



City of Fort Lupton

REGULAR MEETING AGENDA

Tuesday, February 16, 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

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. 02162021 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. 02022021 City Council Meeting Minutes

b. AM 2021-022 Repairs for Outfall Pipes and Valve at the Water Treatment Plant by Velocity Plant Services and Intermountain Controls for an Amount not to Exceed \$27,600.00

c. AM 2021-024 Approving Payment to Weld Regional Communications in the Amount of \$57,012 for Dispatch Services Costs and Wireless Services Radio Maintenance

d. AM 2021-025 Ordinance to Accept Public Right of Way From NNN Lupton Sec LLC for 25-Foot of the Northern Portion of 14th Street

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 2021-026 Adopt an Annexation, Known as the Been Annexation Nos. 1 - 4, to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance, and Approving the Annexation Agreement

- b.** AM 2021-027 Adopt An Ordinance to Initially Zone Land Legally Described in Exhibit A of the Proposed Ordinance, and Known as the Been Initial Zoning, to the 'A' Agricultural District
- c.** AM 2021-023 Approve a Resolution for the Mericle RV Propane Tank Special Use Permit

Action Memorandum

- a.** AM 2021-028 Approval of the Subdivision Improvements Agreement with FTL Land Assemblage, LLLP for the Fort Lupton Village PUD
- b.** AM 2021-029 Approving a Resolution Amending the Water and Sewer Plant Investment Fee Schedule to be Effective April 15, 2021
- c.** AM 2021-030 Approving a Resolution Amending the Water and Sewer Plant Investment Fee Schedule to be Effective January 1, 2022

Staff Reports

Mayor/Council Reports

Future City Events

- a.** 02162021 Upcoming Events

Adjourn



City of Fort Lupton

Check Report

By Check Number

Date Range: 02/03/2021 - 02/16/2021

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						
000024	ACE HARDWARE OF FORT LUPTON	02/09/2021	Regular	0.00	59.98	84189
87046	Invoice	02/04/2021	GOLF-PLYWOOD PINE, VARNISH, PAINT FEE-...	0.00	80.32	
87097	Credit Memo	02/04/2021	GOLF-VARNISH RETURN-PRO SHOP	0.00	-20.34	
000044	AGFINITY INC	02/09/2021	Regular	0.00	377.94	84190
I54229	Invoice	02/04/2021	GOLF-NL 10% ETHANOL- 82.60GALS-MAINT	0.00	216.88	
I54230	Invoice	02/04/2021	GOLF-PREMIUM 10% 15.40GALS-MAINT	0.00	47.47	
I54231	Invoice	02/04/2021	GOLF-B-2 #2 SYED ULSDI5 51GALS-MAINT	0.00	113.59	
000206	CENTURYLINK	02/09/2021	Regular	0.00	56.26	84191
3945 JAN21	Invoice	02/04/2021	GOLF-JAN21 PHONE SERVICES-MAINT	0.00	56.26	
000216	CHAMBER OF COMMERCE	02/09/2021	Regular	0.00	225.00	84192
5183	Invoice	02/04/2021	GOLF-2021 CHAMBER MEMBERSHIP RENEW...	0.00	225.00	
000239	CITY OF FORT LUPTON	02/09/2021	Regular	0.00	290.44	84193
FIN2021025	Invoice	02/04/2021	GOLF-REIMBURSE COMCAST INV115337419 ...	0.00	290.44	
000241	CITY OF FT LUPTON-UTIL INVOICE	02/09/2021	Regular	0.00	183.69	84194
110249001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-Golf	0.00	91.90	
110252101 JAN21	Invoice	02/03/2021	Water/Sewer Bill-Golf	0.00	51.25	
770214501 JAN21	Invoice	02/03/2021	Water/Sewer Bill-Golf	0.00	40.54	
000290	COLORADO GOLF & TURF INC	02/09/2021	Regular	0.00	705.97	84195
1-51757	Invoice	02/04/2021	GOLF-SERVICE FOR GRINDER & REPAIRS-MA...	0.00	578.83	
1-51868	Invoice	02/04/2021	GOLF-MAGNETIC STARTER-MAINT	0.00	127.14	
000512	FUZION FIELD SERVICES LLC	02/09/2021	Regular	0.00	220.00	84196
202282	Invoice	02/04/2021	GOLF-PORT A POTTY RENTAL 1/23-2/23-MA...	0.00	220.00	
000735	LL JOHNSON DISTRIBUTING	02/09/2021	Regular	0.00	77.83	84197
184782900	Invoice	02/04/2021	GOLF-SCREW-BEDKNIFE-MAINT	0.00	77.83	
000865	OFFICE DEPOT	02/09/2021	Regular	0.00	96.77	84198
144259015001	Invoice	02/04/2021	GOLF-BUSINESS CARD PAPER, LAMINATE PO...	0.00	76.58	
144423075001	Invoice	02/04/2021	GOLF-B2P BALLPOINT PENS-PRO SHOP	0.00	20.19	
001895	TERMINIX	02/09/2021	Regular	0.00	137.00	84199
404154701	Invoice	02/04/2021	GOLF-JAN21 PEST CONTROL-PRO SHOP	0.00	137.00	
001312	THE ROB WEST MARKETING CO	02/09/2021	Regular	0.00	1,100.00	84200
2735	Invoice	02/04/2021	GOLF-ANNUAL HOSTING W/SUPPORT/SECUR..	0.00	1,100.00	
001963	WASTE CONNECTIONS OF COLO, INC	02/09/2021	Regular	0.00	341.30	84201
31174343001 JAN...	Invoice	02/04/2021	GOLF-FEB21 TRASH SERVICES-PRO SHOP	0.00	201.70	
31174344 JAN21	Invoice	02/04/2021	GOLF-FEB21 TRASH SERVICES-MAINT	0.00	139.60	
001224	XCEL ENERGY-GAS	02/09/2021	Regular	0.00	348.67	84202
5322229501 JAN21	Invoice	02/04/2021	GOLF-JAN21 GAS BILL-PRO SHOP	0.00	348.67	
000048	AIRGAS USA LLC	02/16/2021	Regular	0.00	15.73	84203
9977263068	Invoice	02/10/2021	GOLF-TANK RENTALS ACETYLENE/OXYGEN-...	0.00	15.73	
000239	CITY OF FORT LUPTON	02/16/2021	Regular	0.00	20,598.02	84204
FIN2021033	Invoice	02/10/2021	GOLF-REIMBURSE VERIZON INV9872143595...	0.00	218.46	
FIN2021035	Invoice	02/10/2021	GOLF-PAYROLL EXPENSES FOR 1/9/21-1/22/...	0.00	20,379.56	
000291	COLORADO GOLF ASSOCIATION	02/16/2021	Regular	0.00	200.00	84205

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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	
30570	Invoice	02/10/2021	GOLF-2021 FACILITY DUES-PRO SHOP	0.00	200.00	
000307	COMCAST CABLE COMM, LLC	02/16/2021	Regular	0.00	23.76	84206
606460025494 JA...	Invoice	02/10/2021	GOLF-CABLE TV-PRO SHOP	0.00	23.76	
001959	GOLF GENIUS SOFTWARE LLC	02/16/2021	Regular	0.00	2,300.00	84207
106954	Invoice	02/10/2021	GOLF-USGA TM CLUB ANNUAL SUBSCRIPTI...	0.00	2,300.00	
000567	HIGH COUNTRY BEVERAGE CORP	02/16/2021	Regular	0.00	792.00	84208
W-3275242-3	Invoice	02/10/2021	GOLF-ALCOHOL BEVERAGES-PRO SHOP	0.00	792.00	
000999	SHAMROCK FOODS COMPANY	02/16/2021	Regular	0.00	1,150.26	84209
21992469	Invoice	02/10/2021	GOLF-FOOD/SNACKS/SUPPLIES	0.00	975.94	
21992470	Invoice	02/10/2021	GOLF-FOOD/SNACKS/SUPPLIES-PRO SHOP	0.00	174.32	
001072	THE ANTIGUA GROUP INC	02/16/2021	Regular	0.00	1,035.08	84210
AIN-1715456	Invoice	02/10/2021	GOLF-VICTORY HOODS-PRO SHOP	0.00	1,035.08	
001137	UNITED POWER	02/16/2021	Regular	0.00	1,251.49	84211
1194602 FEB21	Invoice	02/10/2021	United Power	0.00	483.13	
1195001 FEB21	Invoice	02/10/2021	United Power	0.00	337.36	
1195701 FEB21	Invoice	02/10/2021	United Power	0.00	384.15	
19595600 FEB21	Invoice	02/10/2021	United Power	0.00	25.28	
6601202 FEB21	Invoice	02/10/2021	United Power	0.00	21.57	
001183	WAXIE SANITARY SUPPLY	02/16/2021	Regular	0.00	251.04	84212
79772675	Invoice	02/10/2021	GOLF-JANITORIAL SUPPLIES-PRO SHOP	0.00	134.11	
79789489	Invoice	02/10/2021	GOLF-JANITORIAL SUPPLIES-PRO SHOP	0.00	116.93	

Bank Code Golf Course Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	39	24	0.00	31,838.23
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
	39	24	0.00	31,838.23

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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						
001301	AAA AUTO PARTS INC	02/09/2021	Regular	0.00	44.19	68929
105348	Invoice	02/03/2021	GF-22IN EXACT FIT -PARKS	0.00	44.19	
000031	ADAMSON POLICE PRODUCTS	02/09/2021	Regular	0.00	104.40	68930
INV343446	Invoice	02/02/2021	GF-PATCHES & SGT CHEVRONS-PD	0.00	31.80	
INV343701	Invoice	12/31/2020	GF-NAMEPLATE, VELCRO STRIP ENGLISH-PD	0.00	30.90	
INV344032	Invoice	02/02/2021	GF-ALTERATIONS SAGNER-PD	0.00	41.70	
000037	ADVANCED URGENT CARE AND OCC MED	02/09/2021	Regular	0.00	210.00	68931
65631	Invoice	02/02/2021	UF-HEP B VACCINE RENTERIA-S LINES	0.00	105.00	
65632	Invoice	02/02/2021	UF-HEP B VACCINE REISBECK-S LINES	0.00	105.00	
000040	AFLAC	02/09/2021	Regular	0.00	2,061.86	68932
102775	Invoice	01/31/2021	GF-SUPPL INS FOR JAN21-HR	0.00	2,061.86	
002704	AMERICAN WATER COLLEGE	02/09/2021	Regular	0.00	2,289.00	68933
4474	Invoice	02/04/2021	UF-TRAINING LMS SETUP-W LINES	0.00	2,289.00	
001918	AXON ENTERPRISES INC	02/09/2021	Regular	0.00	2,028.00	68934
SI-1605395	Invoice	02/04/2021	Axon Pro License for IT	0.00	2,028.00	
001820	BADGER METER	02/09/2021	Regular	0.00	286.05	68935
1412330	Invoice	02/04/2021	UF-BUTT SPLICE CONNECTOR-W LINES	0.00	40.66	
1413479	Invoice	02/04/2021	UF-ACTSYS RGGED IR RAW CABLE-W LINES	0.00	245.39	
002600	BEARCOM	02/09/2021	Regular	0.00	220.00	68936
5143277	Invoice	02/02/2021	GF-IGNITION SECURITY SYSTEM UNIT1501-C...	0.00	220.00	
000167	BRIGHTON FORD INC	02/09/2021	Regular	0.00	87.20	68937
308838	Invoice	02/02/2021	GF-KEY FOBS AND PROGRAMMING-PD	0.00	87.20	
000241	CITY OF FT LUPTON-UTIL INVOICE	02/09/2021	Regular	0.00	3,361.57	68938
110035001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
110221001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
110222001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
110251001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
330025001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
330031001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
330045001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	113.23	
330092001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
330166001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	56.76	
330920000 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
550055501 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	68.24	
550057001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	88.02	
550057601 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	2,100.07	
550057701 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
660092001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
770109501 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
770116501 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
770229001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
770229501 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
770229601 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
770231101 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
990004001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
990004101 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	51.25	
990005001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	152.55	
990006001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
990007001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
990008001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	34.65	
990132001 JAN21	Invoice	02/03/2021	Water/Sewer Bill-City	0.00	38.45	
001949	CIVIL RESOURCES LLC	02/09/2021	Regular	0.00	4,842.50	68939

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
19-305.01.10	Invoice	02/02/2021	UF- Lagoon Mining Engineering- WWTP	0.00	1,646.45	
19-305.01-10	Invoice	12/31/2020	UF- Lagoon Mining Engineering- WWTP	0.00	3,196.05	
000247	CLIFTONLARSONALLEN LLP	02/09/2021	Regular	0.00	10,000.00	68940
2724959	Invoice	02/02/2021	GF-2020 AUDIT-FIN	0.00	10,000.00	
000267	COLONIAL LIFE	02/09/2021	Regular	0.00	105.96	68941
7816820-0201881	Invoice	01/31/2021	GF-JAN21 COLONIAL INSURANCE PAYABLE	0.00	105.96	
000268	COLORADO ANALYTICAL LAB	02/09/2021	Regular	0.00	46.00	68942
210129001	Invoice	02/04/2021	UF-TOTAL COLIFORM TESTING-W LINES	0.00	46.00	
002651	COLORADO COMMUNITY MEDIA	02/09/2021	Regular	0.00	374.56	68943
17036	Invoice	02/03/2021	GF-JAN27 LEGAL PUBLICATIONS	0.00	374.56	
000307	COMCAST CABLE COMM, LLC	02/09/2021	Regular	0.00	286.86	68944
606460147405 JA...	Invoice	02/04/2021	CPR-JAN21 INTERNET/PHONE-MUSEUM	0.00	187.99	
606460159244 JA...	Invoice	02/02/2021	GF-JAN21 FAX/INTOXILIZER-PD	0.00	98.87	
000372	DELL MARKETING LP	02/09/2021	Regular	0.00	3,465.62	68945
10458048639	Invoice	02/04/2021	vmware 7 Standard Licenses (2) host	0.00	3,465.62	
000388	DIGETKS, LLC	02/09/2021	Regular	0.00	4,500.00	68946
7271X	Invoice	12/31/2020	Support Hours - 20 hrs	0.00	3,000.00	
7344	Invoice	02/04/2021	Digetek - DNS Filtering (Annual Payment - 2...	0.00	1,500.00	
002094	DOOLEY ENTERPRISES INC	02/09/2021	Regular	0.00	1,865.18	68947
59433	Invoice	02/04/2021	Training Rifle Ammunition	0.00	1,865.18	
000655	JOHN DEERE FINANCIAL	02/09/2021	Regular	0.00	306.49	68948
1009316	Invoice	02/04/2021	GF-OIL FILTER, KIT, BLADES-PARKS	0.00	306.49	
000698	L.G. EVERIST, INC	02/09/2021	Regular	0.00	2,470.34	68949
528007	Invoice	12/31/2020	ICE SLICER/SAND, SQUEEGEE	0.00	1,628.44	
528151	Invoice	12/31/2020	UF-SQUEEGEE	0.00	841.90	
000735	LL JOHNSON DISTRIBUTING	02/09/2021	Regular	0.00	89.42	68950
1132638-00	Invoice	02/03/2021	GF-CONTROLLER-PARKS	0.00	89.42	
000745	LOUIS A GRESH	02/09/2021	Regular	0.00	1,500.00	68951
JAN21	Invoice	02/02/2021	GF-JAN21 TRIALS & ARRAIGNMENTS-COURT	0.00	1,500.00	
001799	MAC EQUIPMENT INC	02/09/2021	Regular	0.00	870.74	68952
331589	Invoice	02/03/2021	GF-HS82 R30 HEDGER AND ACCESSORIES-PA...	0.00	870.74	
000865	OFFICE DEPOT	02/09/2021	Regular	0.00	1,077.15	68953
144977573001	Invoice	02/03/2021	Office Depot	0.00	27.99	
145504687001	Invoice	02/03/2021	Office Depot	0.00	254.90	
145508088001	Invoice	02/03/2021	Office Depot	0.00	82.02	
145508092001	Invoice	02/03/2021	Office Depot	0.00	164.04	
145611435001	Invoice	02/03/2021	Office Depot	0.00	232.87	
145615947001	Invoice	02/03/2021	Office Depot	0.00	23.95	
145615951001	Invoice	02/03/2021	Office Depot	0.00	68.97	
145977022001	Invoice	02/02/2021	GF-BROTHER PRINTER TONER-PW SHOP	0.00	65.44	
146314162001	Invoice	02/03/2021	Office Depot	0.00	50.39	
149644089001	Invoice	02/03/2021	Office Depot	0.00	106.58	
000896	PETTY CASH-FINANCE	02/09/2021	Regular	0.00	58.15	68954
JAN21	Invoice	02/02/2021	GF-PETTY CASH REIMBURSEMENT	0.00	58.15	
002219	RECREATION BY LEMMIE JONES LLC	02/09/2021	Regular	0.00	7,390.00	68955
RLJ2020-009	Invoice	02/02/2021	RC- Spiral Stairwell-Pool- Rec	0.00	7,390.00	
002705	ROWLEY DOWNS LAND COMPANY	02/09/2021	Regular	0.00	186,000.00	68956
JAN2921	Invoice	02/04/2021	GF-COYOTE CREEK DEVELOPER FEES AGREE...	0.00	186,000.00	

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
000975	SAFETY AND CONSTRUCTION	02/09/2021	Regular	0.00	287.04	68957
61609-IN	Invoice	12/31/2020	GF-SAFETY GLASSES, GLOVES	0.00	287.04	
002703	SCOTT CONTRACTING	02/09/2021	Regular	0.00	1,809.74	68958
R00073672	Invoice	02/03/2021	UF-HYDRANT METER REFUND/WATER BILL	0.00	1,809.74	
001624	STATE OF COLORADO	02/09/2021	Regular	0.00	2,252.50	68959
12181-21	Invoice	02/02/2021	UF-JAN21 BILL PRINTING-UB	0.00	2,252.50	
002659	TAIT & ASSOCIATES, INC.	02/09/2021	Regular	0.00	42,582.25	68960
137034	Invoice	02/04/2021	AM2020-193 Harrison Ave / 4th St Engineeri...	0.00	42,582.25	
001101	TODD HODGES DESIGN LLC	02/09/2021	Regular	0.00	10,326.25	68961
3292	Invoice	02/04/2021	GF-PLANNING SERVICES 1/18-1/31-PLAN	0.00	10,326.25	
001147	USA BLUE BOOK	02/09/2021	Regular	0.00	130.11	68962
473313	Invoice	02/02/2021	UF-POWDERS AND CHLORINE-W LINES	0.00	130.11	
001149	UTILITY NOTIFICATION CENTER	02/09/2021	Regular	0.00	318.12	68963
221010573	Invoice	02/02/2021	UF-JAN21 LINE LOCATES-W LINES	0.00	318.12	
001156	VERIZON WIRELESS SVCS LLC	02/09/2021	Regular	0.00	4,511.04	68964
9872143595	Invoice	02/03/2021	Verizon Bill	0.00	4,511.04	
001174	WAGNER EQUIPMENT CO.	02/09/2021	Regular	0.00	1,775.36	68965
P00C2328325	Invoice	02/03/2021	Wagner Equipment	0.00	184.80	
P00C2328533	Invoice	02/03/2021	Wagner Equipment	0.00	593.13	
P00C2328534	Invoice	02/03/2021	Wagner Equipment	0.00	214.24	
P00C2328535	Invoice	02/03/2021	Wagner Equipment	0.00	48.43	
P00C2328751	Invoice	02/03/2021	Wagner Equipment	0.00	101.25	
P00C2328944	Invoice	02/03/2021	Wagner Equipment	0.00	308.61	
P00C2328945	Invoice	02/03/2021	Wagner Equipment	0.00	183.36	
P00C2328946	Invoice	02/03/2021	Wagner Equipment	0.00	85.52	
P00C2329179	Invoice	02/03/2021	Wagner Equipment	0.00	263.80	
P00R0465678	Credit Memo	02/03/2021	Wagner Equipment	0.00	-207.78	
001963	WASTE CONNECTIONS OF COLO, INC	02/09/2021	Regular	0.00	1,670.15	68966
1187327 FEB21	Invoice	02/03/2021	Waste Connections	0.00	110.15	
1187330 FEB21	Invoice	02/03/2021	Waste Connections	0.00	284.94	
1187330-02 FEB21	Invoice	02/03/2021	Waste Connections	0.00	465.47	
31172871 FEB21	Invoice	02/02/2021	UF-JAN TRASH SERVICES-ADMIN	0.00	251.56	
31172871 FEB21	Invoice	02/03/2021	Waste Connections	0.00	251.56	
31174336 FEB21	Invoice	02/03/2021	Waste Connections	0.00	159.71	
31174339 FEB21	Invoice	02/03/2021	Waste Connections	0.00	53.38	
31174340 FEB21	Invoice	02/03/2021	Waste Connections	0.00	93.38	
001183	WAXIE SANITARY SUPPLY	02/09/2021	Regular	0.00	1,484.32	68967
79650162	Invoice	02/03/2021	Waxie Sanitary Supply	0.00	70.00	
79743945	Invoice	02/03/2021	Waxie Sanitary Supply	0.00	242.23	
79755362	Invoice	02/03/2021	Waxie Sanitary Supply	0.00	63.64	
79755363	Invoice	02/03/2021	Waxie Sanitary Supply	0.00	31.82	
79764758	Invoice	02/03/2021	Waxie Sanitary Supply	0.00	554.93	
79764759	Invoice	02/03/2021	Waxie Sanitary Supply	0.00	477.04	
79773186	Invoice	02/03/2021	Waxie Sanitary Supply	0.00	44.66	
001189	WELD COUNTY ACCTG DEPART	02/09/2021	Regular	0.00	3,719.15	68968
JAN21	Invoice	02/03/2021	JAN21 FUEL PURCHASES	0.00	3,719.15	
001204	WELD COUNTY TREASURER	02/09/2021	Regular	0.00	69.88	68969
R0369494 2020 T...	Invoice	02/03/2021	GF-SHOOTING RANGE PROPERTY TAXES-MISC	0.00	69.88	
001208	WHITE BEAR ANKELE TANAKA & WALDRON	02/09/2021	Regular	0.00	876.39	68970
14195	Invoice	02/03/2021	GF-JAN21 LEGAL SERVICES/CONSULTING	0.00	876.39	

Check Report

Date Range: 02/03/2021 - 02/16/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
001217	WOHNRADE CIVIL ENGINEERS INC	02/09/2021	Regular	0.00	3,100.00	68971
2109	Invoice	02/02/2021	GF- 9th Street Design- Streets	0.00	3,100.00	
001224	XCEL ENERGY-GAS	02/09/2021	Regular	0.00	2,521.95	68972
5320352370 FEB21	Invoice	02/04/2021	FEB21 GAS BILL	0.00	2,521.95	
000714	LEGACY SCHOOL OF DANCE LLC	02/09/2021	Regular	0.00	665.00	68973
102120	Invoice	10/27/2020	REC-OCT20 CLASSES	0.00	665.00	
001643	PROCEDURE INC	02/09/2021	Regular	0.00	76,138.59	68974
1890	Invoice	12/31/2020	GF-DEC20 BUILDING INSP/PERMITS-BLDG IN...	0.00	37,276.86	
1899	Invoice	02/08/2021	GF-JAN21 BDLG INSP/PERMITS-BLDG INSP	0.00	38,861.73	
000034	ADT SECURITY SYSTEM	02/16/2021	Regular	0.00	116.96	68975
JAN21	Invoice	02/10/2021	SECURITY MONITORING 2/25-3/24	0.00	116.96	
002706	ANGEL TACTICAL	02/16/2021	Regular	0.00	1,690.00	68976
INV0001	Invoice	02/10/2021	GF-CONCEALED CARRY EMPLOYEE TRAINING...	0.00	1,690.00	
002651	COLORADO COMMUNITY MEDIA	02/16/2021	Regular	0.00	540.56	68977
17609	Invoice	02/10/2021	GF-LEGAL PUBLICATIONS	0.00	540.56	
000307	COMCAST CABLE COMM, LLC	02/16/2021	Regular	0.00	541.85	68978
606460116038 JA...	Invoice	02/10/2021	REC-PHONE, CABLE, MUSIC 02/05-03/04	0.00	218.67	
606460124495 JA...	Invoice	02/10/2021	CPR-CABLE SERVICES 1/25-2/24-COM CTR	0.00	150.65	
606460163725 JA...	Invoice	02/04/2021	Comcast Acct 8497 60 646 0163725	0.00	172.53	
001401	DIVISION OF OIL & PUBLIC SAFETY	02/16/2021	Regular	0.00	30.00	68979
I-0014208	Invoice	02/10/2021	CPR-CONVEYANCE CERT 453 FIRST ST-MUSE...	0.00	30.00	
000429	EMPIRE PORTABLE RESTROOMS	02/16/2021	Regular	0.00	583.00	68980
55092	Invoice	02/10/2021	GF-PORTABLE RESTROOMS/SERVICE 2/2-3/1	0.00	583.00	
002674	HAYES POZNANOVIC KORVER, LLC	02/16/2021	Regular	0.00	3,690.00	68981
42088	Invoice	02/10/2021	SWTX-JAN21 LEGAL FEES-WTP	0.00	3,690.00	
002702	JOSHUA CORNELIUS	02/16/2021	Regular	0.00	680.00	68982
1606	Invoice	02/10/2021	REC-TESTING ON WATERSLIDE, REMOVE/RE...	0.00	680.00	
000691	KONE INC	02/16/2021	Regular	0.00	140.80	68983
959779851	Invoice	02/10/2021	REC-JAN21 ELEVATOR MAINTENANCE	0.00	140.80	
000714	LEGACY SCHOOL OF DANCE LLC	02/16/2021	Regular	0.00	560.00	68984
2421	Invoice	02/10/2021	REC-FEBRUARY DANCE CLASSES	0.00	560.00	
000835	NEOGOV	02/16/2021	Regular	0.00	272.50	68985
INV-17911	Invoice	02/10/2021	GF-CANDIDATE TEXT MESSAGEING-HR	0.00	272.50	
000861	NVAA	02/16/2021	Regular	0.00	996.00	68986
2021 WINTER BBA...	Invoice	02/10/2021	CPR-NVAA BASKETBALL DUES-ATHL	0.00	996.00	
000865	OFFICE DEPOT	02/16/2021	Regular	0.00	242.98	68987
152003673001	Invoice	02/10/2021	GF-STAPLER, THERMAL PAPER ROLLS	0.00	13.52	
152937680001	Invoice	02/10/2021	GF-SELF INK STAMPS-COURT	0.00	43.98	
152938519001	Invoice	02/10/2021	GF-TONER/INK-COURT	0.00	94.20	
153610883001	Invoice	02/10/2021	GF-HP952 INK (TO BE RETURNED)-FIN	0.00	91.28	
000869	OPERATIONS MANAGEMENT INT	02/16/2021	Regular	0.00	120,324.80	68988
351230-22-03	Invoice	03/01/2021	UF-MAR21 OMI MONTHLY BILLING	0.00	120,324.80	
000916	PRAIRIE MOUNTAIN MEDIA	02/16/2021	Regular	0.00	30.80	68989
260707	Invoice	02/10/2021	GF-PUBLIC HEARING NOTICE	0.00	30.80	
002265	QUADIENT FINANCE USA INC	02/16/2021	Regular	0.00	600.00	68990
FEB21	Invoice	02/10/2021	GF-JAN21 POSTAGE USED	0.00	600.00	

Check Report

Date Range: 02/03/2021 - 02/16/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
002493	QUADIENT LEASING USA INC	02/16/2021	Regular	0.00	454.80	68991
H8714064	Invoice	02/10/2021	GF-LEASE PAYMENT 12/8/20-3/7/21	0.00	454.80	
001035	STANDARD INSURANCE CO.	02/16/2021	Regular	0.00	11,101.76	68992
00 759761 0001 F...	Invoice	02/01/2021	LI, AD&D, LTD, STD Ins Prem	0.00	5,550.88	
00 759761 0001 J...	Invoice	01/01/2021	LI, AD&D, LTD, STD Ins Prem	0.00	5,550.88	
001126	TYLER TECHNOLOGIES	02/16/2021	Regular	0.00	62.50	68993
25-314104	Invoice	12/31/2020	UF-UB READ FILE UPLOAD-UB	0.00	62.50	
001137	UNITED POWER	02/16/2021	Regular	0.00	33,380.12	68994
10553102 FEB21	Invoice	02/10/2021	United Power	0.00	22.57	
1195501 FEB21	Invoice	02/10/2021	United Power	0.00	1,940.20	
1195603 FEB21	Invoice	02/10/2021	United Power	0.00	235.38	
1196401 FEB21	Invoice	02/10/2021	United Power	0.00	33.82	
1207701 FEB21	Invoice	02/10/2021	United Power	0.00	21.03	
1223101 FEB21	Invoice	02/10/2021	United Power	0.00	20.00	
1240301 FEB21	Invoice	02/10/2021	United Power	0.00	328.88	
1241801 FEB21	Invoice	02/10/2021	United Power	0.00	184.74	
1241903 FEB21	Invoice	02/10/2021	United Power	0.00	112.91	
1276101 FEB21	Invoice	02/10/2021	United Power	0.00	183.69	
1279801 FEB21	Invoice	02/10/2021	United Power	0.00	24.72	
1295501 FEB21	Invoice	02/10/2021	United Power	0.00	66.31	
1296101 FEB21	Invoice	02/10/2021	United Power	0.00	102.92	
1299501 FEB21	Invoice	02/10/2021	United Power	0.00	112.00	
1302801 FEB21	Invoice	02/10/2021	United Power	0.00	1,358.58	
1302901 FEB21	Invoice	02/10/2021	United Power	0.00	180.69	
1316801 FEB21	Invoice	02/10/2021	United Power	0.00	248.97	
1322501 FEB21	Invoice	02/10/2021	United Power	0.00	5,956.64	
1360303 FEB21	Invoice	02/10/2021	United Power	0.00	26.09	
13842400 FEB21	Invoice	02/10/2021	United Power	0.00	46.29	
14427100 FEB21	Invoice	02/10/2021	United Power	0.00	180.89	
15232500 FEB21	Invoice	02/10/2021	United Power	0.00	22.11	
17149700 FEB21	Invoice	02/10/2021	United Power	0.00	62.60	
17761600 FEB21	Invoice	02/10/2021	United Power	0.00	20.00	
17868800 FEB21	Invoice	02/10/2021	United Power	0.00	20.00	
18057500 FEB21	Invoice	02/10/2021	United Power	0.00	640.75	
18498400 FEB21	Invoice	02/10/2021	United Power	0.00	108.39	
18762100 FEB21	Invoice	02/10/2021	United Power	0.00	98.10	
19545100 FEB21	Invoice	02/10/2021	United Power	0.00	788.20	
20040100 FEB21	Invoice	02/10/2021	United Power	0.00	449.46	
21675200 FEB21	Invoice	02/10/2021	United Power	0.00	30.00	
21675300 FEB21	Invoice	02/10/2021	United Power	0.00	30.00	
3399301 FEB21	Invoice	02/10/2021	United Power	0.00	52.13	
6612303 FEB21	Invoice	02/10/2021	United Power	0.00	21.07	
6779701 FEB21	Invoice	02/10/2021	United Power	0.00	5,602.63	
704901 FEB21	Invoice	02/10/2021	United Power	0.00	8,044.92	
7225800 FEB21	Invoice	02/10/2021	United Power	0.00	21.11	
726705 FEB21	Invoice	02/10/2021	United Power	0.00	20.00	
7280200 FEB21	Invoice	02/10/2021	United Power	0.00	22.10	
733101 FEB21	Invoice	02/10/2021	United Power	0.00	358.64	
762901 FEB21	Invoice	02/10/2021	United Power	0.00	257.05	
803908 FEB21	Invoice	02/10/2021	United Power	0.00	4,763.23	
8976200 FEB21	Invoice	02/10/2021	United Power	0.00	560.31	
001183	WAXIE SANITARY SUPPLY	02/16/2021	Regular	0.00	1,158.66	68996
79795502	Invoice	02/10/2021	REC-PURELL HAND SANITIZING SANITATION	0.00	1,158.66	
001191	WELD COUNTY CHIEF'S OF POLICE ASSOC	02/16/2021	Regular	0.00	35.00	68997
2021	Invoice	02/10/2021	GF-MEMBERSHIP RENEWAL FRYAR-PD	0.00	35.00	
001204	WELD COUNTY TREASURER	02/16/2021	Regular	0.00	0.90	68998

Check Report

Date Range: 02/03/2021 - 02/16/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
R8967361 2020	Invoice	02/10/2021	GF-2020 ROW TAXES,DUE2021-MISC	0.00	0.90	
002660	WHITESIDE'S BOOTS AND CLOTHING	02/16/2021	Regular	0.00	1,239.90	68999
369270	Invoice	02/10/2021	GF-UNIFORM PANTS/SAFETY SHOES KEEFOV...	0.00	325.00	
369932	Invoice	02/10/2021	GF-UNIFORM /SAFETY SHOES DAVENPORT-...	0.00	149.99	
370422	Invoice	02/10/2021	GF-UNIFORM PANTS OSWALT-PARKS	0.00	139.97	
370436	Invoice	02/10/2021	GF-UNIFORM PANTS/SAFETY SHOES TRETTE...	0.00	325.00	
370906	Invoice	02/10/2021	GF-UNIFORM PANTS/SAFETY SHOES JENKINS...	0.00	299.94	
001228	YOURMEMBERSHIP.COM INC	02/16/2021	Regular	0.00	129.00	69000
R49368586	Invoice	02/10/2021	GF-RECRUITING LIFEGUARD REC-HR	0.00	129.00	
000432	EMPS	02/03/2021	Bank Draft	0.00	199.30	DFT0001546
FEB21 INTERCHNG	Invoice	02/03/2021	UF-EMPS INTERCHNG CREDIT CARD FEE FOR...	0.00	199.30	
000432	EMPS	02/03/2021	Bank Draft	0.00	1,958.99	DFT0001547
FEB21 DISCOUNT	Invoice	02/03/2021	UF-FEB21 EMPS DISCOUNT CREDIT CARD FEE..	0.00	1,958.99	
000432	EMPS	02/03/2021	Bank Draft	0.00	87.74	DFT0001548
FEB21 CCARD FEE	Invoice	02/03/2021	UF-FEB21 EMPS CREDIT CARD FEE-UB	0.00	87.74	
000309	COMDATA BUSINESSLINK	02/08/2021	Bank Draft	0.00	18,941.61	DFT0001551
GOLF LIMIT PAYM...	Invoice	02/08/2021	GF-OVERLIMIT NOTIFICATION GOLF	0.00	18,941.61	
000119	BANK OF COLORADO	02/12/2021	Bank Draft	0.00	6,335.80	DFT0001553
INV0000933	Invoice	02/12/2021	HSA DISTRIBUTION	0.00	6,335.80	
000119	BANK OF COLORADO	02/12/2021	Bank Draft	0.00	626.45	DFT0001554
INV0000934	Invoice	02/12/2021	HSA DISTRIBUTION	0.00	626.45	
001416	VALIC_1	02/12/2021	Bank Draft	0.00	29,483.17	DFT0001555
INV0000935	Invoice	02/12/2021	VALIC - 457(b) \$ Contributions	0.00	29,483.17	
001265	IRS	02/12/2021	Bank Draft	0.00	46,365.82	DFT0001556
INV0000936	Invoice	02/12/2021	Federal Withholding	0.00	46,365.82	
001418	CO DEPARTMENT OF REVENUE	02/12/2021	Bank Draft	0.00	7,532.08	DFT0001557
INV0000937	Invoice	02/12/2021	CO Withholding	0.00	7,532.08	

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	190	71	0.00	568,781.97
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	9	9	0.00	111,530.96
EFT's	0	0	0.00	0.00
	199	80	0.00	680,312.93

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	229	95	0.00	600,620.20
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	9	9	0.00	111,530.96
EFT's	0	0	0.00	0.00
	238	104	0.00	712,151.16

Fund Summary

Fund	Name	Period	Amount
600	GOLF ENTERPRISE FUND	2/2021	31,838.23
999	POOLED CASH/CONSOLIDATED CASH	2/2021	680,312.93
			712,151.16

<u>Transaction Date</u>	<u>Merchant Name</u>		<u>Net Cost</u>
12/8/2020	LASERFICHE	GF-2021 Training-CITY CLK	\$ 699.00
			\$ 699.00
12/23/2020	HOTSY EQUIPMENT OF NOR	GF-unloader-PW SHOP	\$ 160.00
12/29/2020	EBAY O*19-06320-08041	GF-belt for 1998 New Holland #20-STREETS	\$ 57.63
12/30/2020		UF-flashlight-S LINES	\$ 42.67
12/3/2020	ACE HARDWARE OF FORT L	CEM-parts	\$ 12.80
12/15/2020	ACE HARDWARE OF FORT L	GF-Bolts for signs-STREETS	\$ 14.99
12/16/2020	ACE HARDWARE OF FORT L	UF-pins for tow hitches, cutters for meters-W LINES	\$ 25.97
12/21/2020	ACE HARDWARE OF FORT L	UF-propane for potholes-W LINES	\$ 19.99
12/22/2020	EBAY O*23-06289-94307	GF-air compressor for 1998 New Holland #20-STREETS	\$ 341.62
12/17/2020	ACE HARDWARE OF FORT L	GF-parts-STREETS	\$ 6.99
12/28/2020	ACE HARDWARE OF FORT L	UF-Gloves for sewer jet-S LINES	\$ 59.98
12/11/2020	ACE HARDWARE OF FORT L	GF-streets-STREETS	\$ 17.88
12/8/2020	ACE HARDWARE OF FORT L	GF-propane refill-STREETS	\$ 19.99
12/18/2020	ACE HARDWARE OF FORT L	CEM-rubber boots and lock	\$ 26.58
12/9/2020	SMARTSIGN	GF-traffic signs-STREETS	\$ 233.57
12/30/2020	ASCE PURCHASING	GF-asce membership-STREETS	\$ 280.00
			\$ 1,320.66
12/2/2020	AMZN MKTP US*PF80J3XG3	GF-Amazon - \$39.98 - Apple SE 2020 Cases-Todd_Chris-I	\$ 19.99
12/2/2020	AMZN MKTP US*PF80J3XG3	GF-Amazon - \$55.34 - iPhone SE Case (Anthony G), Laval	\$ 35.35
12/7/2020	AMAZON.COM*PI5T97IS3	GF-(Epson 400-FIN) Terry Barnett-MISC	\$ 329.99
12/8/2020	AMZN MKTP US*XW1E21KK3	GF-Amazon - \$143.85 - iPhone SE & Samsung XCover Pro	\$ 99.95
12/8/2020	AMZN MKTP US*XW1E21KK3	GF-Amazon - \$143.85 - iPhone SE & Samsung XCover Pro	\$ 43.90
12/8/2020	AMZN MKTP US*JQ6UI1RE3	GF-Amazon - \$16.95 Jake Pixel4a Phone Case-IT	\$ 16.95
12/9/2020	AMZN MKTP US*DH47760S3	GF-Amazon - \$39.78 - USB Sound Adapter-IT	\$ 39.78
12/10/2020	AMAZON.COM*7R6CD98I3	GF-Amazon - \$329.99 - Epson ES400 Scanner -LeannPerir	\$ 329.99
12/10/2020	AMZN MKTP US*1E35M2CE3	GF-Amazon - \$34.99 - Virtual Court Mic for Judge-IT	\$ 34.99
12/17/2020	AMZN MKTP US*MK3OL0943	GF-Amazon - \$69.58 - Server Accessories-IT	\$ 15.60
12/17/2020	AMZN MKTP US*MK3OL0943	GF-Amazon - \$69.58 - Server Accessories-IT	\$ 53.98
12/17/2020	AMZN MKTP US*1D4SH2CE3	GF-Amazon - \$53.74 - iPhone Chargers and Charging Cabl	\$ 11.77
12/17/2020	AMZN MKTP US*1D4SH2CE3	GF-Amazon - \$53.74 - iPhone Chargers and Charging Cabl	\$ 41.97
12/20/2020	AMAZON.COM*W69R85PY3	GF-Amazon - \$39.98 - iPhone Cases for Alyssa&Maria-IT	\$ 39.98
12/21/2020	VRSN DOTGOVREGISTRATIO	GF-DotGov - \$400.00 -Fortluptonco.gov registration-IT	\$ 400.00
12/27/2020	AMAZON.COM*V67E17OY3	GF-Amazon - \$55.34 - iPhone SE Case (Anthony G), Laval	\$ 19.99
12/27/2020	AMAZON.COM*V67E17OY3	GF-Amazon - \$39.98 - Apple SE 2020 Cases-Todd_Chris-I	\$ 19.99
12/2/2020	APPLE.COM/BILL	GF-microsoft subscription	\$ 9.99
12/18/2020	APPLE.COM/BILL	GF-apple storage	\$ 2.99
12/30/2020	BENS BRICK OVEN PIZZA	GF-lunch meeting w/sheriff reams	\$ 17.52

			\$	1,584.67
12/16/2020	SAFEWAY #2666	GF-gift cards-COURT	\$	1.25
12/16/2020	SAFEWAY #2666	GF-gift cards-COURT	\$	1.25
12/16/2020	SAFEWAY #2666	GF-supplies-COURT	\$	3.99
12/16/2020	SAFEWAY #2666	GF-supplies-COURT	\$	2.99
12/16/2020	SAFEWAY #2666	GF-gift cards-COURT	\$	47.99
12/16/2020	WM SUPERCENTER #5051	GF-christmas supplies-COURT	\$	31.93
12/17/2020	WALGREENS #2086	GF-supplies-COURT	\$	6.43
12/28/2020	OFFICE DEPOT #2161	GF-supplies-COURT	\$	14.99
12/28/2020	OFFICE DEPOT #2161	GF-supplies-COURT	\$	38.99
12/28/2020	OFFICE DEPOT #2161	GF-supplies-COURT	\$	3.25
12/29/2020	AMZN MKTP US*0G8IA9AM3	GF-closed stamp-COURT	\$	9.98
12/29/2020	AMZN MKTP US*522UO1NR3	GF-desk converter-COURT	\$	129.99
			\$	293.03
12/5/2020	STAPLES 00114348	GF-COVID-19 GRANT RECORD STORAGE BOXES-MISC	\$	13.99
12/5/2020	STAPLES 00114348	GF-COVID-19 GRANT RECORD STORAGE BOXES-MISC	\$	13.99
12/7/2020	SMK*SURVEYMONKEY.COM	GF-SUBSCRIPTION TO SURVEY EMPLOYEES	\$	384.00
12/23/2020	AMAZON.COM*879G55E63 A	GF- DIGITAL MOBILE TRUN	\$	389.99
12/19/2020	AMAZON.COM*OI0F45HG3	GF-2021 Day Planner-Finance-FIN	\$	15.87
12/19/2020	AMAZON.COM*OI0F45HG3	GF-2021 Pocket Planner Pass Through	\$	8.73
12/20/2020	AMZN MKTP US*8L9BB2X73	GF-Mouse Pad & Wrist Support-Finance-FIN	\$	21.98
			\$	848.55
12/1/2020	INDEED	GF-Online advertising for open positions-HR	\$	482.99
12/2/2020	FORT LUPTON PACK AND S	GF-Overnight package for litigation-HR	\$	14.71
12/2/2020	AMZN MKTP US*W990M7MM3	GF-supplies for home office-MISC	\$	19.98
12/2/2020	AMZN MKTP US*W990M7MM3	GF-supplies for home office-MISC	\$	35.69
12/8/2020	NORTHERN COLORADO HUMA	GF-staff development and learning -HR	\$	15.00
12/16/2020	NORTHERN COLORADO HUMA	GF-staff development and learning -HR	\$	15.00
			\$	583.37
12/2/2020	ACE HARDWARE OF FORT L	REC-metal tape	\$	19.98
12/4/2020	THE HOME DEPOT #1547	REC-4' t-8 cool bulbs	\$	59.81
12/10/2020	ACE HARDWARE OF FORT L	REC-fluor lamp bi-pin	\$	7.18
12/10/2020	ACE HARDWARE OF FORT L	REC-mice bait	\$	17.98
12/10/2020	ACE HARDWARE OF FORT L	REC-bulbs t-8 24"	\$	17.98
12/15/2020	O'REILLY AUTO PARTS 44	REC-5a fuses	\$	4.29
12/15/2020	GEORGE T SANDERS 11	REC-urinal flush valve	\$	65.85
12/18/2020	ACE HARDWARE OF FORT L	REC-machine cleaner 3pk	\$	9.98
12/30/2020	O'REILLY AUTO PARTS 44	REC-battery charger	\$	82.99
12/9/2020	ACE HARDWARE OF FORT L	REC-grease gun	\$	33.97

