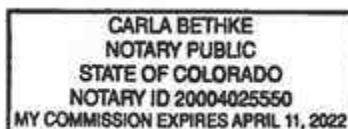
For the Fort Lupton Press

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 Interim Facility Project. This project will take place entirely within Fort Lupton city limits. The project 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/Lakes). The pipeline will extend west to the parcel located at the northwest corner of U.S. Highway 80 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 S1 Light Industrial Zone District (Mokada Drilling Fluids Inc.) and crossing U.S. Highway 85 by tunnel 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 to the agents as posted on the City's website, www.fortlupton.gov.

Further information is available through the City Planning and Building Department at (303) 887-8884.

**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, 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 80 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 S40°28'15"E, A DISTANCE OF 42.15 FEET; THENCE S88°16'23"W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 228.31 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 31 AT PAGE 181; THENCE S07°07'36"W, A DISTANCE OF 128.31 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 296.27 FEET TO A POINT; THENCE N89°25'26"E, A DISTANCE OF 1204.56 FEET TO A POINT ON THE SOUTHERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO IN BOOK 31 AT PAGE 181; THENCE RUNNING ALONG SAID SOUTHERLY LINE, THE FOLLOWING (2) TWO COURSES:

1. N89°25'26"E, A DISTANCE OF 66.39 FEET TO A POINT;

2. N89°25'26"E, A DISTANCE OF 295.89 FEET TO A POINT;

THENCE S07°07'36"W, A DISTANCE OF 128.31 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 835.93 FEET TO A POINT ON THE WESTERLY LINE OF A PARCEL OF LAND AS RECORDED IN WELD COUNTY, COLORADO AT RECEPTION NO. 311880; THENCE RUNNING ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID PARCEL OF LAND THE FOLLOWING (2) TWO COURSES:

1. S07°07'14"E, ALONG THE WESTERLY LINE, A DISTANCE OF 762.19 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 396.51 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 S07°07'36"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 407.86 FEET TO THE POINT OF BEGINNING.

THE PARCEL DESCRIBED HEREIN CONTAINS 10.02 ACRES MORE OR LESS.

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

AN EASEMENT 40 FEET IN WIDTH OVER AND ACROSS A PARCEL OF LAND AS DESCRIBED UNDER RECEPTION NUMBER 387104 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:

BASES OF BEARINGS:
THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS N85°15'E, A DISTANCE OF 1322.73 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 ELEGIBLE AND MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18 BY A 3/4 INCH ALUMINUM CAP L.S. 4302;

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

THENCE N45°15'W, A DISTANCE OF 117.42 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL DESCRIBED UNDER RECEPTION NUMBER 387104 AND THE POINT OF BEGINNING;

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

1. N31°48'59"W, A DISTANCE OF 42.31 FEET;

2. N01°12'06"W, A DISTANCE OF 6.95 FEET;

THENCE N01°48'17"E, A DISTANCE OF 276.14 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL DESCRIBED UNDER RECEPTION NUMBER 387104;

THENCE S01°16'06"E, ALONG SAID

EASTERLY LINE, A DISTANCE OF 40.49 FEET;
THENCE S88°16'23"W, A DISTANCE OF 54.25 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 10.020 SQUARE FEET OR 0.234 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 416954 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:

BASES OF BEARINGS:
THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARS N85°15'E, A DISTANCE OF 1321.30 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 ELEGIBLE AND MONUMENTED AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 18 BY A 3/4 INCH ALUMINUM CAP IN LAND SURVEY BOX PLUS ELEGIBLE;

PARCEL NO. 1 COMMENCING AT SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 18;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1204.56 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 100.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE S88°16'23"W, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

THENCE N07°52'17"W, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N07°52'17"W, A DISTANCE OF 12.49 FEET;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 104.00 FEET;

THENCE S07°07'36"W, A DISTANCE OF 128.31 FEET TO THE POINT OF BEGINNING;

THENCE N89°25'26"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 351.22 FEET;

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CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 30th 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 12TH AVE
DENVER, CO 80204

CITY OF AURORA
15151 E ALAMEDA PKWY
AURORA, CO 80012

VECCHIARELLI HOLDINGS LLC
755 N 9TH 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



**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.

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 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 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 6TH 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 6TH 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:

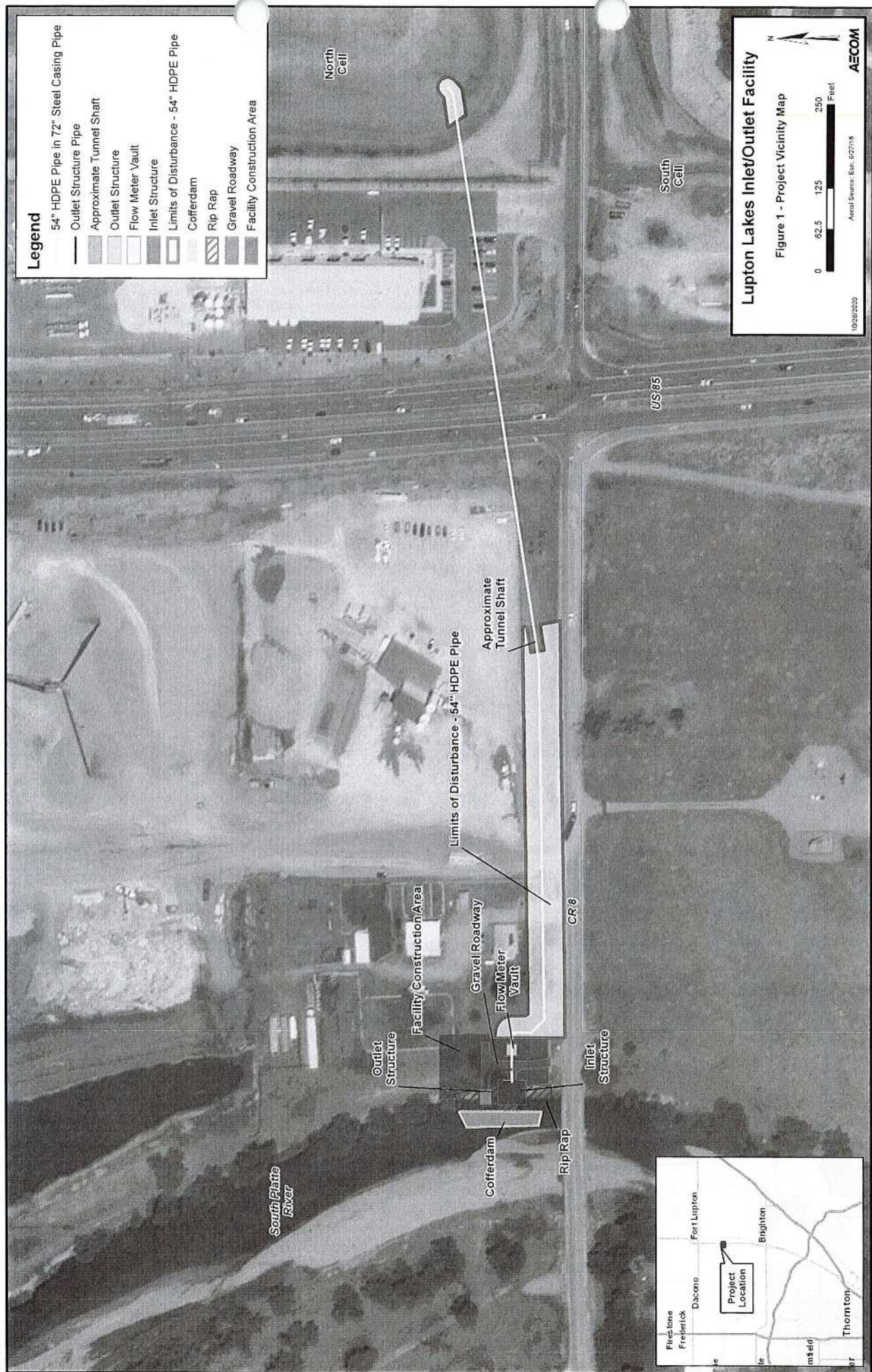
1. S27°18'38"W, A DISTANCE OF 71.82 FEET;
2. S5°13'08" E, A DISTANCE OF 7.49 FEET TO A POINT ON THE NORTHERLY RIGHT-OF WAY OF WELD COUNTY ROAD 8 AS DESCRIBED IN BOOK 86 AT PAGE 273 OF THE WELD COUNTY RECORDS;

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 AND SCROLLING DOWN TO THE ROWS TITLED: LUPTON LAKES
INLET/OUTLET FACILITY SPECIAL USE PERMIT.



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, 9/27/18

10/26/2020

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.

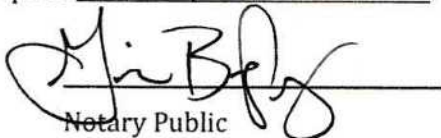
I, Amy Turney hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 17 day of December, 2020.



Signature of Owner or Owner's Representative

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

My commission expires 2-24-2022.


Notary Public

(SEAL)



CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-018

APPROVE A RESOLUTION ACCEPTING AN ANNEXATION PETITION FOR THE ALQUIST ANNEXATION SUBMITTED BY MELODY A ALQUIST AND ROBERT J ALQUIST AND TO SET A PUBLIC HEARING DATE FOR MARCH 16, 2021.

I. **Agenda Date:** Council Meeting – February 2, 2021

II. **Attachments:**

- a. Proposed Resolution
- b. Land Use Application
- c. Annexation Petition
- d. Annexation Map

III. **Summary Statement:**

Melody A Alquist and Robert J Alquist (the "Applicants") have submitted an annexation petition to initiate annexation proceedings for one parcel of land. The parcel is located south and adjacent to 14th Street and approximately 0.15 miles east of Pacific Court (Parcel No. 130932301001) (the "Property"). The Property is adjacent to City limits along on its northern and southern boundary. This proposed annexation, known as the Alquist Annexation, consists of a total of 0.43 acres, more or less. The resolution is to accept the annexation petition and initiate the two-month (60 day) review process that involves staff, referral agencies, Planning Commission and City Council. Approval of the resolution does not constitute approval of the annexation request. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on March 16, 2021.

IV. **Submitted by:** _____
Planner

V. **Finance Reviewed** _____
Finance Director

VI. **Approved for Presentation:** _____
City Administrator

VII. **Attorney Reviewed** _____ Approved _____ Pending Approval

VIII. **Certification of Council Approval:** _____
City Clerk _____ Date _____

IX. Detail of Issue/Request:

Melody A Alquist and Robert J Alquist (the "Applicants") have submitted an annexation petition to initiate annexation proceedings for one parcel of land. The parcel is located south and adjacent to 14th Street and approximately 0.15 miles east from Pacific Court (Parcel No. 130932301001) (the "Property"). The Property is adjacent to City limits along on its northern and southern boundary. This proposed annexation, known as the Alquist Annexation, consists of a total of 0.43 acres, more or less. The resolution is to accept the annexation petition and initiate the two-month (60 day) review process that involves staff, referral agencies, Planning Commission and City Council. Approval of the resolution does not constitute approval of the annexation request. Approval of the resolution simply means that there is an interest in considering the annexation, with the final decision to be made by City Council at a public hearing on March 16, 2021. The application includes an initial zoning request to the 'A' Agriculture Zone District.

The initiating resolution is the first step in the annexation process and is to accept the annexation petition and initiate the two-month (60 day) review process that involves staff, referral agencies, Planning Commission and City Council. The resolution also sets the public hearing date to consider the annexation. If Council adopts the resolution to accept the petition, the petitioners will move on to the next step, which is the review of the proposed annexation, initial zoning, and submitted application documents by the Development Review Team (DRT). Step three is a review and public hearing on February 25, 2021 by the Planning Commission who will provide Council with a recommendation. City Council is then required to act upon the request by ordinance at the public hearing, which is proposed to be set for March 16, 2021, which is the final step in the process.

X. Legal/Political Considerations:

State law and the Fort Lupton Municipal Code require the City Council to set a hearing date for the annexation request (Municipal Code Chapter 15). The Council hearing date must not be less than 30 days nor more than 60 days from the date of the resolution of substantial compliance, unless stipulated by the applicant. The proposed City Council public hearing date of March 16, 2021 complies with this requirement.

According to State annexation law, if the City Council finds the annexation petition and the annexation map in substantial conformance with Section 31-12-107 C.R.S. a resolution may be adopted to initiate annexation proceedings. Section 31-12-107 outlines the requirements for a proper annexation petition and the supporting annexation map. It is the opinion of staff that the petition and annexation map meet the requirements of Section 31-12-107 C.R.S. A finding of substantial conformance does not imply that Council agrees that the property should be annexed; however, a finding that the petition and map do not conform to the requirements is effectively a denial. Staff believes that the petition and annexation map are in substantial conformance with such requirements.