12/14/2020	BRIGHTON FORD	CPR-transit van repair-SENIORS	\$	417.10
12/17/2020	ACE HARDWARE OF FORT L	REC-keys	\$	11.96
12/21/2020	ACE HARDWARE OF FORT L	REC-ratchet strap	\$	39.98
12/22/2020	ACE HARDWARE OF FORT L	REC-batteries	\$	7.99
12/29/2020	CES 486	REC-pool LED light fixture	\$	270.87
12/29/2020	AMAZON.COM*WV34D8R23	GF-battery quick-jump-FAC	\$	199.95
12/29/2020	WHITESIDES BOOTS AND C	GF-jackets-FAC	\$	199.98
12/29/2020	ULINE *SHIP SUPPLIES	GF-chair-MISC	\$	235.00
12/29/2020	ULINE *SHIP SUPPLIES	GF-chair shipping-MISC	\$	45.42
12/30/2020		CPR-container lock-COMM CTR	\$	36.82
12/2/2020	GREEN CO2 SYSTEMS	REC-pool chemicals	\$	157.50
12/2/2020	GREEN CO2 SYSTEMS	REC-pool services	\$	153.94
12/10/2020	ACE HARDWARE OF FORT L	GF-gloves for work-PARKS	\$	29.98
12/17/2020	O'REILLY AUTO PARTS 44	GF-parts for mower-PARKS	\$	7.47
12/18/2020	ACE HARDWARE OF FORT L	GF-paint for mower-PARKS	\$	10.34
12/30/2020	O'REILLY AUTO PARTS 44	GF-parts for mower-PARKS	\$	9.60
12/4/2020	AMZN MKTP US*O42I88ZB3	GF-calendar for jordan-PRO SHOP	\$	27.73
12/7/2020	CO DRIVER SRVS ONLINE	GF-license renewal-PARKS	\$	18.23
12/10/2020	ACE HARDWARE OF FORT L	GF-parts for shop-PARKS	\$	3.58
12/15/2020	R AND M SERVICES LLC	GF-truck oil change-PARKS	\$	68.62
12/22/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	43.53
12/4/2020	USPS PO 0732220392	REC-box	\$	3.29
12/4/2020	USPS PO 0732220392	REC-shipping	\$	10.90
12/28/2020	GOLF SPORT SOLUTIONS L	CPR-chalk for fields-ATHL	\$	215.00
12/29/2020	NEVCO SPORTS	REC-scoreboar repair	\$	206.51
12/1/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	6.76
12/1/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	10.14
12/1/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	10.14
12/1/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	15.21
12/1/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	(33.21)
12/1/2020	ACE HARDWARE OF FORT L	GF-office supply-PARKS	\$	26.97
12/4/2020	ACE HARDWARE OF FORT L	GF-shop supply-PARKS	\$	53.39
12/8/2020	PHILLIPS 66 - FT LUPTO	GF-fuel-PARKS	\$	17.51
12/10/2020	ACE HARDWARE OF FORT L	GF-light storage-PARKS	\$	45.36
12/18/2020	ACE HARDWARE OF FORT L	GF-paint for shop-PARKS	\$	28.74
12/22/2020	ACE HARDWARE OF FORT L	GF-cleaning supply-PARKS	\$	19.58
12/22/2020	ACE HARDWARE OF FORT L	GF-break room supply-PARKS	\$	6.99
12/28/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	(14.99)
12/28/2020	SAFEWAY #1045	GF-shop supply-PARKS	\$	29.98

12/28/2020	SAFEWAY #1045	GF-shop supply-PARKS	\$	14.99
12/28/2020	SAFEWAY #1045	GF-shop supply-PARKS	\$	1.20
12/17/2020	SAMS CLUB #4987	CPR-Twilight Dinner -SENIORS	\$	371.70
12/2/2020	THE TORO COMPANY	GF-irrigation tech support payment-MAINT	\$	212.00
12/16/2020	METAL DISTRIBUTORS	GF-posts for course signage-MAINT	\$	738.74
12/18/2020	AMZN MKTP US*IE1PI5K63	GF-auger for sign install-MAINT	\$	269.00
12/22/2020	AMZN MKTP US*C952I9SN3	GF-metal setup for signage-MAINT	\$	191.20
12/22/2020	AMZN MKTP US*C952I9SN3	GF-wire tracer-MAINT	\$	109.74
12/28/2020	RMGCSA	GF-mcnay rmgcsa membership-MAINT	\$	170.00
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	2,720.00
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	651.25
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	414.22
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	1,794.82
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	1,920.00
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	506.10
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	620.30
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	120.00
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	990.00
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	147.00
12/17/2020	IN *OFFICE FURNITURE E	GF-City Hall cubicle upgrade-FAC	\$	(4,941.85)
12/30/2020		GF-Sit/Stand ergonomic electric standing desk-FAC	\$	299.99
12/1/2020	AMZN MKTP US*9E3II8F83	GF-office supply-PARKS	\$	650.00
12/1/2020	WM SUPERCENTER #1659	GF-break room supply-PARKS	\$	213.70
12/4/2020	THE HOME DEPOT #1547	GF-office supply-PARKS	\$	62.98
12/4/2020	THE HOME DEPOT #1547	GF-office supply-PARKS	\$	6.08
12/8/2020	THE HOME DEPOT #1552	GF-shop supply-PARKS	\$	149.00
12/8/2020	SHERWIN WILLIAMS 70756	GF-paint for fence-PARKS	\$	337.50
12/8/2020	SHERWIN WILLIAMS 70756	GF-paint for fence-PARKS	\$	3.20
12/8/2020	SHERWIN WILLIAMS 70756	GF-paint for fence-PARKS	\$	22.15
12/9/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	9.99
12/9/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	0.40
12/14/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	5.49
12/14/2020	SAFEWAY #1045	GF-break room supply-PARKS	\$	0.22
12/17/2020	AMZN MKTP US*RW3SC5E33	GF-office supply-PARKS	\$	24.98
12/17/2020	FIVE GUYS CO 0407 QSR	GF-travel/lunch-PARKS	\$	25.59
12/21/2020	FASTSIGNS OF LONGMONT	GF-parks rules signs-PARKS	\$	254.10
12/21/2020	THE HOME DEPOT #1552	GF-break room maintenace-PARKS	\$	18.98
12/21/2020	THE HOME DEPOT #1552	GF-break room maintenace-PARKS	\$	18.98
12/21/2020	THE HOME DEPOT #1552	GF-break room maintenace-PARKS	\$	18.98

12/21/2020	THE HOME DEPOT #1552	GF-break room maintenace-PARKS	\$	18.98
12/21/2020	THE HOME DEPOT #1552	GF-break room maintenace-PARKS	\$	18.98
12/21/2020	THE HOME DEPOT #1552	GF-break room maintenace-PARKS	\$	8.24
12/23/2020	AMZN MKTP US*PN3BS7Y13	GF-tool-PARKS	\$	89.95
12/28/2020	SMARTLINK	GF-irrigation- no reciept-PARKS	\$	20.00
12/28/2020	SMARTLINK	GF-irrigation- no reciept-PARKS	\$	20.00
12/28/2020	SMARTLINK	GF-irrigation- no reciept-PARKS	\$	20.00
12/1/2020	HOBBY-LOBBY #0018	CPR-tissue paper for awards-COMM CTR	\$	4.98
12/3/2020	CROWN AWARDS INC	CPR-Tax credit-COMM CTR	\$	(0.74)
12/3/2020	K & K LASER CREATIONS	CPR-plaques for event sponsors-COMM CTR	\$	522.00
12/4/2020	WAL-MART #1659	GF-winterfest bags-TRAPPER DAYS	\$	37.08
12/10/2020	BUILDASIGN.COM	GF-refund-TRAPPER DAYS	\$	(35.18)
12/14/2020	DOLLARTREE	GF-wrapping supplies for awardsTRAPPER DAYS	\$	15.00
12/15/2020	WALMART.COM	CPR-photo processing FOH-COMM CTR	\$	44.92
12/18/2020	SIGNS.COM	GF-permanent signs for Rec-TRAPPER DAYS	\$	93.91
12/18/2020	SIGNS.COM	GF-tax that should not have been charged-TRAPPER DAY\$	\$	3.91
12/19/2020	CANVA* 02909-10061584	GF-Art work subscription-TRAPPER DAYS	\$	25.90
12/28/2020	REVELATION STEEL LLC	GF-steel for frames to hold banners-TRAPPER DAYS	\$	532.13
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	2.07
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	9.87
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	19.74
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	2.49
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	23.92
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	13.74
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	0.25
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	11.88
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	17.88
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	59.85
12/18/2020	SAFEWAY #1045	CPR-food twilight-SENIORS	\$	11.98
12/18/2020	SAFEWAY #1045	CPR-food twilight credit-SENIORS	\$	(73.35)
12/30/2020		GF-photo backdropTRAPPER DAYS	\$	45.47
12/7/2020	MOTION PICTURE ECOMMER	REC-Licenses	\$	587.21
12/9/2020	SUMMITBODYWORKS	GOLF-signs for thin ice-PRO SHOP	\$	251.06
12/9/2020	SUMMITBODYWORKS	GOLF-signs for homeowners-PRO SHOP	\$	912.46
12/9/2020	SUMMITBODYWORKS	GOLF-signs for trespassing and food-PRO SHOP	\$	674.26
12/22/2020	AMZN MKTP US*WP2DK2BM3	GOLF-monitor stand tylers desk-PRO SHOP	\$	32.49
12/22/2020	AMAZON.COM*1Z40F1E43	GOLF-hardware for bathroom-PRO SHOP	\$	105.66
12/29/2020	AMZN MKTP US*3Q5B09XY3	GOLF-mirror in bathroom-PRO SHOP	\$	139.90
12/30/2020		GOLF-parts for safe keypad-PRO SHOP	\$	244.40

11/30/2020	SAFEWAY FUEL1045	GF-fuel-PARKS	\$	7.45
12/18/2020	R AND M SERVICES LLC	GF-vehicle maintenance-PARKS	\$	60.63
12/21/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	2.99
12/21/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	23.92
12/21/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	2.99
12/21/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	56,825.79
12/21/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	18.76
12/21/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	14.07
12/21/2020	SAFEWAY #1045	GF-lunch-PARKS	\$	(56,833.06)
12/21/2020	ACE HARDWARE OF FORT L	GF-break room maintenace-PARKS	\$	3.99
12/2/2020	NULEAF OFFICE SOLUTION	REC-tilex	\$	60.19
12/2/2020	SAMS CLUB #4987	REC-sams club membership	\$	100.00
12/2/2020	SAMS CLUB #4987	CPR-oixclean-COMM CTR	\$	13.18
12/2/2020	SAMS CLUB #4987	REC-3 oz cups	\$	47.88
12/3/2020	STAPLES DIRECT	REC-calendar	\$	29.95
12/3/2020	STAPLES DIRECT	REC-calendar	\$	27.89
12/3/2020	STAPLES DIRECT	REC-calendar	\$	(20.00)
12/4/2020	SAMS CLUB #4745	CPR-dawn soap-COMM CTR	\$	9.98
12/4/2020	SAMS CLUB #4745	REC-pine sol, disinfecting wipes	\$	12.67
12/5/2020	SAMS CLUB #4987	REC-pine sol, disinfecting wipes	\$	29.00
12/10/2020	QUILL CORPORATION	REC-calendar	\$	4.99
12/12/2020	QUILL CORPORATION	CPR-dvd's-COMM CTR	\$	16.20
12/14/2020	SAMS CLUB #4987	REC-clocks	\$	23.46
12/14/2020	SAMS CLUB #4987	CPR-bags & file folders-COMM CTR	\$	33.76
12/15/2020	STAMPS.COM	REC-monthly fee	\$	17.99
12/28/2020	SAMSClub #6630	CPR-dish rack-COMM CTR	\$	14.48
12/28/2020	SAMSClub #6630	CPR-clorox wipes-COMM CTR	\$	21.98
12/30/2020	R AND L TIRES	GF-TIRE REPAIR-MAINT	\$	17.00
			\$	17,238.01
11/30/2020	WM SUPERCENTER #1659	GF-vehicle maintenance-PD	\$	102.62
12/2/2020	ACE HARDWARE OF FORT L	GF-supp-PD	\$	8.97
12/7/2020	BRIGHTON MOBILE LOCK &	GF-supplies-PD	\$	12.48
12/7/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	2.05
12/9/2020	WALGREENS #6344	GF-supplies-PD	\$	0.85
12/14/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	5.80
12/17/2020	GAS EXPRESS 4	GF-fuel-COMM SVCS	\$	81.81
12/18/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	4.60
12/18/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	4.60
12/18/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	4.60

12/18/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	3.80
12/18/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	4.60
12/18/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	5.80
12/18/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	5.80
12/28/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	4.60
12/29/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	5.80
12/29/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	5.80
12/29/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	5.80
12/6/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	22.87
12/15/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	27.06
12/22/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	25.52
12/27/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	22.00
12/29/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	23.23
12/28/2020	USPS PO 0732220392	GF-postage-COMM SVCS	\$	4.60
12/17/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	50.00
12/19/2020	CIRCLE K # 44109	GF-fuel-PD	\$	30.01
12/26/2020	CIRCLE K # 44109	GF-fuel-PD	\$	35.61
12/2/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	28.30
12/9/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	29.57
12/21/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	16.09
12/23/2020	CIRCLE K # 44109	GF-fuel-PD	\$	27.00
12/30/2020	CIRCLE K # 44109	GF-fuel-PD	\$	22.06
11/29/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	41.66
12/18/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	54.27
12/3/2020	DEPUTY.COM	GF-deputy services-PD	\$	57.50
12/8/2020	BLUE TO GOLD, LLC	GF-training-PD	\$	159.00
12/9/2020	AMZN MKTP US*AB3U51Y33	GF-training-PD	\$	58.29
12/9/2020	AMZN MKTP US*AB3U51Y33	GF-training-PD	\$	0.01
12/14/2020	PHILLIPS 66 - SEI 3835	GF-fuel-PD	\$	38.00
12/1/2020	STUB GAS & OIL	GF-fuel-PD	\$	47.82
12/2/2020	TLO TRANSUNION	GF-credit services-PD	\$	50.00
12/11/2020	AMERICAN RED CROSS	GF-first aid/cpr-PD	\$	90.00
12/19/2020	AMZN MKTP US*I74DJ6A93	GF-laptop webcam-PD	\$	69.99
12/20/2020	AMAZON.COM*8D4278VA3 A	GF-usb3 extension cable-PD	\$	14.98
12/28/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	44.83
12/5/2020	FORT LUPTON CAR WASH	GF-car wash-PD	\$	9.00
12/4/2020	OFFICE DEPOT #1080	GF-calendars-PD	\$	17.99
12/4/2020	OFFICE DEPOT #1080	GF-calendar-PD	\$	11.98
12/4/2020	OFFICE DEPOT #1080	GF-calendar-PD	\$	13.51

12/4/2020	OFFICE DEPOT #1080	GF-calendar-PD	\$	3.00
12/9/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	31.22
12/2/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	33.61
12/2/2020	THE NORTH STATION	GF-fuel-PD	\$	5.00
12/9/2020	CONOCO - SEI 41243	GF-fuel-PD	\$	32.49
12/10/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	27.59
12/13/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	34.28
12/24/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	34.42
12/26/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	42.34
12/28/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	40.00
12/30/2020	CIRCLE K # 44109	GF-fuel-PD	\$	29.58
12/18/2020	CONOCO - CONOCO FAST B	GF-fuel-PD	\$	34.47
12/20/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	49.88
12/27/2020	SAFEWAY FUEL1045	GF-fuel-PD	\$	21.68
			\$	1,832.69
12/15/2020	PAYPAL *GEOSPATIAL TRA	GF-software subsription-PLAN	\$	479.00
			\$	479.00
			\$	24,878.98

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 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, February 2, 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 Chris Ceretto, David Crespín, Michael Sanchez, and Bruce Fitzgerald. Councilmember Tommy Holton participated remotely through GoToWebinar.

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

Assistant City Administrator, Glenda Aretxuloeta, and City Planners Maria Lancto and Alyssa Knutson participated remotely through GoToWebinar.

Mayor Stieber read the general advisement for connected meetings.

PERSONS TO ADDRESS COUNCIL

There was no one to address the public.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the February 2, 2021 payables; there were no questions or comments from the Mayor or Council.

APPROVAL OF AGENDA

It was moved by David Crespín and seconded by Michael Sanchez to approve the Agenda as presented. Motion passed unanimously on roll call vote.

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve the Consent Agenda as presented with the following items: 01192021 City Council Meeting Minutes, 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, Approving Resolution 2021R012 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 (AM 2021-016), Approving the Quadient Postage Machines Lease Agreement for \$144.53 a Month for 60 Months to be Paid

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 2021**

from the General Fund (AM 2021-017). Motion passed unanimously on roll call vote.

PUBLIC HEARINGS

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

Mayor Stieber read the following advisement to Len and Sherry Toews: You understand that members of the City Council may be appearing tonight via a virtual connection and may not be appearing in person? You consent to the applicable member voting on your submittal even though said member is not present in person? You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct? Mr. and Mrs. Toews replied yes, to all questions.

Mayor Stieber opened the public hearing at 7:07 p.m. and asked for a brief description of the proposal.

The City Planner, Maria Lancto, stated the Applicants, Leonard Toews and Sherri Toews 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 (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. Ms. Lancto also stated that any future development proposals would need to come before Council. There was a change on the Annexation Agreement allowing for an accessory building to be in excess of the 1000 square feet that is limited in the Agricultural Zone District. Another change in the agreement would allow the owner to maintain rights to the well. Mr. Toews could voluntarily transfer the well to the City and at the City's option. The language protects easements and maintenance if this were to happen. The word "future" was also added before the word development to state "future development". All notification requirements have been met including posting, mailings and notices to surrounding property owners.

Mayor Stieber asked which buildings may be on the right of way, as noted on the county referral. The Planning Director, Todd Hodges, stated that this question is more appropriate at time of development. Currently there are no conditions because there's no changes at this time.

Mr. Len Toews stated that the property is located at County Road 23, and is an arterial road on the western border of the city limits.

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

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 2021**

Doug Schmotzer, owns the property at 5962 County Road 23 and asked why the annexation. Mr. Toews stated that he is annexing for potential development.

Mayor Stieber asked Councilmember Tommy Holton if he was able to hear and see the entire presentation. Councilmembers Tommy Holton, responded 'yes'.

Mayor Stieber read the following advisement to Mr. Len and Mrs. Sherri Toews: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Both Mr. Toews and Mrs. Toews responded 'yes'. Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so? Mr. and Mrs. Toews responded 'no'.

Mayor Stieber closed the public hearing at 7:15 p.m.

It was moved by Bruce Fitzgerald and seconded by David Crespino to adopt ORDINANCE 2021-1104 ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT "A" KNOWN AS THE TOEWS ANNEXATION AND APPROVING THE ANNEXATION AGREEMENT. Motion passed unanimously on roll call vote.

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

Mayor Stieber opened the public hearing at 7:16 p.m.

The City Planner, Maria Lancto stated that 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 (the "Property"). This request is to initially zone the property included within that Annexation. All notification requirements have been met.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing.

Mayor Stieber read the following advisement to Mr. and Mrs. Toews: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Mr. and Mrs. Toews responded 'yes'. Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so? Mr. and Mrs. Toews responded 'no'.

Mayor Stieber closed the public hearing at 7:19 p.m.

It was moved by Tommy Holton and seconded by David Crespino to adopt ORDINANCE 2021-

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 2021

1105 INITIALLY ZONING LAND KNOWN AS THE TOEWS INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE 'A' AGRICULTURAL ZONE DISTRICT. Motion passed unanimously on roll call vote.

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

Mayor Stieber read the following advisement to Brad Piede with Denver Water: You understand that members of the City Council may be appearing tonight via a virtual connection and may not be appearing in person? You consent to the applicable member voting on your submittal even though said member is not present in person? You understand that the Applicant has a right to continue this public hearing to such a date to allow a full in person public hearing? You have agreed to voluntarily waive that right on behalf of the Applicant by proceeding tonight electronically, is that correct? On behalf of the Applicant, you have voluntarily signed and submitted the written waiver and consent to proceed electronically tonight, correct? Therefore, on behalf of the Applicant, you waive Applicant's right to proceed in an in person public hearing and have consented to proceed forward voluntarily tonight in this virtual City Council meeting, is that correct? Mr. Piede replied yes, to all questions.

Mayor Stieber opened the public hearing at 7:22 p.m.

The City Planner, Alyssa Knutson, stated 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.

Mr. Piede provided a presentation to the Council. The presentation included a background of the Lupton Lakes Inlet/Outlet Facility Project. The project is specific to the inlet/outlet structure in the river and the outlet to the cells. The pump house is a project that is about 10 years out and is not a part of this. Mr. Piede listed the project permitting included permits from Colorado Department of Public Health and Environment, Division of Reclamation of Mine Safety, Department of Transportation, US Army Corps of Engineers, and the City of Fort Lupton. Mr. Piede presentation also provided reasons for the project siting that with the development in the

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 2021**

area and reservoir under construction, Denver Water had options against competing development of road expansion and bridge modification, the City of Aurora Prairie Waters Development, sand and gravel mine expansion, oil and gas conflicts, and right of way utilities.

Mayor Stieber asked about noise from the pump station and if it required a permit. Mr. Piede replied that it did require a permit and that not much noise, if would come from the pump.

Mr. Piede stated that the project, if approved, would begin this month and is expected to finish by the end of 2021.

The Planning Director, Todd Hodges stated that the original pump station was part of the original mining permit. This is a separate special use permit for the pipeline.

Mayor Stieber read the following advisement to Mr. Piede: Have you had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of the Applicant's application before the City Council tonight? Mr. Piede responded 'yes'. Has there been anything that you or the Applicant would have liked to have presented in support of Applicant's application that you feel you were prevented from doing so? Mr. Piede responded 'no'.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:34 p.m.

It was moved by Bruce Fitzgerald and seconded by Chris Ceretto to approve Resolution 2020R013 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. Motion passed unanimously on roll call vote.

ACTION AGENDA

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

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

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 2021**

application includes an initial zoning request to the 'A' Agriculture Zone District.

It was moved by Chris Ceretto seconded by David Crespin to approve 2021R014 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. Motion passed unanimously on roll call vote.

AM 2021-022 Agreement on Development Fee Settlement with Rowley Downs Land Company (RDLC)

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

It was moved by David Crespin and seconded by Michael Sanchez to approve the agreement on the Development Fee Settlement with Rowley Downs Land (RDLC). Motion passed unanimously on roll call vote.

STAFF

The City Administrator stated that the water slide stairs at the recreation center swimming pool has been replaced.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY 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.

EXECUTIVE SESSION

It was moved by Tommy Holton and seconded by Chris Ceretto to move to 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

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
February 2, 2021

business" Motion passed unanimously on roll call vote.

The following entered into the Executive Session at 7:44 p.m.: Mayor Stieber, Councilmembers Bruce Fitzgerald, Chris Ceretto Michael Sanchez and David Crespin. Councilmember Tommy Holton continued participation by phone. Also City Administrator, Chris Cross, and City Attorney, Andy Ausmus.

The executive session ended at 8:13 p.m. and the regular meeting reconvened at 8:14 p.m.

ADJOURNMENT

Mayor Stieber adjourned the meeting at 8:14 p.m.

Respectfully Submitted,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

The City Council Meeting was followed by a Town Hall Meeting/Work Session to discuss WWTP Upgrade.

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

REPAIRS FOR OUTFALL PIPES AND VALVE AT THE WATER TREATMENT PLANT BY VELOCITY PLANT SERVICES AND INTERMOUNTAIN CONTROLS FOR AN AMOUNT NOT TO EXCEED \$27,600.00

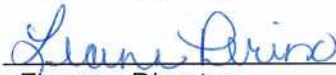
I. Agenda Date: Council Meeting – February 16, 2021

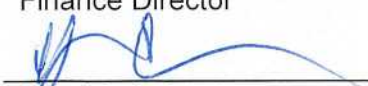
II. Attachments: a. Velocity Plant Services quote
b. Intermountain Controls Quote

III. Summary Statement:

The Water Treatment Plant has had intermittent failures in the Outfall Valve from the Plant over the last several months. This AM is to replace the failing valve and electric actuator and to replace corroded pipe adjacent to the valve. Velocity Plant Services Option A quote for \$23,570.00 is recommended. Intermountain Control quote for \$3,937.00 for valve and actuator is recommended.

IV. Submitted by: Jon Mays
WWTP Supervisor

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 Outfall Valve at the Water Treatment Plant controls levels in our clearwell and allows water to flow to the Distribution system for the City. When the valve has failed it either fail closed and overflows the clear well. This wastes water. It has also failed open which empties the clear well and stops all flow to Hudson. Staff has been able to manipulate the valve and get it operating again but it requires a call out after hours. This project will replace the valve and the electric actuator for it. The pipes and fittings surrounding the valve are over 20 years old and are corroded. This project would replace the adjacent pipes and fittings also. The adjacent pipe was not restrained when originally installed. The new fittings and pipe will be restrained so failure is much less likely. Velocity Plant Services has performed other work for the City and has performed well. Intermountain Valve is the local supplier for Bray valves. They have supplied many valves for the Water Treatment Plant.

X. Legal/Political Considerations:

XI. Alternatives/Options:

The Valve is failing intermittently. Staff has been able to get it to operate again after failure but eventually it will fail and staff will not be able to get it operating again. If this was to happen in Summer, it could be disastrous and we could run out of Potable water.

XII. Financial Considerations:

The Utility Fund has \$50,000 budgeted for facility maintenance and repair at the waste water treatment plant. These funds can be allocated for this expenditure.

XIII. Staff Recommendation:

Staff recommends authorizing repairs to the valve and surrounding pipes.



January 29, 2021

City of Ft Lupton
130 S McKinley Ave.
Ft Lupton, CO

RE: WTP “Ft Lupton Valve” replacement
Attn: Josh Escalle- JACOBS ; cc: Jon Mays- JACOBS

Mr. Escalle,

Per our discussion and site visit of January 19, Velocity Plant Services has developed the following recommendations and scope of work. VPS strongly recommends replacing fittings from wall to Flex coupling due to severe corrosion of existing parts. 2 options below give owner the option to reuse fittings in option 2 and replace fittings per VPS recommendations in option 1.

Option 1 – Replace fittings and pipe from west wall through flex coupling.

1. All work to be performed to be performed to OSHA standards for safety in confined space and site policies for social distancing.
2. Mobilization and demobilization of crews and equipment.
3. Remove grates and supports to access valve and pipe locations.
4. Treat wall pipe penetration for removal of existing pipe and fittings. Condition of wall pipe is not guaranteed and wall pipe is excluded from this proposal.
5. Remove all pipe and fittings from west wall through flex coupling downstream of valve. Dispose of fittings.
6. Install new 20" valve with actuator and flex coupling that will be supplied by the owner, using Stainless steel bolts and nuts with new gaskets.
7. Provide and install new DIP fittings from the west wall to the new valve using stainless steel bolts and nuts with new gaskets.
8. Provide and install new 20" saddle and brass fittings between pipe and ARV. Reuse existing ARV pot.
9. Paint exterior of all new pipe and fittings.
10. Reinstall grate and support below hatch.
11. Assist in refilling line and check for leaks.
12. Clean up VPS work site.

Option 1 Total	\$23,570.00
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Continued



Option 2 – Reuse fittings

1. All work to be performed to OSHA standards for safety in confined space and site policies in place for social distancing.
2. Mobilization and demobilization of crews and equipment.
3. Remove grate and supports to access valve location.
4. Remove existing 20" valve and flex coupling and dray to owner for disposal.
5. Install new 20" valve with actuator and flex coupling that will be supplied by owner, using Stainless steel bolts and nuts with new gaskets.
6. Paint exterior of valve and flex coupling flanges.
7. Reinstall grate and supports below hatch.
8. Assist in refilling line and check for leaks.
9. Clean up VPS work site.

Option 2 Total \$9,498.00

All pipe joints install by VPS will be either flanged or approved means of restraint will be placed to ensure protections against pipe slippage.

Velocity Plant Services specifically excludes removal or replacement of the wall pipe at the west wall penetration in both options above. If the wall pipe cannot be salvaged and reused extra charges will be determined and added to the contract amount. Additional exclusions to both options are all engineering services, permits, Bonds, Davis-Bacon wages, electrical work, supply of valve and actuator and flex coupling, and any other item of work not detailed above.

We are looking forward to making these very important updates to the valve vault piping and BFV. Our scope will help protect Ft. Lupton from unexpected loss of service to the City and bring degraded materials to usable condition.

If you have questions, please contact me.

Respectfully,

Dan Hart

Dan Hart
Director of Business Development

Please NOTE: The pricing presented within this offer may have been developed by Velocity Plant Services utilizing proprietary information based on site visits & design work developed by VPS. The reuse of this information- drawings, schematics, photographs, specification sheets, cut sheets, sketches, and any other written or published materials- is allowed in consideration of \$1,500.00, or 10% of the proposal price, whichever is greater. This fee will be waived in the event that VPS is chosen to perform the work.



Intermountain Controls Nichols-Given

Quote QQ-2065377-00
Date 2/1/2021

Company City of Fort Lupton
Name Josh Escalle
Email joshua.escalle@jacobs.com
Phone

Sales Rep Jeff Fugate
Email jeff.fugate@icontrolsng.com
Phone +1 970 692 1105

Quote Ref 20" Replacement Valve

Prepared By TJ Hamblen
Email tj.hamblen@icontrolsng.com
Phone +1 303 322 7979,2054

Line No	Product Details	Qty	Unit Price	Line Total	Delivery
1	Part Number ASSEMBLY 20" BRAY SERIES 30-119 WAFER BUTTERFLY VALVE Pressure Rating: 150 PSI Body: Cast Iron, Polyester Coated Disc: Nylon 11 Coated Ductile Iron Stem: 416 Stainless Steel Seat: EPDM (Black) w/BRAY SERIES 70-1816/B ELECTRIC ACTUATOR 18000in/lb Output Torque Power Supply: 120VAC; NEMA 4,4X Enclosure Function: Modulating, 4-20 mA Input Fail in Place on Power Loss w/Declutchable Manual Override Handwheel Assembly Includes Automatic Power Cutout Switch w/Two (2) Independent Dry-Contact SPDT Auxiliary Switches For Remote Indication of Travel Positions to Control Systems w/SERVO NXT Input Signal: Configurable 4-20mA 0-10VDC 0-5VDC 2-10VDC Output: Configurable 4-20mA 0-10VDC 0-5VDC	1	\$3,937.00	\$3,937.00	2-3 Week(s)
1.01	Part Number 302000-11010119 S30 20" CI,NDI,416,EPDM"	1			
1.02	Part Number 7070G0-22600536 S70 ADAPTER KIT-70G0	1			
1.03	Part Number 701816-113G0536/F ACT,120V N4,18K,110S,1.97,NXT	1			
Total Price: (USD)				\$3,937.00	

Terms Notes

All deliveries subject to prior sales
 Seller's acceptance of this Order is expressly limited to, and expressly conditional on, Buyer's
 Acceptance of Seller's standard terms and conditions attached and available at
<https://www.bray.com/sales-terms-and-conditions>. Seller objects to any different or additional terms.



Intermountain Controls
Nichols-Given

Quote QQ-2065377-00
Date 2/1/2021

BRAY INTERNATIONAL TERMS AND CONDITIONS OF SALE

1. APPLICABILITY. These terms and conditions of sale (these “**Terms**”) are the only terms which govern the sale of the products (“**Products**”) by Bray International, Inc. and its subsidiaries, branches and divisions (as applicable, “**Bray**” or “**Seller**”) to a purchaser of Products (“**Buyer**”) from Bray. Notwithstanding anything herein to the contrary, if a written contract signed by Bray and a Buyer covers the sale of Products covered hereby, the terms and conditions of such contract shall prevail to the extent they are inconsistent with these Terms.

References to (i) “Bray factory” are to the applicable Bray national or regional headquarters of Seller in the country where the order is received and (ii) “dollars” or “\$” are to United States dollars unless specified otherwise.

2. ENTIRE AGREEMENT. These Terms and the quotation (the “**Quotation**”) which they accompany (collectively, the “**Agreement**”) comprise the entire agreement between Bray and Buyer relating to the Products that are the subject of such Quotation, and supersede all prior or contemporaneous understandings, agreements, negotiations, representations and warranties and communications, both written and oral. These Terms prevail over any of Buyer’s general terms and conditions of purchase regardless of whether or when Buyer submitted its purchase order or such terms. Buyer’s acceptance of the Quotation is expressly limited to these Terms, and Bray objects to, and is not bound by, any terms or conditions that differ from, add to, or modify these Terms. Fulfillment of Buyer’s order does not constitute acceptance of any of Buyer’s terms and conditions and does not serve to modify or amend these Terms. Notwithstanding anything to the contrary in these Terms or any Agreement, Bray shall not be obligated to make, or otherwise fulfill the terms of, any sale of Products to Buyer in an order amount less than Two Hundred and Fifty Dollars (\$250).

3. QUOTATIONS. Unless stated otherwise in writing by Seller, all Quotations made by Seller are for immediate acceptance. Seller reserves the right to withdraw and/or revise any Quotation at any time prior to final acceptance by Buyer.

4. PRICE. Buyer shall purchase the Products from Seller at the prices (the “**Prices**”) set forth in Seller’s published price list in force as of the date Buyer’s order is received by Bray. All Prices (and any applicable discounts) for Products are subject to change without notice. Any order that is delayed for delivery at Buyer’s request or is otherwise scheduled to be made in excess of one hundred twenty (120) days from the order date will be invoiced at published list prices and discounts effective at the time of shipment unless otherwise specifically agreed at the time of Seller’s order acceptance. Any extra expenses incurred by Seller, such as engineering, tagging, taxes, service calls, export crating or other expenses, will be added to the invoice after notification to Buyer of the extra costs.

5. TAXES. Prices are exclusive of all sales, use and

excise taxes, and any other similar taxes, duties, fees and charges of any kind imposed by any governmental authority (including those arising from changes in laws or regulations affecting foreign exchange) on any amounts payable by Buyer. Buyer shall be responsible for all such charges, costs and taxes, and if payable or paid by Seller, then added to the Price.

6. PAYMENT TERMS.

A. All invoices for domestic (U.S.) Buyers will be due net thirty (30) days from date of invoice unless otherwise stated by Seller. All invoices for international (non-U.S.) Buyers will require confirmed, irrevocable letters of credit due upon delivery to freight forwarder at its United States port for shipment, unless otherwise agreed by Seller. Seller reserves the right (including if it determines subsequently that Buyer’s financial condition becomes unsatisfactory to Seller) to (i) require payment on “cash in advance” basis, (ii) require a confirmed, irrevocable letter of credit or other acceptable security (including preservation of any lien rights) before shipment, or (iii) cancel shipment at any time prior to delivery of the Products (without further obligation or liability on Seller’s part). In such cases, an order will be considered valid only upon receipt of any such advance payment or provision of security. Credit terms are provided solely at the discretion of Seller and may be denied for any reason by Seller.

B. Buyer shall pay interest on all late payments at the lesser of: (i) the rate of two percent (2%) per month and (ii) the highest rate permissible under applicable law. Buyer shall reimburse Seller for all costs incurred in collecting any late payments, including, without limitation, attorney fees and court costs. In addition to all other remedies available under these Terms or at law (which are not waived by Seller’s exercise of any rights hereunder), Seller shall be entitled to suspend the delivery of any Products if Buyer fails to pay any amounts when due hereunder.

C. Buyer shall not withhold or delay payment of any amounts due and payable by reason of any set-off of any claim, counterclaim, abatement, delay of customer payment or dispute with Seller, whether relating to Seller’s breach, bankruptcy or otherwise.

7. CREDIT. Shipments and deliveries of Products to Buyer shall remain at all times subject to the approval of Seller’s credit department. Seller, in addition to any other rights and remedies, may, at its option, decline to make shipments or deliveries hereunder except upon receipt of payment or satisfactory security or otherwise upon terms and conditions satisfactory to Seller. Should Seller elect to extend credit to Buyer, Seller may limit or deny further extensions of credit in Seller’s sole discretion. Any extension of open payment terms by Seller is dependent on Buyer’s ongoing ability to support its working capital requirements for its business.

8. DELIVERY.

A. The Products will be delivered within a reasonable time after the receipt of Buyer's order. Delivery dates are approximate and are dependent upon prompt receipt of all necessary Buyer-furnished information and materials (if applicable). Penalty fees/liquidated damages that may be associated with any late delivery will not apply unless mutually agreed in writing at the time of order acknowledgement.

B. Unless otherwise agreed in writing by the parties, Seller shall make the Products available at the Bray factory (the "**Delivery Point**"). The title to and risk of loss for Products passes to Buyer upon signing of the bill of lading by the transportation company (which signifies the delivery of the Products to the transportation company for shipment to Buyer). Buyer shall be responsible for all loading costs and provide equipment and labor reasonably suited for receipt of the Products at the Delivery Point.

C. All Prices are quoted ExWorks (EXW) Bray factory or such other place that Seller shall designate on the Quotation. Seller does not insure shipments beyond the Delivery Point and, therefore, all claims of lost or damaged Products in transit must be filed directly with the transportation company by Buyer. Seller shall select the method of shipment and the carrier for the Products. Seller may ship via the Buyer's choice if routing is satisfactory and rates equal to or less than Seller's normal choice. In the case of higher than normal special shipping requirements, Seller will ship the Products at Buyer's expense (including a handling fee or collect basis) and Buyer will not receive any credit for freight charges that under normal circumstances would be incurred by Seller. There may be only one destination per order.

D. Bray's standard document package will be provided—please see associated Quotation for details on what is included in document package for associated Product(s); document package will be delivered via electronic delivery (additional charges may apply if hard copy is required).

E. If for any reason Buyer fails to accept delivery of Products on the date fixed pursuant to Seller's notice to Buyer that the Products are being made available for delivery at the Delivery Point: (i) risk of loss to the Products shall pass to Buyer, (ii) the Products shall be deemed to have been delivered and accepted by Buyer and (iii) Seller, at its option, may store the Products until Buyer picks them up, whereupon Buyer shall be liable for all related costs and expenses (including, without limitation, storage and insurance). Any failure of Buyer to provide appropriate instructions, documents, licenses or authorizations in connection with delivery of Products shall be deemed to be a failure of Buyer to accept delivery of Products at such time as such Products

are otherwise available for delivery. Any orders held by Seller more than thirty (30) days may be treated as a cancelled and the Products deemed returned.

9. INSPECTION AND REJECTION OF NONCONFORMING PRODUCTS.

A. Buyer shall inspect the Products within ten (10) days of receipt ("**Inspection Period**"). Buyer will be deemed to have accepted the Products unless it notifies Seller in writing of any Nonconforming Products during the Inspection Period and furnishes such written evidence or other documentation as reasonably required by Seller. "**Nonconforming Products**" means that the Products shipped are different than those identified in Buyer's purchase order.

B. If Buyer timely notifies Seller of any Nonconforming Products during the Inspection Period, Seller shall, in its sole discretion, (i) replace such Nonconforming Products with conforming Products, or (ii) credit or refund the Price for such Nonconforming Products, together with any reasonable shipping and handling expenses incurred by Buyer in connection therewith. Buyer shall ship, at its expense and risk of loss, the Nonconforming Products to the Bray factory or such other place that Seller shall designate on the Quotation. Upon Seller's confirmation of the nonconforming nature of the Nonconforming Products, Seller shall credit the Buyer's expense for such shipment against the Buyer's payment obligations to Seller. If Seller exercises its option to replace such Nonconforming Products, Seller shall, after receiving Buyer's shipment of returned Nonconforming Products, ship to Buyer the replaced Products and the terms of [Section 8\(B\)](#) shall apply for such replaced Products, except that Seller shall be responsible for the costs and expenses for such shipment.

C. Buyer acknowledges and agrees that the remedies set forth in [Section 9\(B\)](#) (exercised in accordance with these Terms) are Buyer's exclusive remedies for the delivery of Nonconforming Products.

10. CHANGE ORDER / CANCELLATIONS.

Orders received and accepted by Seller may not be changed or cancelled except on terms satisfactory to Seller and which prevent Seller from incurring any loss. Seller will not accept changes or cancellations of Products, whether standard, non-standard or special, without full reimbursement of all related expenses incurred to date. Buyer must request all cancellations and change orders in writing, and must be signed by an authorized representative of Seller to be effective. Any changes or cancellations of Projects will be subject to appropriate changes in discounts, freight costs and other charges to Buyer.

11. LIMITED WARRANTY.

A. Seller warrants to Buyer that, for a period of thirty-six (36) months from the date of Bray's shipment (the "**Warranty Period**") from its manufacturing facility, Products manufactured by Seller will be free from defects in materials and workmanship when used for the purposes for which they were designed and manufactured. Seller does not warrant the Products against chemical or stress corrosion or against any other failure (including normal wear and tear due to operation or the environment) other than from defects in materials or workmanship.

B. THE EXPRESS WARRANTY SET FORTH IN SECTION 1.11(A) IS EXCLUSIVE AND IN LIEU OF ANY AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED. NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS INTENDED OR GIVEN.

C. Products manufactured by a third party ("**Third Party Product**") may constitute, contain, be contained in, incorporated into, attached to or packaged together with, the Products. Third Party Products are not covered by the warranty in [Section 11\(A\)](#). For the avoidance of doubt, **SELLER MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO ANY THIRD PARTY PRODUCT.**

D. The Seller shall not be liable for a breach of the warranty set forth in [Section 11\(A\)](#) unless: (i) Buyer gives written notice to Seller of the defect during the Warranty Period and, in any event, within fourteen (14) days of the time when Buyer discovers or ought to have discovered the defect; (ii) Seller is given a reasonable opportunity after receiving the notice to examine such Products and Buyer (if requested to do so by Seller) returns such Products to Bray's factory or such other place that Seller shall designate on the Quotation for the examination to take place there; (iii) Products are stored, maintained and shipped in accordance with Seller's applicable guidelines therefor (available to Buyer in product information available at <https://www.bray.com/resources/documents/manuals-guides?page=1>, please contact productspec@bray.com with any questions concerning the guidelines) and (iv) Seller reasonably verifies Buyer's claim that the Products are defective. Buyer shall return (freight prepaid) the defective Product to Bray at Bray's factory or such other place that Seller shall designate on the Quotation no later than ninety (90) days of Buyer's initial written notice to Seller of the defect. Upon Seller's confirmation of Products in breach of the warranty provided under [Section 11\(A\)](#), Seller shall credit the Buyer's expense for shipment against the Buyer's payment obligations to Seller and, if Seller exercises its option to replace such defective Products, Seller shall ship to Buyer the replaced Products and the terms of [Section 8\(B\)](#) shall apply for such replaced Products, except that Seller shall be responsible for the costs and expenses for such

shipment. Seller shall not be obligated for any on-site costs, including removal and reinstallation of any warranted Products. Upon request, Buyer shall provide Seller reasonable and clear access to the warranted Products.

E. The Seller shall not be liable for a breach of the warranty set forth in [Section 11\(A\)](#) if: (i) Buyer makes any further use of such Products after giving such notice; (ii) the defect arises because Buyer failed to follow Seller's oral or written instructions as to the storage, installation, commissioning, use or maintenance of the Products; or (iii) Buyer alters or repairs such Products without the prior written consent of Seller.

F. Subject to [Section 11\(D\)](#) and [Section 11\(E\)](#) above, with respect to any such Products during the Warranty Period, Seller shall, in its sole discretion, either: (i) repair or replace such Products (or the defective part) or (ii) credit or refund the price of such Products at the pro rata contract rate provided that, if Seller so requests, Buyer shall, at Seller's expense, return such Products to Seller. **THE REMEDIES SET FORTH IN THIS SECTION 11(F) SHALL BE THE BUYER'S SOLE AND EXCLUSIVE REMEDY AND SELLER'S SOLE AND ENTIRE LIABILITY FOR ANY BREACH OF THE LIMITED WARRANTY SET FORTH IN SECTION 11(A).**

12. LIMITATION OF LIABILITY.

A. IN NO EVENT SHALL SELLER BE LIABLE FOR ANY CONSEQUENTIAL, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY OR PUNITIVE DAMAGES, LOST PROFITS OR REVENUES OR DIMINUTION IN VALUE, ARISING OUT OF OR RELATING TO ANY BREACH OF THESE TERMS, WHETHER OR NOT THE POSSIBILITY OF SUCH DAMAGES HAS BEEN DISCLOSED IN ADVANCE BY BUYER OR COULD HAVE BEEN REASONABLY FORESEEN BY BUYER, REGARDLESS OF THE LEGAL OR EQUITABLE THEORY (CONTRACT, TORT OR OTHERWISE) UPON WHICH THE CLAIM IS BASED, AND NOTWITHSTANDING THE FAILURE OF ANY AGREED OR OTHER REMEDY OF ITS ESSENTIAL PURPOSE. No action, regardless of form, may be brought by Buyer more than one (1) year after the cause of action has accrued.

B. IN NO EVENT SHALL SELLER'S AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO ANY PRODUCT, WHETHER ARISING OUT OF OR RELATED TO BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE, EXCEED THE TOTAL OF THE AMOUNTS PAID TO SELLER FOR SUCH PRODUCT.

13. AUTHORIZED RETURNS. All sales of Products to Buyer are made on a one-way basis and no Products may be returned without prior written approval from Seller. Generally, in addition to the requirement for prior written approval, Bray will accept returns from a Buyer only if the return request is timely made following shipment of the applicable Product(s) to Buyer and the Product(s) are in good, reusable condition and remain standard Bray products (*i.e.*, not custom-made, obsolete or buyout products). In regard to any returns, Seller generally issues credit (from which Seller may deduct shipping, restocking and reconditioning expenses).

14. INTELLECTUAL PROPERTY RIGHTS. All copyrights, patents, trademarks, trade secrets, know-how and other intellectual property or proprietary rights pursuant to the laws of any jurisdiction worldwide (“**IP Rights**”) associated with or relating to the Products shall belong solely and exclusively to Seller. Seller will retain all IP Rights used to create, embodied in, used in and otherwise relating to the Products and any of their component parts, and Buyer shall not acquire any ownership interest in any of Seller’s IP Rights. Buyer shall use Seller’s IP Rights only in accordance with these Terms and any instructions of Seller. No license, either express or implied, is granted in any IP Rights of Seller. If Buyer acquires any IP Rights in or relating to any Product by operation of law or otherwise, such rights are deemed and are hereby irrevocably assigned to Seller without further action. Buyer shall, at Seller’s expense, execute such documents and do such things as are necessary to enable Seller to protect its IP Rights.

15. DESIGN CHANGES. Seller reserves the right to change, discontinue or alter the design and construction of Products without prior notice and without further obligation.

16. COMPLIANCE WITH LAW. Buyer shall comply with all applicable laws, regulations and ordinances, and shall maintain in effect all the licenses, permissions, authorizations, consents and permits that it needs to carry out its obligations under the Agreement. Upon Seller request, Buyer agrees to provide Seller with information about the end use (including location of) of any products purchased. In furtherance of the foregoing (and without limitation thereto), please note the following in regards to compliance:

A. Trade Compliance. Buyer must comply with all laws governing export/import control and regulation, including, without limitation, laws governing re exporting. If Buyer is obtaining Product(s) for resale, such compliance requires that Buyer know of the end- use, end-user, ultimate destination or other facts relating to such sale of Product(s), and be alerted to “*red flags*” in the circumstances related to such sale. Buyer is obligated to comply with Bray’s trade compliance program in regards to any sale and purchase of Product(s). Buyer should contact Bray to confirm compliance with the requirements of this program.

B. Anti-Corruption Laws. Buyer must comply with all anti-corruption and bribery laws and regulations,

including, without limitation the United Kingdom’s Bribery Act of 2010 and the United States’ Foreign Corrupt Practices Act. Buyer must not pay, offer or promise to pay, directly or indirectly, anything of value for purposes of influencing an official decision or seeking influence in regards to any such decision from a person or organization affiliated with any government body, organization or business entity owned in part or in whole by a government body. Buyer must contact Bray in regards to any transaction in respect of Product(s) provided under this Agreement that could implicate such laws. Bray may immediately terminate, without any liability, any sale, agreement or association with any person violating such laws.

17. TERMINATION. In addition to any remedies that may be provided under the Agreement, Seller may terminate the Agreement with immediate effect upon written notice to Buyer, if Buyer: (i) fails to pay any amount when due; (ii) has not otherwise performed or complied with any of the terms of the Agreement, in whole or in part; or (iii) becomes insolvent, files a petition for bankruptcy or commences or has commenced against it proceedings relating to bankruptcy, receivership, reorganization or assignment for the benefit of creditors.

18. WAIVER. No waiver by Seller of any of the provisions of these Terms or the Agreement is effective unless explicitly set forth in writing and signed by Seller. No failure to exercise, or delay in exercising, any rights, remedy, power or privilege arising from the Agreement operates or may be construed as a waiver thereof. No single or partial exercise of any right, remedy, power or privilege hereunder precludes any other or further exercise thereof or the exercise of any other right, remedy, power or privilege.

19. CONFIDENTIAL INFORMATION. All Confidential Information (as defined below) of Seller disclosed by Seller to Buyer, whether disclosed orally or disclosed or accessed in **written**, electronic or other form or media, and whether or not marked, designated or otherwise identified as “confidential,” in connection with these Terms or the Agreement is confidential, solely for the use of performing this Agreement and may not be disclosed or copied unless authorized in advance by Seller in writing. Upon Seller’s request, Buyer shall promptly return all Confidential Information received from Seller. Seller shall be entitled to injunctive relief for any violation of this Section. For purposes of this Agreement, “**Confidential Information**” means all non-public, confidential or proprietary information of Seller including, but not limited to, business affairs, business plans, trade secrets, intellectual property, specifications, samples, patterns, designs, client information, customer information, supplier information, technical data, developments, properties, systems, procedures, services, processes, methods, drawings, know- how, equipment, development plans, documents, manuals, strategies, training materials, costs, pricing, discounts or rebates, inventions, discoveries or any other confidential matters acquired in respect of the Seller or

the Products.

20. FORCE MAJEURE. Neither Seller nor Buyer shall be in breach of contract nor liable to the other party for any delay or damages if prevented from performance of these Terms and the Agreement (other than the payment of money) by any condition of force majeure which is beyond the control and not caused by the negligence of the party so affected ("**Force Majeure**"). Force Majeure includes, but shall not be limited to, earthquakes, floods, hurricanes, named tropical storms, lightning strikes, ice storms, blizzards, icebergs, pack ice, air and sea disasters, explosions and fire, epidemics, acts of God, acts of public enemy, war, terrorism, national emergency, invasion, insurrection, riot, strike, lockout, blockade or other industrial disputes, any laws, rules, regulations, orders, directives or requirements of or interference by any government or government agency (including any thereof or any affecting foreign exchange or otherwise making the terms of sale materially impractical on the basis of the economics relating to the agreed sale price or of illegality), inability or delay in obtaining supplies of adequate or suitable materials, power outage or other circumstances not within the control of the party and which, by the exercise of reasonable diligence, the party is unable to prevent or remedy, whether similar or dissimilar, foreseen or unforeseen. Seller shall have such additional time as may be reasonably necessary to perform its obligations upon the occurrence of any Force Majeure event.

21. ASSIGNMENT. Buyer shall not assign any of its rights or delegate any of its obligations under this Agreement without the prior written consent of Seller. Any purported assignment or delegation in violation of this Section is null and void. No assignment or delegation relieves Buyer of any of its obligations under this Agreement.

22. AMENDMENT AND MODIFICATION. These Terms may only be amended or modified in a writing which specifically states that it amends these Terms and is signed by an authorized representative of each of Seller and Buyer.

23. RELATIONSHIP OF THE PARTIES. The relationship **between** the parties is that of independent contractors. Nothing contained in these Terms or the Agreement shall be construed as creating any agency, partnership, joint venture or other form of joint enterprise, employment or fiduciary relationship between Seller and Buyer, and neither party shall have authority to contract for or bind the other party in any manner whatsoever.

24. NO THIRD-PARTY BENEFICIARIES. These Terms and the Agreement are for the sole benefit of the Seller and Buyer and their respective successors and permitted assigns, and nothing herein, express or implied, is intended to or shall confer upon any other person or entity any legal or equitable right, benefit or remedy of any nature whatsoever under or by reason of these Terms.

25. GOVERNING LAW / JURISDICTION / JURY WAIVER. THESE TERMS, THE AGREEMENT AND THE RELATIONS BETWEEN THE PARTIES SHALL BE GOVERNED BY THE PROCEDURAL AND SUBSTANTIVE LAWS OF THE STATE OF TEXAS, EXCLUSIVE OF CONFLICT OF LAWS PRINCIPLES WHICH WOULD DIRECT THE APPLICATION OF THE SUBSTANTIVE OR PROCEDURAL LAW OF ANOTHER JURISDICTION. IN THE EVENT TEXAS LAW IS RULED OR ORDERED TO NOT APPLY TO ANY DISPUTE BETWEEN THE PARTIES, THEN FOR PURPOSES OF THAT DISPUTE THESE TERMS, THE AGREEMENT AND THE RELATIONS BETWEEN THE PARTIES SHALL BE GOVERNED BY THE LAWS OF THE JURISDICTION IN WHICH BRAY'S FACTORY APPLICABLE TO THE SALE IS LOCATED, EXCLUSIVE OF CONFLICT OF LAWS PRINCIPLES WHICH WOULD DIRECT THE APPLICATION OF THE SUBSTANTIVE OR PROCEDURAL LAW OF ANOTHER JURISDICTION.

IF BRAY'S FACTORY APPLICABLE TO THE SALE IS LOCATED IN ANY STATE, TERRITORY, OR DISTRICT OF THE UNITED STATES OF AMERICA, EACH PARTY: (A) IRREVOCABLY SUBMITS TO THE JURISDICTION AND VENUE OF THE COURTS LOCATED IN HARRIS COUNTY, TEXAS FOR THE RESOLUTION OF ANY AND ALL DISPUTES ARISING FROM OR RELATING TO THESE TERMS, THE AGREEMENT AND THE RELATIONS BETWEEN THE PARTIES; **AND (B) KNOWINGLY AND VOLUNTARILY WAIVES ALL RIGHTS TO A JURY TRIAL IN ANY LEGAL PROCEEDING RELATING TO THESE TERMS, THE AGREEMENT AND THE RELATIONS BETWEEN THE PARTIES.**

IF BRAY'S FACTORY APPLICABLE TO THE SALE IS NOT LOCATED IN ANY STATE, TERRITORY, OR DISTRICT OF THE UNITED STATES OF AMERICA, EACH PARTY AGREES ALL DISPUTES ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR THE ORDER(S) SHALL BE FINALLY SETTLED, SUBJECT TO THE DEFENSES ALLOWED BY APPLICABLE LAW, UNDER THE RULES OF ARBITRATION OF THE INTERNATIONAL CHAMBER OF COMMERCE BY A SINGLE ARBITRATOR APPOINTED IN ACCORDANCE WITH THE SAID RULES. THE ARBITRATION SHALL BE CONDUCTED IN ENGLISH WITHIN THE LIMITS OF THE CITY OF HOUSTON, TEXAS. THE ARBITRATOR MUST MEET EACH OF THE FOLLOWING QUALIFICATIONS IN ORDER TO BE APPOINTED: (1) BE A GRADUATE OF A LAW SCHOOL LOCATED IN THE UNITED STATES; (2) HAVE MORE THAN TWENTY YEARS OF EXPERIENCE IN LITIGATING AND/OR ARBITRATING COMPLEX COMMERCIAL DISPUTES; (3) BE LICENSED TO PRACTICE LAW IN THE STATE OF TEXAS; AND (4) BE IMPARTIAL. THE ARBITRATOR WILL HAVE THE AUTHORITY TO APPORTION LIABILITY BETWEEN THE PARTIES, BUT WILL NOT HAVE THE AUTHORITY TO AWARD ANY

DAMAGES OR REMEDIES NOT AVAILABLE UNDER, OR IN EXCESS OF, THE EXPRESS TERMS OF THESE TERMS OR THE AGREEMENT. THE ARBITRATION AWARD WILL BE PRESENTED TO THE PARTIES IN WRITING, AND UPON THE REQUEST OF EITHER PARTY, WILL INCLUDE FINDINGS OF FACT AND CONCLUSIONS OF LAW. THE AWARD MAY BE CONFIRMED AND ENFORCED IN ANY COURT OF COMPETENT JURISDICTION. BUYER AND SUPPLIER HEREBY CONSENT AND SUBMIT TO THE AFOREMENTIONED ARBITRATION AND THE JURISDICTION OF ANY LOCAL, STATE OR FEDERAL COURT LOCATED WITHIN HOUSTON, TEXAS, AS JURISDICTION FOR REVIEW OR CHALLENGE OF THE ARBITRATION RESULTS AND WAIVE ANY RIGHT SUCH PARTY MAY HAVE TO TRANSFER THE VENUE TO ANY OTHER JURISDICTION. THE PARTIES EXPRESSLY RESERVE ALL RIGHTS TO PURSUE INJUNCTIVE RELIEF IN ANY COURT LOCATED IN HOUSTON, TEXAS. THE PARTIES ACKNOWLEDGE AND AGREE THAT THIS AGREEMENT INCLUDES ACTIVITIES IN INTERSTATE COMMERCE (AND, ACCORDINGLY, THE FEDERAL ARBITRATION ACT OF THE UNITED STATES SHALL CONTROL AND APPLY TO ALL ARBITRATIONS CONDUCTED HEREUNDER, NOTWITHSTANDING ANY STATE LAW PROVISIONS TO THE CONTRARY).

26. NOTICES. All notices, request, consents, claims, demands, waivers and other communications hereunder (each, a “**Notice**”) shall be in writing and addressed to the parties at the addresses set forth on the face of the Quotation or to such other address that may be designated by the receiving party in writing. All Notices shall be delivered by personal delivery, nationally recognized overnight courier (with all fees pre-paid), facsimile (with confirmation of transmission), email or certified or registered mail (in each case, return receipt requested, postage prepaid). Except as otherwise provided in the Agreement, a Notice is effective only (i) upon receipt of the receiving party (and confirmation of such receipt in respect of facsimile or email transmissions), and (ii) if the party giving the Notice has complied with the requirements of this Section.

27. SEVERABILITY. If any of these Terms or other terms or provision of the Agreement are determined to be invalid, illegal or unenforceable in any jurisdiction, such invalidity, illegality or unenforceability shall not affect any other term or provision or invalidate or render unenforceable such term or provision in any other jurisdiction.

28. CLERICAL ERRORS. Seller reserves the right to correct all stenographic or clerical errors or omissions in any documents (whether Quotations, invoices or other documents).

29. SURVIVAL. Any provision of the Agreement that by its nature should apply after any termination or expiration of the Agreement, including (but not limited to) the following provisions: Compliance with Laws, Confidentiality, Governing Law / Jurisdiction and Survival, shall survive any

such termination or expiration.

30. PUBLISHED DATA. All published dimensions, weights, temperatures, pressure ratings and other Product data are approximate.

CANCELLATION, CHANGE ORDERS AND RETURNED GOODS POLICY ADDENDUM

As guidance and further clarification on the applicable terms and conditions relating to change orders or cancellations, Bray will accept changes and cancellations generally subject to Buyer agreement to pay all costs and expenses incurred by Bray for the order, including, without limitation, costs and expenses relating to engineering, financing costs (including those for any performance or warranty obligations), restocking, order administration, supplies, freight, duties and inspection. For standard product, Bray will generally apply a twenty-five percent (25%) cancellation fee unless such amount is not sufficient to recapture Bray’s fees and expenses (*e.g.*, financing costs, freight, duties, *etc.*) relating to the order. For non standard products (*i.e.*, product with unique feature(s) or specifically designed for the applicable purchase), the cancellation charge will usually be the purchase price of the product(s). For any such agreed cancellation or change, Bray will calculate the specific amount of such costs and expenses incurred to the date of such cancellation or change and advise Buyer of the applicable amount owed. For any standard product returns, exceptional costs such as freight, duties and financing costs will be added to any standard cancellation fee. For any non standard product returns, the cancellation charge will additionally include amounts incurred in connection with the return.

Specific terms and conditions relating to the foregoing and the events and circumstances relating to the novel coronavirus COVID-19: Bray will agree to delay the delivery of orders beyond a previously agreed delivery date as long as the Buyer pays an additional storage fee of five percent (5%) relating to such applicable order(s); *provided, however*, that the applicable order(s) must nevertheless be shipped and invoiced by no later than ninety (90) days after the previously agreed delivery date or the applicable order(s) will be deemed canceled and the cancellation charge (as outlined above) therefor shall be charged.

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 2021-024

APPROVING PAYMENT TO WELD REGIONAL COMMUNICATIONS IN THE AMOUNT OF \$57,012.00 FOR DISPATCH SERVICES COSTS AND WIRELESS SERVICES RADIO MAINTENANCE

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

II. **Attachments:** a. Invoice

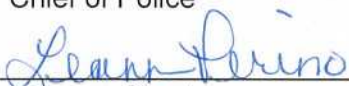
III. **Summary Statement:**

This AM is for payment for Dispatch Services allocation costs through Weld County Regional Communications/Public Safety Wireless in the amount of \$57,012.00 for the calendar year 2021.

IV. **Submitted by:**

Chief of Police

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 is a single provider purchase of Dispatch Services.*
- *This purchase increased from \$50,660 in 2020 to \$57,012 in 2021.*
- *The increase is based on Fort Lupton Police Department service usage increases and unfunded mandated costs suffered by WRC based on State statute changes and contractual agreements negotiated by the State.*

X. Legal/Political Considerations:

Not Applicable

XI. Alternatives/Options:

1. *None*

XII. Financial Considerations:

The General Fund has \$55,460 budgeted for dispatch services.

XIII. Staff Recommendation:

Approval.

Please Remit Payment To:
Weld County
C/O Crystal Pratt
1551 N 17th Ave #2
Greeley, CO 80631



Invoice

Work Order: 102221

Page 1 of 1

INVOICE PREPARED BY
Crystal Pratt
970-400-2899

TERMS
Due on receipt

FPPD	Date In: 1/14/2021 8:18:40 AM	Bill To: Fort Lupton PD
Fort Lupton PD	Date Out: 1/14/2021 8:18:40 AM	130 S. McKinley Ave.
130 S. McKinley Ave.		
Fort Lupton, CO 80621		Fort Lupton, CO 80621
		7204666131
Service Requested: 2021 Annual Dispatch Services Cost Allocation & Wireless Services Radio Maintenance		Action Taken:

Parts Budget Code:

Qty	Item	Description	Part Price	Ext Total	Billable
1	WCRCC CA	Public Safety Communications Cost Allocation for Dispatch Services	\$51,812.00	\$51,812.00	\$51,812.00
1	PSWC CA	Public Safety Wireless Annual Maintenance	\$5,200.00	\$5,200.00	\$5,200.00
		Parts Total		\$57,012.00	\$57,012.00

Grand Total **\$57,012.00**

Make all checks payable to WELD County
Please reference your invoice number or include a copy of the invoice when submitting payment. Thank you.
If you have any questions concerning this invoice contact Crystal Pratt cpratt@weldgov.com

1/14/2021 8:19:41 AM

**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 2021-025

**ORDINANCE TO ACCEPT PUBLIC RIGHT OF WAY FROM NNN LUPTON SEC LLC FOR 25-FEET
OF THE NORTHERN PORTION OF 14TH STREET**

- I. **Agenda Date:** Council Meeting – February 16, 2021
- II. **Attachments:** a. Ordinance 2021-10XX
b. Dedication of ROW
- III. **Summary Statement:**

To accept the dedication of a 25-foot wide public Right of Way located north of the centerline of 14th Street approximately 239-feet along the frontage of the 7-11 site plan, in the Northeast ¼ of Section 31, Township 2 North, Range 66W from NNN Lupton SEC LLC.

IV. **Submitted by:**

Public Works 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 7-11 Site Plan was required to dedicate Right of Way along 14th Street as part of the planning process (Project No. LUP2020-0024 & Plan No. SPR2020-0008.) approved with Resolution No. 2020R071 on October 20, 2020.

14th Street existing Right of Way is 60-feet. 14th Street is designated an arterial with a future ROW requirement of 110-feet. An additional 25-feet was requested for dedication.

X. Legal/Political Considerations:

Not Applicable.

XI. Alternatives/Options:

- *Accept Dedication*
- *Do nothing*

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

City staff recommends acceptance of the public Right-of-Way from NNN Lupton SE LLC.

ORDINANCE NO. 2021-xxxx

INTRODUCED BY:

A ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON ACCEPTING THE NNN LUPTON SE LLC PUBLIC RIGHT OF WAY DEDICATION FOR 14TH STREET LOCATED IN THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, WELD COUNTY, COLORADO.

NOW THEREFORE BE IT RESOLVED that City Council hereby accepts said Dedication, and orders that the Instrument of Dedication be recorded in the Recorder's Office of the County of Weld, State of Colorado, and said described real estate is hereby declared open and dedicated pursuant to C.R.S. § 24-68-101, et seq..

WHEREAS, NNN Lupton SE LLC, has this day filed with the City of Fort Lupton, Colorado (the "City"), its dedication of certain real estate, which Dedication is hereinabove set forth:

AND WHEREAS, the City finds that said Dedication is desirable and necessary;

THIS RIGHT OF WAY IS CREATED AND GRANTED THIS 16th DAY OF FEBRUARY 2021.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 16th Day of February 2021.

PUBLISHED in the Fort Lupton Press the 24th day of February 2021.

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

PUBLISHED BY TITLE ONLY the _____ day of _____ 2021.

EFFECTIVE (after publication) the _ day of _ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

DEDICATION OF PUBLIC RIGHT OF WAY

The undersigned being the fee simple owner of all the real estate described herein, for good and valuable consideration, does hereby grant and dedicate to the City of Fort Lupton, Weld County, Colorado, on and behalf of and for the public, for use as right-of-way for public purposes, its interest in the following described real estate situated in Weld County, Colorado:

more particularly described on Exhibit A, and as shown on the sketch, attached hereto and made a part hereof.

This dedication is made subject to all existing matters of record, easements, and rights-of-way.

THIS RIGHT OF WAY CREATED AND GRANTED THIS ____ DAY OF _____, 2020.

LAND +OWNER/GRANTOR:

NNN LUPTON SE LLC,
a Colorado limited liability company

By: _____
Name: _____
Title: _____

Attested to:

Notary

STATE OF COLORADO)
)SS.
COUNTY OF ARAPAHOE)

Subscribed and sworn to before me this _____ day of _____, 2020 by _____
_____ as _____ of NNN LUPTON SE LLC, a Colorado limited liability
company.

Witness my hand and official seal.

NOTARY PUBLIC

EXHIBIT A

Legal Description:

A portion of land being a part of the land described in Quit Claim Deed recorded April 8, 2003 at Reception Number 3050410, Weld County, Colorado Clerk and Recorder's Office and situated in the Northeast One-Quarter of Section 31, Township 2 North, Range 66 West of the 6th Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado, described as follows:

Commencing at the Southeast Corner of the Northeast One-Quarter of Section 31, Township 2 North, Range 66 West of the 6th Principal Meridian;

Thence S89°21'18"W along the South Line of the Northeast One-Quarter of Section 31, a distance of 27.00 feet;

Thence N00°31'43"W a distance of 30.00 feet to a point on the North Right of Way Line of 14th Street and the **Point of Beginning**;

Thence S89°21'18"W along said North Right of Way Line, a distance of 239.96 feet;

Thence N00°02'34"W along the Westerly Line of said parcel of land described in Quit Claim Deed recorded April 8, 2003 at Reception Number 3050410, Weld County, Colorado Clerk and Recorder's Office, distance of 2.81 feet;

Thence N32°44'36"W along said Westerly Line, a distance of 26.20 feet;

Thence N89°21'18"E a distance of 249.26 feet to a point on a curve;

Thence along a curve to the left, non-tangent to the last described course, having a central angle of 26°16'17", a radius of 45.00 feet, an arc length of 20.63 feet, a chord bearing of N12°36'25"E and a chord distance of 20.45 feet to a point on the West Right of Way Line of Denver Avenue;

Thence S00°31'43"E along said West Right of Way Line, a distance of 44.91 feet to the **Point of Beginning**.

Parcel Contains (6,184 Square Feet) 0.1420 Acres, more or less.

All lineal distances are represented in U.S. Survey Feet.

Date Prepared: November 20, 2020

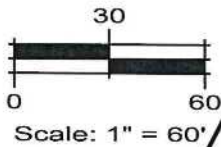
Date of Last Revision:

Prepared By: Charles N. Beckstrom, PLS No. 33202

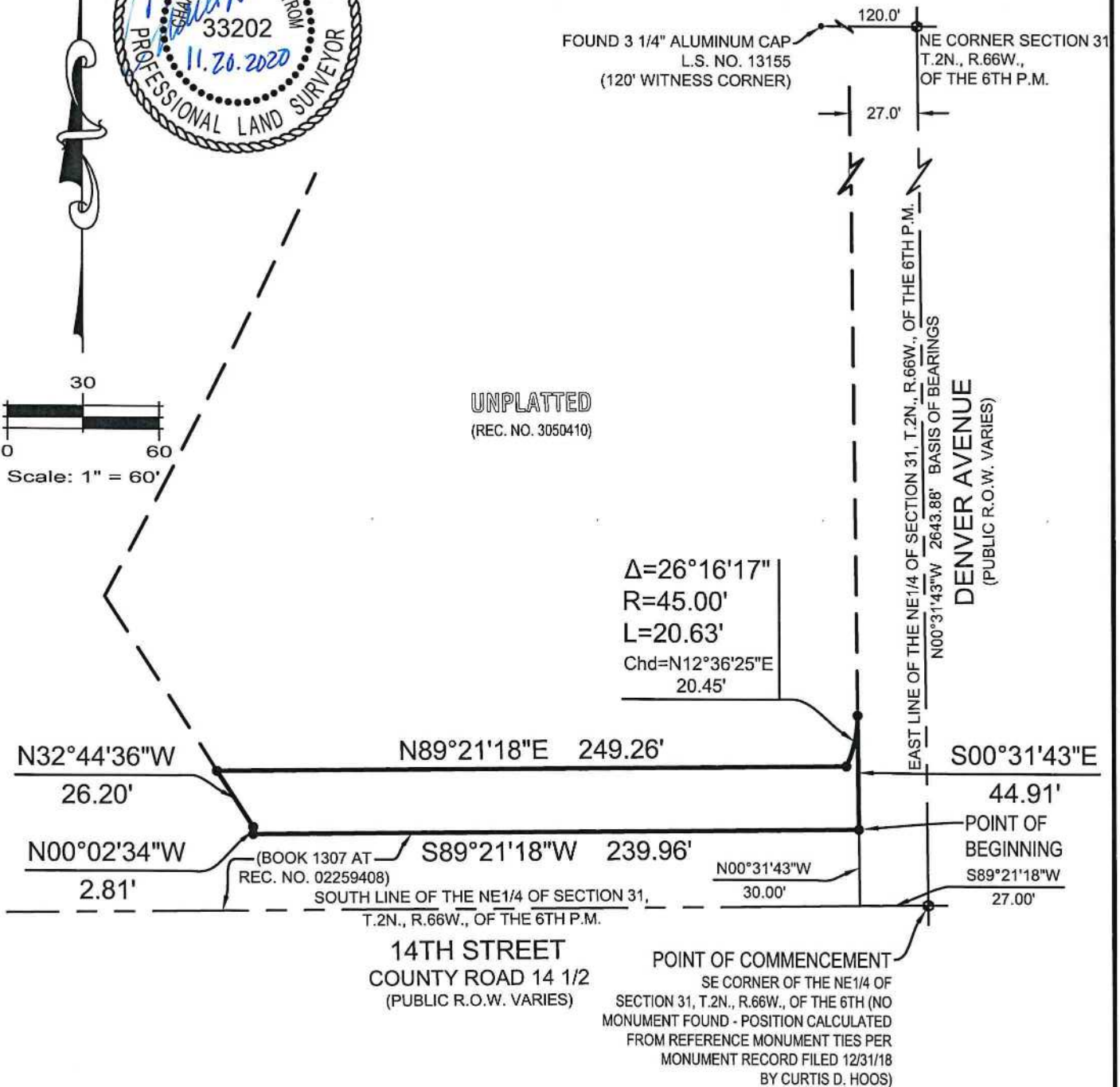
For and on behalf of
Engineering Service Company
14190 East Evans Avenue
Aurora, Colorado 80014
Phone: 303-337-1393



EXHIBIT A



UNPLATTED
(REC. NO. 3050410)



ESC
ENGINEERING
SERVICE
COMPANY

14190 East Evans Avenue
Aurora, Colorado 80014
P 303.337.1393 | F 303.337.7481

PARCEL CONTAINS
6,184 SQUARE FEET
0.1420 ACRES

CITY OF FORT LUPTON

Drawn By: JMS	Checked By: CNB, JDP	Project No.: 383.11	Date: 11/20/2020
Scale: 1" = 60'	File Name: N:\Projects\Cadence Capital Investments\Ft Lupton - 641 14th St\CAD\Exhibits\641 14th St\Ft Lupton - ROW.dwg		

Note: This exhibit does not represent a monumented survey. It is intended only to depict the attached description.

PARCEL OF LAND

SITUATED IN THE NE 1/4 OF SECTION 31, T.2N., R.66W. OF THE 6TH P.M.
CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO

Map Check Report

Date: 11/20/2020 2:00:42 PM

Parcel Name: Parcel of Land

Description: Unplatted

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North: 1,278,440.4960'

East: 3,193,719.6010'

Segment# 1: Line

Course: S89°21'18"W

Length: 239.96'

North: 1,278,437.7948'

East: 3,193,479.6562'

Segment# 2: Line

Course: N0°02'34"W

Length: 2.81'

North: 1,278,440.6048'

East: 3,193,479.6542'

Segment# 3: Line

Course: N32°44'36"W

Length: 26.20'

North: 1,278,462.6417'

East: 3,193,465.4832'

Segment# 4: Line

Course: N89°21'18"E

Length: 249.26'

North: 1,278,465.4476'

East: 3,193,714.7274'

Segment# 5: Curve

Length: 20.63'

Radius: 45.00'

Delta: 26°16'17"

Tangent: 10.50'

Chord: 20.45'

Course: N12°36'25"E

Course In: N64°15'26"W

Course Out: N89°28'17"E

RP North: 1,278,484.9925'

East: 3,193,674.1935'

End North: 1,278,485.4077'

East: 3,193,719.1916'

Segment# 6: Line

Course: S0°31'43"E

Length: 44.91'

North: 1,278,440.4996'

East: 3,193,719.6059'

Perimeter: 583.77'

Area: 6,183.66Sq.Ft.

Error Closure: 0.0060

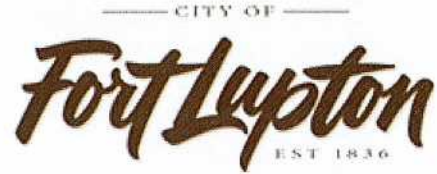
Course: N53°51'02"E

Error North : 0.00356

East: 0.00488

Precision 1: 97,295.00

**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 2021-026

**ADOPT AN ANNEXATION, KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4, TO ANNEX LAND
LEGALLY DESCRIBED IN EXHIBIT “A” TO THE PROPOSED ORDINANCE, AND APPROVING
THE ANNEXATION AGREEMENT**

I. Agenda Date: Council Meeting – February 16, 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. 2021R008
- g. Annexation Map & Vicinity Map
- h. Concept Plan
- i. Preliminary Utility Plan
- j. Water Affidavit
- k. Soils Report
- l. Annexation Impact Report
- m. Referral Responses
- n. Legal Notifications

III. Summary Statement:

Sheryl A. Been has submitted a request for annexation of land totaling 18.40 acres, more or less, known as the Been Annexation Nos. 1 – 4. The Property is located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado, and the annexation includes County Road 19 right of way. 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:

Sheryl A. Been (the "Applicant") has submitted a request for annexation of land totaling 18.40 acres, more or less, known as the Been Annexation Nos. 1 – 4. The Property is located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado (Parcel No. 146916100006) (the "Property"), and the annexation includes County Road 19 right of way. 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 rural residential land uses. 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. A flagpole notification letter was also sent to owners along the right of way being annexed.

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: xxx

ADOPT ORDINANCE 2021-xxxx ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT “A” KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 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, legally described in Exhibit “A”, was filed with the City on January 5, 2021. The owner of 100% of the territory, with the exception of any road rights-of-ways, if applicable, is Sheryl A. Been, 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 28, 2021, has recommended approval of the annexation known as the Been Annexation Nos. 1 – 4. After a public hearing on February 16, 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 and initial zoning map shall include the Project No. LUP2020-0034, and Plan Nos. ANX2020-0004 and COZ2020-0007.
 - B. Any redline comments provided by City Staff shall be made to the annexation map.
- II. The Mylar map shall be submitted within 120 days from the date of City Council approval.

**INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this 16th day of February 2021.

PUBLISHED in the Fort Lupton Press the 24th day of February 2021.

**FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE
ONLY** this ____ day of _____ 2021.

PUBLISHED BY TITLE ONLY the ____ day of _____ 2021.

EFFECTIVE (after publication) the ____ day of _____ 2021.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 729.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 864.43 FEET TO THE NORTH LINE OF LOT A, RECORDED EXEMPTION NO. RE-4223 AS SHOWN ON THE PLAT RECORDED NOVEMBER 23, 2005 AS RECEPTION NO. 3342371 IN THE

RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
- 5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
- 6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
- 7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
- 8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
- 9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
- 11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. P2021-004

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND INITIAL ZONING TO THE ‘A’ AGRICULTURAL ZONE DISTRICT FOR LAND LEGALLY DESCRIBED IN EXHIBIT A.

WHEREAS, the Planning Commission held a public hearing on January 28, 2021, for the purpose of reviewing an application submitted by Sheryl Been for an annexation, known as the Been 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.

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 Been Annexation and Initial Zoning to the ‘A’ Agricultural Zone District, conditional upon the following:

- I. Prior to recording the annexation map:
 - A. The title of the annexation and initial zoning map shall include the Project No. LUP2020-0034, and Plan Nos. ANX2020-0004 and COZ2020-0007.
 - B. Any redline comments provided by City Staff shall be made to the annexation map.
- II. The Mylar map shall be submitted within 120 days from the date of City Council approval.

DONE THIS 28th DAY OF JANUARY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.



Chairman

ATTEST:



Planning Director

**EXHIBIT A
LEGAL DESCRIPTION**

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 729.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 864.43 FEET TO THE NORTH LINE OF LOT A, RECORDED EXEMPTION NO. RE-4223 AS SHOWN ON THE PLAT RECORDED NOVEMBER 23, 2005 AS RECEPTION NO. 3342371 IN THE

RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
- 5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
- 6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
- 7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
- 8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
- 9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
- 11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, January 28, 2021.

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

ROLL CALL

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

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

ACTION ITEMS

Mericle RV Propane Tank Special Use Permit

Chair Mike Simone addressed the representative for the applicant, Kyle Ferguson, 1352 Factory Drive, Fort Lupton, CO. He asked if Mr. Ferguson, on behalf of the applicant, understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Ferguson 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. Ferguson stated yes.

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

Mr. Ferguson 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. Ferguson stated yes.

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

Mr. Ferguson stated yes.

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

Mr. Ferguson stated yes.

City Planner I Maria Lancto introduced the project. She stated that this site was located in the "I-1" Industrial Zone District. She stated that the special use permit is for a 1000 gallon aboveground propane tank to be used in conjunction with an existing RV sales business. Ms. Lancto stated that the Fort Lupton Municipal Code requires a special use permit for all aboveground fuel tanks. She stated that all notification requirements for the Special Use Permit were met, including posting at the property, publishing in the newspaper, and

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021

mailing to adjacent properties. She stated that Kyle Ferguson would be presenting the project.

Kyle Ferguson provided background on Mericle RV, stating that it is a full service RV business that opened in 2019 and they are now seeking a Special Use Permit for an aboveground propane tank. Mr. Ferguson stated that the propane would be supplied through AmeriGas. Mr. Ferguson stated that the propane tank would be on the southwest side of the property. He explained the community need for the propane tank, stating that it would provide a service for the residents of Fort Lupton that need any propane tank refilled. He stated that currently they are selling RV's with empty propane tanks and they are having to stop elsewhere to get them filled. He stated that by increasing sales it will eventually increase job opportunity within the City. Mr. Ferguson stated that all staff handling propane will be safety trained and certified, the propane tank would be properly secured, the tank will be equipped with an emergency shut-off switch and would be kept up with state and federal regulations. Mr. Ferguson then referred back to the Planning Commission for any questions.

Chair Simone asked the applicants if they had anything to add.

Applicant Amy Mericle re-iterated Kyle Ferguson's comments on community need, stating that they are currently selling empty RV's and then sending customers to the closest fill stations in either Platteville or Brighton, therefore sending revenue into other cities.

Chair Simone asked Mr. Ferguson 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. Ferguson stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Special Use Permit action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

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

There were no questions or comments.

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

Mr. Ferguson stated yes.

Chair Simone called for a motion to approve Resolution P2021-0003. It was moved by Vice-Chair Bushrod White and second by Carlos Barron.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

Motion carried by unanimous roll call vote.

Been Annexation & Initial Zoning

Planner II Alyssa Knutson introduced the Been Annexation and Initial Zoning. Ms. Knutson stated that the project was submitted by Sheryl Been and is a total of approximately 18.24 acres, including a portion of County Road 10 Right of way. It is located west and adjacent to County Road 19 and approximately a quarter-mile south of County Road 10. She stated that this is a flagpole annexation which will achieve continuity on County Road 10. Ms. Knutson stated that all requirements had been met for this application and stated that the applicant was present to answer any questions.

Chair Mike Simone addressed the applicant Sheryl Been, 3647 County Road 19, Fort Lupton, CO.

He asked if Ms. Been understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

Ms. Been stated yes.

Chadwin Cox presented the project. He stated this is an agricultural property and the intent is to annex into the City of Fort Lupton and remain as an agricultural zoning.

Chair Simone asked Ms. Been if she has had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of her application before the Planning Commission tonight.

Ms. Been stated yes.

Chair Simone asked Ms. Been if she felt he had a full opportunity to participate in the public hearing.

Ms. Been stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Annexation and Initial Zoning action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

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

Member Kathy Kvasnicka asked for confirmation that this application is strictly for annexation.

Ms. Knutson responded and stated that yes this is only for annexation and initial zoning and any future development on the property would need to come back through the application process.

Chair Simone called for a motion to approve Resolution P2021-0004. It was moved by Kathy Kvasnicka and seconded by Vice-Chair Bushrod White.

Motion carried by unanimous roll call vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for February 11, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 6:55 PM.

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair

BEEN ANNEXATION & INITIAL ZONING STAFF REPORT
PROJECT NO. LUP2020-0034 / PLAN NOS. ANX2020-0004 & COZ2020-0007

PROJECT DESCRIPTION

Project No.: LUP2020-0034 / Plan Nos. ANX2020-0004 & COZ2020-0007

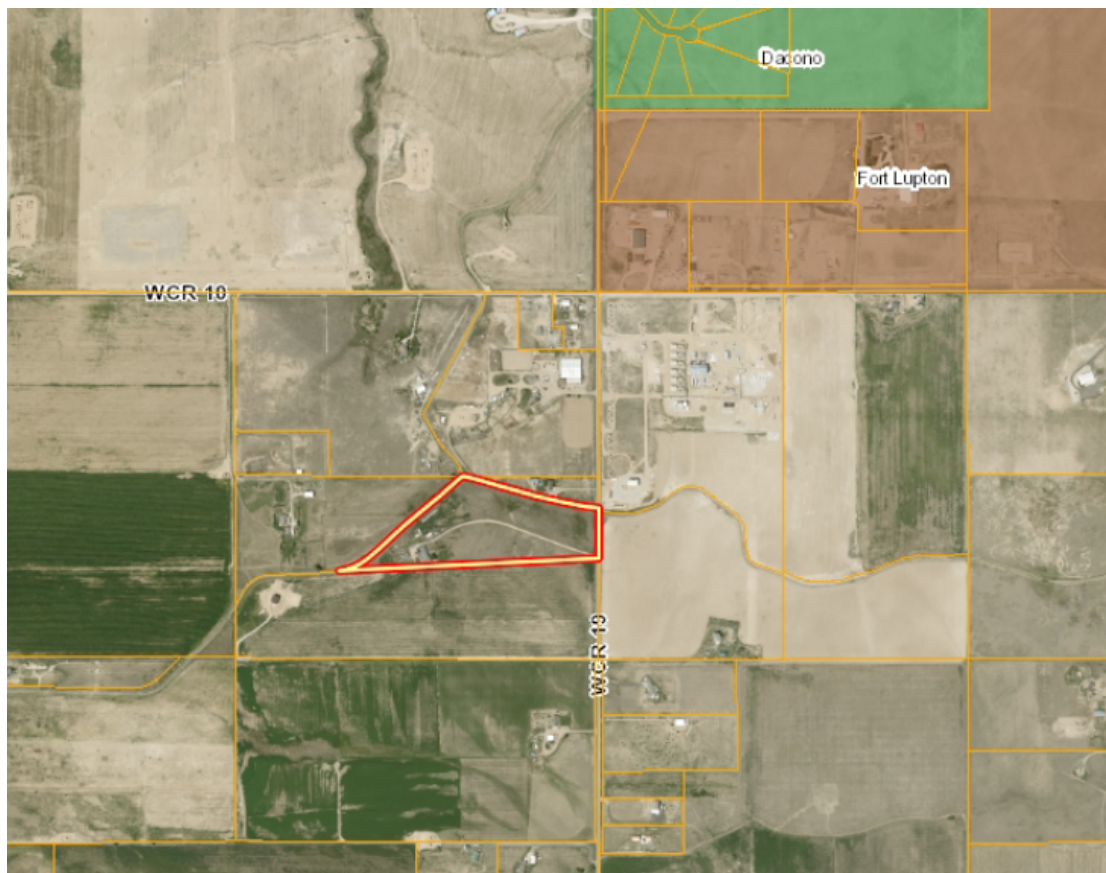
Project name: Been Annexation & Initial Zoning

Owner's Name: Sheryl A. Been ("Applicant")

Representative: Chadwin F. Cox with Western Engineering Consultants, inc. LLC

Location of Request:

The site consists of a parcel of land located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado (Parcel No. 146916100006) (the "Property"). The annexation is located in the Northeast Quarter of Section 16, and the Northwest Quarter of Section 15, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The Property is approximately 0.29 miles south of City Limits.



The Property is primarily surrounded by agricultural and rural residential land uses. Additionally, nearby to the northeast exists an oil and gas tank and battery assembly. Unincorporated Weld County surrounds the property on all sides. This is a flagpole annexation and the annexation will connect to City Limits via County Road 10 from the Zadel Annexation located north and adjacent to County Road 10 and east and adjacent to County Road 19, which was approved by City Council in 2018.

Nature of Request:

The Applicant has submitted a request for annexation of the parcel of land with initial designation to the 'A' Agricultural Zone District. There is an existing rural residence on-site. The application mentions a conceptual future land use for an RV park, an addition residence, as well as potential commercial. These land uses are not part of this application, and any proposals for any future land use would come before the Planning Commission for further review and consideration.

Site Size: Subject Property: 16.75 acres, more or less; Total Acreage of Property to be Annexed (including County road 10 right of way): 18.40 acres, more or less.

Proposed Zone District: 'A' Agricultural

Concept Land Use Plan: The Applicant has submitted a conceptual plan for the annexation, which includes an RV park, future additional residence, and potential commercial node for the Property. These land uses, or any other proposed land uses not mentioned, will require separate land use processes prior to being approved.

Existing Use: The Property currently contains an existing rural residence on the Property.

Hearing Dates: Planning Commission – January 28, 2021 at 6:00 PM; and
City Council – February 16, 2021 at 7:00 PM.

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

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

SUMMARY OF PREVIOUS APPLICATIONS

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

APPLICATION PROCESS

The Applicants are requesting approval of an annexation and initial zoning to the 'A' 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 21, 2021 by certified mail, return-receipt requested. The annexation impact report will be sent on or before January 27, 2021 to the Weld County Commissioners by certified mail, return-receipt requested. Finally, a flagpole notification was sent to property owners along the flagpole on January 6, 2021.

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 January 5, 2021, the City Council accepted the annexation petition and set the public hearing date for this matter on February 16, 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, specifically in relation to the Comprehensive Plan, which is further explained later in this Staff Report.

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

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

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

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

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

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

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

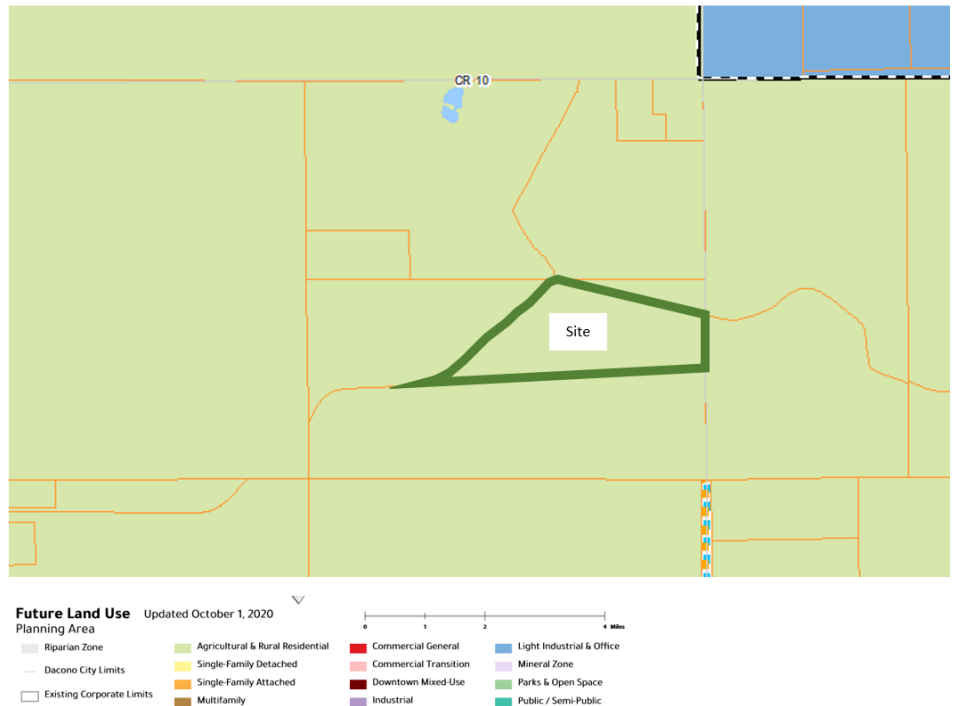
Staff Comment: The Applicant is requesting zoning to the ‘A’ Agricultural Zone District.

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

Staff Comment: The proposed annexation meets the required contiguity through a flagpole annexation.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Property is located within the Fort Lupton Comprehensive Plan area. The Fort Lupton Comprehensive Plan designates this area as the Agricultural & Rural Residential land use type. 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. Given the availability of viable land for development in more appropriate districts, commercial or residential investment within agricultural areas should be discouraged. This will help limit unnecessary loss of agricultural lands and reduce the potential of suburban sprawl. The proposed zoning to the ‘A’ Agricultural Zone District conforms to this land use designation.