XI. Alternatives/Options:

The City Council has the following three options:

- a) Approve the resolution accepting the annexation petition and initiating the annexation proceedings; or*

- b) Reject the annexation petition at which time the annexation request will not move forward;
or*
- c) Delay action on the resolution to gather more information.*

XII. Financial Considerations:

Applicable application fees and fee deposits have been submitted by the applicant.

XIII. Staff Recommendation:

Staff recommends approval of the Resolution accepting the annexation petition and initiating annexation proceedings for the Alquist Annexation and set the public hearing for March 16, 2021.

RESOLUTION NO. 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE ALQUIST ANNEXATION AND SETTING THE PUBLIC HEARING FOR MARCH 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Melody A Alquist and Robert J Alquist for 0.43 acres, more or less, and known as the Alquist 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 Alquist Annexation and sets the hearing date for March 16, 2021, 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 2nd DAY OF FEBRUARY 2021.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Melody & Bob Alquist
 Company: _____
 Phone: (719) 838-1180 Email: m.alquistace@gmail.com
 Address: 1310 14th Street, Fort Lupton, CO 80621
 Preferred method of contact? Email: ☐ Phone: ☐ Mail: ☐
- 2) Representative Name: City of Fort Lupton, Planning Department
 Company: City of Fort Lupton
 Phone: (303) 857-6694 Email: planningdept@fortluptonco.gov
 Address: 130 S. McKinley Avenue
 Preferred method of contact? Email: ☐ Phone: ☐ Mail: ☐
- 3) Billing Contact (where invoices should be directed to): N/A
 Billing Company: _____
 Phone: _____ Email: _____
 Address: _____

B. SITE DESCRIPTION

- Site Address: 1310 14th Street, Fort Lupton, CO 80621
 Parcel Number: 130932301001
 Existing Zone Classification: Agriculture Proposed Zone Classification: Agriculture
 Water Type: Municipal Name: _____
 Sewage Type: Municipal District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

- | | | |
|--|---|---|
| ☐ Sketch Plat | ☐ Administrative Site Plan | ☐ PUD Plan (Preliminary & Final) |
| ☐ Preliminary Plat | ☐ 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 | |

Project No. _____

D. PROJECT DESCRIPTION

Project Name: Alquist Annexation

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

This property is currently connected to municipal utilities. Typically, annexation into the City would be required before utility services are provided. In order to clean this up, the property will be annexed into the City at this time.

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

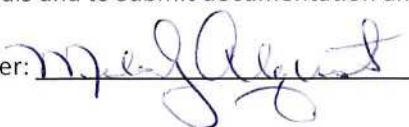
Representative Certification

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 hereby 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:  Date: 1-19-21

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: _____

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 <http://www.fortlupton.org/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@fortlupton.org.

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@fortlupton.org.

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 Alquist 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 0.43 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 \$_____ is tendered herewith.

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

Land Owner(s) Name(s) and Signature(s)

Mailing Address

Date of Signing

Melody August
Robt J. August

1310 14th St

1-19-21

1310 14th St

1-19-21

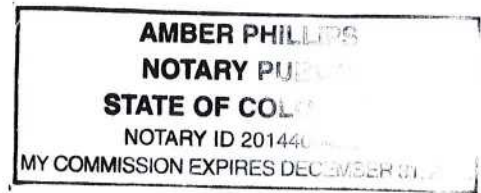
The foregoing signature(s) was/were subscribed and sworn to before me this 19 day of January, 2021, by

Witness my hand and official seal.

My commission expires on 12-31-2022.

Amber Phillips

Notary Public



Land Owned

If necessary, attach separate sheet.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

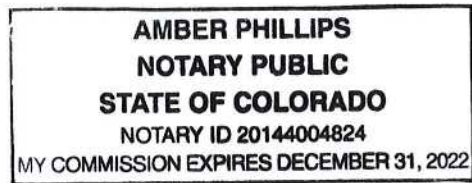
_____, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.

(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 19 day of January, 2021, by _____.

Witness my hand and official seal.

My commission expires on 12-31-22.



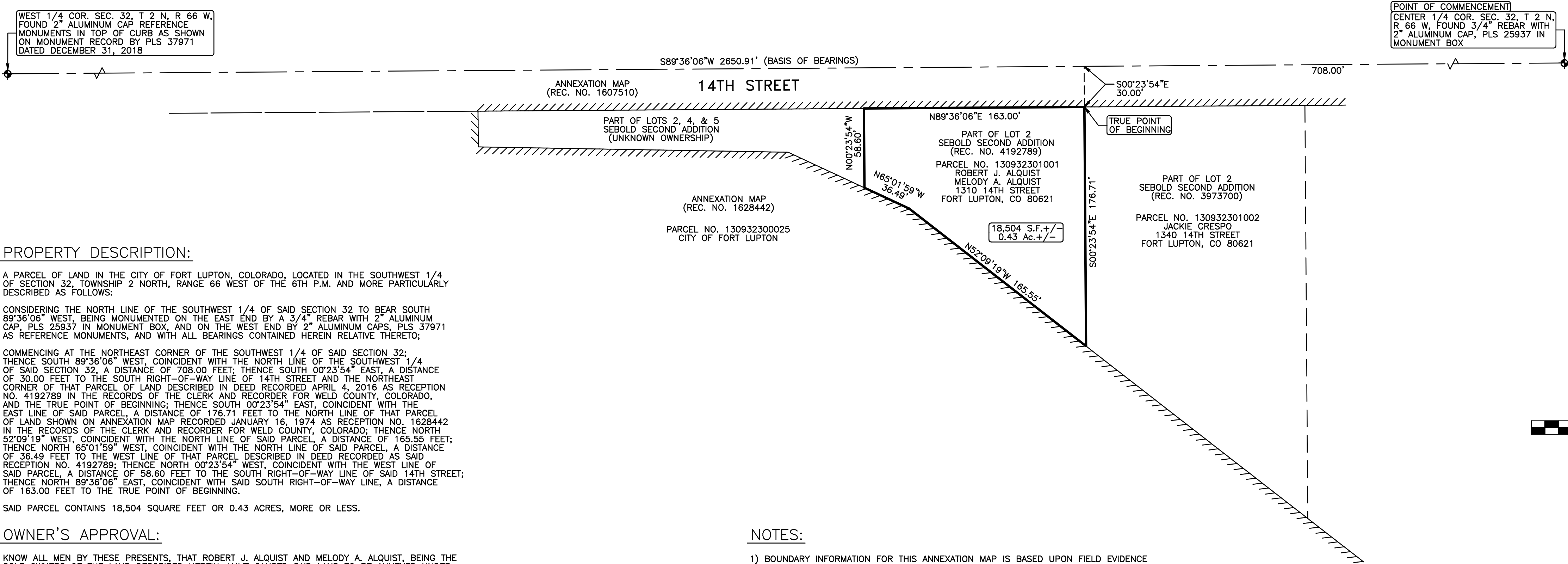


Notary Public

ALQUIST ANNEXATION TO THE CITY OF FORT LUPTON

Part of the Southwest 1/4 of Section 32,
Township 2 North, Range 66 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1