REFERRALS

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

City Attorney	Police Chief	Public Works Director
Water Treatment Plant Manger	GIS Specialist	Fort Lupton Fire Protection District
CDOT	Colorado DRMS	Division of Water Resources
United Power	Comcast	CenturyLink
Xcel Energy	Postmaster	Weld County Department of Planning
Weld Cty. Dpt. of Public Health & Env.	Weld County Public Works	Weld County School District RE-8
NCWCD	Town of Frederick	City of Dacono
Bull Canal	Central Weld County Water District	

RECOMMENDATION

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

***For more information on this development, please refer to the Planning Commission packet provided.
Additional documents 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: BEEN SHERYL A
 Company: N/A
 Phone: 303-902-9262 Email: wereafrog@yahoo.com
 Address: 3647 County Road 19, Fort Lupton, CO 806218408
 Preferred method of contact? Email: ☒ Phone: ☐ Mail: ☐
- 2) Representative Name: CHADWIN F. COX
 Company: Western Engineering Consultants, inc. LLC
 Phone: 720-685-9951 Email: chadwin.cox@westerneci.com
 Address: 127 South Denver Ave. Fort Lupton, CO 80621
 Preferred method of contact? Email: ☒ Phone: ☒ Mail: ☐
- 3) Billing Contact (*where invoices should be directed to*): BEEN SHERYL A.
 Billing Company: N/A
 Phone: 303-902-9262 Email: wereafrog@yahoo.com
 Address: PO BOX 375, Fort Lupton, CO 80621

B. SITE DESCRIPTION

Site Address: 3647 County Road 19, Fort Lupton, CO 806218408
 Parcel Number: 146916100006
 Existing Zone Classification: AG Proposed Zone Classification: AG
 Water Type: Municipal Name: Central Weld County Water District
 Sewage Type: Septic system 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	

D. PROJECT DESCRIPTION

Project No. _____

Project Name: BEEN RV PARK

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

Been RV Park will be constructed over multiple phases on an approximate 10 acre site. Up to 2 (two) employees are expected at buildout to run day to day operations. The hours of operations are intended to be from 8:00 am to 10:00pm. Quiet hours are anticipated from 10:00pm to 6am. The number of overnight or long term RV vehicles will be based on the sewer system capacity. Initially 120 with OWTS and a total of 161 when connection to the future City sewer line is available.

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: Sheryl A. Bann Date: 8/5/2020

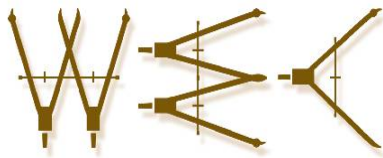
For Office Use Only

Received Date: _____

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

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____



WESTERN ENGINEERING CONSULTANTS,
Inc LLC
127 S Denver Ave. Fort Lupton, CO 80621
2501 Mill Street, Brush, CO 80723
Office: 720-685-9951
Cell. 303-913-7341, Fax 720-294-1330
Email: chadwin.cox@westerneci.com

October 23, 2020

City of Fort Lupton
130 South McKinley Ave.
Ft. Lupton, CO 80621

RE: BEEN RV PARK ANNEXATION, ZONING, & SKETCH NARRATIVE

City Design Review Committee:

Western Engineering Consultants Inc. Llc (WEC) has prepared this narrative letter to briefly summarize the "BEEN RV PARK" project and the proposed Annexation, Zoning, and Sketch Plan.

Sheryl Been wishes to annex approximately 16.75 acres into the City of Fort Lupton. The subject property is located primarily in the northeast quarter of section 16, township 1 north, range 67 west of the sixth principal meridian, County of Weld, State of Colorado.

The property has historically been farmland and its current Weld County zone is Agricultural.

The City of Fort Lupton limits are approximately 1,600 feet from the north boundary.

PURPOSE / BACKGROUND

Sheryl Been desires to Annex, Zone, and develop her property as two (2) single family residences (one existing and one proposed), a large acreage Recreational Vehicle Park for short or long term living, and a future 1.0 acre Commercial Lot adjacent to WCR 19.

Currently the Bull Canal runs along the North and West sides of the property and Weld County Road 19 exists along the eastern boundary.

ADJACENT USES

To the north agricultural land and one rural residence. To the east/northeast lies and Oil and Gas tank and battery assembly. To the south and west are agriculture crops and pastures.

RELATIONSHIP TO & IMPACT UPON ADJACENT USES

The existing residence in the southwest corner will remain as is. An additional single family residence is proposed north of the existing residence will complete the western boundary thus uses will remain consistent with current conditions along the west property line.

The center portion of the development is proposed as a residential (RV Park) that will be buffered (setback) from the north and south properties that are currently farmed.

The northeastern corner adjacent to WCR 19 will be a future commercial property and will be screened appropriately to the only neighbor to the north. Screening and buffering will occur on the north and west portions of the commercial lot. Landscaping per City code will be added along the commercial property frontage to WCR 19.

The City Comprehensive Plan show this area as Agricultural & Rural Residential - see Figure 1 below.

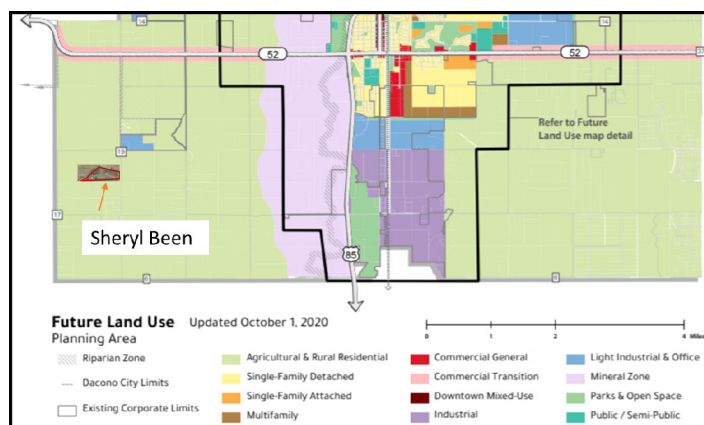


Fig. 1 Future Land Use

ACCESS LAYOUT

The project is proposing one main access from Weld County Road 19 located approximately 1,851 feet south of the WCR 19 and WCR 10 intersection. Highway 52 lies less than 2 miles north of this property.

On site will be 2 dedicated access easements (connected and looped within the RV Park Lot – Lot 3) in order to serve both Lots 1 and 2 (the existing and proposed single family residences) and provide acceptable emergency access to said Lots. A public ROW and cul de sac could be dedicated if necessary.

ZONING, USE, PHASING, and UTILITY DISTRICTS

The following summarizes the proposed specifics:

- | | |
|----------------------------------|--|
| • Zoning | Currently zoned Agriculture in Weld County |
| • Proposed Use | PUD |
| • Type of structures to be built | One single family residence and one Commercial Office building |
| • Phasing | The project is expected to be built as demand allows. |
| • Water source | Connect to Central Weld County Water District |
| • Sanitary Sewer source | Septic System until City Sewer is available |
| • Storm sewer | On Site Detention as coordinated with the City |
| • Gas & Electricity | Xcel and United Power |
| • Fire Protection | Ft. Lupton Fire Protection District |

WATER, SEWER, ELECTRICITY, & NATURAL GAS

The applicant has completed the Affidavit of historic water use and has applied for inclusion to the Northern Colorado Water Conservancy District. WEC has coordinated with and the Applicant has funded the Central Weld County Water District water demand and supply study. Currently CWCWD water main exists 1,850 feet +/- north of the site.

On site wastewater systems will be utilized until the City sanitary system is extended to the property frontage.

United Power electricity is immediately adjacent and available. It is unclear if natural gas exists near the Site.

MINERAL RIGHTS & ON SITE GAS/OIL FACILITIES

The Zeren mineral rights notification certification is attached. There are two leases identified.

There is also a gas line located within the center of the site (runs north-south) that has been determined to be abandoned (see attached email from DCP Pipeline). WEC will assist the Applicant to have said line removed and easement vacated.

STATEMENT ON COMMUNITY NEED FOR PROPOSED ANNEXATION & ZONING

The proposed annexation aligns with the intent of the City of Fort Lupton's Comprehensive and Zoning Plan. The proposed uses will complement the surrounding land uses currently adjacent to the property.

The proposed uses will not be detrimental to the public health, safety, or general welfare. A Recreational Vehicle Park provides affordable living options for temporary work force and long-term residency as well RV tourism that is not currently available in the area. The proposed uses will be required to conform to all applicable City of Fort Lupton zoning regulations and standards.

POTENTIAL IMPACT IN ADJACENT PROPERTIES

Negative impacts are not anticipated from this development on adjacent properties after construction has been completed. This project will enhance and extend City infrastructure for adjacent and neighboring properties.

Traffic is expected to be reasonable but won't occur until adjacent rights of way and transportation paths are improved in accordance with City Standards. Landscape and screening will further enhance the development and neighborhood.

ANNEXATION CHECKLIST

- | | |
|--|---------------------------|
| 1. Annexation Petition | Enclosed |
| 2. Land Use Application | Enclosed |
| 3. Completed Draft Annexation Agreement | Encl., to be negotiated |
| 4. Two full size paper copies and fifteen 11" by 17" Annexation map copies | Enclosed |
| 5. Completed application for zoning the property being annexed | Enclosed |
| 6. Two full size paper copies and fifteen 11" by 17" Concept Land use (sheet 4) | Enclosed |
| 7. Supporting info | |
| a. Soils description | NRCS Study included |
| b. Statement of known hazards and other important environmental hazards | Site Geotech underway |
| c. Preliminary Utility Plan | None known to exist |
| d. One set of No. 10 envelopes, stamped, addressed to property owners within 500 feet of property. Envelopes shall be return addressed to the City | Enclosed |
| e. In the case of "flagpole" annexation – separate envelopes required. | By City |
| f. Affidavit concerning the amount and historical use of all water rights owned | Not applicable this app |
| g. Vicinity map with 1-1/2 mile radius at a minimum scale of 1" = 2,000 feet | Enclosed |
| h. Statement on community need for proposed annexation and zoning | Enclosed |
| i. For annexations in excess of 10 acres – School impact letter | Incl. in narrative above |
| j. Draft Annexation Impact Report | Requested by email (encl) |
| | Enclosed |

ZONING CHECKLIST

- | | |
|---|---------------------|
| 1. Completed Land Use Application, Fees & Escrow Funds - total \$7,034.40 | Enclosed |
| 2. A detailed written description of the proposal with maps. | Herein and attached |
| 3. One set of No. 10 envelopes stamped, addressed to property owners within 100 feet of property. Envelopes shall be return addressed to the City | By City |
| 4. A copy of the recorded warranty deed and title commitment | Enclosed |
| 5. Any such additional descriptive materials as Planning may require | Noted |

CLOSING

The Applicant is excited to bring this project to the City of Fort Lupton!

The desired schedule is to achieve approvals and begin Construction within 60 days after receiving said approvals early 2021.

Please contact me with any questions or comments you may have on this Project Narrative.

Sincerely,



Western Engineering Consultants inc., LLC
Chadwin F. Cox, P.E.
Senior Project Manager

Encl. Annexation Submittal
 Zoning Submittal
 Sketch Plan Submittal

DCP Pipeline

Hagenlock, Lewis D <LHagenlock@dcpmidstream.com>

Wed 10/7/2020 7:59 AM

To: Leticia Maldonado <leticia.maldonado@westerneci.com>

 1 attachments (3 MB)

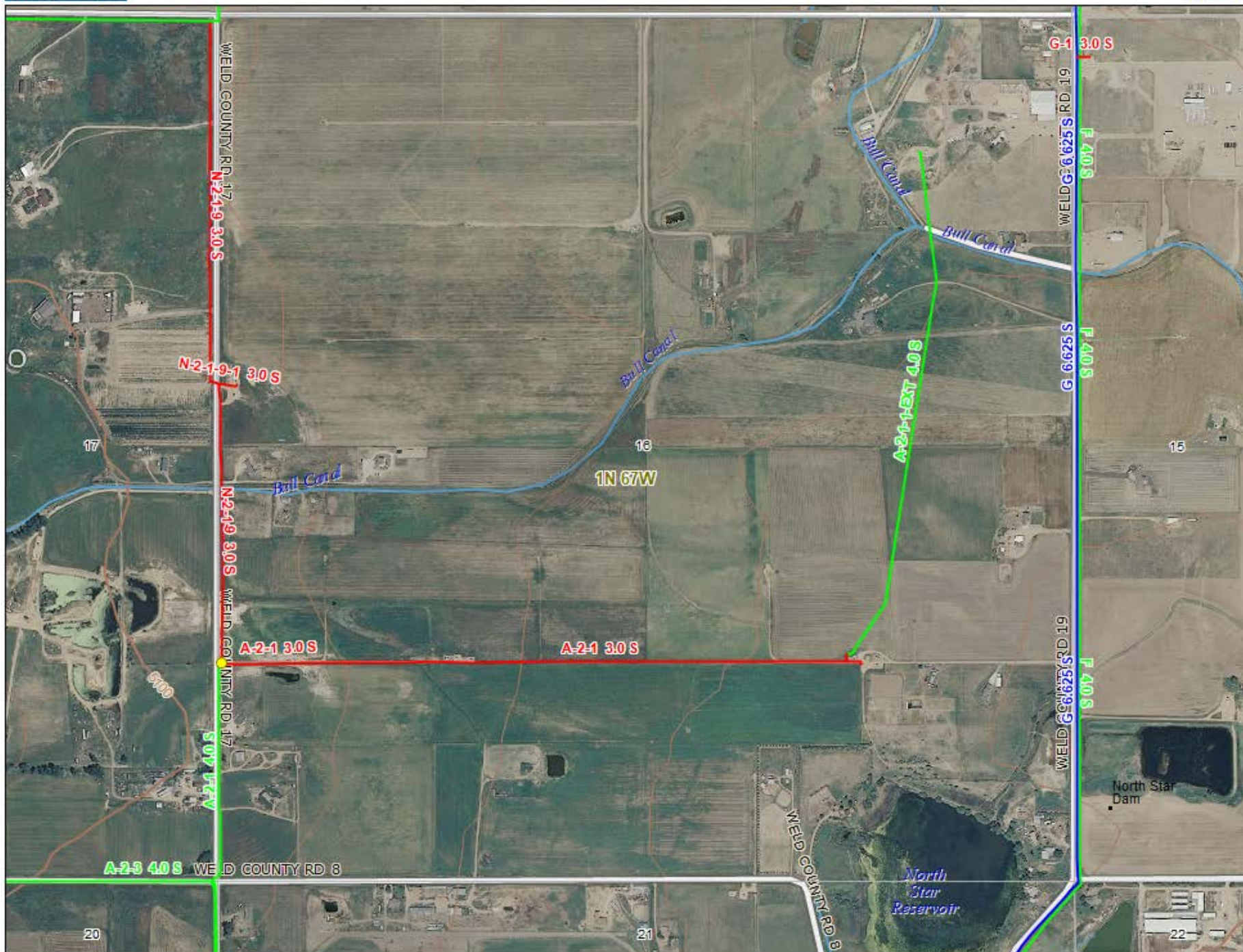
16-1N-67W.bmp;

Morning Leticia,

Attached map shows the approximate location of DCP's pipeline in the NE/4 of Sec. 16. I spoke with Operations and this line is currently abandoned in place. We can remove it at the developers expense and Release the easement after the pipe is removed.

Feel free to give me a call to discuss – 970-378-6351.

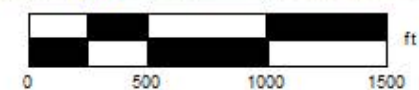
Lew Hagenlock
DCP Operating Company, LP



Data use subject to license.

© DeLorme. XMap® 8.

www.delorme.com





Planning & Building

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

BEEN ANNEXATION NOS. 1 – 4 **ANNEXATION AGREEMENT**

THIS AGREEMENT is made and entered into this _____ day of _____, 2020, 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 \$1,134.00.
4. **Resolution of Substantial Compliance.** Fort Lupton shall act upon the annexation petition on **January 5, 2021** and shall set a public hearing for **February 16, 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 16, 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. Notwithstanding Section 16-62(f)(1) of the City's Code, the City agrees to allow the Owner to construct accessory buildings on the Property larger than 1,000 square feet in the agricultural zone district. The City further agrees to allow one single-family dwelling to be constructed per legal parcel in accordance with the requirements of the Zoning Regulations. 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.

In the event traffic numbers and usage significantly exceed those represented by Owner and relied upon by the City for compilation of the traffic study applicable to this project, future improvements to the truck routes may be required by the City for reasons related to site activity or truck circulation patterns and numbers, roadway classification changes and newly permitted facilities affecting the truck haul route traffic usage. Owner shall pay a proportionate cost share of future improvements not described herein based on the Owner's percentage of truck total trips using the current data on the haul route in comparison to the numbers and usage represented by Owner in compilation of the traffic study. After execution of this Agreement, the City may retain a third party traffic study consultant to evaluate traffic data usage by Owner and provide said study to Owner prior to the imposition of any costs stated herein.

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 until such time that municipal water serves the Property. At such time that the Property is served by municipal water the wells shall be transferred to the City at the City's option. In the event that Owner conveys its water rights to Fort Lupton, Owner shall convey all pertinent easements for access, use, maintenance and repair.
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: _____
Sheryl A. Been

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 _____, 2021 by
_____ as _____.

Notary Signature

Seal

State of Colorado)
) ss
County of Weld)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by
Zo Stieber as Mayor for the City of Fort Lupton, Colorado.

Notary Signature

Seal

EXHIBIT A

Legal Description of Property Owned by Annexor(s)

LOT A OF RECORDED EXEMPTION NO. 1469-16-1 RE-4223, ACCORDING TO THE MAP RECORDED NOVEMBER 23, 2005 AT RECEPTION NO. 3342371, BEING A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

DRAFT

EXHIBIT B

Signed Petition for Annexation (Attached)

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 SHERYL BEEN 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 18.40 acres, more or less, 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' Agricultural, 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 \$1,134.40 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.

<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of Signing</u>
Sheryl Been <i>Sheryl Been</i>	2222 NW - 8 th St Docu Refur #1 33486	

EM
~~Florida~~
~~State of Colorado~~)
) ss
~~County of Weld~~)
 Palm Beach

The foregoing instrument was acknowledged before me this 21st day of October, 2020 by Sheryl Been, Land Owner.

[Signature]
 Notary Signature

Seal



Land Owned

Lot A of Recorded Exemption No. 1469-16-1 RE-4223, recorded November 23, 2005 at Reception No. 3342371, being a part of the South Half of the Northeast Quarter of Section 16, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

Sheryl Been, 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.

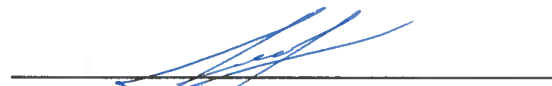

(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 21st day of October, 2020, by Sheryl Been.

Witness my hand and official seal.

My commission expires on 12-1-23.




Notary Public

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 729.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 864.43 FEET TO THE NORTH LINE OF LOT A, RECORDED EXEMPTION NO. RE-4223 AS SHOWN ON THE PLAT RECORDED NOVEMBER 23, 2005 AS RECEPTION NO. 3342371 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
- 5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
- 6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
- 7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
- 8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
- 9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
- 11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. 2021R008

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Sheryl Been for 18.40 acres, more or less, and known as the Been Annexation Nos. 1 – 4; 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 Been Annexation Nos. 1 – 4 and sets the hearing date for February 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.

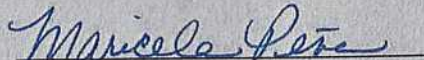
APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 5th DAY OF JANUARY 2021.

City of Fort Lupton, Colorado



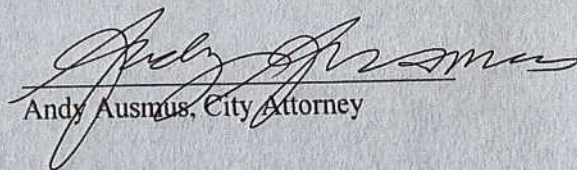
Zo Stieber, Mayor

Attest:



Maricela Peña, City Clerk

Approved as to form:

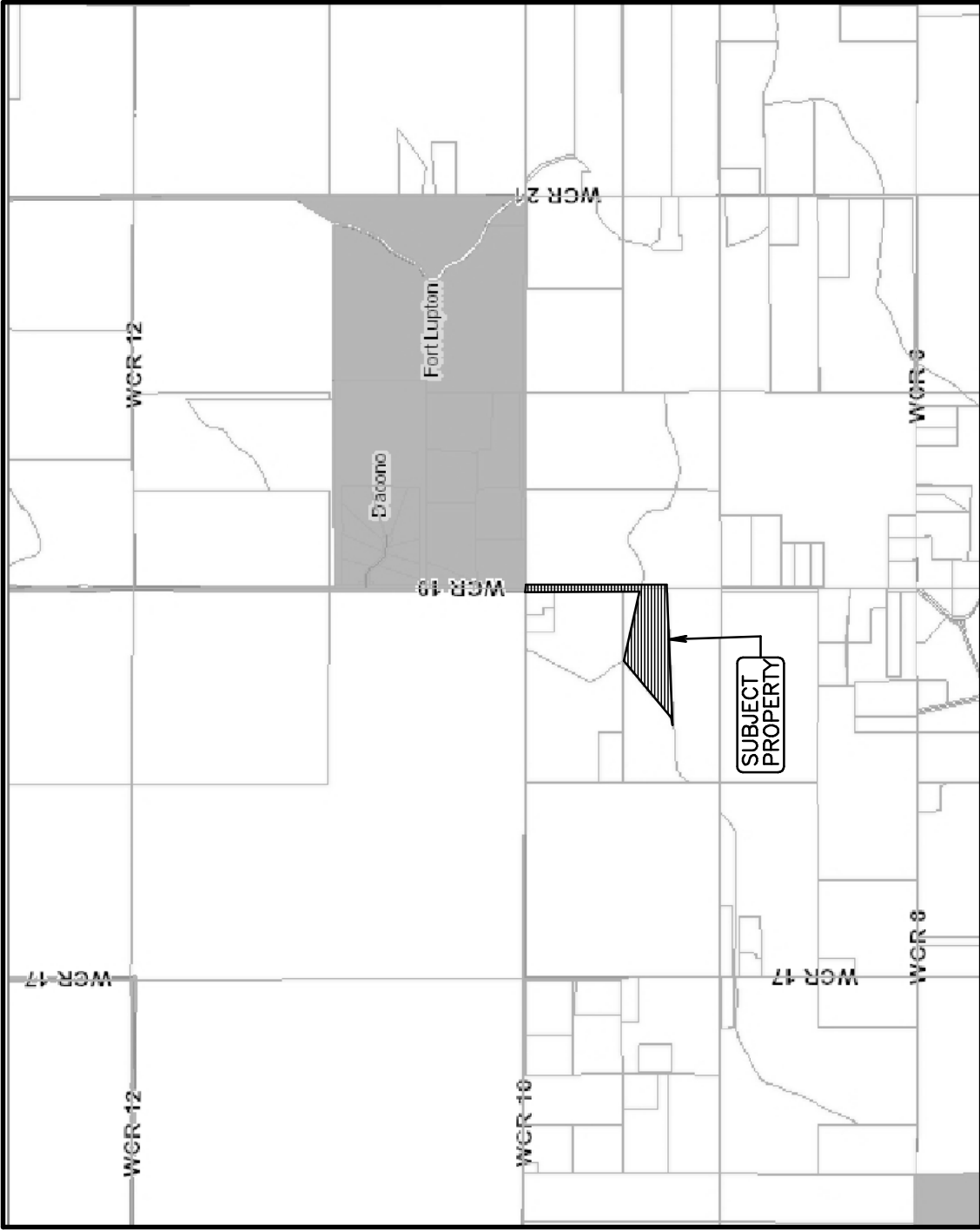


Andy Ausmus, City Attorney

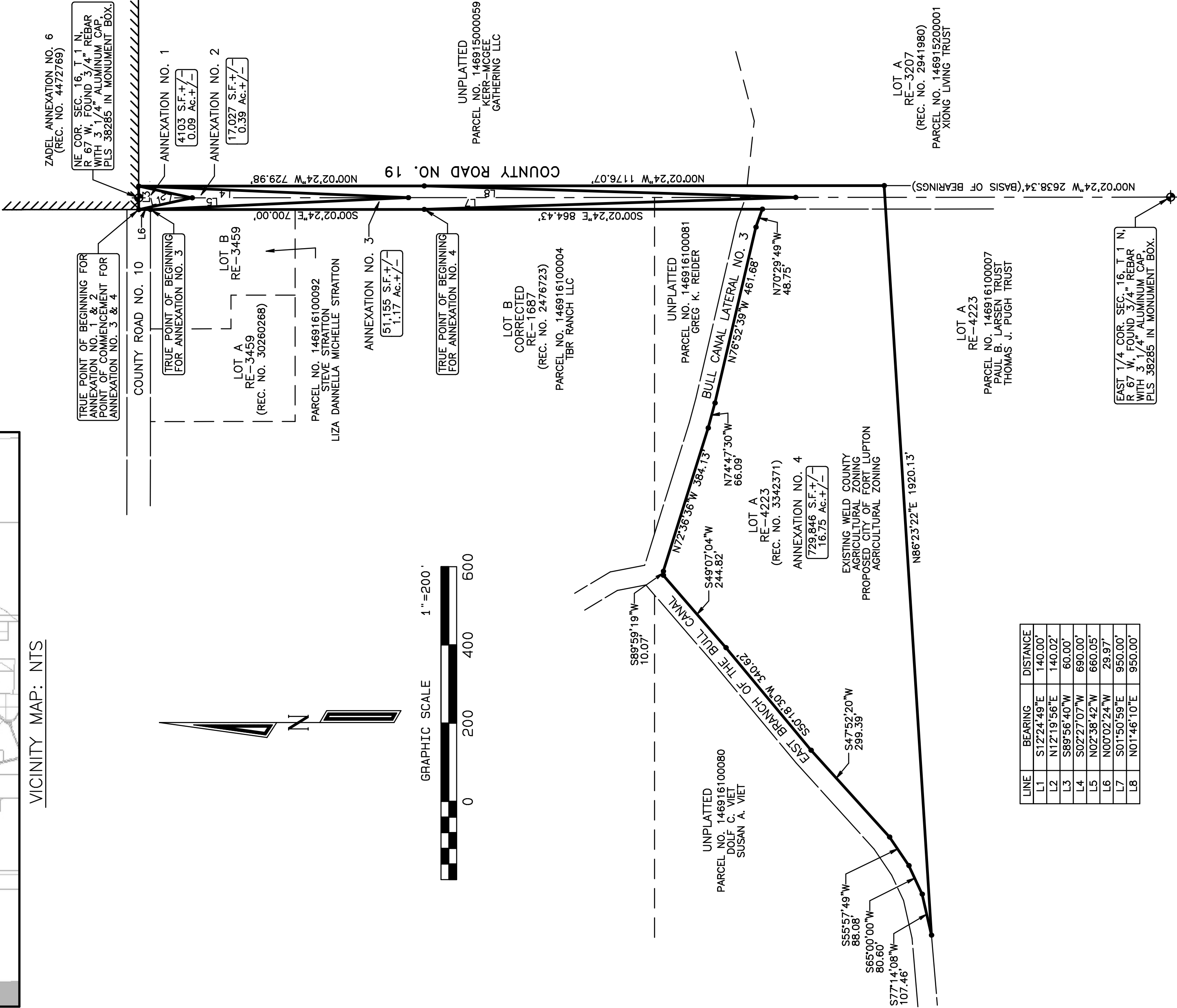
BEEN ANNEXATION NO. 1, 2, 3, & 4 TO THE CITY OF FORT LUPTON

Part of the Northwest 1/4 of Section 15, and the Northeast 1/4 of Section 16, 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: NTS



DESCRIPTION OF ANNEXATION NO. 1:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472768 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 17°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'58" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF ANNEXATION NO. 2:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472768 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 17°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'58" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.
DESCRIPTION OF ANNEXATION NO. 3:
A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472768 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 17°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'58" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF ANNEXATION NO. 4:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472768 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 17°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'58" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF ANNEXATION NO. 1:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472768 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 17°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'58" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.
ANNEXATION TABLE NO. 1:
TOTAL PERIMETER: 340.02 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 56.67 FEET
CONTIGUOUS BOUNDARY: 60.00 FEET
ANNEXATION TABLE NO. 2:
TOTAL PERIMETER: 1660.04 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 276.67 FEET
CONTIGUOUS BOUNDARY: 280.02 FEET
ANNEXATION TABLE NO. 3:
TOTAL PERIMETER: 4680.03 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 780.01 FEET
CONTIGUOUS BOUNDARY: 1350.05 FEET
ANNEXATION TABLE NO. 4:
TOTAL PERIMETER: 7992.32 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 1332.05 FEET
CONTIGUOUS BOUNDARY: 1900.00 FEET

LINE	BEARING	DISTANCE
L1	S17°24'49"E	140.00'
L2	N12°19'58"E	140.02'
L3	S89°58'40"W	60.00'
L4	S02°27'07"W	690.00'
L5	N02°38'42"W	660.05'
L6	N00°02'24"W	29.97'
L7	S01°50'59"E	950.00'
L8	N01°46'10"E	950.00'

OWNER'S APPROVAL

KNOW ALL MEN BY THESE PRESENTS, THAT SHERYL A. BEEN, BEING SOLE OWNER OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF BEEN ANNEXATION NO. 1, 2, 3, &4, TO THE CITY OF FORT LUPTON.

OWNER — SHERYL A. BEEN
STATE OF COLORADO } SS
COUNTY OF WELD
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____
MY COMMISSION EXPIRES _____
WITNESS MY HAND AND SEAL.

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 _____, 20____

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION

CITY COUNCIL APPROVAL

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 _____, 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 _____, 20____

ATTEST: CITY CLERK

SURVEYOR'S STATEMENT

I, CURTIS D. HOODS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER IN GOOD STANDING OF THE COLORADO SURVEYORS ASSOCIATION. I HAVE REVIEWED THE ANNEXATION MAP AND BELIEVE 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. HOODS, PLS 37971
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.
A COLORADO CORPORATION

NOTES

- 1) BASIS OF BEARING: THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M. IN WELD COUNTY, COLORADO, TO BEAR NORTH 00°02'24" WEST, BEING MONUMENTED ON THE NORTH AND SOUTH SIDES OF SAID SECTION 16, WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO.
- 2) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFEACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- 3) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING, IMPLIES THAT THE SURVEYOR HAS CONDUCTED A REASONABLE SEARCH OF THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.
- 4) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTIONS BASED UPON A DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER THE DEFECT. ANY LEGAL ACTIONS BASED UPON A DEFECT IN THIS SURVEY MUST BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD.
- 6) ALL DISTANCES SHOWN HEREON ARE MEASURED GROUND DISTANCES REPORTED IN U.S. SURVEY FEET.

LEGEND:

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

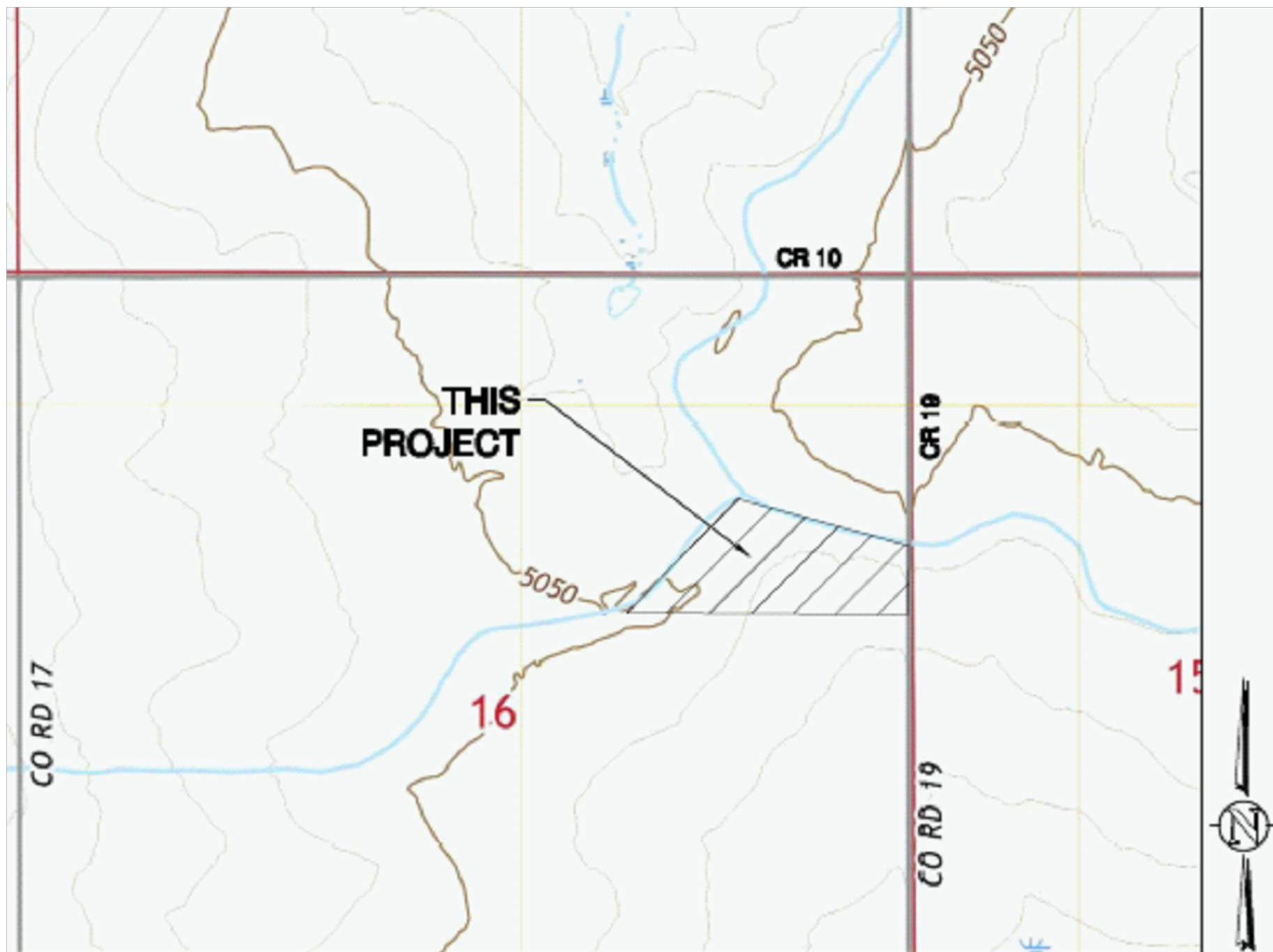
American West
Land Surveying Co.
A Colorado Corporation

PO Box 129, Brighton, CO 80601 • P-303-659-1532 F-303-655-0575 • amwestllc.com

SCALE: 1" = 200' | DRAWN BY: CHH | CHECKED BY: MJH | DATE: DEC. 8, 2020

REVISIONS:
JOB NO. 20-____ | FILE: F:\SURVEYS\11-2\N\TIN_R67W\S16\LOT A_RE-4223_ANNEX_1.dwg





VICINITY MAP

S 1/2, NE 1/4, S16, T1N, R67W, 6th P.M.

SHOWN VICINITY MAP TAKEN FROM USGS QUAD MAPS -FREDERICK, CO

SCALE 1' = 1,000'

ON-SITE-SEPTIC

NOTES

THIS PLAN IS INTENDED AS THE UTILITY PLAN - ON-SITE SEPTIC SYSTEM FOR BEEN RV PARK.

ALL IMPROVEMENTS ARE PROPOSED UNLESS NOTED AS EXISTING.

IT IS THE OWNER AND/OR THE CONTRACTOR'S RESPONSIBILITY TO ATTAIN ALL APPROPRIATE PERMITS AND REVIEW APPROVALS FROM THE STATE OF COLORADO AND WELD COUNTY RESPECTIVELY.

SEE "BEEN ANNEXATION NO. 1, 2, 3, & 4 TO THE CITY OF FORT LUPTON" COMPLETED BY AMERICAN WEST LAND SURVEYING CO. - DATED AUGUST 26, 2019 FOR WCR 19 R.O.W. INFORMATION

SEE COVER SHEET FOR LEGAL DESCRIPTION.

SEE COVER SHEET FOR BASIS OF BEARING & BENCHMARK.

ANY REFERENCE TO EASEMENTS, SURVEY POINTS, OR EXISTING UTILITIES AND FEATURES ARE BASED SOLELY FROM INFORMATION PROVIDED BY CES CONSULTANTS, LLC, DATED JUNE 29, 2020.

NOT ALL UNCC UTILITY LOCATES HAVE BEEN PERFORMED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES ARE LOCATED AND SURVEY PROVIDED TO THE OWNER AND ENGINEER PRIOR TO CONSTRUCTION DRAWING RELEASE.

SYMBOL LEGEND

41 45 DEG BEND	THURST BLOCK TB
41 22.5 DEG BEND	GATE VALVE GV
RESTRAINED PLUG	RESTRAINED VALVE
RESTRAINED TEE	FIRE HYDRANT
WATER METER	PIPE CROSSING
RESTRAINED CROSS	MANHOLE
EXISTING CONC	PROPOSED GRAVEL
EXISTING ASPHALT	PROPOSED CONC

LINETYPE LEGEND

LOT / PROPERTY / SECTION LINE	PROPOSED SANITARY LINE
RIGHT OF WAY LINE	PROPOSED SANITARY SERVICE
EASEMENT	PROPOSED STORM LINE
SETBACK	PROPOSED WATER LINE
EXISTING BUILDING, CURB	PROPOSED GAS LINE
EDGE OF ASPHALT or GRAVEL RD	PROPOSED ELECTRIC LINE
WIRE FENCE	
6' SCREENED CHAINLINK FENCE	
3' SPLIT RAIL FENCE	
POND WQ W/S	
SWALE	
EXISTING OVERHEAD ELEC	
SA	SA
SS	SS
WA	WA
WAS	WAS
GA	GA
EL	EL

PARKING LEGEND

100	OWTS CAMPSITES
136	CITY SEPTIC CAMPSITES

OWTS SIZING TABLE

AREA	DESIGN FLOW	DESIGN CAPACITY	ESTIMATED HORIZONTAL INFLUENCE AREA
L1	525 GPD	788 GPD	84 FT
L2	525 GPD	788 GPD	84 FT
L3-A	2,000 GPD	3,000 GPD	260 FT
L3-B	2,000 GPD	3,000 GPD	260 FT
L3-C	1,000 GPD	1,500 GPD	140 FT
L3-D	1,000 GPD	1,500 GPD	140 FT
L4	500 GPD	750 GPD	80 FT

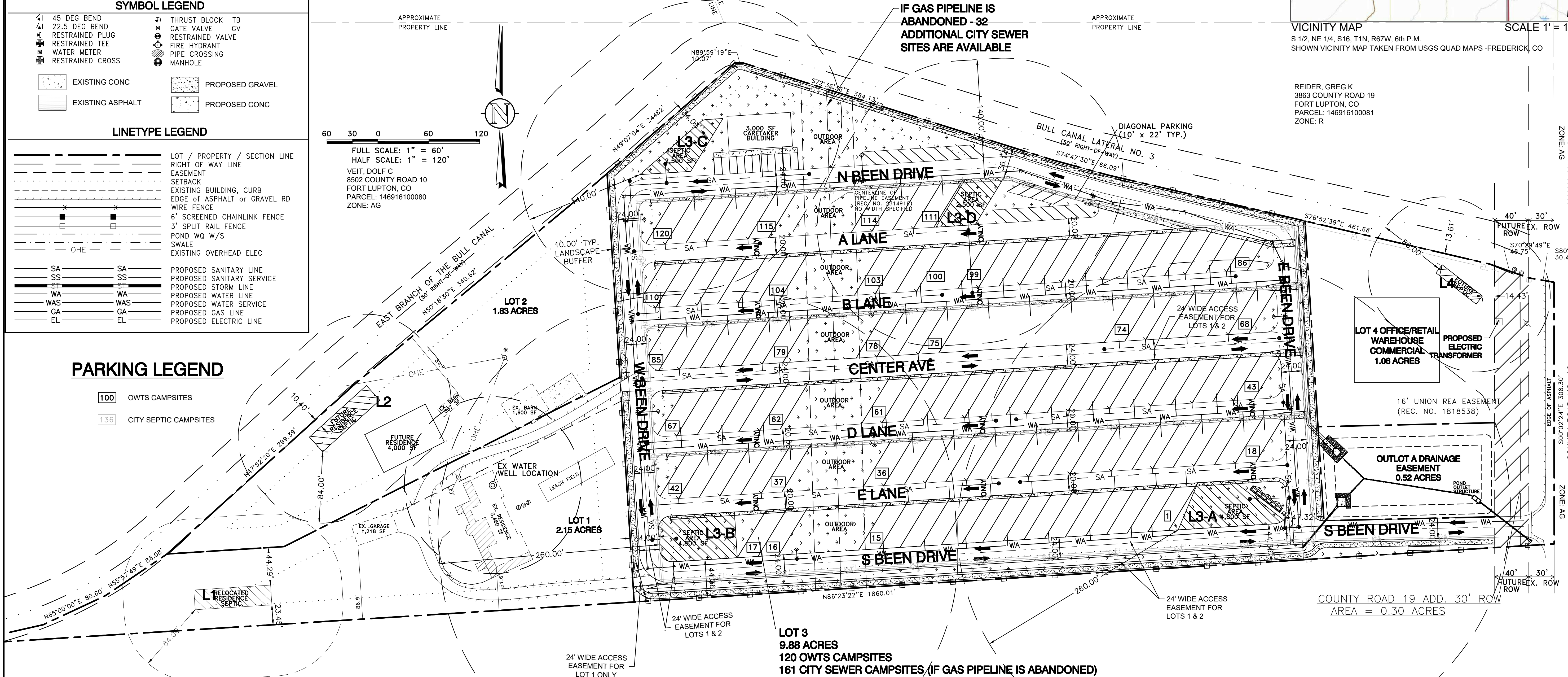
TYPICAL RV PARKING UTILITY SERVICE HOOK-UPS DETAIL

SCALE 1" = 20'

APPROXIMATE PROPERTY LINE

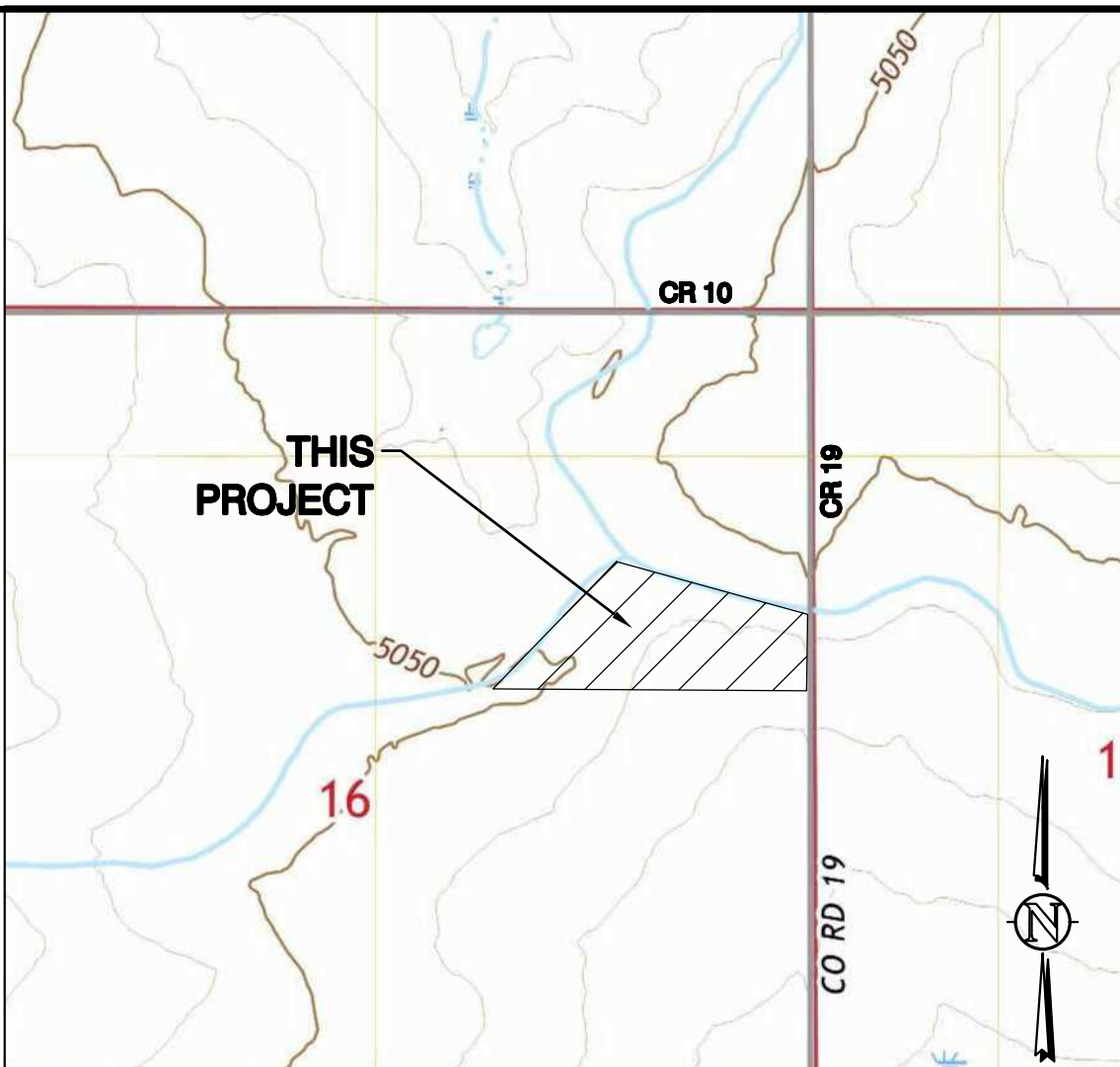
60 30 0 60 120

FULL SCALE: 1" = 60'
HALF SCALE: 1" = 120'
VEIT, DOLF C
8502 COUNTY ROAD 10
FORT LUPTON, CO
PARCEL: 146916100080
ZONE: AG



LOT 3
9.88 ACRES
120 OWTS CAMPSITES
161 CITY SEWER CAMPSITES (IF GAS PIPELINE IS ABANDONED)

PUGH, THOMAS JAMES
3503 COUNTY ROAD 19
FORT LUPTON, CO
PARCEL: 146916100007
ZONE: AG



VICINITY MAP

S 1/2, NE 1/4, S16, T1N, R67W, 6th P.M.
SHOWN VICINITY MAP TAKEN FROM USGS QUAD MAPS -FREDERICK, CO

REIDER, GREG K
3863 COUNTY ROAD 19
FORT LUPTON, CO
PARCEL: 146916100081
ZONE: R

SCALE 1" = 1,000'

127 S. DENVER AVE
FT. LUPTON, CO 80621
www.westerneci.com
email@westerneci.com
(720) 685-9951
FAX (720) 294-1330

REVISION	DATE	BY	DESCRIPTION
1	10/23/20	CFC	INITIAL RELEASE
2	10/23/20	CFC	ADDITIONAL REVIEWS

UTILITY PLAN W/
ON-SITE SEPTIC LAYOUT
BEEN RV PARK - 3647 WCR 19
WELD COUNTY, COLORADO

Dig Safely.
CALL UNCC
THREE WORKING DAYS
BEFORE YOU DIG
1-800-922-1987
www.uncc.org
UTILITY NOTIFICATION
CENTER OF COLORADO

FOR APPROVAL

ONLY VALID FOR CONSTRUCTION
IF SEAL & ORIGINAL SIGNATURE
ARE ON EACH SHEET

INITIAL PLAN
RELEASE: 08/07/20
DESIGNED BY: CFC
DRAWN BY: CFC
CHECKED BY: CFC

PROJECT NO.
01-0342.001.00
DOC CON #
0005-UTIL SEPT
SHEET
5 OF 11

AFFIDAVIT RE: WATER USAGE

STATE OF Florida,
COUNTY OF Palm Beach) ss:

I, Sheryl A. Been, being first duly sworn upon my Oath, depose and say as follows:

1. I am the owner of Lot A of Recorded Exemption No. 1469-16-1 RE-4223, recorded November 23, 2005 at Reception No. 3342371, being a part of the Northeast Quarter of Section 16, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, also known as: 3647 County Road 19, Fort Lupton, CO 80621.

2. I purchased the Subject Property, along with my late Mother, Marleen Rosensweig, on November 29, 2005 and I am personally familiar with Water Usage upon the Subject Property.

3. The Subject Property is comprised of 16 acres of land, one 3,400 square foot residence, an 800 square foot utility building and a 300 square foot animal shelter.

4. The Subject Property includes a tributary exempt well producing 10 gallons per minute, which well was approved by the State of Colorado, Division of Water Resources, as Well Permit #9930 on October 9, 1961 and which well has been continuously used since that date.

5. I have used Well Permit #9930 for all indoor domestic water demands, outdoor irrigation of one-half acre of lawn/garden and watering of six goats and one horse.

6. Based upon my personal knowledge of the use of Well Permit #9930, one to two acre feet of water per year have been used during my ownership of the Subject Property.

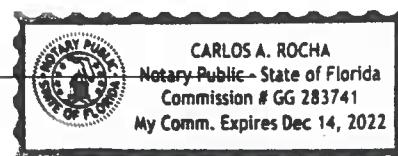
7. I also received non-tributary Well Permit #84713-F from the State of Colorado, Division of Water Resources on September 16, 2020, which well has yet to be drilled, but which well is permitted to withdraw 4.92 acre feet per year from the Laramie-Fox Hills aquifer and may be used for all domestic, livestock watering, industrial, irrigation and commercial purposes.

8. Further I sayeth naught.

Sheryl A. Been
Sheryl A. Been

SUBSCRIBED AND SWORN to before me, a Notary Public, by Sheryl A. Been this 13th day of October, 2020.

Witness my hand and official seal:





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

Been RV



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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Contents

Preface	2
How Soil Surveys Are Made	5
Soil Map	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
Weld County, Colorado, Southern Part.....	13
82—Wiley-Colby complex, 1 to 3 percent slopes.....	13
References	15

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
82	Wiley-Colby complex, 1 to 3 percent slopes	19.9	100.0%
Totals for Area of Interest		19.9	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

82—Wiley-Colby complex, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 3643
Elevation: 4,850 to 5,000 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 48 to 54 degrees F
Frost-free period: 135 to 170 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Wiley and similar soils: 60 percent
Colby and similar soils: 30 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Wiley

Setting

Landform: Plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Calcareous eolian deposits

Typical profile

H1 - 0 to 11 inches: silt loam
H2 - 11 to 60 inches: silty clay loam
H3 - 60 to 64 inches: silty clay loam

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: High (about 11.7 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: Loamy Plains (R067BY002CO)
Hydric soil rating: No

Description of Colby

Setting

Landform: Plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Calcareous eolian deposits

Typical profile

H1 - 0 to 7 inches: loam
H2 - 7 to 60 inches: silt loam

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural 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 in profile: 15 percent
Available water storage in profile: High (about 10.6 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: Loamy Plains (R067BY002CO)
Hydric soil rating: No

Minor Components

Weld

Percent of map unit: 4 percent
Hydric soil rating: No

Heldt

Percent of map unit: 4 percent
Hydric soil rating: No

Keith

Percent of map unit: 2 percent
Hydric soil rating: No

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CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27th day of January, 2021, I sent the following documents related to the Been 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



City Official

7019 1640 0000 5253 4528

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Greeley, CO 80632	
Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee if appropriate)	\$2.85
☒ Return Receipt (hardcopy)	\$2.85
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.95
Total Postage and Fees	\$7.40
Sent To Weld County Commissioners Street and Apt. No., or PO Box No. 1150 O Street PO Box 758 City, State, ZIP+4® Greeley, CO 80631	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Postmark: JAN 27 2021 80621

January 27, 2021

**BEEN ANNEXATION NOS. 1 – 4
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 Been Annexation Nos. 1 – 4 submitted by the Applicant, Sheryl Been. 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 28, 2021 at 6:00 PM and City Council on February 16, 2021 at 7:00 PM. Please contact Todd Hodges or Alyssa Knutson in 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 Northwest Quarter of Section 15, and the Northeast Quarter of Section 16, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The property is situated west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado. The total acreage of the Been Annexation Nos. 1 – 4 is 18.40 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 Agriculture 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.

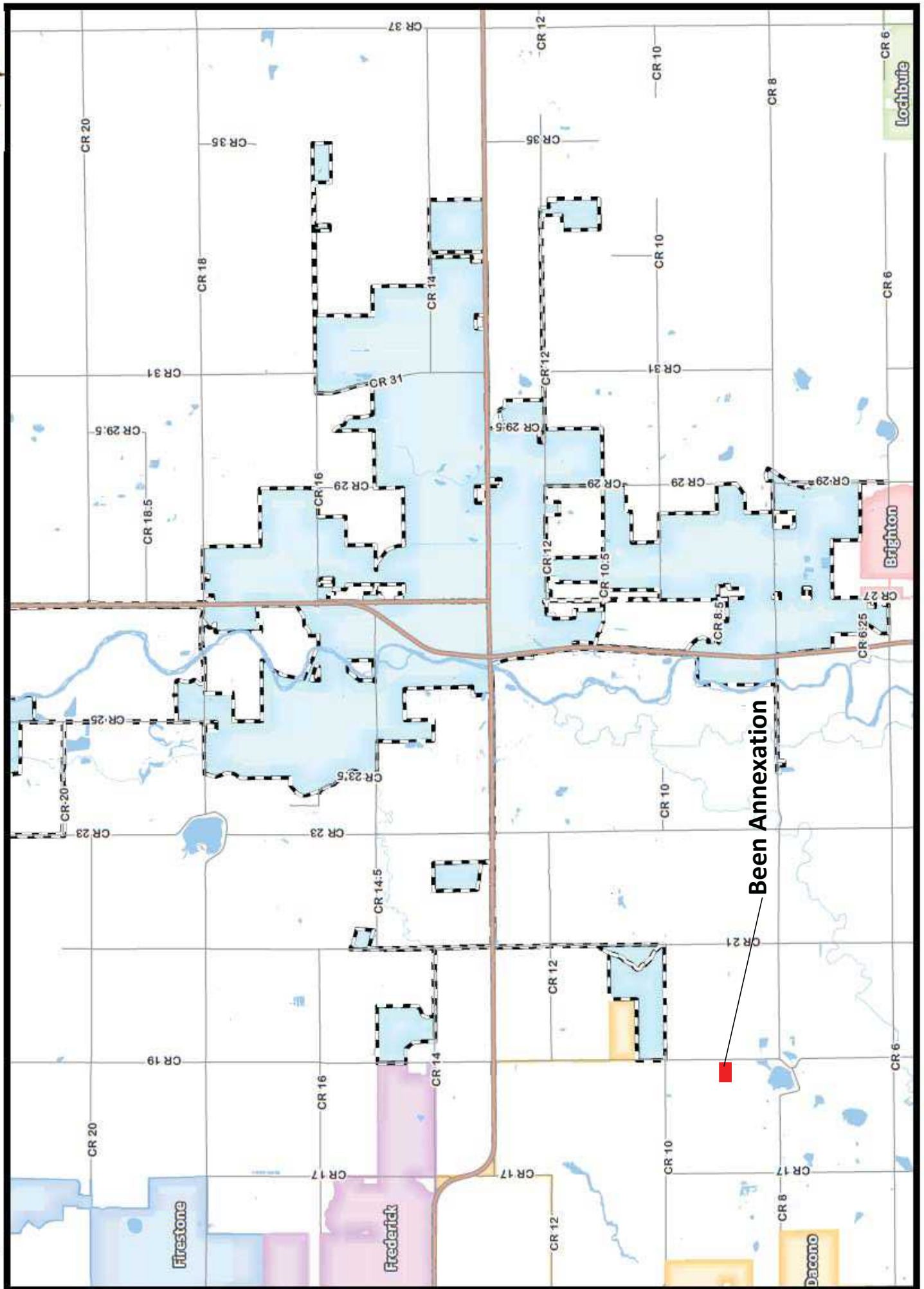
6. **Storm Drainage:** Storm drainage should not be negatively impacted. Future development will be required to address drainage.
 7. **Public Lands / Open Space:** The dedication of public lands and open space will be addressed in the annexation agreement.
 8. **Public Facility Extension:** The City 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 2020 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.

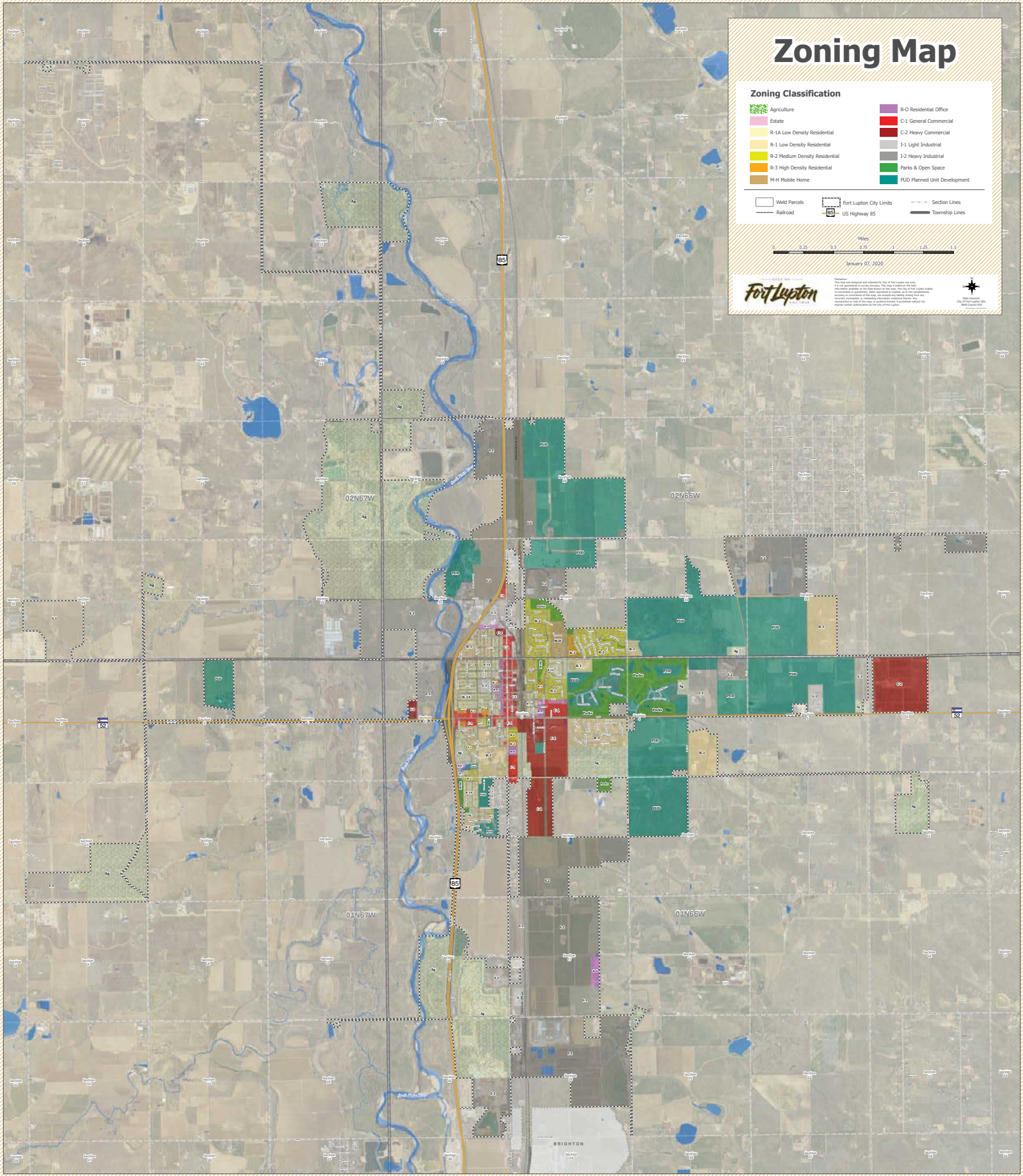
****Please contact Alyssa Knutson at 720.466.6128 or aknutson@fortlupton.org to request any of the provided maps in a larger format or in electronic format.***

Attachments:

1. Annexation map and vicinity map with Fort Lupton boundary
2. Comprehensive Plan Land Use Map 2018
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

Been Annexation





Zoning Map

Zoning Classification

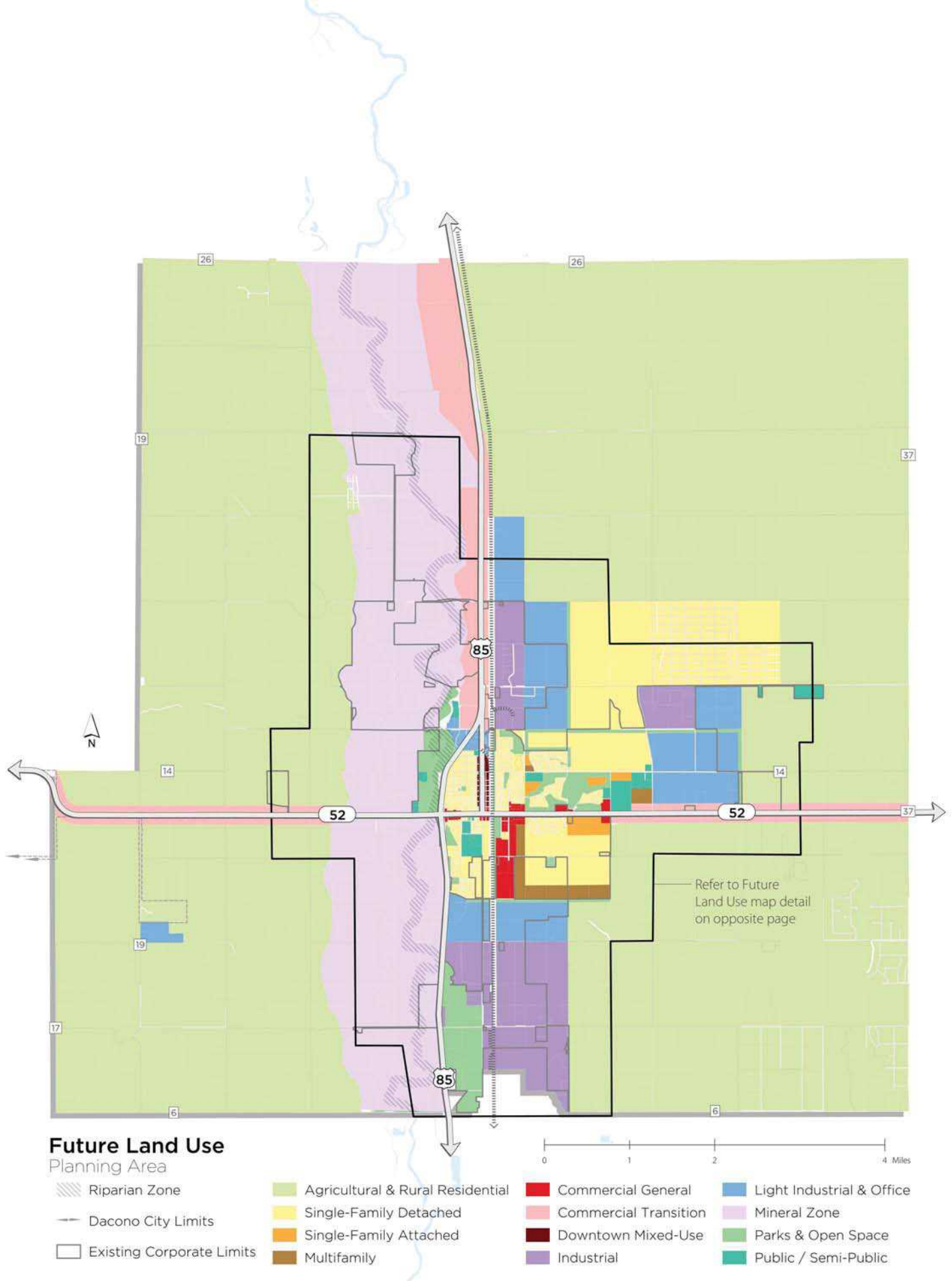
- | | |
|--------------------------------|------------------------------|
| Agriculture | R-O Residential Office |
| Estate | C-1 General Commercial |
| R-1A Low Density Residential | C-2 Heavy Commercial |
| R-1 Low Density Residential | I-1 Light Industrial |
| R-2 Medium Density Residential | I-2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

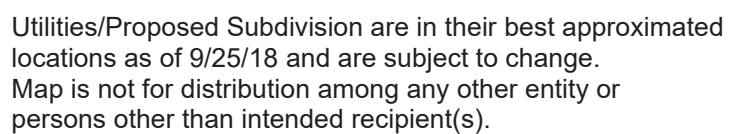
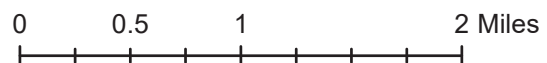
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|--------------|-------------------------|----------------|
| Weld Parcels | Fort Lupton City Limits | Section Lines |
| Railroad | US Highway 85 | Township Lines |



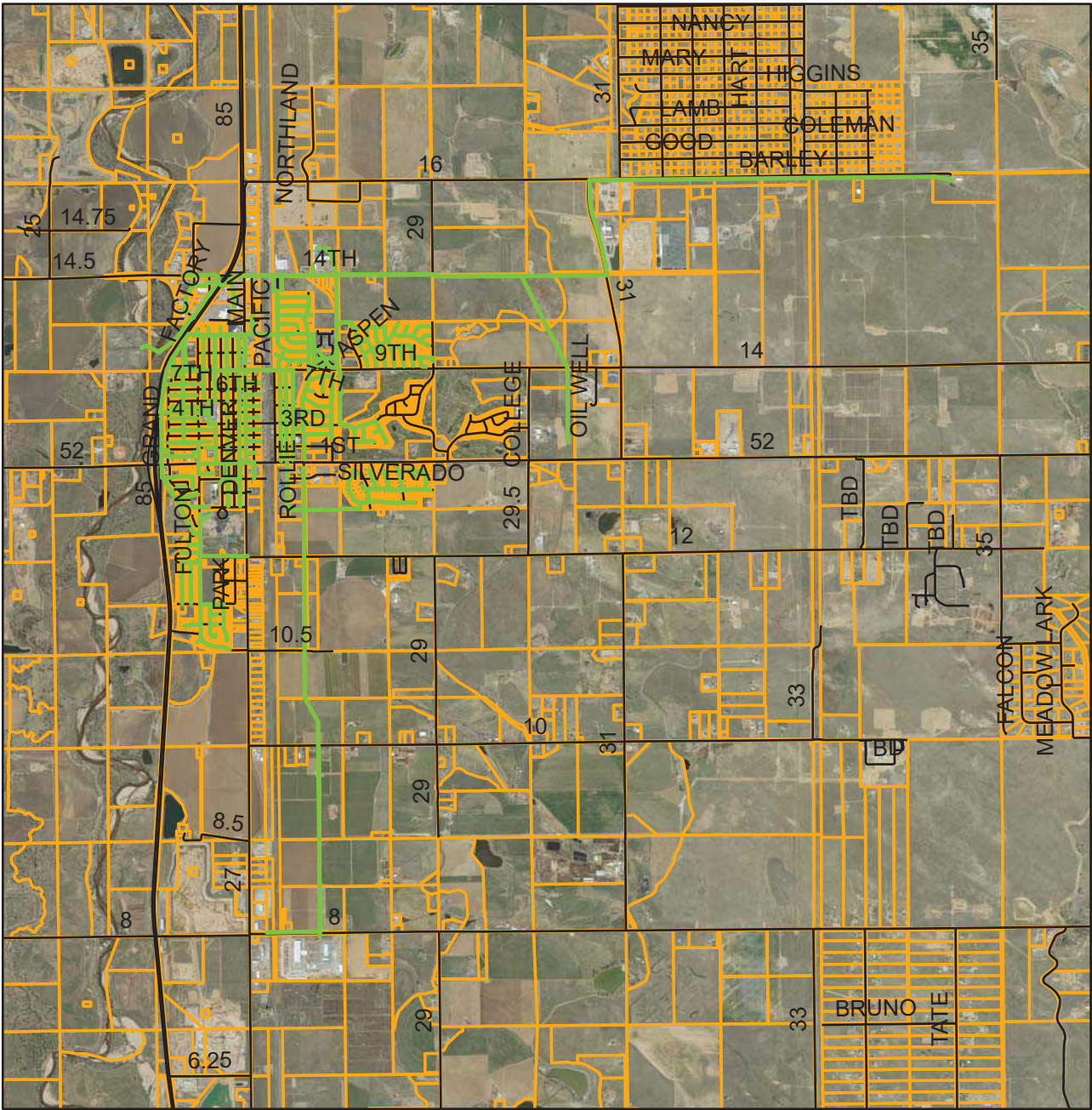
Fort Lupton, Colorado
City of Fort Lupton
Planning & Development Department
1000 North Main Street
Fort Lupton, CO 80424
Phone: 303.466.1234
Fax: 303.466.1235
www.fortlupton.org

North



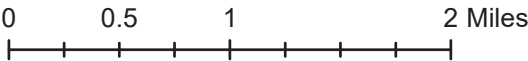


Fort Lupton Utility Map



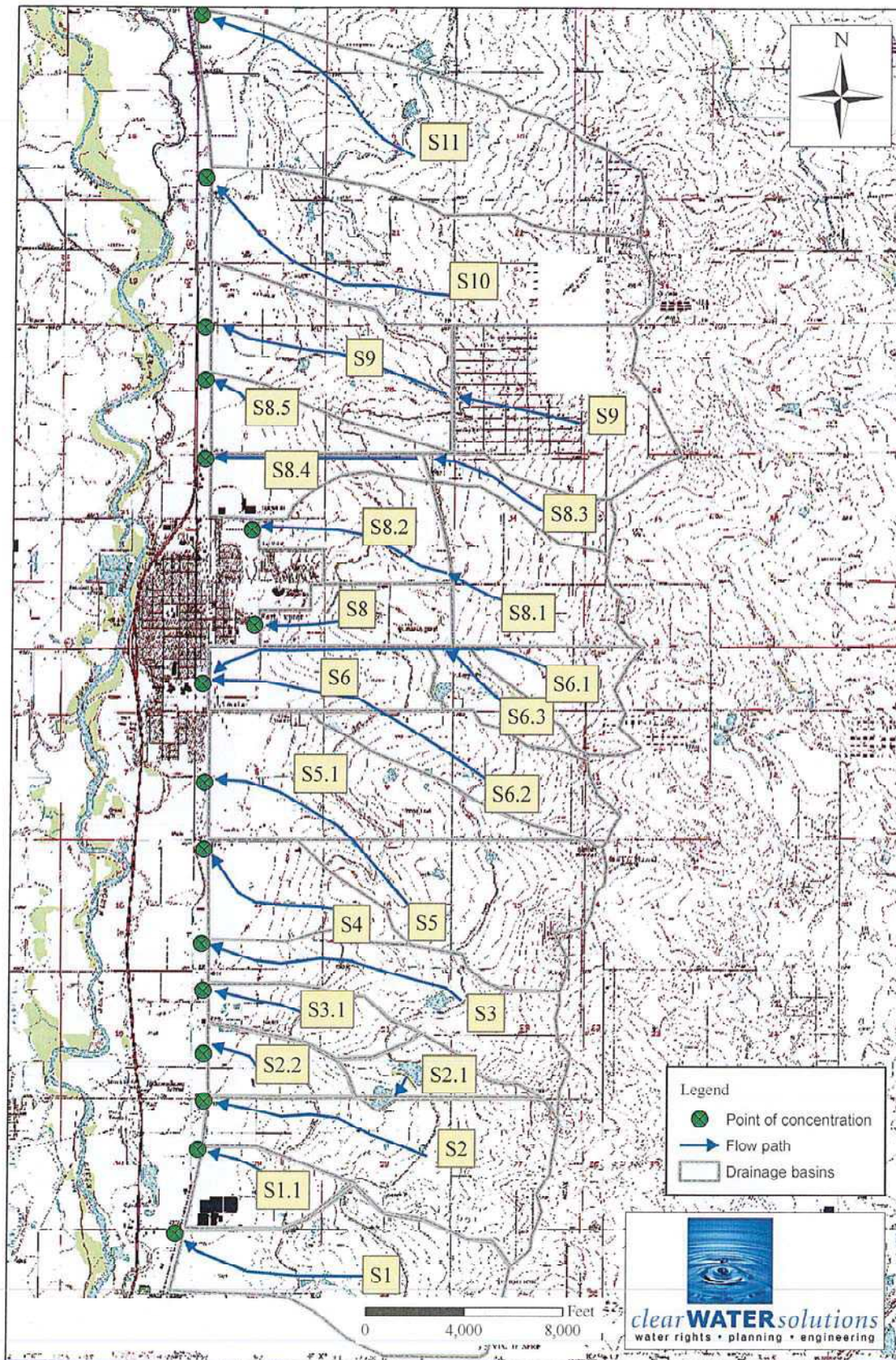
Utilities

Sanitary Sewer



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).

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





Been Annexation - Irrigation, Canals and Ditches

Scale = 1:11,214

Fort Lupton

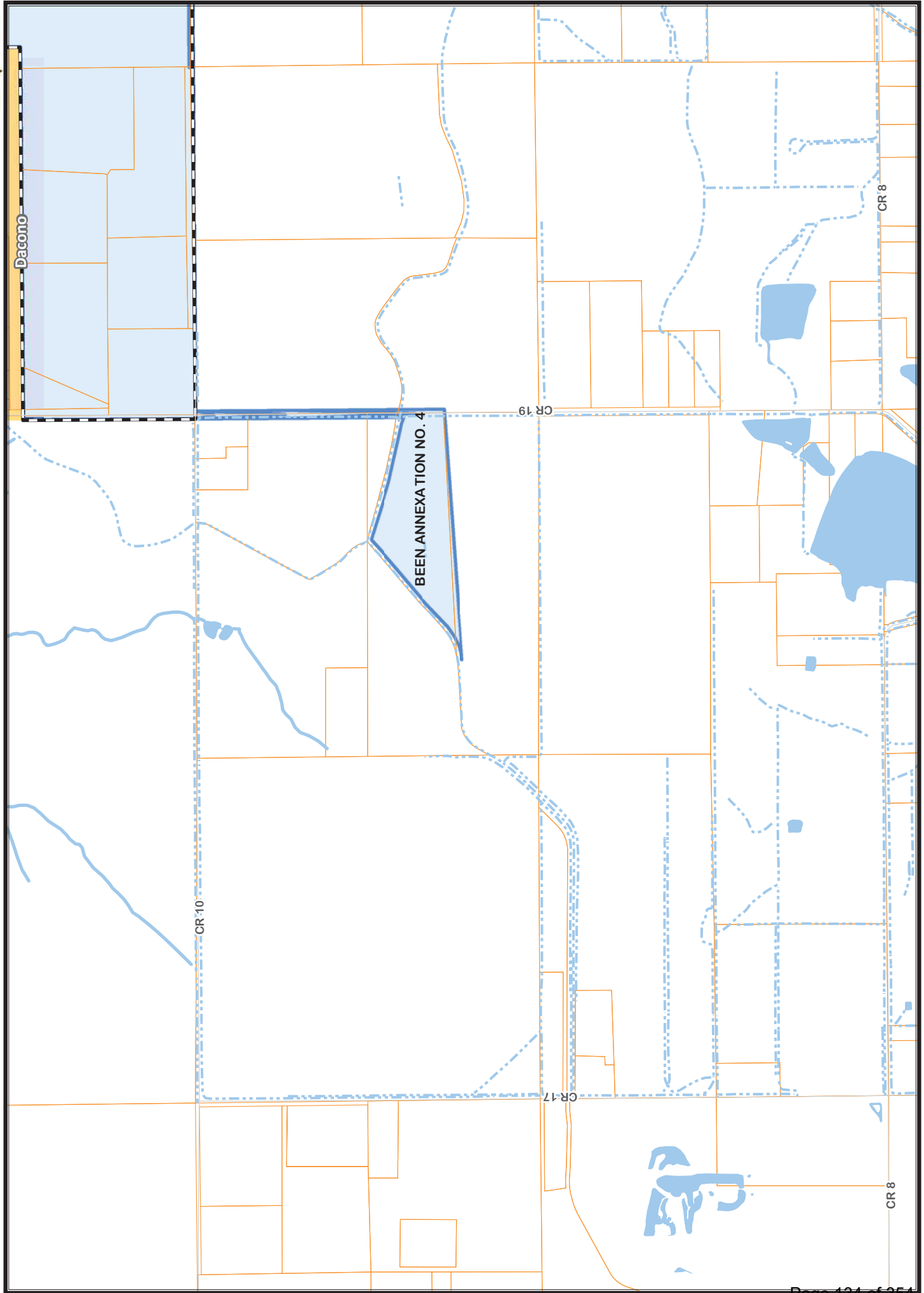
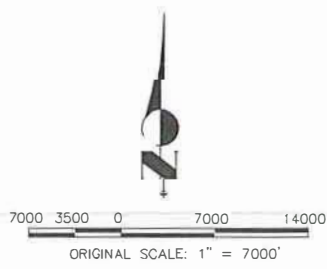
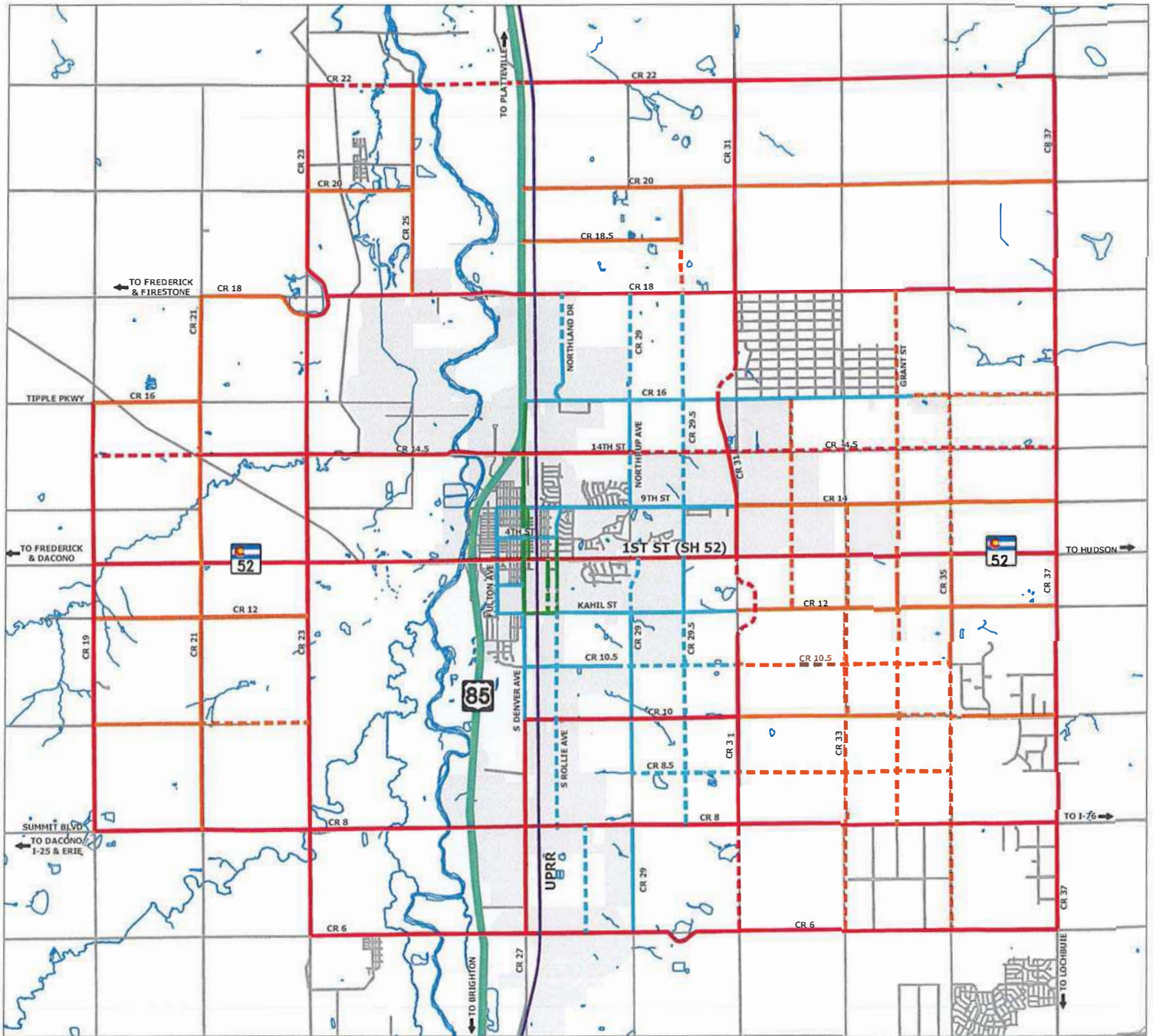


Figure 9: Ultimate Roadway Network



**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 - 2276

<u>Authority Code</u>	<u>Authority Name</u>	<u>Mill Levy</u>
0100	WELD COUNTY	15.038000
0208	SCHOOL DIST RE8-FORT LUPTON	18.528000
0302	CENTRAL COLORADO WATER (CCW)	1.158000
0309	CENTRAL COLORADO WATER SUBDISTRICT (CCS)	2.151000
0508	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
1202	LONGMONT CONSERVATION	0.000000
Total Levy		56.016000

Tax District - 2277

<u>Authority Code</u>	<u>Authority Name</u>	<u>Mill Levy</u>
0100	WELD COUNTY	15.038000
0208	SCHOOL DIST RE8-FORT LUPTON	18.528000
0516	PLATTEVILLE-GILCREST FIRE	7.482000
0700	AIMS JUNIOR COLLEGE	6.305000
1050	HIGH PLAINS LIBRARY	3.181000
1202	LONGMONT CONSERVATION	0.000000
Total Levy		50.532000

From: [Maureen Welsh](#)
To: [Alyssa Knutson](#)
Subject: Referral Response Request: Been Annexation & Initial Zoning; Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007
Date: Tuesday, January 5, 2021 2:58:28 PM

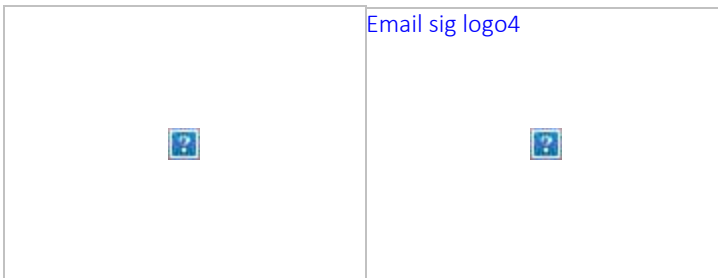
Alyssa,

Thank you for sending this referral to the Town of Frederick. We really appreciate you allowing us to provide comment on this proposal.

With that, this project proposal falls outside of the Town's Planning Area Boundary, therefore, the Town has no issues with this proposal.

Have a great day,

Maureen Welsh | Planner I
Town of Frederick | 720-382-5654
MWelsh@FrederickCO.gov | FrederickCO.gov



Click [here](#) to see what matters to us!

This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information is strictly prohibited. If you have received this message in error, please notify the sender, by electronic mail or otherwise and delete the original message from your computer.



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
CC: Chadwin Cox (WEC)
From: Roy Vestal
Date: January 15, 2021
Subject: Been Annexation & Initial Zoning; Project No. LUP2020-0034 &
Plan Nos. ANX2020-0004 & COZ2020-0007
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 and Final Plat submittal. There may be additional concerns as this design develops.

1. **Annexation map** - Looks acceptable.
2. **Utilities**
 - a. **Water - Chapter 3**
 - i. City water system is not located in this area. Water service may be provided through Central Weld County Water District.
 - b. **Sanitary Sewer - Chapter 4**
 - i. The City's sanitary sewer main is not located in this area.
 - ii. Septic systems as proposed would be permitted through the county.
3. **Drainage**
 - a. Final Drainage Study is required.
4. **Transportation**
 - a. A Traffic Study needs revision to determine any required roadway improvements with CR 19.
 - b. CR 19 is designated as an arterial roadway in the City's Transportation Plan. Required additional Future ROW is only 25-feet. Dedication will be required by separate document prior to Plat.
5. **Landscape / Grading - Chapter 2 Design Standards**
 - a. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E.



January 21, 2021

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

Re: Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007

Dear Mr. Hodges and Ms. Knutson:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the BEEN RV PARK ANNEXATION and ZONING. After review of the information, United Power has no concerns or objection to the proposed Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007; 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

Alyssa Knutson

From: Lauren Light <llight@weldgov.com>
Sent: Thursday, January 14, 2021 11:09 AM
To: Alyssa Knutson
Cc: Todd Hodges; Maria Lancto; Magaly Morales-Tejada
Subject: RE: Referral Response Request: Been Annexation & Initial Zoning; Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007
Attachments: fort lupton.pdf

Weld County has a site by Dacono that allows on site camping and they put in a sewer package plant. That may be another option if the applicant can't connect to sewer at the start of the project. If you have any questions please let me know.

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



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From: Alyssa Knutson <AKnutson@Fortluptonco.gov>
Sent: Tuesday, January 05, 2021 2:28 PM
Cc: Todd Hodges <thodges@Fortluptonco.gov>; Maria Lancto <MLancto@Fortluptonco.gov>; Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: Referral Response Request: Been Annexation & Initial Zoning; Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

The documentation located at the following link is submitted to you for review and recommendation for an annexation and initial zoning being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortlupton.org/DocumentCenter/Index/535>.

Any comments you consider relevant to this request would be appreciated. Please reply by **January 26, 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.

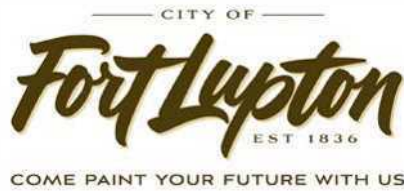
The Public Hearings for this matter are scheduled for:

- Planning Commission: Thursday, January 28, 2021 at 6:00 PM; and
- City Council: Tuesday, February 16, 2021 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.



FROM: Alyssa Knutson
 DATE: 01/05/21
 PROJECT: Been Annexation & Initial Zoning;
 Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007

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: Bull Canal |
| | ☒ Other: Central Weld County Water District |

If you have comments, please respond by: **January 26, 2021**

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

COMMENTS:

Weld County Environmental Health Services; 120 camping units on a septic system will require a site application review from Colorado State department of public health and environment. Dust, waste and noise mitigation plans should be required. Lauren Light WC Env Planner



January 25, 2021

Alyssa Knutson
City of Fort Lupton
Transmitted via email:
aknutson@fortluptonco.gov

RE: Been Annexation and Initial Zoning
Project no. LUP2020-0034, & Plan Nos. ANX2020-0004, COZ2020-0007
Part of S ½ of the NE ¼, Sec. 16, T1N, R67W, 6th P.M.
Lot A, Recorded Exemption No. 1469-16-1 RE-4223
Water Division 1, Water District 2

Dear Ms. Knutson:

We have reviewed the information received by this office on January 5, 2021 regarding the above referenced referrals. The Applicant is proposing: to annex into Fort Lupton with initial zoning for an RV Park.

Pursuant to Section 30-28-136, C.R.S. the State Engineer's office will provide an opinion on water supply plans for new subdivisions regarding material injury to existing water rights or the adequacy of the proposed plan if a referral is submitted to this office by the board of county commissioners. This referral was submitted to this office from the City of Fort Lupton ("City") therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to the county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements.

The proposed water supply is a future water tap with Central Weld County Water District. Our office has no comments on Central Weld County Water District's ability to supply the proposed RV Park. The referral material also includes reference to an existing well under permit no. 9930 and well permit 84713-F, which has not been constructed.

Well permit no. 9930 was issued on October 9, 1961 for domestic use. The domestic use of the well is limited to the historic domestic uses in existence before May 8, 1972 that have continued since that time [provided such uses are no greater than those uses allowed for a well permit pursuant to section 37-92-602(5), C.R.S. (which are: fire protection, ordinary household purposes inside not more than three single-family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one acre of home gardens and lawns)]. Should the existing well be used for the RV Park, the well should be re-permitted allowing such commercial uses.

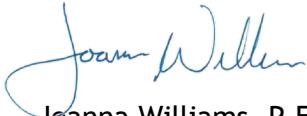
Well permit no. 84173-F was issued on September 16, 2020 pursuant to section 37-90-137(4) C.R.S., and the Findings of the State Engineer to construct a well in the Laramie-Fox Hills



aquifer. The well permit allows for the average annual withdrawal of 4.92 acre-feet per year from the nontributary Laramie-Fox Hills aquifer to be used for domestic, livestock watering, industrial, irrigation and commercial. This office has not received information that a well under permit no. 84173-F has been constructed. Well permit no. 84173-F will expire on September 16, 2021 unless this office receives information that the well was constructed and a pump was installed before the permit expired or the applicant applies for a one time one year expiration extension. Should the well be constructed, this office has no comments regarding the well being used for an RV Park.

Should you or the applicant have any questions, please contact Ailis Thyne at (303) 866-3581 x8216.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision File #27495



January 26, 2021

City of Ft. Lupton
Honorable Zo Stieber and Members of the City Council
130 S McKinley Avenue
Ft. Lupton, CO 80621

Honorable Mayor Stieber and City Council,

The City of Dacono submits this letter in response to Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007 (Been RV Park). The City of Dacono objects to the planned annexation and proposed use for an RV campground. Historically, Weld County Road 21 served as an agreed-upon boundary for both communities. This area encroaches into the City's adopted 3-Mile Plan Area. For many years, the City of Dacono has attempted to negotiate an Intergovernmental Agreement to establish mutually agreeable boundaries for future growth.

We believe in Weld County's economic momentum and opportunities within this region for more desirable land uses. In southwest Weld County all communities should be consistently raising the standards and expectations for development that adds value to the community through quality investment and creation of employment opportunities. This type of use encourages a transient population, adds little value to the community, and creates future land use compatibility issues. Additionally, the annexation of Weld County Road 19 creates confusion in road maintenance services for adjacent property owners.

The City of Dacono looks forward to resuming discussions regarding an IGA. We sincerely hope to work together to bring quality land development that genuinely benefits both communities through thoughtful planning and a shared vision.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Baker". The signature is fluid and cursive, with the first name "Joe" and last name "Baker" clearly distinguishable.

Joe Baker, Mayor



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 26, 2021

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

Attn: Alyssa Knutson and Todd Hodges

Re: Been RV Park Annexation and Initial Zoning
Case #s LUP2020-0034 / ANX2020-0004 / COZ2020-0007

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **Been RV Park Annexation and Initial Zoning** and has no objection to this proposed zoning, contingent upon PSCo'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.

Should the project require any natural gas service, 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



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 6th day of January, 2021, a true and correct copy of the foregoing flagpole notification letter for the Been Annexation, with annexation map and legal description, was sent via U.S. Mail, postage pre-paid, to the following addresses:

Ker McGee Gathering
Attn: APC Property Tax
PO Box 173779
Denver, CO 80217

TBR Ranch LLC
C/O John Brunetti
13818 Harrison St
Thornton, CO 80602

Steve Stratton
3985 County Road 19
Fort Lupton, CO 80621

Greg K Reider
3863 County Road 19
Fort Lupton, CO 80621

Vega Hector Mario Medina
3506 County Road 19
Fort Lupton, CO 80621

City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Kerr-McGee Gathering LLC
Attn: APC Property Tax
PO Box 173779
Denver, CO 80217-3779

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

The purpose of this letter is to advise you that public hearings are scheduled with the Planning Commission and City Council for the City of Fort Lupton. The purpose of the public hearings is to determine whether certain property for which a petition for annexation has been filed with the City, to be known as the Been Annexation Nos. 1 – 4, meets the applicable requirements of the statutes of the State of Colorado and is eligible for annexation to the City, and to determine zoning for the proposed annexation. See the enclosed legal description of the property applying for annexation and a map that shows the area that is being proposed for annexation.