PROPERTY DESCRIPTION:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32 TO BEAR SOUTH 89°36'06" WEST, BEING MONUMENTED ON THE EAST END BY A 3/4" REBAR WITH 2" ALUMINUM CAP, PLS 25937 IN MONUMENT BOX, AND ON THE WEST END BY 2" ALUMINUM CAPS, PLS 37971 AS REFERENCE MONUMENTS, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 32; THENCE SOUTH 89°36'06" WEST, COINCIDENT WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, A DISTANCE OF 708.00 FEET; THENCE SOUTH 00°23'54" EAST, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 14TH STREET AND THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED APRIL 4, 2016 AS RECEPTION NO. 4192789 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO, AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°23'54" EAST, COINCIDENT WITH THE EAST LINE OF SAID PARCEL, A DISTANCE OF 176.71 FEET TO THE NORTH LINE OF THAT PARCEL OF LAND SHOWN ON ANNEXATION MAP RECORDED JANUARY 16, 1974 AS RECEPTION NO. 1628442 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE NORTH 52°09'19" WEST, COINCIDENT WITH THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 165.55 FEET; THENCE NORTH 65°01'59" WEST, COINCIDENT WITH THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 36.49 FEET TO THE WEST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS SAID RECEPTION NO. 4192789; THENCE NORTH 00°23'54" WEST, COINCIDENT WITH THE WEST LINE OF SAID PARCEL, A DISTANCE OF 58.60 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID 14TH STREET; THENCE NORTH 89°36'06" EAST, COINCIDENT WITH SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 163.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 18,504 SQUARE FEET OR 0.43 ACRES, MORE OR LESS.

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT ROBERT J. ALQUIST AND MELODY A. ALQUIST, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF ALQUIST ANNEXATION TO THE CITY OF FORT LUPTON.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 20____.

STATE OF COLORADO,)
COUNTY OF WELD) ss

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY: ROBERT J. ALQUIST & MELODY A. ALQUIST
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 FORT LUPTON CITY COUNCIL VIA RESOLUTION NO. _____,
RECOMMENDED THIS ____ DAY OF _____, 201____.

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. _____ OF THE CITY OF FORT LUPTON PASSED AND ADOPTED ON THE ____ DAY OF _____ A.D., 20____ AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE NO. _____ ON BEHALF OF THE CITY OF FORT LUPTON, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID ANNEXATION MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

APPROVED THIS ____ DAY OF _____, 201____.

ATTEST: CITY CLERK _____

MAYOR _____

SURVEYOR'S CERTIFICATE:

I, CURTIS D. 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.

CURTIS D. HOOS PLS 37971
FOR AND ON BEHALF OF:
AMERICAN WEST LAND SURVEYING CO.
A COLORADO CORPORATION

NOTES:

- BOUNDARY INFORMATION FOR THIS ANNEXATION MAP IS BASED UPON FIELD EVIDENCE TOGETHER WITH CALCULATIONS BASED UPON ANNEXATION PLATS, SUBDIVISION PLATS, AND PROPERTY DESCRIPTIONS OF RECORD.
- BASIS OF BEARING: THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32 TO BEAR SOUTH 89°36'06" WEST, BEING MONUMENTED ON THE EAST END BY A 3/4" REBAR WITH 2" ALUMINUM CAP, PLS 25937 IN MONUMENT BOX, AND ON THE WEST END BY 2" ALUMINUM CAPS, PLS 37971 AS REFERENCE MONUMENTS, AND WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, 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.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTIONS BASED UPON A 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.
- ALL DISTANCES SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET.

LEGEND:

- ◆ = ALIQUOT MONUMENT, AS NOTED.
- ===== = EXISTING MUNICIPAL BOUNDARY, AS NOTED.

ANNEXATION TABLE:

TOTAL PERIMETER:	600.35 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER:	100.06 FEET
CONTIGUOUS BOUNDARY:	365.04 FEET



VICINITY MAP: NTS

American West
Land Surveying Co.
A Colorado Corporation

PO Box 129, Brighton, CO 80601 * P:303-659-1532 F:303-655-0575 * amwestlls.com

SCALE 1" = 50' | DRAWN BY: CDH | CHECKED BY: MJH | DATE: NOV. 1, 2020

REVISIONS:

JOB NO: 20- FILE: F:\SURVEYS\S-T\Sebolds' Second Add\ALQUIST ANNEX_REV11012020.pro

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2021-022

AGREEMENT ON DEVELOPMENT FEE SETTLEMENT WITH ROWLEY DOWNS LAND COMPANY (RDLC)

I. **Agenda Date:** Council Meeting – February 2, 2021

II. **Attachments:** a. Development Fee Rebates Settlement Agreement

III. **Summary Statement:**

This agreement resolves current and future obligations of the City of collection and or reimbursement of fees pertaining to the development of the RDLC properties on the remaining lots on the Golf course build out. The agreement puts the recoup of funds from the development back in the hands of the developer. They may recoup the offsetting costs with their purchase agreements on the remaining undeveloped properties.

IV. **Submitted by:** _____
Chris Cross

V. **Finance Reviewed** _____
Finance Director

VI. **Approved for Presentation:** _____
City Administrator

VII. **Attorney Reviewed** _____ Approved _____ Pending Approval

VIII. **Certification of Council Approval:** _____
City Clerk _____ Date _____

IX. Detail of Issue/Request:

This agreement resolves current and future obligations of the City of collection and or reimbursement of fees pertaining to the development of the RDLC properties on the remaining lots on the Golf course build out. The agreement puts the recoup of funds from the development back in the hands of the developer. They may recoup the offsetting costs with their purchase agreements on the remaining undeveloped properties.

The current fee collection is built into the building permit fees for the locations. This is held by the City then paid out to the RDLC upon completion. This will free staff up from tracking an outdated fee system that is only on certain parcels.

X. Legal/Political Considerations:

The Agreement has been reviewed and approved by the City Attorney in conjunction with Staff.