The public hearings will be held at City Hall, 130 S. McKinley Ave., Fort Lupton, Colorado and are scheduled for:

- **Planning Commission: Thursday, January 28, 2021 at 6:00 PM**
- **City Council: Tuesday, February 16, 2021 at 7:00 PM**

According to Weld County property records, you may own property along the roadway to be annexed by the City as a part of the Been Annexation Nos. 1 – 4. If you own property that abuts the portion of the land being proposed for annexation, you have a right pursuant to C.R.S. § 31-12-105(1)(e.3) to petition the City for annexation in accordance with the procedures set forth in C.R.S. § 31-12-107.

If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson

Planner

City of Fort Lupton

Enclosures



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Vega Hector Mario Madrid
3506 County Road 19
Fort Lupton, CO 80621

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

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- **City Council: Tuesday, February 16, 2021 at 7:00 PM**

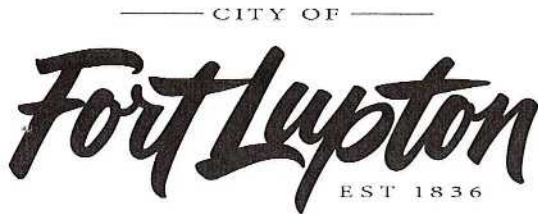
According to Weld County property records, you may own property along the roadway to be annexed by the City as a part of the Been Annexation Nos. 1 – 4. If you own property that abuts the portion of the land being proposed for annexation, you have a right pursuant to C.R.S. § 31-12-105(1)(e.3) to petition the City for annexation in accordance with the procedures set forth in C.R.S. § 31-12-107.

If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson
Planner
City of Fort Lupton

Enclosures



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

TBR Ranch LLC
c/o John Brunetti
13818 Harrison Street
Thornton, CO 80602

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

The purpose of this letter is to advise you that public hearings are scheduled with the Planning Commission and City Council for the City of Fort Lupton. The purpose of the public hearings is to determine whether certain property for which a petition for annexation has been filed with the City, to be known as the Been Annexation Nos. 1 – 4, meets the applicable requirements of the statutes of the State of Colorado and is eligible for annexation to the City, and to determine zoning for the proposed annexation. See the enclosed legal description of the property applying for annexation and a map that shows the area that is being proposed for annexation.

The public hearings will be held at City Hall, 130 S. McKinley Ave., Fort Lupton, Colorado and are scheduled for:

- **Planning Commission: Thursday, January 28, 2021 at 6:00 PM**
- **City Council: Tuesday, February 16, 2021 at 7:00 PM**

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If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

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City of Fort Lupton

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Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Greg K Reider
3863 County Road 19
Fort Lupton, CO 80621

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

The purpose of this letter is to advise you that public hearings are scheduled with the Planning Commission and City Council for the City of Fort Lupton. The purpose of the public hearings is to determine whether certain property for which a petition for annexation has been filed with the City, to be known as the Been Annexation Nos. 1 – 4, meets the applicable requirements of the statutes of the State of Colorado and is eligible for annexation to the City, and to determine zoning for the proposed annexation. See the enclosed legal description of the property applying for annexation and a map that shows the area that is being proposed for annexation.

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If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson
Planner
City of Fort Lupton

Enclosures



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Steve Stratton
3985 County Road 19
Fort Lupton, CO 80621

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

The purpose of this letter is to advise you that public hearings are scheduled with the Planning Commission and City Council for the City of Fort Lupton. The purpose of the public hearings is to determine whether certain property for which a petition for annexation has been filed with the City, to be known as the Been Annexation Nos. 1 – 4, meets the applicable requirements of the statutes of the State of Colorado and is eligible for annexation to the City, and to determine zoning for the proposed annexation. See the enclosed legal description of the property applying for annexation and a map that shows the area that is being proposed for annexation.

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If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson
Planner
City of Fort Lupton

Enclosures

LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

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A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;

5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 11th day of January, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Annexation maps for the Been Annexation was sent via U.S. Mail, postage pre-paid, to the following addresses:

ATTN: APC PROPERTY TAX
KERR-MCGEE GATHERING LLC
PO BOX 173779
DENVER, CO 80217

C/O JOHN BRUNETTI
TBR RANCH LLC
13818 HARRISON ST
THORNTON, CO 80602

JOLENE P JOHNS
H L II JOHNS
8690 COUNTY ROAD 10
FORT LUPTON, CO 80621

DOLF C VEIT
SUSAN A VEIT
8502 COUNTY ROAD 10
FORT LUPTON, CO 80621

GREG K REIDER
3863 COUNTY ROAD 19
FORT LUPTON, CO 80621

PAUL B LARSEN
3503 COUNTY ROAD 19
FORT LUPTON, CO 80621

THOMAS JAMES PUGH
MELESINA PUGH
THOMAS J JR. PUGH
3503 COUNTY ROAD 19
FORT LUPTON, CO 80621

VEGA HECTOR MARIO MADRID
3506 COUNTY ROAD 19
FORT LUPTON, CO 80621



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 Sheryl Been for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 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 28, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 16, 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. In the event that 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 posted on the City's website, www.fortluptonco.gov.

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

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. 2021R008

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 - 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Sheryl Been for 18.40 acres, more or less, and known as the Been Annexation Nos. 1 – 4; 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 Been Annexation Nos. 1 – 4 and sets the hearing date for February 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 5th DAY OF JANUARY 2021.

City of Fort Lupton, Colorado

s/Zo Stieber

Zo Stieber, Mayor

Attest:

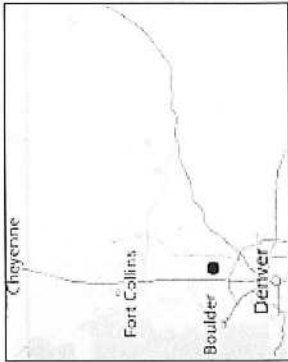
s/Maricela Peña

Maricela Peña, City Clerk

Approved as to form:

s/Andy Ausmus

Andy Ausmus, City Attorney



- Legend**
- Parcels
 - Address Label
 - Highway
 - County Boundary



1: 13,405

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

2,234.2 0 1,117.12 2,234.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 21st day of January, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Annexation Petition for the Been Annexation was sent via Certified Mail, Return-Receipt Requested, to the following addresses:

Aims Junior College
P.O. Box 69
Greeley, CO 80632

Longmont Conservation District
9595 Nelson Road
Box D
Longmont, CO 80501

Central Colorado Water Conservancy District
3209 W. 28th Street
Greeley, CO 80631

Weld County RE-8 School District
301 Reynolds Street
Fort Lupton, CO 80621

Fort Lupton Fire Protection District
1121 Denver Avenue
Fort Lupton, CO 80621

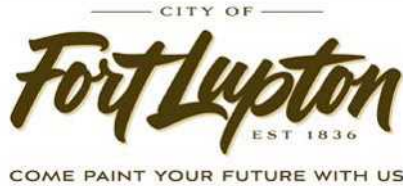
Weld County Commissioners
1150 O Street
PO Box 758
Greeley, CO 80631

High Plains Library
2650 W. 29th Street
Greeley, CO 80631

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



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 Sheryl Been for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 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 28, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 16, 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. In the event that 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 posted on the City's website, www.fortluptonco.gov.

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

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH

SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 729.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 864.43 FEET TO THE NORTH LINE OF LOT A, RECORDED EXEMPTION NO. RE-4223 AS SHOWN ON THE PLAT RECORDED NOVEMBER 23, 2005 AS RECEPTION NO. 3342371 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
- 5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
- 6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
- 7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
- 8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
- 9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
- 11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. 2021R008

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Sheryl Been for 18.40 acres, more or less, and known as the Been Annexation Nos. 1 – 4; 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 Been Annexation Nos. 1 – 4 and sets the hearing date for February 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 5th DAY OF JANUARY 2021.

City of Fort Lupton, Colorado

s/Zo Stieber

Zo Stieber, Mayor

Attest:

s/Maricela Peña

Maricela Peña, City Clerk

Approved as to form:

s/Andy Ausmus

Andy Ausmus, City Attorney

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 SHERYL BEEN 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 18.40 acres, more or less, 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' Agricultural, 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 \$1,134.40 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.

<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of Signing</u>
Sheryl Been <i>Sheryl Been</i>	2222 NW - 8 th St Docu Refur #1 33486	

EM *Florida*
~~State of Colorado~~)
) ss
~~County of Weld~~)
Palm Beach

The foregoing instrument was acknowledged before me this 21st day of October, 2020 by Sheryl Been, Land Owner.

[Signature]

 Notary Signature

Seal



Land Owned

Lot A of Recorded Exemption No. 1469-16-1 RE-4223, recorded November 23, 2005 at Reception No. 3342371, being a part of the South Half of the Northeast Quarter of Section 16, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

Sheryl Been, 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.

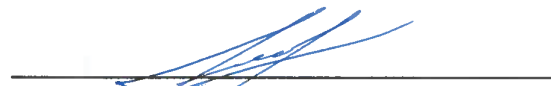

(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 21st day of October, 2020, by Sheryl Been.

Witness my hand and official seal.

My commission expires on 12-1-23.




Notary Public

Northwest 1/4 of Section 15, and the Northeast 1/4 of Section 16,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

DESCRIPTION OF ANNEXATION NO. 1:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

[illegible]

DESCRIPTION OF ANNEXATION NO. 2:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

[illegible]

DESCRIPTION OF ANNEXATION NO. 3:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF FIELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

[illegible]

DESCRIPTION OF ANNEXATION NO. 4:

[illegible][illegible]

SAND PARCEL CONTAINS / 29,540 SQUARE FEET OR 16.75 ACRES, MORE OR LESS;

ANNEXATION TABLE NO. 1:

TOTAL PERIMETER: 340.02 FEET
REQUIRED 1/8 CONTIGUOUS PERIMETER: 58.67 FEET
CONTIGUOUS BOUNDARY: 60.00 FEET

ANNEVATION TABLE NO. 2:

ANNEXATION TABLE NO. 2:	
TOTAL PERIMETER:	1560.04 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER:	276.67 FEET
CONTIGUOUS BOUNDARY:	280.02 FEET

ANNEVATION TABLE NO. 3:

TOTAL PERIMETER:	4680.03 FEET
REQUIRED 1/8" CONTIGUOUS PERIMETER:	780.01 FEET
CONTIGUOUS BOUNDARY:	1350.05 FEET

ANNEXATION TABLE NO. 4.

TOTAL PERIMETER:	7992.32 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER:	1332.05 FEET
CONTIGUOUS BOUNDARY:	1900.00 FEET

OWNER'S APPROVAL

KNOW ALL MEN BY THESE PRESENTS, THAT SHERYL A. BEEN, BEING SOLE OWNER OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF BEEN ANNEXATION NO. 1, 2, 3, &4, TO THE CITY OF FORT LIPULTON.

OWNER - SHERYL A. BEEN
STATE OF COLORADO }
COUNTY OF WELD }

NOTARY PUBLIC

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE PORT LUPTON CITY COUNCIL VIA RESOLUTION NO. _____, _____, 20____, RECOMMENDED THIS _____ DAY OF _____.

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION

CITY COUNCIL APPROVAL

THIS IS TO CERTIFY THAT THE ANIMATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE CITY OF FORT LIPSON PASSED AND ADOPTED ON THE _____ DAY OF _____, 20____, AND THAT THE WORKS AND THE CITY OF FORT LIPSON, AS AUTHORIZED BY ORDINANCE NO. _____, ON BEHALF OF THE CITY OF FORT LIPSON, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID ANIMATION MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON. APPROVED THIS _____ DAY OF _____, 20____.

ATTEST: CITY CLERK

MAYOR

SURVEYOR'S STATEMENT

I, CURTIS D. HOOD, 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 PLAT 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 LUPKIN, COLORADO.

CURTIS D. HOOS, PLS 37971
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEY
A COLORADO CORPORATION

NOTES

- [illegible]

LEGEND:

- ◆ = ALIQUOT MONUMENT, AS NOTED.
● = CHANGE IN DIRECTION.
— = EXISTING MUNICIPAL BOUNDARY, AS NOTED.

===== EXISTING MUNICIPAL BOUNDARY AS NOTED.



DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

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- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
- 5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
- 6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
- 7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
- 8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
- 9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
- 11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

**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 Sheryl Been for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 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 28, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 16, 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. In the event that 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 posted on the City's website, www.fortluptonco.gov.

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

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO

THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 729.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 864.43 FEET TO THE NORTH LINE OF LOT A, RECORDED EXEMPTION NO. RE-4223 AS SHOWN ON THE PLAT RECORDED NOVEMBER 23, 2005 AS RECEPTION NO. 3342371 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

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SAID PARCEL CONTAINS 729.846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. 2021R008

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Sheryl Been for 18.40 acres, more or less, and known as the Been Annexation Nos. 1 – 4; 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 Been Annexation Nos. 1 – 4 and sets the hearing date for February 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 5th DAY OF JANUARY 2021.

City of Fort Lupton, Colorado

/s/ Zo Stieber
Zo Stieber, Mayor

Attest:
s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:
s/Andy Ausmus
Andy Ausmus, City Attorney

Legal Notice No. FLP2222221
First Publication: January 13, 2021
Last Publication: February 3, 2021
Publisher: Fort Lupton Press

Sign Posting Affidavit
Sheryl Been Annexation
3467 County Road 19, Fort Lupton, CO



County Road 10

I, Sheryl Been hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 11th day of January 2021.

Sheryl Been

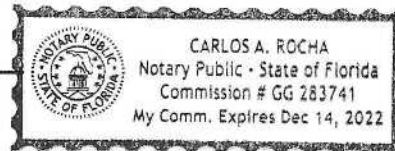
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Sheryl Been this 11th day of January, 2021. Witness my hand and seal.

My commission expires _____

(SEAL)

Carlos A. Rocha
Notary Public



CITY OF FORT LUPTON CITY COUNCIL



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

Zo Stieber, Mayor

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

AM 2021-027

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

I. **Agenda Date:** Council Meeting – February 16, 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

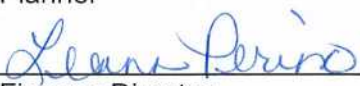
III. **Summary Statement:**

Sheryl A. Been (the "Applicant") has 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 located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado (Parcel No. 146916100006) (the "Property"). City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Been Annexation Nos. 1 – 4 at a hearing on February 16, 2021. This request is to initially zone the property included within that Annexation.

IV. **Submitted by:**

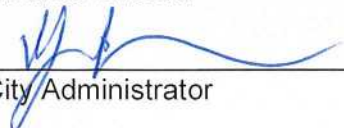
Planner

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:

Sheryl A. Been (the "Applicant") has 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 located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado (Parcel No. 146916100006) (the "Property"). City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Been Annexation Nos. 1 – 4 at a hearing on February 16, 2021. This request is to initially zone the property included within that Annexation.

The Fort Lupton Comprehensive Plan designates this property for agricultural and rural residential land uses. The Property is currently being used for rural residential land uses. The use of the Property will not be changing 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 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: xxx

ADOPT ORDINANCE 2021-xxxx INITIALLY ZONING LAND KNOWN AS THE BEEN 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 Applicant, Sheryl A. Been, submitted a request to initially zone 18.40± acres of land more particularly described in Exhibit A.

WHEREAS, the Planning Commission held a public hearing on the zone request on January 28, 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 16th day of February 2021.

PUBLISHED in the Fort Lupton Press the 24th day of February 2021.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this ____ day of _____.

PUBLISHED BY TITLE ONLY the ____ day of _____.

EFFECTIVE (after publication) the ____ day of _____.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

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- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;

3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. P2021-004

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND INITIAL ZONING TO THE ‘A’ AGRICULTURAL ZONE DISTRICT FOR LAND LEGALLY DESCRIBED IN EXHIBIT A.

WHEREAS, the Planning Commission held a public hearing on January 28, 2021, for the purpose of reviewing an application submitted by Sheryl Been for an annexation, known as the Been 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.

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 Been Annexation and Initial Zoning to the ‘A’ Agricultural Zone District, conditional upon the following:

- I. Prior to recording the annexation map:
 - A. The title of the annexation and initial zoning map shall include the Project No. LUP2020-0034, and Plan Nos. ANX2020-0004 and COZ2020-0007.
 - B. Any redline comments provided by City Staff shall be made to the annexation map.
- II. The Mylar map shall be submitted within 120 days from the date of City Council approval.

DONE THIS 28th DAY OF JANUARY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.


Chairman

ATTEST:



Planning Director

**EXHIBIT A
LEGAL DESCRIPTION**

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

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SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

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- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
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SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, January 28, 2021.

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

ROLL CALL

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

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

ACTION ITEMS

Mericle RV Propane Tank Special Use Permit

Chair Mike Simone addressed the representative for the applicant, Kyle Ferguson, 1352 Factory Drive, Fort Lupton, CO. He asked if Mr. Ferguson, on behalf of the applicant, understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Ferguson 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. Ferguson stated yes.

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

Mr. Ferguson 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. Ferguson stated yes.

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

Mr. Ferguson stated yes.

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

Mr. Ferguson stated yes.

City Planner I Maria Lancto introduced the project. She stated that this site was located in the "I-1" Industrial Zone District. She stated that the special use permit is for a 1000 gallon aboveground propane tank to be used in conjunction with an existing RV sales business. Ms. Lancto stated that the Fort Lupton Municipal Code requires a special use permit for all aboveground fuel tanks. She stated that all notification requirements for the Special Use Permit were met, including posting at the property, publishing in the newspaper, and

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021

mailing to adjacent properties. She stated that Kyle Ferguson would be presenting the project.

Kyle Ferguson provided background on Mericle RV, stating that it is a full service RV business that opened in 2019 and they are now seeking a Special Use Permit for an aboveground propane tank. Mr. Ferguson stated that the propane would be supplied through AmeriGas. Mr. Ferguson stated that the propane tank would be on the southwest side of the property. He explained the community need for the propane tank, stating that it would provide a service for the residents of Fort Lupton that need any propane tank refilled. He stated that currently they are selling RV's with empty propane tanks and they are having to stop elsewhere to get them filled. He stated that by increasing sales it will eventually increase job opportunity within the City. Mr. Ferguson stated that all staff handling propane will be safety trained and certified, the propane tank would be properly secured, the tank will be equipped with an emergency shut-off switch and would be kept up with state and federal regulations. Mr. Ferguson then referred back to the Planning Commission for any questions.

Chair Simone asked the applicants if they had anything to add.

Applicant Amy Mericle re-iterated Kyle Ferguson's comments on community need, stating that they are currently selling empty RV's and then sending customers to the closest fill stations in either Platteville or Brighton, therefore sending revenue into other cities.

Chair Simone asked Mr. Ferguson 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. Ferguson stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Special Use Permit action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

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

There were no questions or comments.

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

Mr. Ferguson stated yes.

Chair Simone called for a motion to approve Resolution P2021-0003. It was moved by Vice-Chair Bushrod White and second by Carlos Barron.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

Motion carried by unanimous roll call vote.

Been Annexation & Initial Zoning

Planner II Alyssa Knutson introduced the Been Annexation and Initial Zoning. Ms. Knutson stated that the project was submitted by Sheryl Been and is a total of approximately 18.24 acres, including a portion of County Road 10 Right of way. It is located west and adjacent to County Road 19 and approximately a quarter-mile south of County Road 10. She stated that this is a flagpole annexation which will achieve continuity on County Road 10. Ms. Knutson stated that all requirements had been met for this application and stated that the applicant was present to answer any questions.

Chair Mike Simone addressed the applicant Sheryl Been, 3647 County Road 19, Fort Lupton, CO.

He asked if Ms. Been understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

Ms. Been stated yes.

Chadwin Cox presented the project. He stated this is an agricultural property and the intent is to annex into the City of Fort Lupton and remain as an agricultural zoning.

Chair Simone asked Ms. Been if she has had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of her application before the Planning Commission tonight.

Ms. Been stated yes.

Chair Simone asked Ms. Been if she felt he had a full opportunity to participate in the public hearing.

Ms. Been stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Annexation and Initial Zoning action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

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

Member Kathy Kvasnicka asked for confirmation that this application is strictly for annexation.

Ms. Knutson responded and stated that yes this is only for annexation and initial zoning and any future development on the property would need to come back through the application process.

Chair Simone called for a motion to approve Resolution P2021-0004. It was moved by Kathy Kvasnicka and seconded by Vice-Chair Bushrod White.

Motion carried by unanimous roll call vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for February 11, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 6:55 PM.

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair

BEEN ANNEXATION & INITIAL ZONING STAFF REPORT
PROJECT NO. LUP2020-0034 / PLAN NOS. ANX2020-0004 & COZ2020-0007

PROJECT DESCRIPTION

Project No.: LUP2020-0034 / Plan Nos. ANX2020-0004 & COZ2020-0007

Project name: Been Annexation & Initial Zoning

Owner's Name: Sheryl A. Been ("Applicant")

Representative: Chadwin F. Cox with Western Engineering Consultants, inc. LLC

Location of Request:

The site consists of a parcel of land located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado (Parcel No. 146916100006) (the "Property"). The annexation is located in the Northeast Quarter of Section 16, and the Northwest Quarter of Section 15, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The Property is approximately 0.29 miles south of City Limits.



The Property is primarily surrounded by agricultural and rural residential land uses. Additionally, nearby to the northeast exists an oil and gas tank and battery assembly. Unincorporated Weld County surrounds the property on all sides. This is a flagpole annexation and the annexation will connect to City Limits via County Road 10 from the Zadel Annexation located north and adjacent to County Road 10 and east and adjacent to County Road 19, which was approved by City Council in 2018.

Nature of Request:

The Applicant has submitted a request for annexation of the parcel of land with initial designation to the 'A' Agricultural Zone District. There is an existing rural residence on-site. The application mentions a conceptual future land use for an RV park, an addition residence, as well as potential commercial. These land uses are not part of this application, and any proposals for any future land use would come before the Planning Commission for further review and consideration.

Site Size: Subject Property: 16.75 acres, more or less; Total Acreage of Property to be Annexed (including County road 10 right of way): 18.40 acres, more or less.

Proposed Zone District: 'A' Agricultural

Concept Land Use Plan: The Applicant has submitted a conceptual plan for the annexation, which includes an RV park, future additional residence, and potential commercial node for the Property. These land uses, or any other proposed land uses not mentioned, will require separate land use processes prior to being approved.

Existing Use: The Property currently contains an existing rural residence on the Property.

Hearing Dates: Planning Commission – January 28, 2021 at 6:00 PM; and
City Council – February 16, 2021 at 7:00 PM.

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

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

SUMMARY OF PREVIOUS APPLICATIONS

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

APPLICATION PROCESS

The Applicants are requesting approval of an annexation and initial zoning to the 'A' 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 21, 2021 by certified mail, return-receipt requested. The annexation impact report will be sent on or before January 27, 2021 to the Weld County Commissioners by certified mail, return-receipt requested. Finally, a flagpole notification was sent to property owners along the flagpole on January 6, 2021.

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 January 5, 2021, the City Council accepted the annexation petition and set the public hearing date for this matter on February 16, 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, specifically in relation to the Comprehensive Plan, which is further explained later in this Staff Report.

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

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

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

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

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

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

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

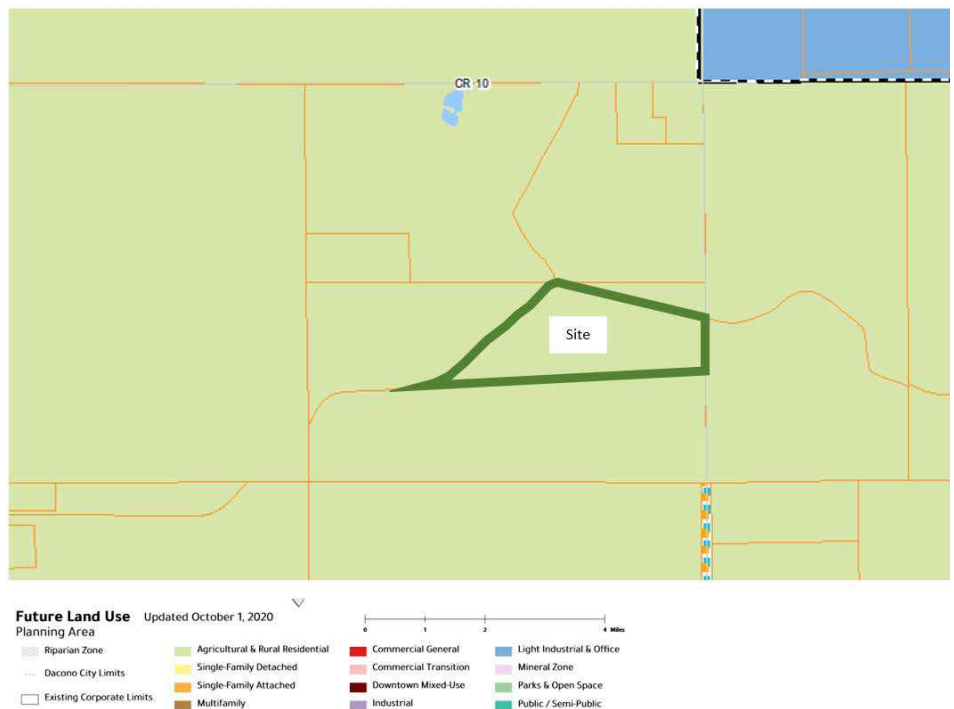
Staff Comment: The Applicant is requesting zoning to the ‘A’ Agricultural Zone District.

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

Staff Comment: The proposed annexation meets the required contiguity through a flagpole annexation.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Property is located within the Fort Lupton Comprehensive Plan area. The Fort Lupton Comprehensive Plan designates this area as the Agricultural & Rural Residential land use type. 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. Given the availability of viable land for development in more appropriate districts, commercial or residential investment within agricultural areas should be discouraged. This will help limit unnecessary loss of agricultural lands and reduce the potential of suburban sprawl. The proposed zoning to the ‘A’ Agricultural Zone District conforms to this land use designation.



REFERRALS

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

City Attorney	Police Chief	Public Works Director
Water Treatment Plant Manger	GIS Specialist	Fort Lupton Fire Protection District
CDOT	Colorado DRMS	Division of Water Resources
United Power	Comcast	CenturyLink
Xcel Energy	Postmaster	Weld County Department of Planning
Weld Cty. Dpt. of Public Health & Env.	Weld County Public Works	Weld County School District RE-8
NCWCD	Town of Frederick	City of Dacono
Bull Canal	Central Weld County Water District	

RECOMMENDATION

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

***For more information on this development, please refer to the Planning Commission packet provided.
Additional documents 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: BEEN SHERYL A
 Company: N/A
 Phone: 303-902-9262 Email: wereafrog@yahoo.com
 Address: 3647 County Road 19, Fort Lupton, CO 806218408
 Preferred method of contact? Email: ☒ Phone: ☐ Mail: ☐
- 2) Representative Name: CHADWIN F. COX
 Company: Western Engineering Consultants, inc. LLC
 Phone: 720-685-9951 Email: chadwin.cox@westerneci.com
 Address: 127 South Denver Ave. Fort Lupton, CO 80621
 Preferred method of contact? Email: ☒ Phone: ☒ Mail: ☐
- 3) Billing Contact (*where invoices should be directed to*): BEEN SHERYL A.
 Billing Company: N/A
 Phone: 303-902-9262 Email: wereafrog@yahoo.com
 Address: PO BOX 375, Fort Lupton, CO 80621

B. SITE DESCRIPTION

Site Address: 3647 County Road 19, Fort Lupton, CO 806218408
 Parcel Number: 146916100006
 Existing Zone Classification: AG Proposed Zone Classification: AG
 Water Type: Municipal Name: Central Weld County Water District
 Sewage Type: Septic system 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	

D. PROJECT DESCRIPTION

Project No. _____

Project Name: BEEN RV PARK

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

Been RV Park will be constructed over multiple phases on an approximate 10 acre site. Up to 2 (two) employees are expected at buildout to run day to day operations. The hours of operations are intended to be from 8:00 am to 10:00pm. Quiet hours are anticipated from 10:00pm to 6am. The number of overnight or long term RV vehicles will be based on the sewer system capacity. Initially 120 with OWTS and a total of 161 when connection to the future City sewer line is available.

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: Sheryl A. Bann Date: 8/5/2020

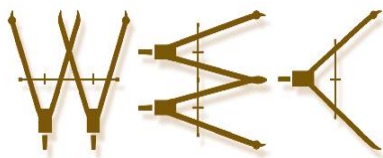
For Office Use Only

Received Date: _____

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

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____



WESTERN ENGINEERING CONSULTANTS,
127 S Denver Ave. Fort Lupton, CO 80621
2501 Mill Street, Brush, CO 80723
Office: 720-685-9951
Cell. 303-913-7341, Fax 720-294-1330
Email: chadwin.cox@westerneci.com

Inc LLC

October 23, 2020

City of Fort Lupton
130 South McKinley Ave.
Ft. Lupton, CO 80621

RE: BEEN RV PARK ANNEXATION, ZONING, & SKETCH NARRATIVE

City Design Review Committee:

Western Engineering Consultants Inc. Llc (WEC) has prepared this narrative letter to briefly summarize the "BEEN RV PARK" project and the proposed Annexation, Zoning, and Sketch Plan.

Sheryl Been wishes to annex approximately 16.75 acres into the City of Fort Lupton. The subject property is located primarily in the northeast quarter of section 16, township 1 north, range 67 west of the sixth principal meridian, County of Weld, State of Colorado.

The property has historically been farmland and its current Weld County zone is Agricultural.

The City of Fort Lupton limits are approximately 1,600 feet from the north boundary.

PURPOSE / BACKGROUND

Sheryl Been desires to Annex, Zone, and develop her property as two (2) single family residences (one existing and one proposed), a large acreage Recreational Vehicle Park for short or long term living, and a future 1.0 acre Commercial Lot adjacent to WCR 19.

Currently the Bull Canal runs along the North and West sides of the property and Weld County Road 19 exists along the eastern boundary.

ADJACENT USES

To the north agricultural land and one rural residence. To the east/northeast lies and Oil and Gas tank and battery assembly. To the south and west are agriculture crops and pastures.

RELATIONSHIP TO & IMPACT UPON ADJACENT USES

The existing residence in the southwest corner will remain as is. An additional single family residence is proposed north of the existing residence will complete the western boundary thus uses will remain consistent with current conditions along the west property line.

The center portion of the development is proposed as a residential (RV Park) that will be buffered (setback) from the north and south properties that are currently farmed.

The northeastern corner adjacent to WCR 19 will be a future commercial property and will be screened appropriately to the only neighbor to the north. Screening and buffering will occur on the north and west portions of the commercial lot. Landscaping per City code will be added along the commercial property frontage to WCR 19.

The City Comprehensive Plan show this area as Agricultural & Rural Residential - see Figure 1 below.

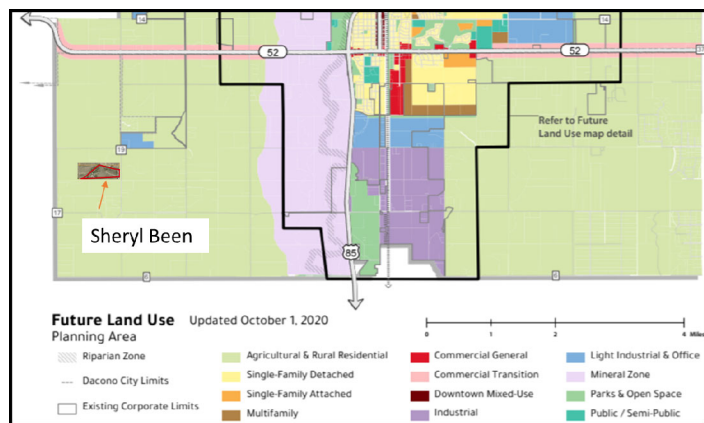


Fig. 1 Future Land Use

ACCESS LAYOUT

The project is proposing one main access from Weld County Road 19 located approximately 1,851 feet south of the WCR 19 and WCR 10 intersection. Highway 52 lies less than 2 miles north of this property.

On site will be 2 dedicated access easements (connected and looped within the RV Park Lot – Lot 3) in order to serve both Lots 1 and 2 (the existing and proposed single family residences) and provide acceptable emergency access to said Lots. A public ROW and cul de sac could be dedicated if necessary.

ZONING, USE, PHASING, and UTILITY DISTRICTS

The following summarizes the proposed specifics:

- | | |
|----------------------------------|--|
| • Zoning | Currently zoned Agriculture in Weld County |
| • Proposed Use | PUD |
| • Type of structures to be built | One single family residence and one Commercial Office building |
| • Phasing | The project is expected to be built as demand allows. |
| • Water source | Connect to Central Weld County Water District |
| • Sanitary Sewer source | Septic System until City Sewer is available |
| • Storm sewer | On Site Detention as coordinated with the City |
| • Gas & Electricity | Xcel and United Power |
| • Fire Protection | Ft. Lupton Fire Protection District |

WATER, SEWER, ELECTRICITY, & NATURAL GAS

The applicant has completed the Affidavit of historic water use and has applied for inclusion to the Northern Colorado Water Conservancy District. WEC has coordinated with and the Applicant has funded the Central Weld County Water District water demand and supply study. Currently CWCWD water main exists 1,850 feet +/- north of the site.

On site wastewater systems will be utilized until the City sanitary system is extended to the property frontage.

United Power electricity is immediately adjacent and available. It is unclear if natural gas exists near the Site.

MINERAL RIGHTS & ON SITE GAS/OIL FACILITIES

The Zeren mineral rights notification certification is attached. There are two leases identified.

There is also a gas line located within the center of the site (runs north-south) that has been determined to be abandoned (see attached email from DCP Pipeline). WEC will assist the Applicant to have said line removed and easement vacated.

STATEMENT ON COMMUNITY NEED FOR PROPOSED ANNEXATION & ZONING

The proposed annexation aligns with the intent of the City of Fort Lupton's Comprehensive and Zoning Plan. The proposed uses will complement the surrounding land uses currently adjacent to the property.

The proposed uses will not be detrimental to the public health, safety, or general welfare. A Recreational Vehicle Park provides affordable living options for temporary work force and long-term residency as well RV tourism that is not currently available in the area. The proposed uses will be required to conform to all applicable City of Fort Lupton zoning regulations and standards.

POTENTIAL IMPACT IN ADJACENT PROPERTIES

Negative impacts are not anticipated from this development on adjacent properties after construction has been completed. This project will enhance and extend City infrastructure for adjacent and neighboring properties.

Traffic is expected to be reasonable but won't occur until adjacent rights of way and transportation paths are improved in accordance with City Standards. Landscape and screening will further enhance the development and neighborhood.

ANNEXATION CHECKLIST

- | | |
|--|---------------------------|
| 1. Annexation Petition | Enclosed |
| 2. Land Use Application | Enclosed |
| 3. Completed Draft Annexation Agreement | Encl., to be negotiated |
| 4. Two full size paper copies and fifteen 11" by 17" Annexation map copies | Enclosed |
| 5. Completed application for zoning the property being annexed | Enclosed |
| 6. Two full size paper copies and fifteen 11" by 17" Concept Land use (sheet 4) | Enclosed |
| 7. Supporting info | |
| a. Soils description | NRCS Study included |
| b. Statement of known hazards and other important environmental hazards | Site Geotech underway |
| c. Preliminary Utility Plan | None known to exist |
| d. One set of No. 10 envelopes, stamped, addressed to property owners within 500 feet of property. Envelopes shall be return addressed to the City | Enclosed |
| e. In the case of "flagpole" annexation – separate envelopes required. | By City |
| f. Affidavit concerning the amount and historical use of all water rights owned | Not applicable this app |
| g. Vicinity map with 1-1/2 mile radius at a minimum scale of 1" = 2,000 feet | Enclosed |
| h. Statement on community need for proposed annexation and zoning | Enclosed |
| i. For annexations in excess of 10 acres – School impact letter | Incl. in narrative above |
| j. Draft Annexation Impact Report | Requested by email (encl) |
| | Enclosed |

ZONING CHECKLIST

- | | |
|---|---------------------|
| 1. Completed Land Use Application, Fees & Escrow Funds - total \$7,034.40 | Enclosed |
| 2. A detailed written description of the proposal with maps. | Herein and attached |
| 3. One set of No. 10 envelopes stamped, addressed to property owners within 100 feet of property. Envelopes shall be return addressed to the City | By City |
| 4. A copy of the recorded warranty deed and title commitment | Enclosed |
| 5. Any such additional descriptive materials as Planning may require | Noted |

CLOSING

The Applicant is excited to bring this project to the City of Fort Lupton!

The desired schedule is to achieve approvals and begin Construction within 60 days after receiving said approvals early 2021.

Please contact me with any questions or comments you may have on this Project Narrative.

Sincerely,



Western Engineering Consultants inc., LLC
Chadwin F. Cox, P.E.
Senior Project Manager

Encl. Annexation Submittal
 Zoning Submittal
 Sketch Plan Submittal

DCP Pipeline

Hagenlock, Lewis D <LHagenlock@dcpmidstream.com>

Wed 10/7/2020 7:59 AM

To: Leticia Maldonado <leticia.maldonado@westerneci.com>

 1 attachments (3 MB)

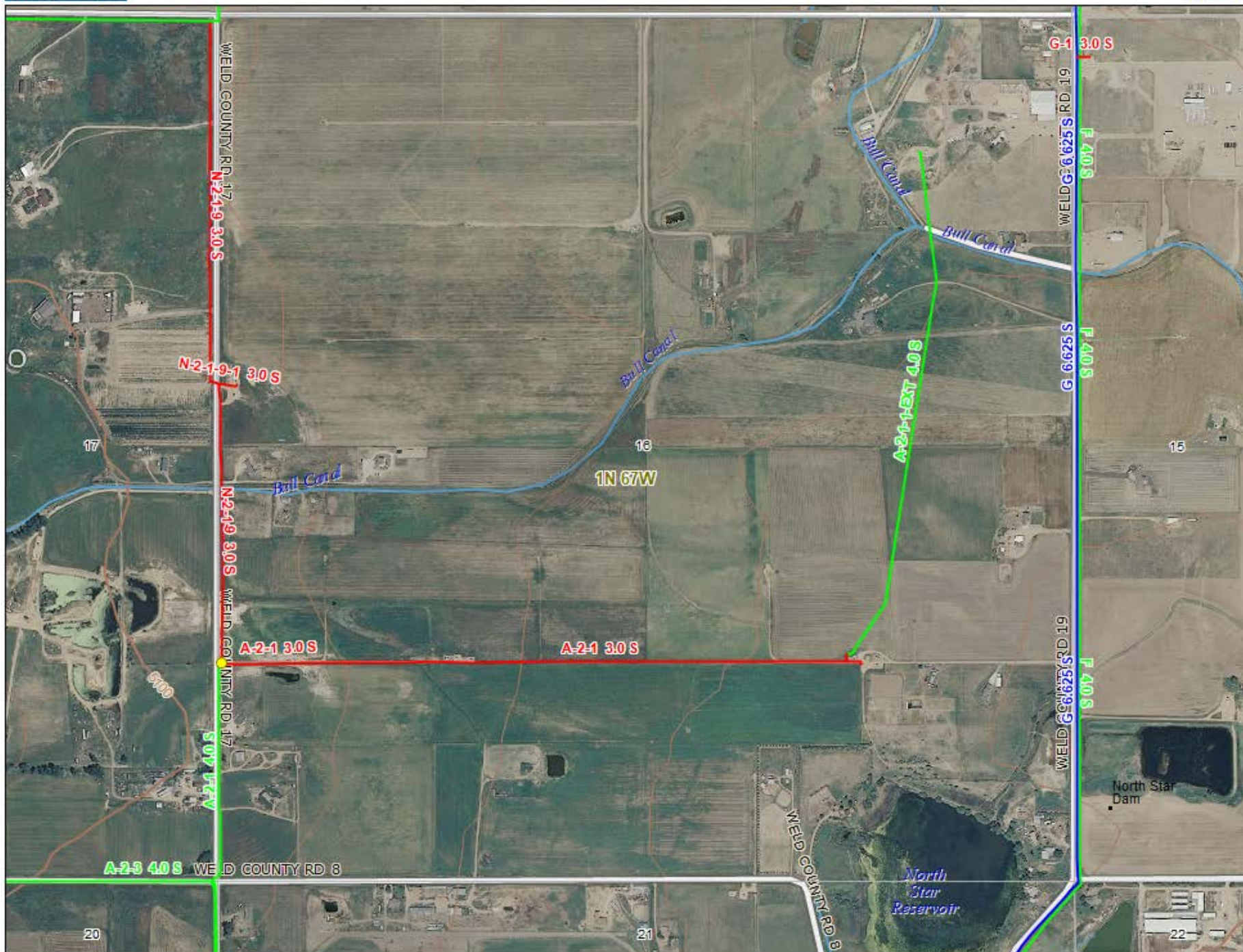
16-1N-67W.bmp;

Morning Leticia,

Attached map shows the approximate location of DCP's pipeline in the NE/4 of Sec. 16. I spoke with Operations and this line is currently abandoned in place. We can remove it at the developers expense and Release the easement after the pipe is removed.

Feel free to give me a call to discuss – 970-378-6351.

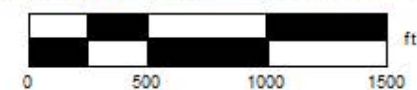
Lew Hagenlock
DCP Operating Company, LP



Data use subject to license.

© DeLorme. XMap® 8.