XI. Alternatives/Options:

Don't approve the agreement and continue as is till build out.

XII. Financial Considerations:

The City is holding \$186,000 from 124 homes built on the properties until agreement is executed.

XIII. Staff Recommendation:

Staff recommends approval of the agreement.

DEVELOPMENT FEE REBATES SETTLEMENT AGREEMENT

This Agreement is entered into effective _____, 2020, by and between the CITY OF FORT LUPTON, Colorado (hereinafter "City") and ROWLEY DOWNS LAND COMPANY (hereinafter "RDLC"), collectively the parties ("Parties").

RECITALS

WHEREAS prior Planned Unit Development Agreements and Amendments (the "PUDA's") encumbering the Coyote Creek Golf Course Community acknowledged that Matrix Funding Corporation ("Matrix"), and its successors, including RDLC, funded and constructed certain public infrastructure serving said community, which infrastructure was originally designated (through the PUDAs) for construction by the City, as detailed and referenced herein as **Exhibit A**. The PUDA's provided for certain development fee collections and rebates ("Fee Rebates") by the City to reimburse Matrix and its successors, including RDLC, for the costs incurred in constructing the referenced City-obligated infrastructure (the "Facilities"); and

WHEREAS, the Parties have been cooperating to resolve issues with regards to the Fee Rebates collected by the City and payable to RDLC, as contemplated in the PUDA's; and

WHEREAS, it is the City's position that said Fee Rebates have sun-setted and therefore the City is no longer collecting and rebating the Storm Drainage Impact Fee or the Street and Infrastructure Fee per the PUDA's. The City continues to collect the Coyote Creek Development Fee ("CCD Fee") of \$1,500 per single-family home, prior to issuing new Building Permits ("Permits") in Coyote Creek Filings No. 2 and No. 3. Since 2018, the City has issued 124 Permits and collected CCD Fees totaling \$186,000. The referenced CCD Fees are currently held in a designated City Account until the Parties can conclude a Settlement Agreement; and

WHEREAS, the Parties have collectively reached agreement terms and conditions that will codify all fee collection obligations and fully settle the outstanding liabilities and commitments between the Parties.

NOW THEREFORE, in consideration of the terms, conditions, covenants and agreements set forth herein, the Parties agree as follows:

COVENANTS

1. **Waiver of Claims for Collection of prior Fee Rebates.** In consideration of the Parties' agreements set forth below, RDLC hereby waives any claim or demand against the City for recovery of or reimbursement for (a) Fee Rebates on single family building permits issued by the City, from June 1, 2006 to July 1, 2012; and (b) Fee Rebates on the 66 building permits issued to DR Horton, in Coyote Creek Filings No. 2 and No. 3. The City did not collect or rebate the PUDA Fees after June 2006 as said obligation had sun-setted. RDLC knowingly and voluntarily waives any

claims to collect the above Fee Rebates and acknowledges that this waiver is a material term of this Agreement.

2. **Payment of Accrued CCD Fees to RDLC.** Within thirty (30) business days following the execution of this Agreement, the City shall remit payment to RDLC, of all CCD Fees collected and held by the City and estimated to be \$ 186,000. The amount shall be updated to the date of this Agreement's execution. Thereafter, the City shall have no further payment obligation or collection obligation to RDLC, its successors or assigns.
3. **Cessation of PUDA Fee Collections and Rebates by the City.** Effective the date of this Agreement and upon payment of accrued CCD Fees to RDLC, RDLC has no claims to these referenced fees and waives any future claims thereto. As such, the City shall not collect and rebate the CCD Fee and shall not rebate 100% of the Storm Drainage Impact Fee and 50% of the Street and Infrastructure Fee (per single-family Building Permit), for future homebuilding in the RDLC Parcels depicted in **Exhibit B**.
4. **RDLC Fee Collections from Century Communities.** In 2018, RDLC sold 127 platted lots to Century Communities ("Century"), in Coyote Creek Filings No. 2 and No. 3. Per those parties' Purchase and Sale Agreements ("PSA"), Century currently remits the CCD Fee to the City in the amount of \$1,500 per Building Permit. With the cessation of the City Fee collections and the payment of accrued CCD Fees to RDLC, RDLC shall commence the direct collection of the CCD Fee from Century, prior to Century's receipt of a Building Permit. RDLC may issue a Fee Payment Certificate ("Certificate") to Century, which may be presented to the City, at Century's option.
5. **Matrix Funding Assignment of PUDA's Interest to RDLC.** Effective July 2012, Matrix Funding Corp assigned all interest in the PUDA's to RDLC, as detailed in **Exhibit C** attached and referenced herein. Fee collection referenced in paragraph 4 of this Agreement shall only be applicable to the RDLC Parcels depicted on Exhibit B and shall not be applicable to any other properties outside the Coyote Creek PUDA's.
6. **RDLC future Collection CCD Fees and Storm Drainage Surcharges.** With future homebuilding and the ultimate buildout on the remaining RDLC Parcels, RDLC shall continue to collect the CCD Fee and a separate Storm Drainage Surcharge ("Surcharge") to fully realize the cost recoupment for the Facilities enumerated in Exhibit A. The amount of the CCD Fee and the Surcharge shall be set at RDLC's sole discretion. The procedure for the collection of the CCD Fee and the Surcharge shall be detailed in future Purchase Agreements between RDLC and the purchasers of the RDLC Parcels. The City shall continue to charge homebuilders the City's adopted Impact Fees, Charges and Use Tax, as required for Building Permit issuance.
7. **Superseding Document.** This document is intended to supersede and replace any applicable Fee collection and Fee rebate provisions in the PUDA's, entered into by

the Parties, or by their predecessors, successors or assigns, including any and all reimbursements therefor. In the event of any conflict between the terms of this Agreement and any other prior Agreement, the terms of this Development Fee Rebate Settlement Agreement shall control. No amendment of this Agreement shall be valid unless in writing and signed by all parties to this Agreement.

8. **Assignability of Agreement.** This Agreement and all Fee collection terms and provisions contained herein, shall be binding upon the Parties and fully assignable to RDLC's successors, heirs and/or assigns upon approval of the assignment by Fort Lupton City Council.
9. **Complete Agreement.** This Agreement, and the exhibits attached hereto and incorporated herein, shall constitute the entire Agreement between the parties with respect to the subject matter hereof and there are no agreements, representations or warranties other than as set forth herein. Nothing in this Agreement, express or implied, is intended to confer upon any third party any rights or remedies. This Agreement is intended to resolve any outstanding or disputed facts and issues and shall supersede any prior agreements to the contrary.
10. **Severability.** In the event any portion of this Agreement is held to be unenforceable, the unenforceable portion of this Agreement shall be deleted, and the remaining provisions of the Agreement shall continue in full force and effect.
11. **Governing Law.** This Agreement shall be governed by the laws of the State of Colorado. All parties agree that any dispute regarding enforcement of this Agreement shall be filed in Weld County District Court after first attempting in good faith to submit the dispute to mediation. Submission of any dispute to mediation shall be a condition precedent to filing litigation in this matter, other than the request for injunctive relief.
12. **No Waiver of Governmental Immunity.** The City, its elected officials, officers and employees are relying upon, and do not waive or intent to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. Sec. 24-10-101 et seq. as amended or otherwise available to the City. Nothing herein shall operate as a waiver of any right the City has of governmental immunity under Colorado law which is specifically herein reserved.
13. **Independent Contractor.** RDLC is a separate, legal entity from the City and the Parties make this Agreement accordingly with the understanding that RDLC is acting independently and not as an employee or agent of the City.

14. **Approval Required**. This Agreement is subject to the final approval of the Fort Lupton City Council and signature by the Mayor of Fort Lupton. RDLC represents to the City that it has received all necessary approvals to proceed with this Agreement and that RDLC has the legal authority to enter into this Agreement.

NOW THEREFORE, the Parties agree to be bound by the covenants, terms and conditions of this Agreement and affix their signatures on the day and date above written.

CITY OF FORT LUPTON, COLORADO

BY: _____

TITLE: _____

ROWLEY DOWNS LAND COMPANY

BY: _____

TITLE: _____

EXHIBIT A

INFRASTRUCTURE CONSTRUCTED BY MATRIX / RDLC

From 1998 to 2006, Matrix Funding Corp and Rowley Downs Land Company ("RDLC") funded, designed, and constructed the following Public Improvements ("Improvements"). Per the PUDA's, the City of Fort Lupton was obligated to fund and construct the Improvements. Per the Amended PUD Agreement, the City was unable to fund the Improvements and Matrix/RDLC completed the Improvements, summarized as follows:

• Highway 52 Intersection Design / Specs / Bid / CDOT Permits:	\$ 40,636.32
• ROW Acquisition (Radcliffe) / Easements / Legal / Surveying:	\$ 35,267.20
• Shortline Ditch Regional Drainage / Preliminary & Final Design:	\$ 39,990.60
• Highway 52 Access and Laneage Improvements (Construction):	\$ 139,709.06
• Shortline Regional Channel and Pond Expansion (Construction):	<u>\$ 635,406.56</u>
TOTAL INFRASTRUCTURE DESIGNED AND CONSTRUCTED:	\$ 891,009.74

EXHIBIT B
DESCRIPTION AND MAP OF PARCELS

Real property in the County of Weld, State of Colorado, described as follows:

● Parcel 1:

Lot 14 through 30, Block 2,
Lots 10 through 31, Block 3,
Lots 7 through 31, Block 5,
Lots 1 through 9, Block 6,
Coyote Creek Filing No. 2,
County of Weld, State of Colorado

● Parcel 2:

Lot 2, Golf Course Club House Filing No. 1,
County of Weld, State of Colorado.

● Parcel 3:

Lots 1 through 7, Block 1,
Lots 8 through 34 and 41 through 49, Block 3,
Lots 1 through 11, Block 5,
Coyote Creek Filing No. 3,
County of Weld, State of Colorado.

● Parcel 4:

A portion of government Lots 1 and 2 of the Northeast Quarter of Section 5, Township 1 North, Range 66 West of the 6th P.M." being more particularly described as follows:

Commencing at the Southwest corner of said Northeast Quarter of Section 5, whence the Southeast corner of said Northeast Quarter bears North 89°39'44" East a distance of 2637.78 feet.;
Thence North 00°16'05" West along the Westerly line of said Northeast Quarter a distance of 883.59 feet;
Thence North 89°32'33" East along the Southerly line of the parcel of land described in Book 990, Reception Numbers 1919362 through 1919366, Weld County Clerk and Recorder's Office, a distance of 1011.94 feet;
Thence South 01°20'48" East a distance of 103.52 feet ;
Thence South 45°50'20" West a distance of 391.20 feet;
Thence South 01°54'11" West a distance of 144.44 feet;
Thence South 62°50'50" West a distance of 658.46 feet;
Thence South 00°37'58" East a distance of 74.18 feet;
Thence South 89°20'51" West a distance of 135 feet to the Point of Beginning.

Except that certain parcel of land (Lift Station Site) as conveyed to the City of Fort Lupton in Warranty Deed recorded July 29, 1997 in Book 1618 at Reception No. 2560260,

County of Weld, State of Colorado.

EXHIBIT B

DESCRIPTION AND MAP OF PARCELS

Parcel 5:

Two parcels of land located in the Northwest Quarter of Section 4, Township 1 North, Range 66 West, of the 6th P.M., City of Fort Lupton, Weld County, Colorado, being more particularly described as follows:

● **Parcel 5-A**

Commencing at the center quarter corner of said Section 4 whence the North Quarter Corner of said Section 4 bears North 00°12'25" West a distance of 2595.54 feet; thence North 20°11'13" West a distance of 87.76 feet to a point on the Northerly line of Colorado State Highway 52 said point being the Point of Beginning

Thence south 89°30'42" West along said Northerly line a distance of 513.71 feet;
Thence North 00°14'34" West a distance of 378.66 feet;
Thence North 20°26'53" West a distance of 106.12 feet;
Thence North 15°25'44" East a distance of 105.27 feet;
Thence North 89°47'35" East a distance of 114.28 feet;
Thence North 00°12'25" West tangent with the following described curve a distance of 180.06 feet;
thence along the arc of said curve a distance of 53.04 feet to the left, having a central angle of 121°33'45", a radius of 25.00 feet, a chord bearing North 60°59' 18" West a distance of 43.64 feet, to a point of reverse curve;
Thence along the arc of said curve a distance of 82.61 feet to the right, tangent with the following described line, having a central angle of 31°33'17" a radius of 150.00 feet, a chord bearing North 74°00'28" East a distance of 81.57 feet;
Thence North 89°47'07" East a distance of 367.60 feet;
Thence South 00°12'25" East a distance of 800.53 feet to the Point of Beginning.