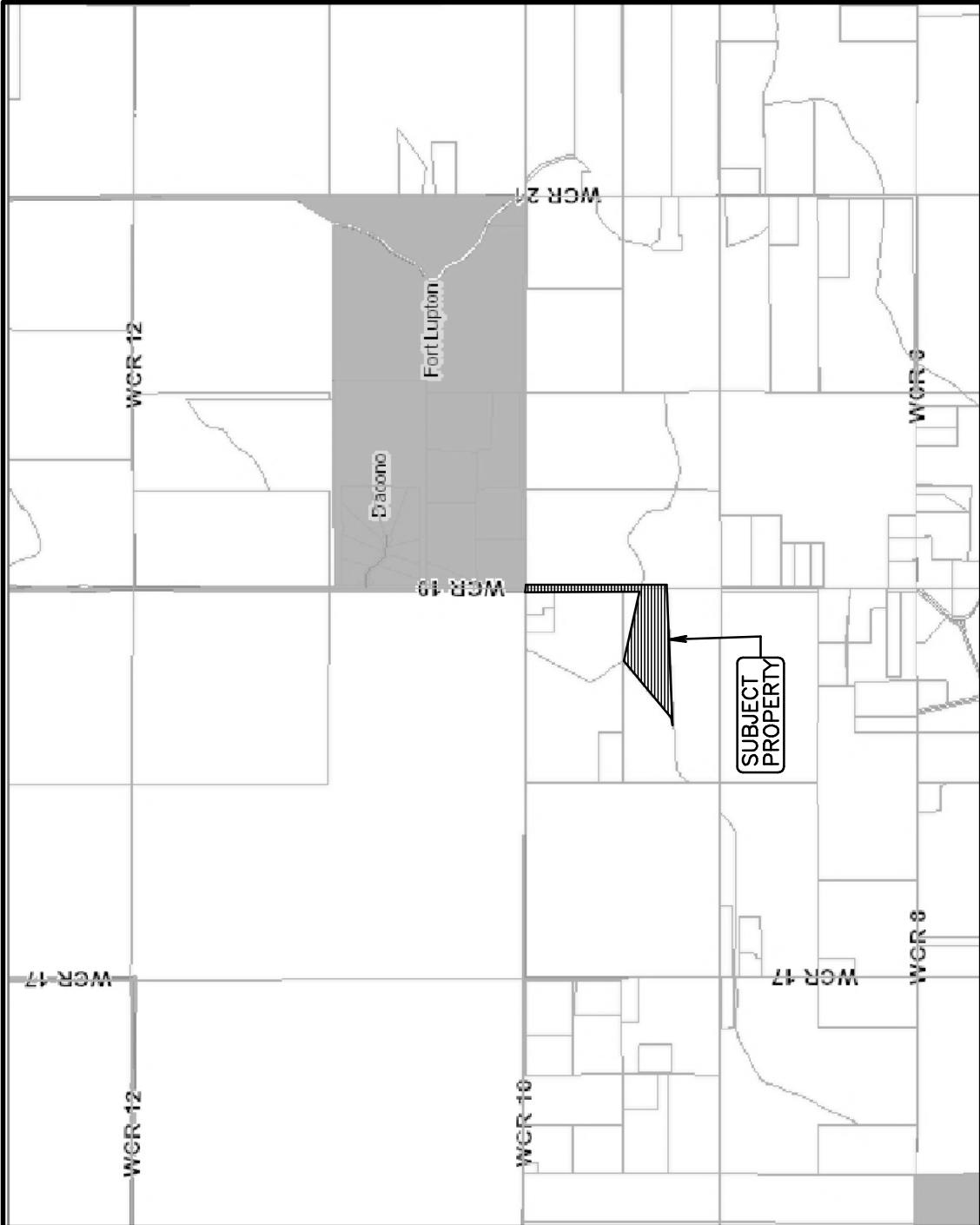
www.delorme.com



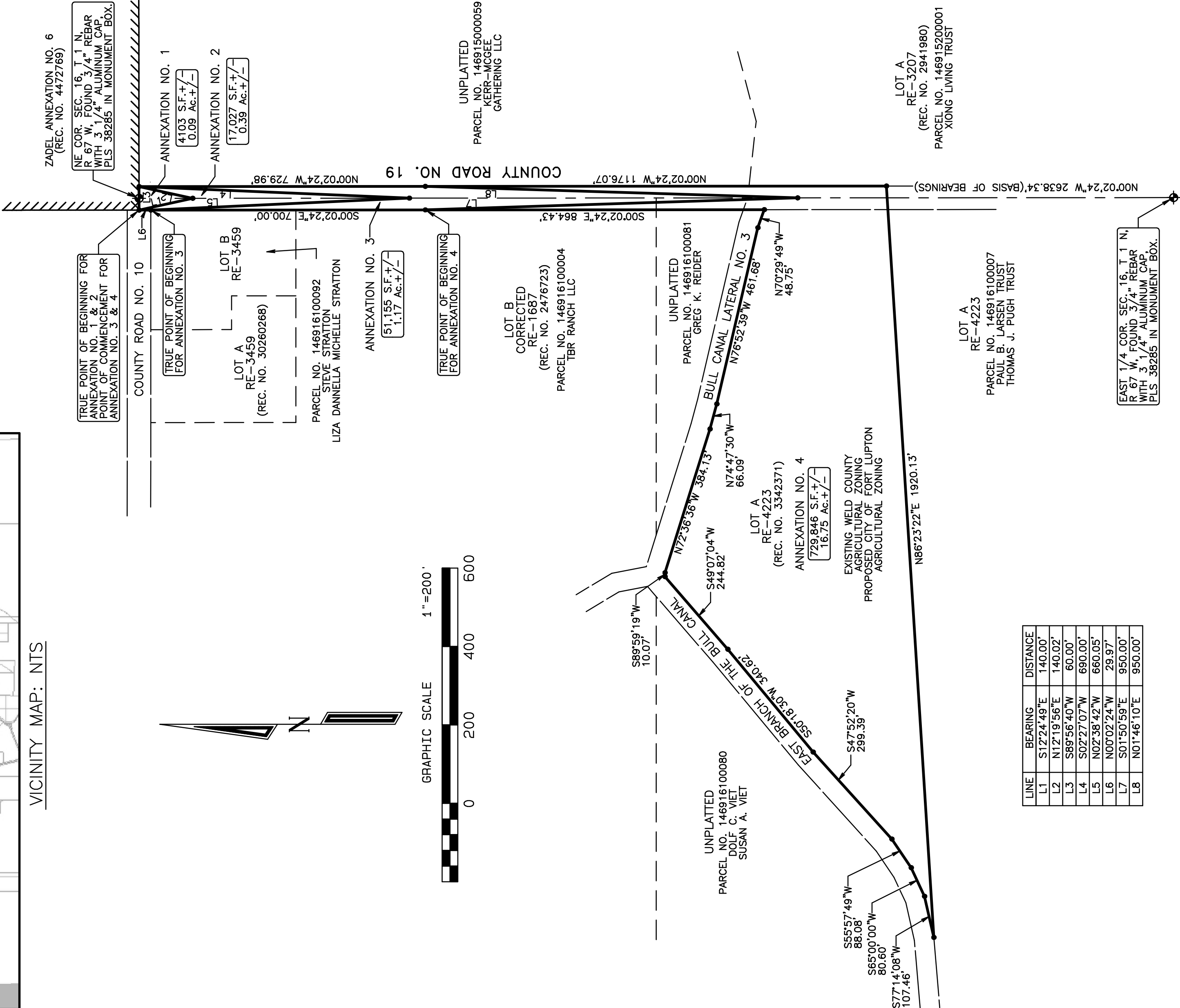
BEEN ANNEXATION NO. 1, 2, 3, & 4 TO THE CITY OF FORT LUPTON

Part of the Northwest 1/4 of Section 15, and the Northeast 1/4 of Section 16, 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: NTS



LINE	BEARING	DISTANCE
L1	S127°44'49"E	140.00'
L2	N121°51'56"E	140.00'
L3	S89°58'40"W	60.00'
L4	S02°27'07"W	690.00'
L5	N02°38'42"W	660.05'
L6	N00°02'24"W	29.97'
L7	S01°50'59"E	950.00'
L8	N01°46'10"E	950.00'

DESCRIPTION OF ANNEXATION NO. 1:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 127°44'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 16; THENCE NORTH 121°51'56" EAST, A DISTANCE OF 140.00 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF ANNEXATION NO. 2:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 127°44'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 16; THENCE NORTH 121°51'56" EAST, A DISTANCE OF 140.00 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF ANNEXATION NO. 3:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 127°44'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 16; THENCE NORTH 121°51'56" EAST, A DISTANCE OF 140.00 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF ANNEXATION NO. 4:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 127°44'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 16; THENCE NORTH 121°51'56" EAST, A DISTANCE OF 140.00 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

ANNEXATION TABLE NO. 1:

TOTAL PERIMETER: 340.02 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 56.67 FEET
CONTIGUOUS BOUNDARY: 60.00 FEET

ANNEXATION TABLE NO. 2:

TOTAL PERIMETER: 1660.04 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 276.67 FEET
CONTIGUOUS BOUNDARY: 280.02 FEET

ANNEXATION TABLE NO. 3:

TOTAL PERIMETER: 4680.03 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 780.01 FEET
CONTIGUOUS BOUNDARY: 1350.05 FEET

ANNEXATION TABLE NO. 4:

TOTAL PERIMETER: 7992.32 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER: 1332.05 FEET
CONTIGUOUS BOUNDARY: 1900.00 FEET

OWNER'S APPROVAL

KNOW ALL MEN BY THESE PRESENTS, THAT SHERYL A. BEEN, BEING SOLE OWNER OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF BEEN ANNEXATION NO. 1, 2, 3, &4, TO THE CITY OF FORT LUPTON.

OWNER -- SHERYL A. BEEN
STATE OF COLORADO } SS
COUNTY OF WELD
MY COMMISSION EXPIRES _____ DAY OF _____, 20____
WITNESS MY HAND AND SEAL.

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 _____, 20____

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION

CITY COUNCIL APPROVAL

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 _____, 20____ AND THAT THE MAYOR AND 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 _____, 20____

ATTEST: CITY CLERK _____ MAYOR _____

SURVEYOR'S STATEMENT

I, CURTIS D. HOODS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER IN GOOD STANDING OF THE COLORADO SURVEYORS ASSOCIATION. I HAVE REVIEWED THE ANNEXATION MAP AND BELIEVE 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. HOODS, PLS 37971
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.
A COLORADO CORPORATION

NOTES

- 1) BASIS OF BEARING: THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M. IN WELD COUNTY, COLORADO, TO BEAR NORTH 00°02'24" WEST, BEING MONUMENTED ON THE NORTH AND SOUTH LINES OF SAID SECTION 16, WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO, AND WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO.
- 2) ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFEACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- 3) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING, IMPLIES THAT THE SURVEYOR HAS CONDUCTED A REASONABLE SEARCH OF THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.
- 4) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTIONS BASED UPON A DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER THE DEFECT. ANY LEGAL ACTIONS BASED UPON A DEFECT IN THIS SURVEY MUST BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD.
- 6) ALL DISTANCES SHOWN HEREON ARE MEASURED GROUND DISTANCES REPORTED IN U.S. SURVEY FEET.

LEGEND:

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



American West
Land Surveying Co.
A Colorado Corporation

PO Box 129, Brighton, CO 80601 • P-303-659-1532 F-303-655-0575 • amwestllc.com

SCALE: 1" = 200' | DRAWN BY: CHH | CHECKED BY: MJH | DATE: DEC. 8, 2020

REVISIONS:
JOB NO.: 20-____ | FILE: F:\SURVEYS\11-2\N\TIN_R67W\S16\LOT A_RE-4223_ANNEX_1.dwg

From: [Maureen Welsh](#)
To: [Alyssa Knutson](#)
Subject: Referral Response Request: Been Annexation & Initial Zoning; Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007
Date: Tuesday, January 5, 2021 2:58:28 PM

Alyssa,

Thank you for sending this referral to the Town of Frederick. We really appreciate you allowing us to provide comment on this proposal.

With that, this project proposal falls outside of the Town's Planning Area Boundary, therefore, the Town has no issues with this proposal.

Have a great day,

Maureen Welsh | Planner I
Town of Frederick | 720-382-5654
MWelsh@FrederickCO.gov | FrederickCO.gov



Click [here](#) to see what matters to us!

This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information is strictly prohibited. If you have received this message in error, please notify the sender, by electronic mail or otherwise and delete the original message from your computer.



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
CC: Chadwin Cox (WEC)
From: Roy Vestal
Date: January 15, 2021
Subject: Been Annexation & Initial Zoning; Project No. LUP2020-0034 &
Plan Nos. ANX2020-0004 & COZ2020-0007
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 and Final Plat submittal. There may be additional concerns as this design develops.

1. **Annexation map** - Looks acceptable.
2. **Utilities**
 - a. **Water - Chapter 3**
 - i. City water system is not located in this area. Water service may be provided through Central Weld County Water District.
 - b. **Sanitary Sewer - Chapter 4**
 - i. The City's sanitary sewer main is not located in this area.
 - ii. Septic systems as proposed would be permitted through the county.
3. **Drainage**
 - a. Final Drainage Study is required.
4. **Transportation**
 - a. A Traffic Study needs revision to determine any required roadway improvements with CR 19.
 - b. CR 19 is designated as an arterial roadway in the City's Transportation Plan. Required additional Future ROW is only 25-feet. Dedication will be required by separate document prior to Plat.
5. **Landscape / Grading - Chapter 2 Design Standards**
 - a. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E.



January 21, 2021

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

Re: Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007

Dear Mr. Hodges and Ms. Knutson:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the BEEN RV PARK ANNEXATION and ZONING. After review of the information, United Power has no concerns or objection to the proposed Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007; 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

Alyssa Knutson

From: Lauren Light <llight@weldgov.com>
Sent: Thursday, January 14, 2021 11:09 AM
To: Alyssa Knutson
Cc: Todd Hodges; Maria Lancto; Magaly Morales-Tejada
Subject: RE: Referral Response Request: Been Annexation & Initial Zoning; Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007
Attachments: fort lupton.pdf

Weld County has a site by Dacono that allows on site camping and they put in a sewer package plant. That may be another option if the applicant can't connect to sewer at the start of the project. If you have any questions please let me know.

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



Confidentiality Notice: This electronic transmission and any attached documents or other writings are intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. If you have received this communication in error, please immediately notify sender by return e-mail and destroy the communication. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachments by anyone other than the named recipient is strictly prohibited.

From: Alyssa Knutson <AKnutson@Fortluptonco.gov>
Sent: Tuesday, January 05, 2021 2:28 PM
Cc: Todd Hodges <thodges@Fortluptonco.gov>; Maria Lancto <MLancto@Fortluptonco.gov>; Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: Referral Response Request: Been Annexation & Initial Zoning; Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

The documentation located at the following link is submitted to you for review and recommendation for an annexation and initial zoning being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortlupton.org/DocumentCenter/Index/535>.

Any comments you consider relevant to this request would be appreciated. Please reply by **January 26, 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 28, 2021 at 6:00 PM; and
- City Council: Tuesday, February 16, 2021 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.



FROM: Alyssa Knutson
 DATE: 01/05/21
 PROJECT: Been Annexation & Initial Zoning;
 Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007

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: Bull Canal |
| | ☒ Other: Central Weld County Water District |

If you have comments, please respond by: **January 26, 2021**

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

COMMENTS:

Weld County Environmental Health Services; 120 camping units on a septic system will require a site application review from Colorado State department of public health and environment. Dust, waste and noise mitigation plans should be required. Lauren Light WC Env Planner



January 25, 2021

Alyssa Knutson
City of Fort Lupton
Transmitted via email:
aknutson@fortluptonco.gov

RE: Been Annexation and Initial Zoning
Project no. LUP2020-0034, & Plan Nos. ANX2020-0004, COZ2020-0007
Part of S ½ of the NE ¼, Sec. 16, T1N, R67W, 6th P.M.
Lot A, Recorded Exemption No. 1469-16-1 RE-4223
Water Division 1, Water District 2

Dear Ms. Knutson:

We have reviewed the information received by this office on January 5, 2021 regarding the above referenced referrals. The Applicant is proposing: to annex into Fort Lupton with initial zoning for an RV Park.

Pursuant to Section 30-28-136, C.R.S. the State Engineer's office will provide an opinion on water supply plans for new subdivisions regarding material injury to existing water rights or the adequacy of the proposed plan if a referral is submitted to this office by the board of county commissioners. This referral was submitted to this office from the City of Fort Lupton ("City") therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to the county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements.

The proposed water supply is a future water tap with Central Weld County Water District. Our office has no comments on Central Weld County Water District's ability to supply the proposed RV Park. The referral material also includes reference to an existing well under permit no. 9930 and well permit 84713-F, which has not been constructed.

Well permit no. 9930 was issued on October 9, 1961 for domestic use. The domestic use of the well is limited to the historic domestic uses in existence before May 8, 1972 that have continued since that time [provided such uses are no greater than those uses allowed for a well permit pursuant to section 37-92-602(5), C.R.S. (which are: fire protection, ordinary household purposes inside not more than three single-family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one acre of home gardens and lawns)]. Should the existing well be used for the RV Park, the well should be re-permitted allowing such commercial uses.

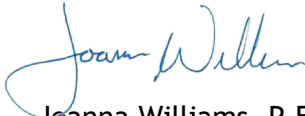
Well permit no. 84173-F was issued on September 16, 2020 pursuant to section 37-90-137(4) C.R.S., and the Findings of the State Engineer to construct a well in the Laramie-Fox Hills



aquifer. The well permit allows for the average annual withdrawal of 4.92 acre-feet per year from the nontributary Laramie-Fox Hills aquifer to be used for domestic, livestock watering, industrial, irrigation and commercial. This office has not received information that a well under permit no. 84173-F has been constructed. Well permit no. 84173-F will expire on September 16, 2021 unless this office receives information that the well was constructed and a pump was installed before the permit expired or the applicant applies for a one time one year expiration extension. Should the well be constructed, this office has no comments regarding the well being used for an RV Park.

Should you or the applicant have any questions, please contact Ailis Thyne at (303) 866-3581 x8216.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision File #27495



January 26, 2021

City of Ft. Lupton
Honorable Zo Stieber and Members of the City Council
130 S McKinley Avenue
Ft. Lupton, CO 80621

Honorable Mayor Stieber and City Council,

The City of Dacono submits this letter in response to Project No. LUP2020-0034 & Plan Nos. ANX2020-0004 & COZ2020-0007 (Been RV Park). The City of Dacono objects to the planned annexation and proposed use for an RV campground. Historically, Weld County Road 21 served as an agreed-upon boundary for both communities. This area encroaches into the City's adopted 3-Mile Plan Area. For many years, the City of Dacono has attempted to negotiate an Intergovernmental Agreement to establish mutually agreeable boundaries for future growth.

We believe in Weld County's economic momentum and opportunities within this region for more desirable land uses. In southwest Weld County all communities should be consistently raising the standards and expectations for development that adds value to the community through quality investment and creation of employment opportunities. This type of use encourages a transient population, adds little value to the community, and creates future land use compatibility issues. Additionally, the annexation of Weld County Road 19 creates confusion in road maintenance services for adjacent property owners.

The City of Dacono looks forward to resuming discussions regarding an IGA. We sincerely hope to work together to bring quality land development that genuinely benefits both communities through thoughtful planning and a shared vision.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Baker".

Joe Baker, Mayor



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 26, 2021

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

Attn: Alyssa Knutson and Todd Hodges

Re: Been RV Park Annexation and Initial Zoning
Case #s LUP2020-0034 / ANX2020-0004 / COZ2020-0007

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **Been RV Park Annexation and Initial Zoning** and has no objection to this proposed zoning, contingent upon PSCo'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.

Should the project require any natural gas service, 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



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 6th day of January, 2021, a true and correct copy of the foregoing flagpole notification letter for the Been Annexation, with annexation map and legal description, was sent via U.S. Mail, postage pre-paid, to the following addresses:

Ker McGee Gathering
Attn: APC Property Tax
PO Box 173779
Denver, CO 80217

TBR Ranch LLC
C/O John Brunetti
13818 Harrison St
Thornton, CO 80602

Steve Stratton
3985 County Road 19
Fort Lupton, CO 80621

Greg K Reider
3863 County Road 19
Fort Lupton, CO 80621

Vega Hector Mario Medina
3506 County Road 19
Fort Lupton, CO 80621



City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Kerr-McGee Gathering LLC
Attn: APC Property Tax
PO Box 173779
Denver, CO 80217-3779

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

The purpose of this letter is to advise you that public hearings are scheduled with the Planning Commission and City Council for the City of Fort Lupton. The purpose of the public hearings is to determine whether certain property for which a petition for annexation has been filed with the City, to be known as the Been Annexation Nos. 1 – 4, meets the applicable requirements of the statutes of the State of Colorado and is eligible for annexation to the City, and to determine zoning for the proposed annexation. See the enclosed legal description of the property applying for annexation and a map that shows the area that is being proposed for annexation.

The public hearings will be held at City Hall, 130 S. McKinley Ave., Fort Lupton, Colorado and are scheduled for:

- **Planning Commission: Thursday, January 28, 2021 at 6:00 PM**
- **City Council: Tuesday, February 16, 2021 at 7:00 PM**

According to Weld County property records, you may own property along the roadway to be annexed by the City as a part of the Been Annexation Nos. 1 – 4. If you own property that abuts the portion of the land being proposed for annexation, you have a right pursuant to C.R.S. § 31-12-105(1)(e.3) to petition the City for annexation in accordance with the procedures set forth in C.R.S. § 31-12-107.

If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson

Planner

City of Fort Lupton

Enclosures



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Vega Hector Mario Madrid
3506 County Road 19
Fort Lupton, CO 80621

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

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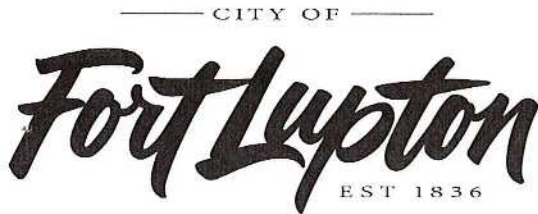
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If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson
Planner
City of Fort Lupton

Enclosures



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

TBR Ranch LLC
c/o John Brunetti
13818 Harrison Street
Thornton, CO 80602

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

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If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson

Planner

City of Fort Lupton

Enclosures



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Greg K Reider
3863 County Road 19
Fort Lupton, CO 80621

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

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- **Planning Commission: Thursday, January 28, 2021 at 6:00 PM**
- **City Council: Tuesday, February 16, 2021 at 7:00 PM**

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If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson
Planner
City of Fort Lupton

Enclosures



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

January 6, 2021

Via U.S. Mail

Steve Stratton
3985 County Road 19
Fort Lupton, CO 80621

Re: Been Annexation Nos. 1 – 4 & Initial Zoning

Dear Landowner:

The purpose of this letter is to advise you that public hearings are scheduled with the Planning Commission and City Council for the City of Fort Lupton. The purpose of the public hearings is to determine whether certain property for which a petition for annexation has been filed with the City, to be known as the Been Annexation Nos. 1 – 4, meets the applicable requirements of the statutes of the State of Colorado and is eligible for annexation to the City, and to determine zoning for the proposed annexation. See the enclosed legal description of the property applying for annexation and a map that shows the area that is being proposed for annexation.

The public hearings will be held at City Hall, 130 S. McKinley Ave., Fort Lupton, Colorado and are scheduled for:

- **Planning Commission: Thursday, January 28, 2021 at 6:00 PM**
- **City Council: Tuesday, February 16, 2021 at 7:00 PM**

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If you have any further questions, please do not hesitate to contact me at 720.466.6128.

Sincerely,

Alyssa Knutson
Planner
City of Fort Lupton

Enclosures

LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;

5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 11th day of January, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Annexation maps for the Been Annexation was sent via U.S. Mail, postage pre-paid, to the following addresses:

ATTN: APC PROPERTY TAX
KERR-MCGEE GATHERING LLC
PO BOX 173779
DENVER, CO 80217

C/O JOHN BRUNETTI
TBR RANCH LLC
13818 HARRISON ST
THORNTON, CO 80602

JOLENE P JOHNS
H L II JOHNS
8690 COUNTY ROAD 10
FORT LUPTON, CO 80621

DOLF C VEIT
SUSAN A VEIT
8502 COUNTY ROAD 10
FORT LUPTON, CO 80621

GREG K REIDER
3863 COUNTY ROAD 19
FORT LUPTON, CO 80621

PAUL B LARSEN
3503 COUNTY ROAD 19
FORT LUPTON, CO 80621

THOMAS JAMES PUGH
MELESINA PUGH
THOMAS J JR. PUGH
3503 COUNTY ROAD 19
FORT LUPTON, CO 80621

VEGA HECTOR MARIO MADRID
3506 COUNTY ROAD 19
FORT LUPTON, CO 80621



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 Sheryl Been for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 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 28, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 16, 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. In the event that 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 posted on the City's website, www.fortluptonco.gov.

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

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. 2021R008

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 - 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Sheryl Been for 18.40 acres, more or less, and known as the Been Annexation Nos. 1 – 4; 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 Been Annexation Nos. 1 – 4 and sets the hearing date for February 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 5th DAY OF JANUARY 2021.

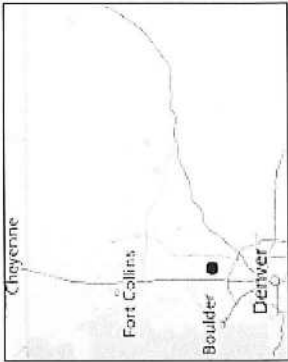
City of Fort Lupton, Colorado
s/Zo Stieber
Zo Stieber, Mayor

Attest:
s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:

s/Andy Ausmus

Andy Ausmus, City Attorney



- Legend**
- Parcels
 - Address Label
 - Highway
 - County Boundary



1: 13,405

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

2,234.2 0 1,117.12 2,234.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 21st day of January, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Annexation Petition for the Been Annexation was sent via Certified Mail, Return-Receipt Requested, to the following addresses:

Aims Junior College
P.O. Box 69
Greeley, CO 80632

Longmont Conservation District
9595 Nelson Road
Box D
Longmont, CO 80501

Central Colorado Water Conservancy District
3209 W. 28th Street
Greeley, CO 80631

Weld County RE-8 School District
301 Reynolds Street
Fort Lupton, CO 80621

Fort Lupton Fire Protection District
1121 Denver Avenue
Fort Lupton, CO 80621

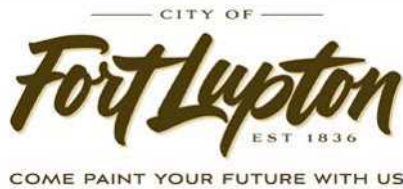
Weld County Commissioners
1150 O Street
PO Box 758
Greeley, CO 80631

High Plains Library
2650 W. 29th Street
Greeley, CO 80631

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



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 Sheryl Been for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

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LEGAL DESCRIPTION

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DESCRIPTION OF BEEN ANNEXATION NO. 2

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SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

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SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

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- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
- 5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
- 6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
- 7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
- 8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
- 9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
- 11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. 2021R008

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Sheryl Been for 18.40 acres, more or less, and known as the Been Annexation Nos. 1 – 4; 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 Been Annexation Nos. 1 – 4 and sets the hearing date for February 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 5th DAY OF JANUARY 2021.

City of Fort Lupton, Colorado

s/Zo Stieber

Zo Stieber, Mayor

Attest:

s/Maricela Peña

Maricela Peña, City Clerk

Approved as to form:

s/Andy Ausmus

Andy Ausmus, City Attorney

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 SHERYL BEEN 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 18.40 acres, more or less, 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' Agricultural, 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 \$1,134.40 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.

<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of Signing</u>
Sheryl Been <i>Sheryl Been</i>	2222 NW - 8 th St Docu Refur #1 33486	

EM
Florida
~~State of Colorado~~)
) ss
~~County of Weld~~)
Palm Beach

The foregoing instrument was acknowledged before me this 21st day of October, 2020 by Sheryl Been, Land Owner.

[Signature]

 Notary Signature

Seal



Land Owned

Lot A of Recorded Exemption No. 1469-16-1 RE-4223, recorded November 23, 2005 at Reception No. 3342371, being a part of the South Half of the Northeast Quarter of Section 16, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

Sheryl Been, 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 21st day of October, 2020, by Sheryl Been.

Witness my hand and official seal.

My commission expires on 12-1-23.




Notary Public

Northwest 1/4 of Section 15, and the Northeast 1/4 of Section 16,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

DESCRIPTION OF ANNEXATION NO. 1:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

[illegible]

DESCRIPTION OF ANNEXATION NO. 2:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

[illegible]

DESCRIPTION OF ANNEXATION NO. 3:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

[illegible]

DESCRIPTION OF ANNEXATION NO. 4:

DESCRIPTION. A small parcel of land, located in the northwestern corner of section 9, and the northeast corner of section 10, T1N, R6E, S10W, in Garfield County, Colorado, contains approximately 0.0224 ac. The SW 1/4 of the NW 1/4, Contain- ment No. 78, State of Colorado, described as follows:

THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET
NORTH	7672.75 FEET

TO THE NEAREST CORNER OF THE LOT WITH LINE OF ADJACENT TO THE SOUTH LINE OF LOT 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783,

ANNEXATION TABLE NO. 1:

TOTAL PERIMETER:	340.02 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER:	56.67 FEET
CONTIGUOUS BOUNDARY:	60.00 FEET

ANNEXYATION TABLE NO. 2:

TOTAL PERIMETER:	1660.04 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER:	276.67 FEET
CONTIGUOUS BOUNDARY:	280.02 FEET

CONTINUOUS DOCUMENT

ANNEXATION TABLE NO. 3:

TOTAL PERIMETER:	4680.03 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER:	780.01 FEET

ANNEXATION TABLE NO. 4

TOTAL PERIMETER:	7992.32 FEET
REQUIRED 1/6 CONTOUS PERIMETER:	1332.05 FEET

OWNER'S APPROVAL

KNOW ALL MEN BY THESE PRESENTS, THAT SHERYL A. BEEN, BEING SOLE OWNER OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF BEEN ANNEXATION NO. 1, 2, 3, &4, TO THE CITY OF FORT LIJPTION.

OWNER - SHERYL A. BEEN
STATE OF COLORADO }
COUNTY OF WELD }

NOVARY DIETIC

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANIMATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE FORT LUPFON CITY COUNCIL VIA RESOLUTION NO. _____, _____, 20____, RECOMMENDED THIS _____ DAY OF _____.

CHAIRPERSON, FORT LUPTON PLANNING COMMISSION

CITY COUNCIL APPROVAL

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 _____, 20____, AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE _____, DO HEREBY CERTIFY THAT THE ANNEXATION MAP WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE DISTRICT OF DELAWARE, ON _____, 20____.

NO. _____ 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.

APPROVED THIS _____ DAY OF _____, 20____

MAYOR

ATTEST: CITY CLERK

SURVEYOR'S STATEMENT

I, CURTIS D. WOODS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNECATION MAP REPRESENTED BY THIS PLAN WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME ACCURATELY REPRESENTS THE LOCATION AND ANNECATION MAP TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY DOES NOT CONSTITUTE A TITLE SURVEY BY ME TO DETERMINE OWNERSHIP. FURTHERMORE, THIS CERTIFIES THAT AT LEAST ONE-SIXTH (1/6) OF THE PROPERTY SHOWN HEREON IS DETERMINING OWNERSHIP. THE MUNICIPAL BOUNDARY OF THE CITY OF FORT LIPSUTON, COLORADO, IS LOCATED AS SHOWN ON THE ATTACHED MAP.

CURTIS D. HOOS, PLS 37971
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEY
& COLORADO CORPORATION

NOTES

- [illegible]

LEGEND:

- ◆ = ALIQUOT MONUMENT, AS NOTED.
● = CHANGE IN DIRECTION.
— = EXISTING MUNICIPAL BOUNDARY, AS NOTED.


American West
Land Surveying Co.
 A Colorado Corporation
 PO Box 121, Brighton, CO 80601 • P:303-659-1532 F:303-659-0575 • amwestls.com
 SCALE 1" = 200' DRAWN BY: CHN CHECKED BY: ALH DATE: DEC. 8, 2020
 REVISIONS:

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTH- EAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; TENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 729.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 864.43 FEET TO THE NORTH LINE OF LOT A, RECORDED EXEMPTION NO. RE-4223 AS SHOWN ON THE PLAT RECORDED NOVEMBER 23, 2005 AS RECEPTION NO. 3342371 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

- 1) NORTH 70°29'49" WEST, A DISTANCE OF 48.75 FEET;
- 2) NORTH 76°52'39" WEST, A DISTANCE OF 461.68 FEET;
- 3) NORTH 74°47'30" WEST, A DISTANCE OF 66.09 FEET;
- 4) NORTH 72°36'36" WEST, A DISTANCE OF 384.13 FEET;
- 5) SOUTH 89°59'19" WEST, A DISTANCE OF 10.07 FEET;
- 6) SOUTH 49°07'04" WEST, A DISTANCE OF 244.82 FEET;
- 7) SOUTH 50°18'30" EAST, A DISTANCE OF 340.62 FEET;
- 8) SOUTH 47°52'20" WEST, A DISTANCE OF 299.39 FEET;
- 9) SOUTH 55°57'49" WEST, A DISTANCE OF 88.08 FEET;
- 10) SOUTH 65°00'00" WEST, A DISTANCE OF 80.60 FEET;
- 11) SOUTH 77°14'08" WEST, A DISTANCE OF 107.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT A; THENCE NORTH 86°23'22" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1920.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1176.07 FEET; THENCE SOUTH 01°46'10" WEST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°50'59" WEST, A DISTANCE OF 950.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 729,846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

**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 Sheryl Been for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located west and adjacent to County Road 19 and approximately 0.29 miles south from County Road 10 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 28, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 16, 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. In the event that 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 posted on the City's website, www.fortluptonco.gov.

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

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

DESCRIPTION OF BEEN ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 89°56'40" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4103 SQUARE FEET OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD

COUNTY, COLORADO; THENCE SOUTH 12°24'49" EAST, A DISTANCE OF 140.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 12°19'56" EAST, A DISTANCE OF 140.02 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19; THENCE NORTH N00°02'24" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 10, A DISTANCE OF 29.97 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17,027 SQUARE FEET OR 0.39 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 29.97 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 10 AND THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 700.00 FEET; THENCE S01°50'59" EAST, A DISTANCE OF 950.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 01°46'10" EAST, A DISTANCE OF 950.00 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY ROAD NO. 19; THENCE NORTH 00°02'24" WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 729.98 FEET TO THE SOUTH LINE OF SAID ZADEL ANNEXATION NO. 6; THENCE SOUTH 02°27'07" WEST, A DISTANCE OF 690.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE NORTH 02°38'42" WEST, A DISTANCE OF 660.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51,155 SQUARE FEET OR 1.17 ACRES, MORE OR LESS.

DESCRIPTION OF BEEN ANNEXATION NO. 4

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, AND THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 16 TO BEAR NORTH 00°02'24" WEST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF ZADEL ANNEXATION NO. 6 TO

THE CITY OF FORT LUPTON, AS SHOWN ON THE PLAT RECORDED MARCH 11, 2019 AS RECEPTION NO. 4472769 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE SOUTH 00°02'24" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 19, A DISTANCE OF 729.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°02'24" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 864.43 FEET TO THE NORTH LINE OF LOT A, RECORDED EXEMPTION NO. RE-4223 AS SHOWN ON THE PLAT RECORDED NOVEMBER 23, 2005 AS RECEPTION NO. 3342371 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO; THENCE COINCIDENT WITH SAID NORTH LINE THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

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SAID PARCEL CONTAINS 729.846 SQUARE FEET OR 16.75 ACRES, MORE OR LESS.

RESOLUTION NO. 2021R008

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE BEEN ANNEXATION NOS. 1 – 4 AND SETTING THE PUBLIC HEARING FOR FEBRUARY 16, 2021

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Sheryl Been for 18.40 acres, more or less, and known as the Been Annexation Nos. 1 – 4; 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 Been Annexation Nos. 1 – 4 and sets the hearing date for February 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 5th DAY OF JANUARY 2021.

City of Fort Lupton, Colorado

/s/ Zo Stieber
Zo Stieber, Mayor

Attest:
s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:
s/Andy Ausmus
Andy Ausmus, City Attorney

Legal Notice No. FLP2222221
First Publication: January 13, 2021
Last Publication: February 3, 2021
Publisher: Fort Lupton Press

Sign Posting Affidavit
Sheryl Been Annexation
3467 County Road 19, Fort Lupton, CO



County Road 10

I, Sheryl Been hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 11th day of January 2021.

Sheryl Been

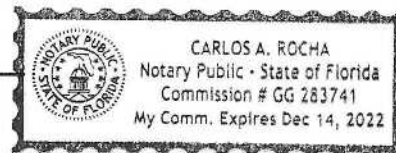
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Sheryl Been this 11th day of January, 2021. Witness my hand and seal.

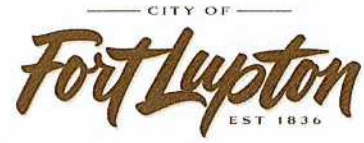
My commission expires _____

(SEAL)

Carlos A. Rocha
Notary Public



**CITY OF FORT LUPTON
CITY COUNCIL**



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

Zo Stieber, Mayor

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

AM 2021-023

APPROVE A RESOLUTION FOR THE MERICLE RV PROPANE TANK SPECIAL USE PERMIT LOCATED IN IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 2 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 16, 2021
- II. **Attachments:**
- a. Proposed Resolution
 - b. Planning Commission Resolution
 - c. Planning Commission Minutes
 - d. Staff Report
 - e. Land Use Application
 - f. Special Use Permit Application
 - g. Special Use Permit Map
 - h. Propane Tank Drawings
 - i. Referral Responses
 - j. Legal Notifications

III. **Summary Statement:**

Mike Mericle (the "Applicant") has submitted a request for a special use permit for the installation of a 1,000-gallon aboveground propane tank on their property located at 1352 Factory Drive. The tank will be used in conjunction with existing RV sales operations occurring at the site.

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:

Mike Mericle (the "Applicant") has submitted a request for a special use permit for the installation of a 1,000-gallon aboveground propane tank on their property located at 1352 Factory Drive. The tank will be used in conjunction with existing RV sales operations occurring at the site.

The Property is located within the 'I-' Light Industrial Zone District. The Municipal Code does not list an aboveground storage tank for propane and fuel as a use by right in this zone district, but does specifically list it as being allowed with an approved special use permit. The Fort Lupton Comprehensive Plan designates this area as the Light Industrial and Office use type. The proposed use will not prohibit the transition to this use type in the future.

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: Because the operations are an existing use that complies with the 'I-1' Light Industrial Zone District, the proposed addition of the aboveground tank satisfies the intent of the Code. The Comprehensive Plan designates this area as the Light Industrial and Office zone. The proposed aboveground storage tanks will be in conjunction with the existing RV sales operation on the site, and staff has determined the use is consistent with the intent of the Comprehensive Plan and will not interfere with a future potential transition to commercial.

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

Staff Comment: The property is located adjacent to agricultural land to the north and industrial land uses to the east, south, and west. The proposed aboveground storage tank will have minimal impact to neighboring properties.

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: The proposed use does not add additional traffic from what currently exists from the RV sales operation.

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: The aboveground propane tank will have minimal impact on these items. Conditions of approval will address any item that is impacted.

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: A special use permit is non-transferable, and therefore if a new owner were to occupy the property the aboveground fuel tank approved through this application would no longer be permitted unless a new application were submitted and approved. Planning Department staff will ensure compliance with other conditions of approval, either as listed on the proposed Resolution or as added by City Council.

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 Greeley Tribune on January 13, 2021 and the Fort Lupton Press on January 20, 2021.

Notice of the public hearings were posted on January 13, 2021, 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 January 11, 2021.

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 Mericle RV Propane Tank Special Use Permit. The conditions are listed in the proposed Resolution provided to Council.

RESOLUTION NO. 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING MIKE MERICLE’S APPLICATION FOR A SPECIAL USE PERMIT FOR A 1,000 GALLON ABOVEGROUND FUEL TANK AT 1352 FACTORY DRIVE AND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 2 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 28, 2021, for the purpose of reviewing Mike Mericle’s special use permit application for the addition of a 1,000-gallon aboveground fuel tank; 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 16, 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 Mericle RV Propane Tank Special Use Permit, with the following conditions:

- I. Prior to recording the special use permit map:
 - A. The title of the site plan and special use permit map shall include the Project No.: LUP2020-0037 & Plan No. SUP2020-0008.
 - B. Any redline comments provided by staff shall be made to the special use permit map.
 - C. Applicant shall provide written acknowledgement of the comments from United Power.
 - D. Applicant shall delineate on the Special Use Permit map a 20-foot fire department access through the property from gate to gate.

E. The following note shall be added:

1. Any future expansion of the site or addition of a buildings or other structures not shown on the special use permit map will require the review from the Planning Department, Building Department, Engineering Department and the Fire District to determine if additional requirements are necessary prior to release of building permits.

II. Prior to the release of building permits for the fuel and propane tanks:

- A. Written evidence shall be provided to show that any comments from the Fort Lupton Fire Protection District requirements have been adequately addressed.
- B. One set of Mylars of the map shall be submitted to the Planning Department for recording.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 16th 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. P2021-003

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF MIKE MERICLE'S APPLICATION FOR A SPECIAL USE PERMIT FOR A 1,000 GALLON ABOVEGROUND FUEL TANK AT 1352 FACTORY DRIVE AND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUTNY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on January 28, 2021, for the purpose of reviewing Mike Mericle's special use permit application for the addition of a 1,000-gallon aboveground fuel tank; and

WHEREAS, after review of the application and supporting documentation, the Planning Commission finds the request for a special use permit generally conforms with City codes and requirements and policies therein; and

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

NOW THEREFORE BE IT RESOLVED, the Planning Commission has considered the application and 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 Mike Mericle's special use permit for the addition of a 1,000-gallon aboveground fuel tank on a property at 1352 Factory Drive and located in the North Half of the Southeast Quarter of Section 31, Township 2 North, Range 66 West of the 6th P.M. in Fort Lupton, Colorado, with the following conditions:

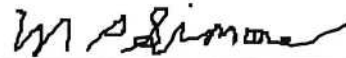
- I. Prior to recording the special use permit map:
 - A. The title of the site plan and special use permit map shall include the Project No.: LUP2020-0037 & Plan No. SUP2020-0008.
 - B. Any redline comments provided by staff shall be made to the special use permit map.
 - C. Applicant shall provide written acknowledgement of the comments from United Power.
 - D. Applicant shall delineate on the Special Use Permit map a 20-foot fire department access through the property from gate to gate.
 - E. The following note shall be added:

- I. Any future expansion of the site or addition of a buildings or other structures not shown on the special use permit map will require the review from the Planning Department, Building Department, Engineering Department and the Fire District to determine if additional requirements are necessary prior to release of building permits.

II. Prior to the release of building permits for the fuel and propane tanks:

- A. Written evidence shall be provided to show that any comments from the Fort Lupton Fire Protection District requirements have been adequately addressed.
- B. One set of Mylars of the map shall be submitted to the Planning Department for recording.

DONE THIS 28^h DAY OF JANUARY, 2021 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.



Chairman

ATTEST:


Planning Director

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, January 28, 2021.

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

ROLL CALL

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

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

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

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

PUBLIC COMMENT

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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

ACTION ITEMS

Mericle RV Propane Tank Special Use Permit

Chair Mike Simone addressed the representative for the applicant, Kyle Ferguson, 1352 Factory Drive, Fort Lupton, CO. He asked if Mr. Ferguson, on behalf of the applicant, understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Ferguson 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. Ferguson stated yes.

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

Mr. Ferguson 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. Ferguson stated yes.

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

Mr. Ferguson stated yes.

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

Mr. Ferguson stated yes.

City Planner I Maria Lancto introduced the project. She stated that this site was located in the "I-1" Industrial Zone District. She stated that the special use permit is for a 1000 gallon aboveground propane tank to be used in conjunction with an existing RV sales business. Ms. Lancto stated that the Fort Lupton Municipal Code requires a special use permit for all aboveground fuel tanks. She stated that all notification requirements for the Special Use Permit were met, including posting at the property, publishing in the newspaper, and

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021

mailing to adjacent properties. She stated that Kyle Ferguson would be presenting the project.

Kyle Ferguson provided background on Mericle RV, stating that it is a full service RV business that opened in 2019 and they are now seeking a Special Use Permit for an aboveground propane tank. Mr. Ferguson stated that the propane would be supplied through AmeriGas. Mr. Ferguson stated that the propane tank would be on the southwest side of the property. He explained the community need for the propane tank, stating that it would provide a service for the residents of Fort Lupton that need any propane tank refilled. He stated that currently they are selling RV's with empty propane tanks and they are having to stop elsewhere to get them filled. He stated that by increasing sales it will eventually increase job opportunity within the City. Mr. Ferguson stated that all staff handling propane will be safety trained and certified, the propane tank would be properly secured, the tank will be equipped with an emergency shut-off switch and would be kept up with state and federal regulations. Mr. Ferguson then referred back to the Planning Commission for any questions.

Chair Simone asked the applicants if they had anything to add.

Applicant Amy Mericle re-iterated Kyle Ferguson's comments on community need, stating that they are currently selling empty RV's and then sending customers to the closest fill stations in either Platteville or Brighton, therefore sending revenue into other cities.

Chair Simone asked Mr. Ferguson 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. Ferguson stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Special Use Permit action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

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

There were no questions or comments.

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

Mr. Ferguson stated yes.

Chair Simone called for a motion to approve Resolution P2021-0003. It was moved by Vice-Chair Bushrod White and second by Carlos Barron.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

Motion carried by unanimous roll call vote.

Been Annexation & Initial Zoning

Planner II Alyssa Knutson introduced the Been Annexation and Initial Zoning. Ms. Knutson stated that the project was submitted by Sheryl Been and is a total of approximately 18.24 acres, including a portion of County Road 10 Right of way. It is located west and adjacent to County Road 19 and approximately a quarter-mile south of County Road 10. She stated that this is a flagpole annexation which will achieve continuity on County Road 10. Ms. Knutson stated that all requirements had been met for this application and stated that the applicant was present to answer any questions.

Chair Mike Simone addressed the applicant Sheryl Been, 3647 County Road 19, Fort Lupton, CO.

He asked if Ms. Been understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

Ms. Been stated yes.

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

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

Ms. Been stated yes.

Chadwin Cox presented the project. He stated this is an agricultural property and the intent is to annex into the City of Fort Lupton and remain as an agricultural zoning.

Chair Simone asked Ms. Been if she has had a full and fair opportunity to present all facts, submittals, documents, testimony and presentations in support of her application before the Planning Commission tonight.

Ms. Been stated yes.

Chair Simone asked Ms. Been if she felt he had a full opportunity to participate in the public hearing.

Ms. Been stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Annexation and Initial Zoning action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

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

Member Kathy Kvasnicka asked for confirmation that this application is strictly for annexation.

Ms. Knutson responded and stated that yes this is only for annexation and initial zoning and any future development on the property would need to come back through the application process.

Chair Simone called for a motion to approve Resolution P2021-0004. It was moved by Kathy Kvasnicka and seconded by Vice-Chair Bushrod White.

Motion carried by unanimous roll call vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 28, 2021**

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for February 11, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 6:55 PM.

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair

**MERICLE RV PROPANE TANK
SPECIAL USE PERMIT STAFF REPORT
Project No. LUP2020-0037 & Plan No. SUP2020-0008**

PROJECT DESCRIPTION

Project No.: LUP2020-0037 / Plan No. SUP2020-0008

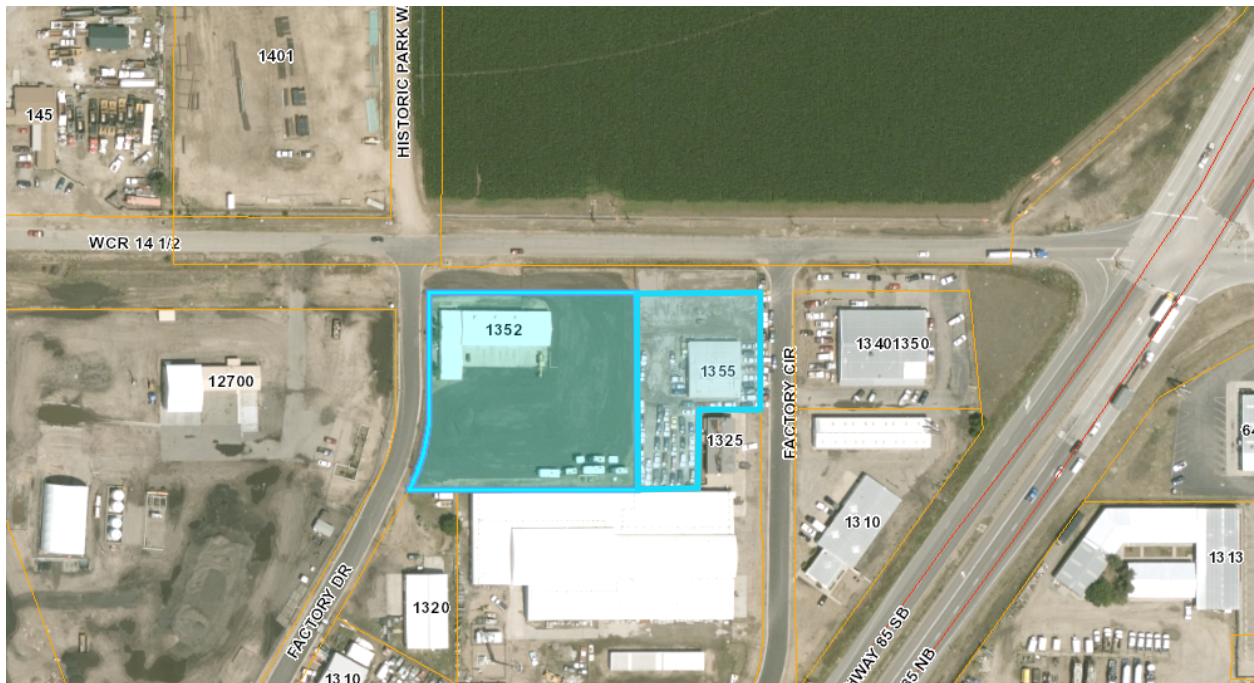
Project Name: Mericle RV Propane Tank Special Use Permit

Applicant's Name: Mike Mericle

Representative: Byron Smith with Amerigas and Kyle Ferguson with Mericle RV

Location of Request:

The site is located at 1352 Factory Drive in the North Half of the Southeast Quarter of Section 31, Township 2 North, Range 66 West of the 6th P.M. in Fort Lupton, Colorado. The site is situated at the southeast corner of County Road 14 ½ and Factor Drive.