● **Parcel 5-B**

Commencing at the center quarter corner of said Section 4, whence the North Quarter Corner of said Section 4 bears North 00°12'25" West a distance of 2595.54 feet;
Thence North 02°02'56" West a distance of 933.49 feet, to the Point of Beginning;
Thence South 89°47'07" West, tangent with the following described curve a distance of 367.60 feet;
Thence along the arc of said curve a distance of 41.21 feet to the left, non-tangent with the following described line, having a central angle of 11°19'43", a radius of 200.00 feet; , a chord bearing south 83°52'15" West, a distance of 41.22 feet;
Thence North 12°02'36" West a distance of 136.33 feet;
Thence North 55°08'04" East a distance of 15.74 feet;
Thence North 43°48'13" East a distance of 26.92 feet;
Thence North 89°47'07" East a distance of 404.90 feet;
Thence South 00°12'26" East a distance of 157.50 feet to the Point of Beginning,

Except that certain parcel of land (30 foot right of way) as conveyed to the City of Fort Lupton in Special warranty Deed recorded January 10, 2001 at Reception No. 2818583,

County of Weld,
State of Colorado.

● **Parcel 6:**

A portion of Government Lot 2 of the Northwest Quarter of Section 4, Township 1 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter, whence the Northwest corner of said Northwest Quarter bears S89°24'28"W a distance 2644.06 feet;
Thence S33° 41 '46"W a distance of 448.18 feet to the Point of Beginning;
Thence S10°27'03" W a distance of 342.72 feet;
Thence S32°53'43"W a distance 158.20 feet;
Thence S86°51'57"W a distance 461.97 feet;
Thence S79°25'00"W a distance of 194.52 feet;

EXHIBIT B
DESCRIPTION AND MAP OF PARCELS

Thence S64°21'53"W a distance of 249.37 feet;
Thence N31°01'45"W a distance of 215.82 feet;
Thence N36°22'57"E a distance of 67.78 feet;
Thence N29°53'23"W a distance of 407.12 feet;
Thence N38°09'02"E a distance of 59.62 feet;
Thence S89°30'35"E a distance of 357.71 feet;
Thence N87°38'10"E a distance of 876.53 feet;
Thence S40°43'00"E a distance of 44.46 feet to the Point of Beginning.

County of Weld,
State of Colorado

TOTAL ACREAGE OF PROPERTY = 68.64 ACRES M/L

Updated: January 14, 2016

EXHIBIT B
DESCRIPTION AND MAP OF PARCELS



EXHIBIT C

3858058 07/10/2012 01:00 PM

Total Pages: 15 Rec Fee: \$81.00

Steve Moreno - Clerk and Recorder, Weld County, CO

Return to:

Cimarron Consultants

6551 S. Pease Park

Suite 205

Centennial, CO 80111

ASSIGNMENT OF INTEREST

Coyote Creek Planned Unit Development Agreement

FOR VALUE RECEIVED, the undersigned, **Matrix Funding Corp.** as Debtor in Possession, U.S. Bankruptcy Case No. 12-13824 ABC, (Jointly Administered Under Case No. 12-13815 ABC) ("**Assignor**"), on this the 6th day of July, 2012, hereby transfers and assigns unto **Rowley Downs Land Company**, ("**Assignee**"), all right, title and interest in and to the following described Agreement, a copy of which is attached hereto and made a part hereof as **Exhibit A**:

Coyote Creek Planned Unit Development Agreement

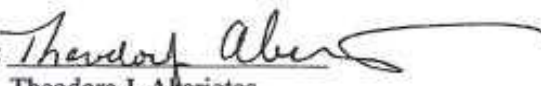
Parties:	Matrix Funding Corp / City of Fort Lupton
Execution Date:	July 1, 1998
Recording Date:	July 27, 1998 (at Weld County Clerk & Recorder)
Reception No.:	2628697

This Assignment is made in accordance with the terms and conditions of that certain "**Contract to Buy and Sell Real Estate**" including the **Addendum** thereto, dated June 11, 2012 by and between the parties thereto ("**Contract**"). The **Contract** is incorporated by reference and made a part hereof. The United States Bankruptcy Court for the District of Colorado entered an "**Order Approving Sale of Real Property and Assignment of Related Property Rights**" ("**Order**") at Docket #130 dated and entered on June 25, 2012. This **Order** is incorporated by reference and made a part hereof.

The Agreement described above and at Exhibit A is an entitlement which runs with the land. This Assignment shall be simultaneously recorded with the Special Warranty Deed conveying the property described on the legal descriptions, attached hereto as **Exhibit B**.

ASSIGNOR:

Matrix Funding Corp.

By: 

Theodore J. Alariotes

Chief Restructuring Officer

12301 Grant Street, Suite 110

Thornton, CO 80241

EXHIBIT C

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Page 2 of 15

EXHIBIT A

COYOTE CREEK PLANNED UNIT DEVELOPMENT AGREEMENT

The Parties: Matrix Funding Corp., ("the Developer").
City of Fort Lupton, Colorado, a statutory Municipal Corporation, ("the City").
Agreement Date: July 1, 1998

The Project: A public golf course ("the course") being built and to be operated by the Golf Course Enterprise of the City, geographically integrated with a residential community (the "PUD") owned by the Developer, sharing the name "Coyote Creek".

The prior agreement: The FORT LUPTON GOLF COURSE RESIDENTIAL AND PLANNED UNIT DEVELOPMENT AGREEMENT, between these parties and others, dated November 28, 1995 including subsequent amendments.

COME NOW the parties, for valuable consideration, and with full authority in the signatories hereto, agree as follows:

1. This agreement is a renegotiation of the prior agreement, and is intended to set forth the entire understanding of the parties. It is, however, based on the prior agreement, and it may be referred to for historical perspective. Any breach related to timing or performance of the prior agreement by either party is waived and released so that the parties may embark on this new agreement without any past delay issues, however, responsibility for yet undiscovered latent construction defects on the PUD improvements is not waived. This new agreement represents the parties desire to successfully complete the project.
2. The Developer is the successor in interest to FORT LUFTON L.L.C.. HI-VIEW FARMS and AIMS FARM no longer have any ownership interest in the PUD and therefore are not parties to this agreement.
3. At this time, the parties have exchanged the parcels of land identified in the original agreement and the parties have cooperated to complete the design of the course and construction is underway.

General. Consistent with the Parties' commitment to parcelize the Course and the PUD Property, the Golf Course Enterprise is building an 18-hole regulation play golf course, including clubhouse, driving range, maintenance facilities, irrigation systems and all related amenities and appurtenances. Said course shall be a public golf course, to be funded and operated by the City Golf Course Enterprise. The Developer shall make a good faith effort to continue to cooperate and coordinate its necessary and required efforts to effect the development of the Golf Course by the Golf Course Enterprise. The City intends to complete and open the golf course on or before May 1, 1999.

Project Management. The Golf Course Enterprise shall use its best efforts to assure full cooperation and coordination on all earthwork, utility and drainage issues affecting the Golf Course and the PUD.

In accordance with the intentions for the Overall Project Master Drainage Plan and Study

EXHIBIT C

FORT LUPTON GOLF COURSE RESIDENTIAL AND PLANNED UNIT DEVELOPMENT AGREEMENT

Parties: City of Fort Lupton ("City"), a statutory Municipal Corporation, 130 S. McKinley Avenue, Fort Lupton, Colorado 80621

Fort Lupton L.L.C. ("Developer"), a Colorado Limited Liability Corporation, 5440 S. Syracuse, Suite 100, Englewood, Colorado 80111

Hi-View Farms and Aims Farm ("Land Owners") are current owners and hold the title to the property described on the attached Exhibit "B."

City and Developer, hereinafter collectively referred to as "the Parties."

The Golf Course Residential Development and the Golf Course Development hereinafter collectively referred to as "the Project."

The Golf Course Residential Development hereinafter referred to as "the Residential Development."

The Golf Course Development hereinafter referred to as "the Golf Course."

The Golf Course Enterprise is an "Enterprise" of the City of Fort Lupton, Colorado.

RECITALS:

- A. The City currently owns property legally described on attached Exhibit "A", containing approximately 135 acres. Developer currently holds a purchase option from the Land Owners to the property legally described on attached Exhibit "B", containing approximately 154.5 acres. The properties owned by the Parties and the Land Owners are contiguous and were annexed by Ordinance 646 to the City of Fort Lupton, Colorado on December 17, 1993.
- B. The Parties desire to provide for the orderly planning, engineering and development of an 18-hole public golf course and residential community on their combined properties, more particularly described on attached Exhibit "C", the "Residential Property".
- C. The Parties intend for this Development and PUD Agreement to comprehensively address the following basic premises and commitments:

Cover Sheet

2560258 B-1618 P-295 07/29/1997 01:38P PG 1 OF 25 REC DOC 1
Weld County CO JA Suki Tsukamoto Clerk & Recorder 126.00

EXHIBIT C

178

2966178 07/02/2002 02:36P Weld County, CO
1 of 2 R 10.00 D 0.00 J.A. "Suki" Tsukamoto

2002

RESOLUTION AGREEMENT AND PUD AGREEMENT AMENDMENT ("AGREEMENT")

The Parties: Matrix Funding Corp., ("Developer").
City of Fort Lupton, Colorado, a statutory Municipal Corporation, ("City").
Known jointly as the Parties ("Parties").

Agreement Date: May 8, 2002

Come now the Parties, for fair and adequate consideration, agree as follows:

1. Certain issues arising under and subsequent to the Coyote Creek PUD Agreement ("PUD Agreement") of July 1, 1998 need to be resolved. The issues resolved herein are categorized as follows:
 - A. The **10-acre land shortfall** of Developer's residential land used in construction of the golf course. Value \$300,000.
 - B. The commercial land parcel of the City's, **Lot 2**, at the entrance to the project. Value \$215,000.
 - C. **Net interest carry** on the differential cash principal due to Developer. Value \$18,000.
 - D. Developer's high zone **pump station contribution** obligation to the City. Value \$100,000.
 - E. City property drainage **pipe reconstruction** at Fourth Street, completed by Developer. Value \$17,500.
 - F. Developer's settlement of the liability for encroachment of the project entrance road on adjacent **Radcliff land**. Value \$32,000.
 - G. **Slant drilling costs** paid by the City to have future NARCO (now Pan Canadian) wells drilled off the project land. Value \$60,000.
 - H. Primary **electrical distribution costs** borne by Developer and serving City facilities. Value \$6,500.
 - I. **Various other payments and concessions** by each party to the other. Value undetermined.
2. To resolve A., B., C. and D., the **10-acre land shortfall** issue, and **net interest carry**, the City is quitclaim deeding **Lot 2** to Developer, paying \$3,000 cash and canceling the **pump station contribution**.
3. To resolve E. through I., the City's obligation to Developer for the **pipe reconstruction**, one half of the **Radcliff land** costs, and the primary **electrical distribution costs** will be satisfied by the City with an offset of the one half of the **slant drilling costs** and \$10,000 cash.

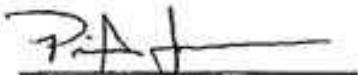
EXHIBIT C



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2 of 2 R 10.00 D 0.00 J.A. "Suki" Tsukamoto

4. The values cited herein are negotiated amounts and do not necessarily reflect true past or present market value.
5. The *Lot 2* property being conveyed, the *pipe reconstruction*, and the work done in connection with the *electrical distribution costs* are all accepted as is with all faults, in present condition, with no guarantees or warranties of any kind; except that it is agreed that commercial uses are desired for future development of *Lot 2*, and though no particular development can be pre-approved or guaranteed by the City, the Parties agree it now appears that the highest and best use of the property is for such commercial uses. Zoning, platting and development by Developer, or its assignees or successors will proceed according to state statute and municipal code in existence at the time of such development.
6. Through the course of the project and the performance of the development agreement *various payments and concessions* have been made by each of the Parties. To resolve it, and in order to put discussions or recrimination about those myriad items to rest, the Parties agree to an equal offset of these with each other. The Parties may now move positively forward with the completion of the project and the remaining obligations of the PUD Agreement, such as the Shortline Ditch Drainage/Golden Pond Project, to which the City has already contributed to by causing the partial excavation of Golden Pond for the benefit of and use by Safeway Development.
7. This Agreement is a full and final resolution of all the above disputed issues arising from the party's PUD Agreement on the project. The PUD Agreement is amended accordingly. All prior proposals and discussions in connection with these disputes are merged within this Agreement.
8. Within ten (10) days following the Parties' execution of this Agreement, the City shall deliver the quitclaim deed and \$13,000 to Developer.

CITY OF FORT LUPTON


Phil Jensen, Mayor

Attest:


Barbara Rodgers, City Clerk
M. J. McBeel (acting)

MATRIX FUNDING CORP.


Guy Gibson, President

Attest:


O. Karl Kasch, Development Manager



Upcoming Events

February 2, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
February 9, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
February 15, 2021	City Offices Closed in Observance of President's Day
February 16, 2021	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
February 23, 2021	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.