Nature of Request:

The Applicant has submitted a request for a special use permit for the installation of a 1,000-gallon aboveground propane tank on their property located at 1352 Factory Drive. The tank will be used in conjunction with existing RV sales operations occurring at the site.

Site Size: The Property is 2.0 acres, more or less.

Zone District: 'I-1' Light Industrial

Proposed Use: The installation of an aboveground propane tank in conjunction with currently existing RV sales operation.

Existing Use: Sales of Recreational Vehicles (RVs). Existing use to continue.

Hearing Dates: Planning Commission: Thursday, January 28, 2021 at 6:00
City Council: Tuesday, February 16, 2021 at 7:00 PM

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

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

SUMMARY OF PREVIOUS APPLICATIONS

An Administrative Site Plan was approved for this property on September 14, 2020, known as the Mericle RV Administrative Site Plan; LUP2020-0025 & SPR2020-0009.

APPLICATION PROCESS

The Applicant is requesting approval of a special use permit for an aboveground storage tank. 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 Greeley Tribune on January 13, 2021 and in the Fort Lupton Press on January 20, 2021.

Notice of the public hearings was posted on January 8, 2020 at the Property, 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 Property on January 11, 2021, as required by the Zoning Regulations of the Code.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The property is located within the 'I-1' Light Industrial Zone District. The Municipal Code does not list an aboveground storage tank for propane and fuel as a use by right, but does specifically list it as being allowed with an approved special use permit. Section 16-7 states that it is 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. It furthers states that the list of permitted uses in each zone district is exclusive, meaning that uses not specifically described are not permitted, but similar uses and compatible uses, may be permitted as special uses as set forth in [Section 16-7].

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

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: Because the operations are an existing use that complies with the 'I-1' Light Industrial Zone District, the proposed addition of the aboveground tank satisfies the intent of the Code. The Comprehensive Plan designates this area as the Light Industrial and Office zone. The proposed aboveground storage tanks will be in conjunction with the existing RV sales operation on the site, and staff has determined the use is consistent with the intent of the Comprehensive Plan and will not interfere with a future potential transition to commercial.

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

Staff Comment: The property is located adjacent to agricultural land to the north and industrial land uses to the east, south, and west. The proposed aboveground storage tank will have minimal impact to neighboring properties.

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: The proposed use does not add additional traffic from what currently exists from the RV sales operation.

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: The aboveground propane tank will have minimal impact on these items. Conditions of approval will address any item that is impacted.

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: A special use permit is non-transferable, and therefore if a new owner were to occupy the property the aboveground fuel tank approved through this application would no longer be permitted unless a new application were submitted and approved. Planning Department staff will ensure compliance with other conditions of approval, either as listed on the proposed Resolution or as added by City Council.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Light Industrial and Office use type. The proposed use compliments this use type.

REFERRALS

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

Building / Grounds Manager	Building Inspector	OMI
City Attorney	GIS Specialist	Police Chief
Public Works Director	Finance Director	Fort Lupton Fire Protection District
CDOT	Division of Water Resources	United Power
Comcast	CenturyLink	Xcel Energy
Weld County Department of Planning		

STAFF RECOMMENDATION

Staff recommends conditional approval of the Mericle RV Propane Tank Special Use Permit. Conditions are listed under the proposed Resolution included with the Planning Commission packet.

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: MIKE MERELLE
 Company: MERELLE RV
 Phone: 970.833.1395 Email: Mike.MERELLE@MerelleRV.com
 Address: 1352 FACTORY DRIVE Fort Lupton CO 80621
 Preferred method of contact? Email Phone: _____ Mail: _____
- 2) Representative Name: Byron Smith
 Company: Amerigas
 Phone: 303.349.0037 Email: Byron.Smith@Amerigas.com
 Address: 10360 SMITHFIELD DR. Fort Collins CO 80524
 Preferred method of contact? Email Phone: _____ Mail: _____
- 3) Billing Contact (where invoices should be directed to): Kyle FERGUSON
 Billing Company: Merelle R.V.
 Phone: 970.833.1395 Email: Kyle@MerelleRV.com
 Address: 1352 FACTORY DRIVE Fort Lupton CO 80621

B. SITE DESCRIPTION

Site Address: 1352 Factory Drive Fort Lupton CO 80621
 Parcel Number: _____
 Existing Zone Classification: I-1 Proposed Zone Classification: I-1
 Water Type: CITY Name: Fort Lupton
 Sewage Type: CITY District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Sketch Plat	Administrative Site Plan	PUD Plan (Preliminary & Final)
Preliminary Plat	<u>Special Use Permit</u>	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: PROPANE TANK

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

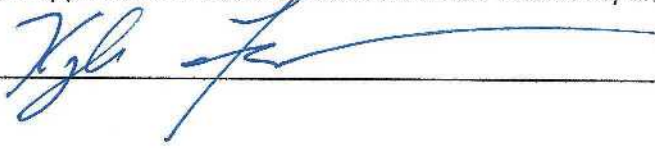
WE ARE LOOKING TO ADD A 1,000 GALLON
L.P. TANK AND DISPENSER

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: 9/9/2020**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:  Date: _____**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

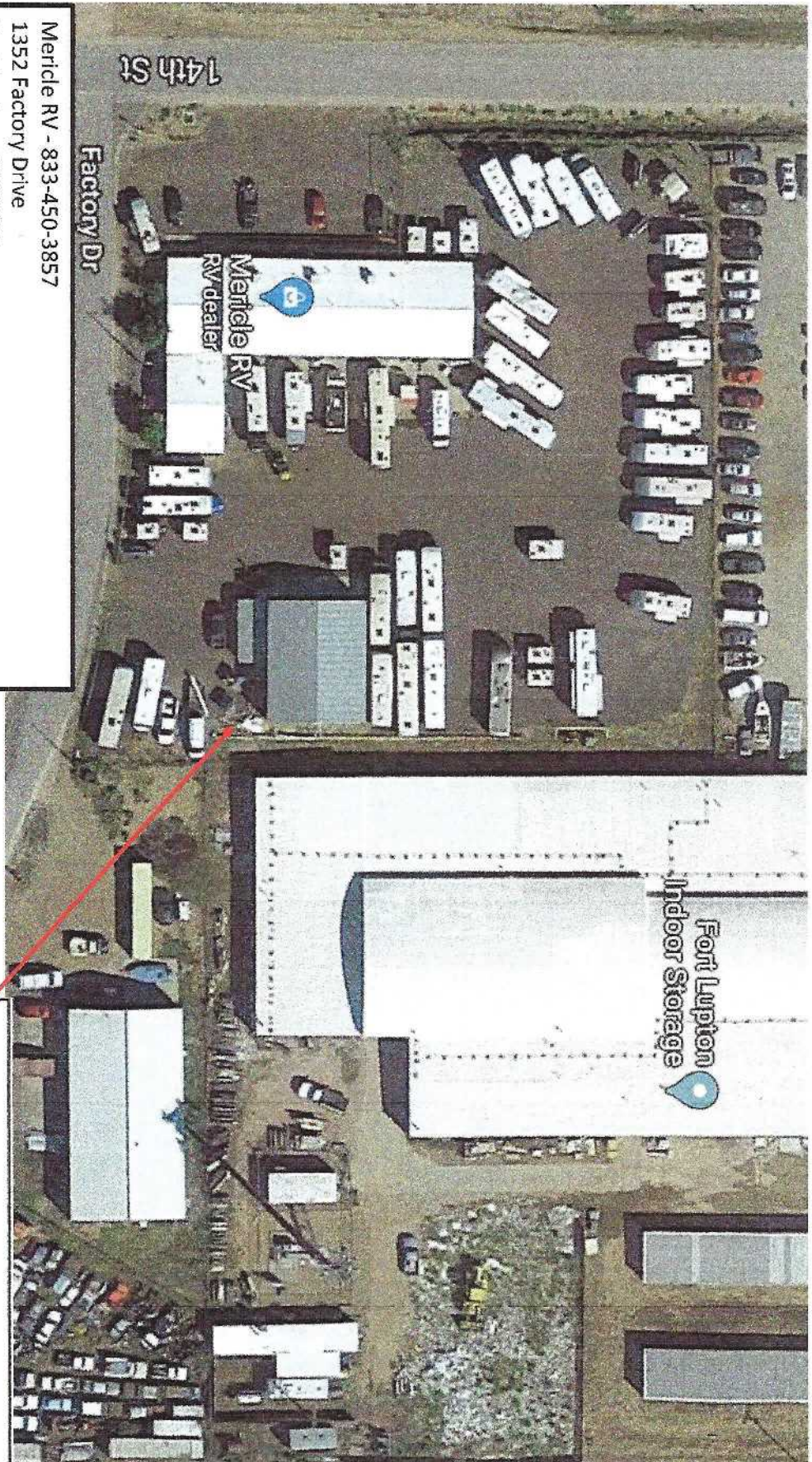
Required documents will be discussed during the pre-application meeting with the Planning Department. If any documents are missing, the acceptance of the application may be delayed until the submittal is complete.

F. CERTIFICATIONS

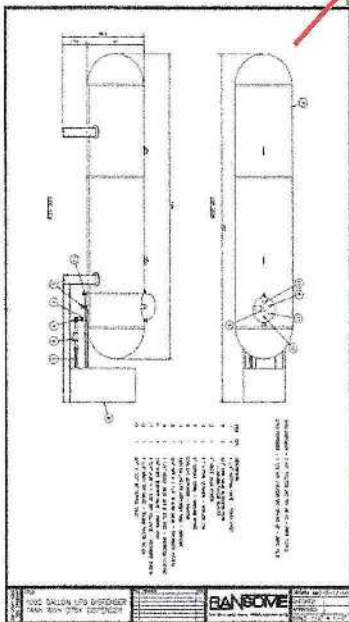
Representative Certification. Provide the signature of all authorized representatives in this section.

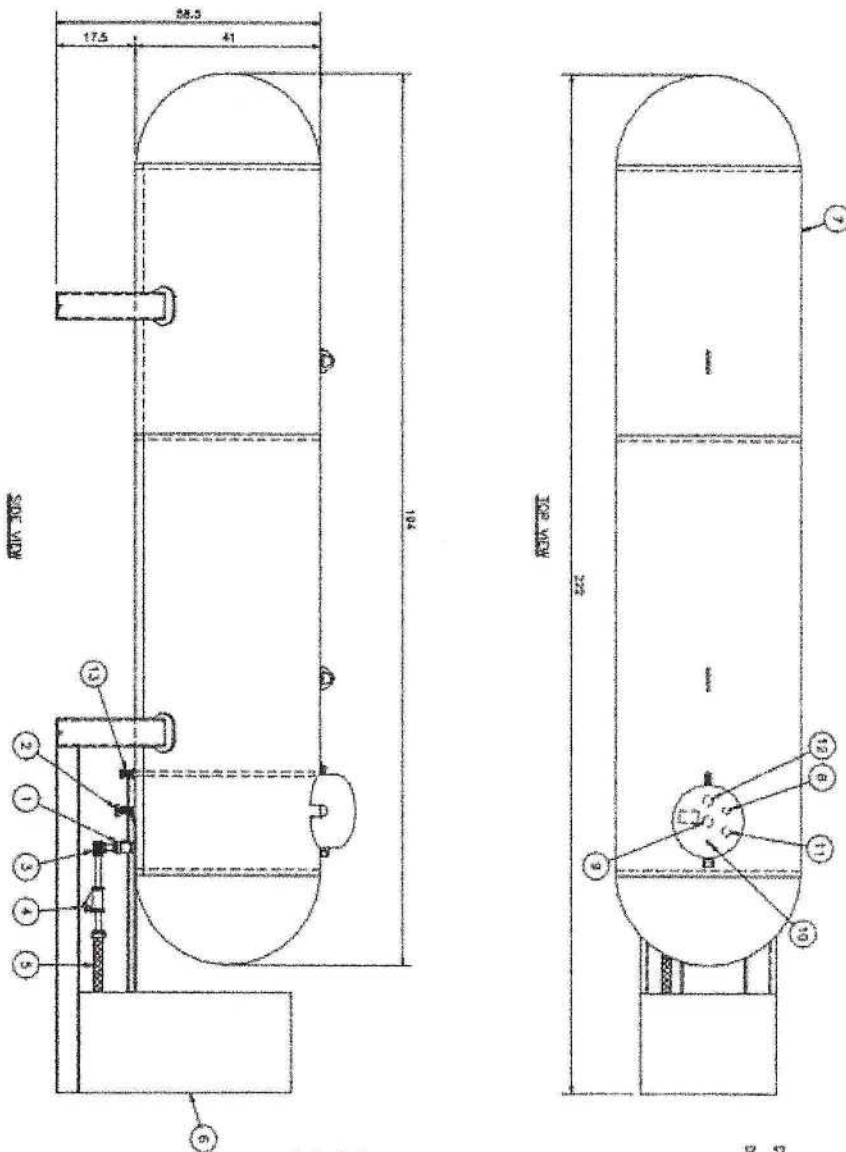
Owner Certification. Provide the signature of all owners of properties included in the application in this section.

For any other questions, please contact the Planning Department at 303.857.6694 or planningdept@fortluptonco.gov.



1,000 gallon tank & dispenser will be placed 25 feet from any buildable property line and 25 feet from any existing building. The dispenser will be protected from vehicle traffic with concrete bollards. The electrical supply will comply Class 1 Group D Division 1 or Division 2, and be equipped with all required seal off devices as required in NFPA 70.





D76X DISPENSER - 1 HP, 116/230 VAC 1PH 60 HZ - AMP'S 15/6.5
D76X DISPENSER - 1 1/2 HP, 116/230 VAC 1PH 60 HZ - AMP'S 16/6

ITEM	QTY.	DESCRIPTION
1	1	1 1/2" AIRWAY VALVE - FISHER CAT
2	2	3/4" TANK VALVE W/EXCESS FLOW - DOUBLE TAPER KNOT
3	1	1" ANGLE VALVE FISHER
4	1	1" X-TYPE STRAINER - MILLER 774
5	1	1" FLEXIBLE CONN. - BANSOME WIKO
6	1	D76X LPG DISPENSER - BANSOME
7	1	1000 GALLON LPG DISPENSER TANK - BANSOME
8	1	3/4" NPT X 1 1/4" M ANGLE VALVE - SHERWOOD PIVOT
9	1	1 1/4" RELIEF VALVE SET @ 275 PSIG - SHERWOOD DYNASAC
10	1	1/4" NPT, BUTTER VALVE - FISHER J400
11	1	1 1/4" ANGLE X 1 1/4" NPT TEE VALVE - SHERWOOD PIVOT
12	1	1 1/4" NPT TEE GAUGE - DOUBLE TAPER TAPING
13	1	3/4" X 3/8" LP SERVICE VALVE

TITLE:
**1000 GALLON LPG DISPENSER
TANK WITH D76X DISPENSER**

NO.	REVISION	DATE

BANSOME
3001 SOUTH BOMBE AVENUE PERRIS, CALIFORNIA 92570

DRAWN: AMD 5-12-00
CHECKED:
APPROVED:
SCALE: 1/2" = 1'-0"

Dispenser Installation Points of Transfer To Exposures

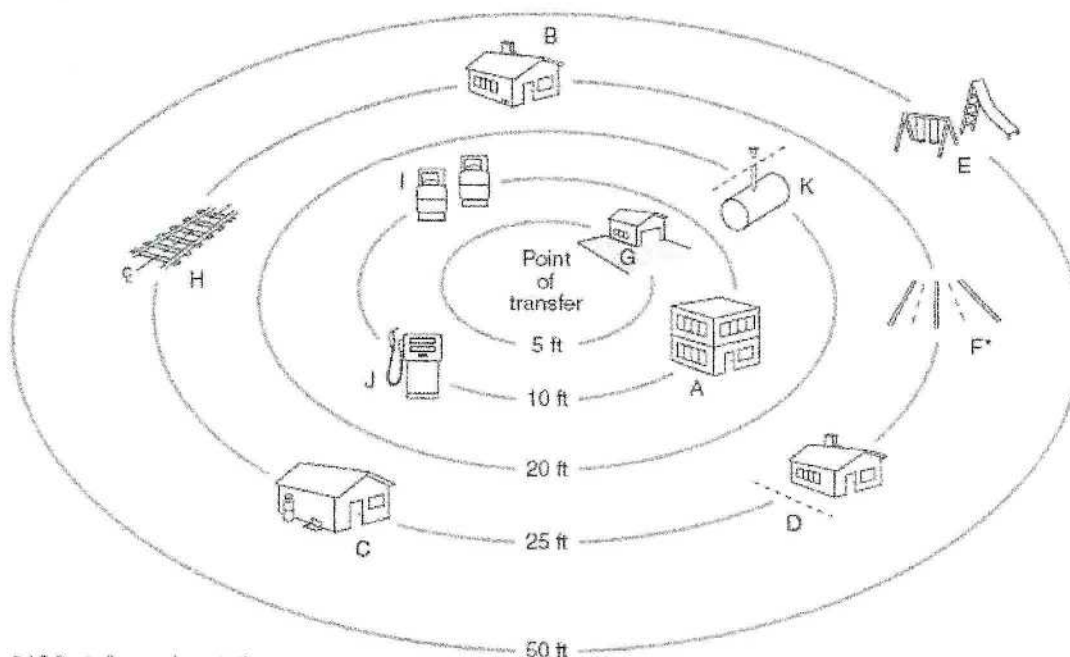


TABLE 6.5.3 Distance Between Point of Transfer and Exposures

Part	Exposure	Minimum Horizontal Distance	
		ft	m
A	Buildings, ^a mobile homes, recreational vehicles, and modular homes with fire-resistive walls ^b	10 ^c	3.1
B	Buildings ^a with other than fire-resistive walls ^b	25 ^c	7.6 ^c
C	Building wall openings or pits at or below the level of the point of transfer	25 ^c	7.6 ^c
D	Line of adjoining property that can be built upon	25 ^c	7.6 ^c
E	Outdoor places of public assembly including schoolyards, athletic fields, and playgrounds	50 ^c	15 ^c
F	Public ways including public streets, highways, thoroughfares, and sidewalks		
	(1) From points of transfer in LP-Gas dispensing stations and at vehicle fuel dispensers	10	3.1
	(2) From other points of transfer	25 ^c	7.6 ^c
G	Driveways ^d	5	1.5
H	Mainline railroad track centerlines	25	7.6
I	Containers ^e other than those being filled	10	3.1
J	Flammable and Class II combustible liquid ^f dispensers and the fill connections of containers	10 ^c	3.1 ^c
K	Flammable and Class II combustible liquid containers, above-ground containers, and containers underground	20	6.1

^aFor the purpose of the table, buildings also include structures such as tents and box trailers at construction sites.

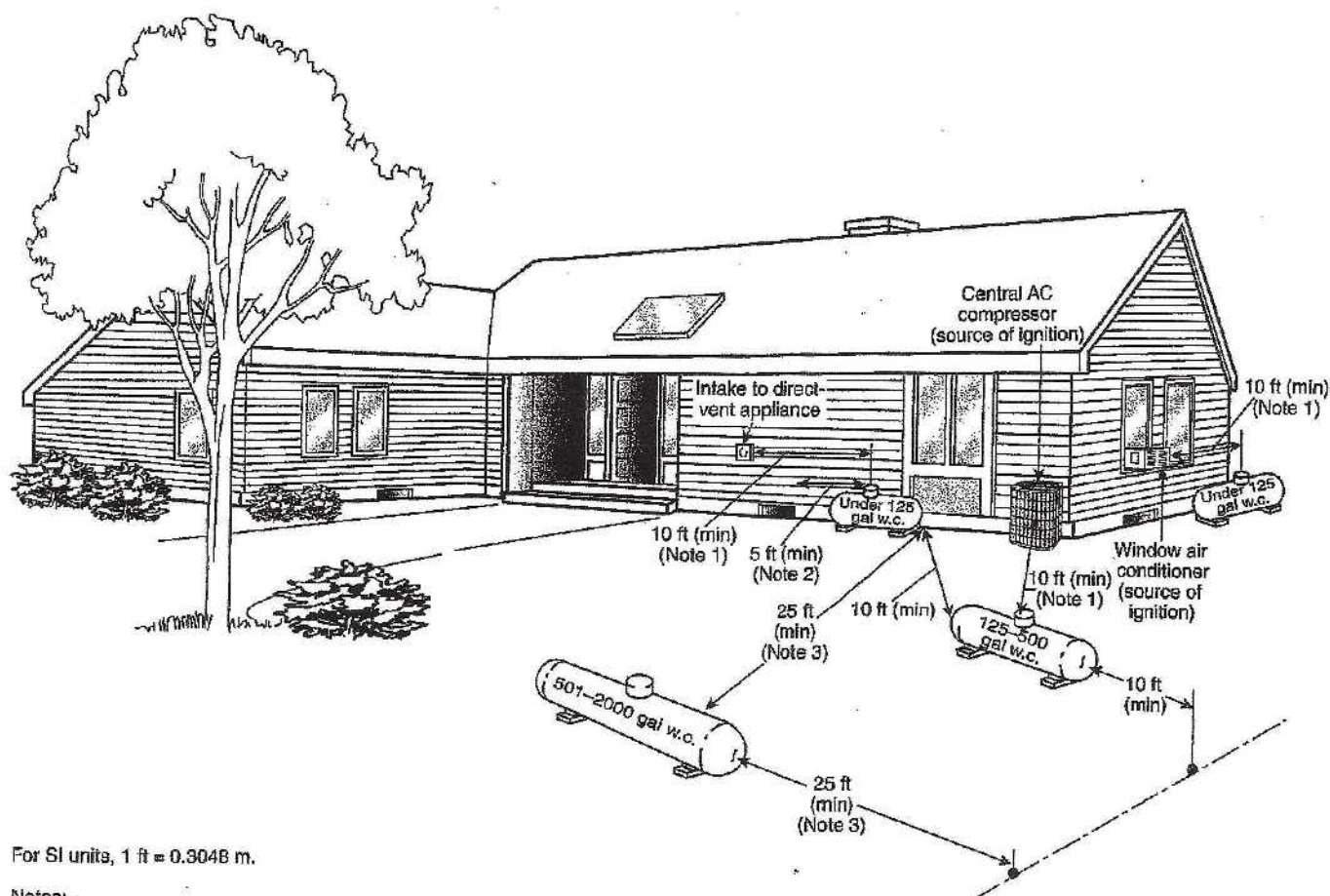
^bWalls constructed of noncombustible materials having, as erected, a fire resistance rating of at least 1 hour as determined by NFPA 251, *Standard Methods of Tests of Fire Endurance of Building Construction and Materials*.

^cSee 6.5.4.4.

^dNot applicable to driveways and points of transfer at vehicle fuel dispensers.

^eNot applicable to filling connections at the storage container or to dispensing vehicle fuel dispenser units of 2000 gal (7.6 m³) water capacity or less when used for filling containers not mounted on vehicles.

^fNFPA 30, *Flammable and Combustible Liquids Code*, defines these as follows: Flammable liquids include those having a flash point below 100°F (37.8°C) and having a vapor pressure not exceeding 40 psia (276 kPa) at 100°F (37.8°C). Class II combustible liquids include those having a flash point at or above 100°F (37.8°C) and below 140°F (60°C).



Notes:

- (1) Regardless of its size, any ASME container filled on site must be located so that the filling connection and fixed maximum liquid level gauge are at least 10 ft from any external source of ignition (e.g., open flame, window AC, compressor), intake to direct-vented gas appliance, or intake to a mechanical ventilation system. Refer to 6.3.4.4.
- (2) Refer to 6.3.4.3.
- (3) This distance can be reduced to no less than 10 ft for a single container of 1200 gal (4.5 m³) water capacity or less, provided such container is at least 25 ft from any other LP-Gas container of more than 125 gal (0.5 m³) water capacity. Refer to 6.3.1.3.

FIGURE I.1(b) Aboveground ASME Containers. (Figure for illustrative purposes only; code compliance required.)

Annex J Sample Ordinance Adopting NFPA 58

This annex is not a part of the requirements of this NFPA document but is included for informational purposes only.

J.1 The following sample ordinance is provided to assist a jurisdiction in the adoption of this code and is not part of this code.

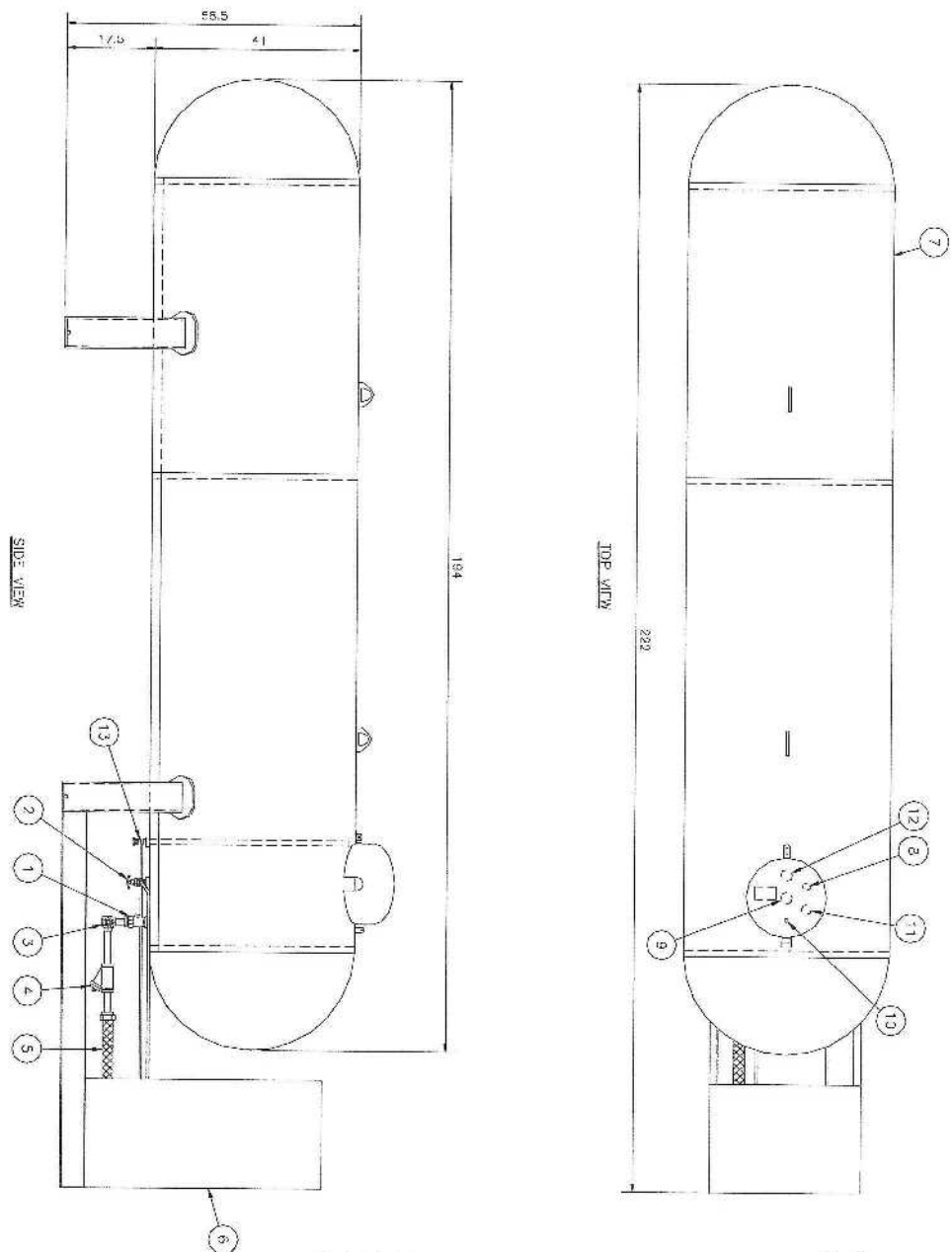
ORDINANCE NO. _____

An ordinance of the [jurisdiction] adopting the 2014 edition of NFPA 58, *Liquefied Petroleum Gas Code*, documents listed in Chapter 2 of that code; prescribing regulations governing conditions hazardous to life and property from fire or explosion; providing for the issuance of permits and collection of fees; repealing Ordinance No. _____ of the [jurisdiction] and all other ordinances and parts of ordinances in conflict therewith; providing a penalty; providing a severability clause; and providing for publication; and providing an effective date.

BE IT ORDAINED BY THE [governing body] OF THE [jurisdiction];

SECTION 1 That the *Liquefied Petroleum Gas Code* and documents adopted by Chapter 2, three (3) copies of which are on file and are open to inspection by the public in the office of the [jurisdiction's keeper of records] of the [jurisdiction], are hereby adopted and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the [jurisdiction]. The same are hereby adopted as the code of the [jurisdiction] for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees.

SECTION 2 Any person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed



D76X DISPENSER - 1 1/2" H.P. 115/230 W.C. 114 60 HZ - AMPS 13/65
D76X DISPENSER - 1 1/2" H.P. 115/230 W.C. 114 60 HZ - AMPS 15/8

ITEM	QTY	DESCRIPTION
1	1	1 1/2" IN-HORN VALVE - FISHER C107
2	2	3/4" TANK VALVE W/EXCESS FLOW - SQUIB TAILOR M4072
3	1	1" ANGLE VALVE FISHER
4	1	1" NPT STEAMER - M.F. 774
5	1	8" FLEXIBLE COIL - RANSOME K1000
6	1	D76X LPG DISPENSER - RANSOME
7	1	1000 GALLON LPG DISPENSER TANK - RANSOME
8	1	3/8" NPT X 1 1/4" N. ANGLE VALVE - SLEWCO 241815
9	1	1 1/4" BUTT VALVE SET @ 275 PSIG - SLEWCO 241815
10	1	1/4" WPT. BLEEDER VALVE - FISHER L400
11	1	3/4" ANGLE X 1 1/4" NPT FILL VALVE - SLEWCO 241815
12	1	1/4" NPT TOP GAUGE - SQUIB TAILOR M4072
13	1	3/4" X 3/8" NPT SERVICE VALVE

FILE: 1000 GALLON LPC DISPENSER TANK WITH D76X DISPENSER

DRAWING NO. C20-1306-20

NO. REVISION

DATE

RANSOME

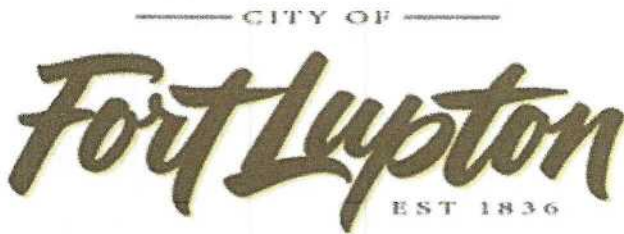
3485 SOUTH MAIN AVENUE, FRESNO, CALIFORNIA 93720

DRAWN: AVID 5-12-00

CHECKED:

APPROVED:

SCALE: 1/2" = 1'-0"



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): MIKE MERIUC Phone: 970-833.1395

Address: 1352 Factory Drive Fort Lupton CO 80621

Applicant (if different from owner): _____

Address: _____

Home Phone: _____ Cell Phone: _____

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

Legal Description Lot 9 AND The west 1/4 of Lot 3 (See Attached)

Current Zoning: _____

Reason for Request:

100 GAL LP TANK 3 Disposal

Please answer the following questions in detail.

1. What is the proposed use?

Sell PROPANE to our Customers

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

Noise - NONE

Dust - NONE

Odor - NONE

Safety - NONE

Traffic - NONE

Light - NONE

3. What are the proposed hours of operation?

8-5 MON-SAT.

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?

Yes FIRE PROTECTION

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

N/A

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

N/A

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

NO New employees Required.

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:

9/9/2020

Exhibit A
to
Special Warranty Deed

Legal Description of Property

Lot 9 and the West 66.74 feet of Lot 3,
Industrial Park West – Filing No. 2
County of Weld,
State of Colorado.

with a street address of 1352 Factory Drive, Fort Lupton, CO 80621

MERICLE RV PROPANE TANK SPECIAL USE PERMIT

Part of the North 1/2 of the Southeast 1/4 of Section 31,
Township 2 North, Range 66 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 2

GENERAL NOTES:

- 1) 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.
- 2) PROPERTY BOUNDARY INFORMATION AND EASEMENT INFORMATION SHOWN HEREON IS BASED UPON ALTA/NSPS LAND TITLE SURVEY COMPLETED BY AMERICAN WEST LAND SURVEYING CO. DATED JUNE 17, 2020.
- 3) THIS SITE PLAN DOES NOT REPRESENT A MONUMENTED LAND SURVEY PLAT OR IMPROVEMENT SURVEY AND IS ONLY MEANT TO DEPICT THE NATURE AND CONDITION OF THE EXISTING IMPROVEMENTS LOCATED ON THE SUBJECT PROPERTY. NO TITLE COMMITMENT WAS PROVIDED TO AMERICAN WEST LAND SURVEYING CO. DURING THE PREPARATION OF THIS SITE PLAN AND NO FURTHER EASEMENT INFORMATION WAS REQUESTED BY THE CLIENT.
- 4) PARKING DETAILS/SCHEMATIC AND THE LOCATION OF PROPOSED IMPROVEMENTS WERE PROVIDED BY MERICLE RV.

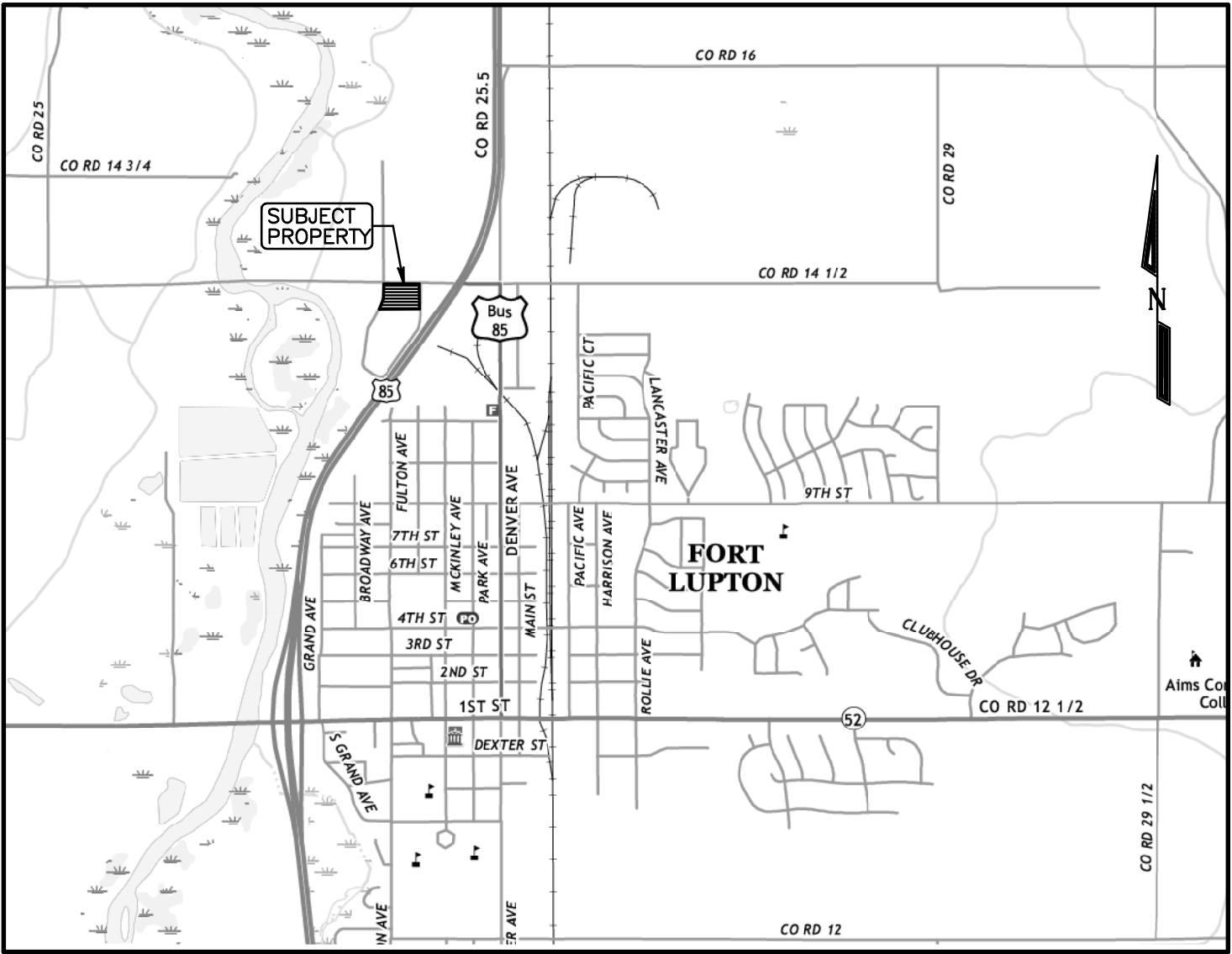
CITY OF FORT LUPTON NOTES:

- 1) ANY FUTURE EXPANSION OF THE SITE OR ADDITION OF BUILDINGS NOT SHOWN ON THE CURRENT SITE PLAN MAP WILL REQUIRE THE REVIEW OF THE PLANNING DEPARTMENT, BUILDING DEPARTMENT, ENGINEERING DEPARTMENT, AND THE FIRE DISTRICT TO DETERMINE IF ADDITIONAL REQUIREMENTS ARE NECESSARY PRIOR TO THE RELEASE OF BUILDING PERMITS.
- 2) THE PROPERTY SHALL BE MAINTAINED TO THE CURB, OR ROADWAY IF NO CURB EXISTS.
- 3) DEAD AND DYING LANDSCAPING MATERIAL SHALL BE REPLACED BY A DATE CHOSEN BY THE PLANNING DEPARTMENT STAFF.
- 4) ANY PARKING OR OTHER IMPROVEMENTS IN THE RIGHT-OF-WAY MUST BE REMOVED UPON REQUEST BY THE CITY.

SURVEYOR'S STATEMENT:

I, CURTIS D. HOOS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SITE PLAN REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID SITE PLAN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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



VICINITY MAP: NTS

PROPERTY DESCRIPTION:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTH 1/2 OF SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 9 AND THE WEST 66.74 FEET OF LOT 3, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

AND;

LOT 3, EXCEPT THE WEST 66.74 FEET THEREOF, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT TWIN PEAKS AUTO & RV BROKERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, AND 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 _____, 20____

OWNER: TWIN PEAKS AUTO & RV BROKERS, LLC., A COLORADO LIMITED LIABILITY COMPANY

MICHAEL J. MERICLE AS PRESIDENT

STATE OF COLORADO }
COUNTY OF WELD } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

BY _____ ON THIS _____

DAY OF _____, 20____

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____

CITY ENGINEER

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____

DIRECTOR OF PUBLIC WORKS

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____

CITY ADMINISTRATOR

CLIENT:
MERICLE RV
1352 FACTORY DRIVE
FORT LUPTON, CO 80621
888-308-3639



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" = 20' | DRAWN BY: CDH | CHECKED BY: MJH | DATE: OCT. 26, 2020

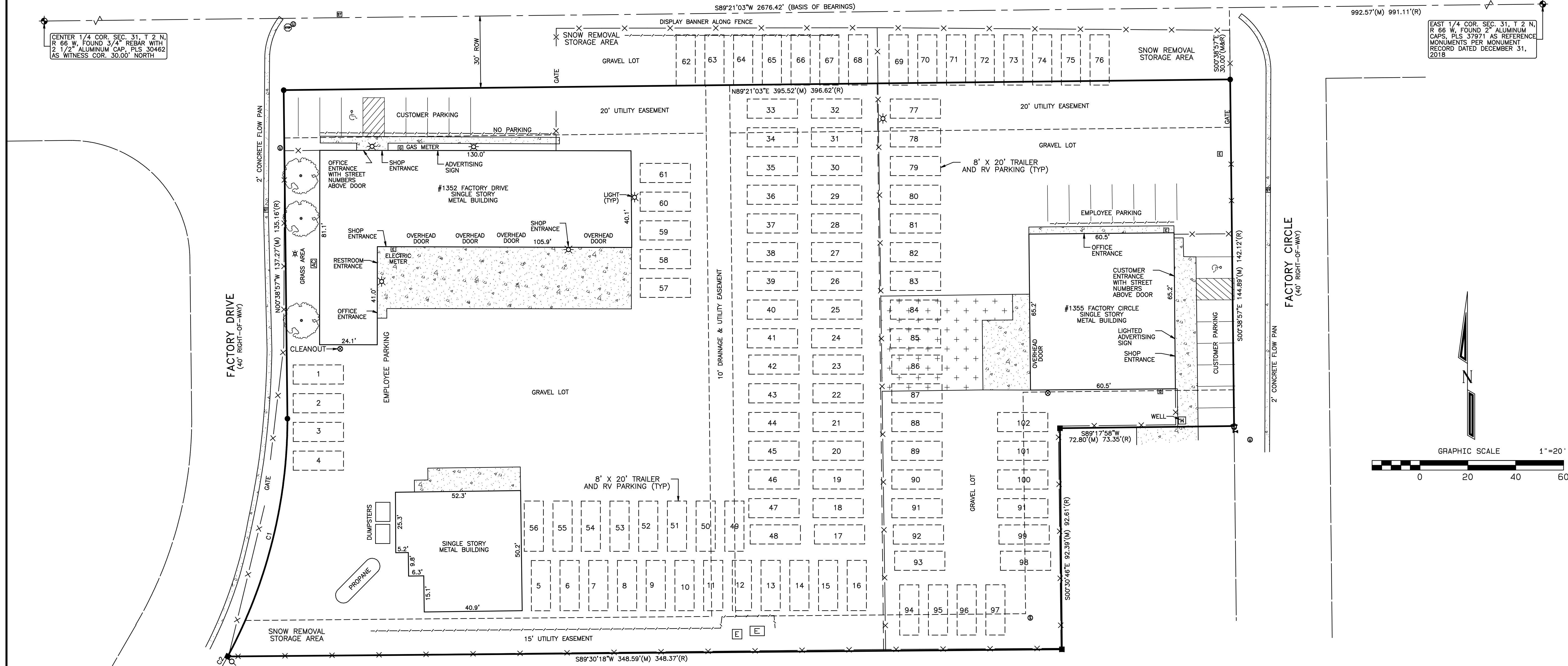
REVISIONS:
JOB NO: 20-405

MERICLE RV PROPANE TANK SPECIAL USE PERMIT

Part of the North 1/2 of the Southeast 1/4 of Section 31,
 Township 2 North, Range 66 West of the 6th P.M.,
 City of Fort Lupton, County of Weld, State of Colorado

Sheet 2 of 2

COUNTY ROAD 14 1/2 (14TH STREET)



LEGEND:

- ♦ = ALIQUOT MONUMENT, AS NOTED.
- = FOUND 5/8" REBAR WITH 2" ALUMINUM CAP, PLS 37971.
- = FOUND 1/2" REBAR WITH RED PLASTIC CAP, PLS 12330.
- = FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP, PLS 25937.
- = FOUND 1/2" REBAR.
- ⚡ = OVERHEAD UTILITY POLE.
- ⚡ = LAMP POLE.
- ⚡ = ELECTRIC TRANSFORMER / METER.
- ⚡ = GAS METER.
- ⚡ = TELECOM PEDISTAL.
- ⚡ = FIRE HYDRANT.
- ⚡ = WATER VALVE.
- ⚡ = SEWER MAN HOLE.
- ⚡ = CLEANOUT.
- ⚡ = STORM SEWER GRATE.

- X—X—X— = EXISTING CHAIN LINK FENCE LINE.
- X—X—X— = EXISTING METAL RAILING.
- X—X—X— = OVERHEAD UTILITY LINE.
- [Pattern] = CONCRETE.
- [Pattern] = ASPHALT.
- (M) = AS MEASURED BY THIS SURVEY.
- (R) = MEASUREMENT OF RECORD.

LINE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C1	210.00'(M)	103.56'(M)	28°15'19"(M)	N14°05'25"E	102.51'
C2	210.00'(M)	6.39'(M)	01°44'41"(M)	N29°05'25"E	6.39'

LINE	RADIUS	ARC	DELTA
C1	210.00'(R)	103.74'(R)	28°18'13"(R)
C2	210.00'(R)	6.22'(R)	01°41'47"(R)

American West
Land Surveying Co.

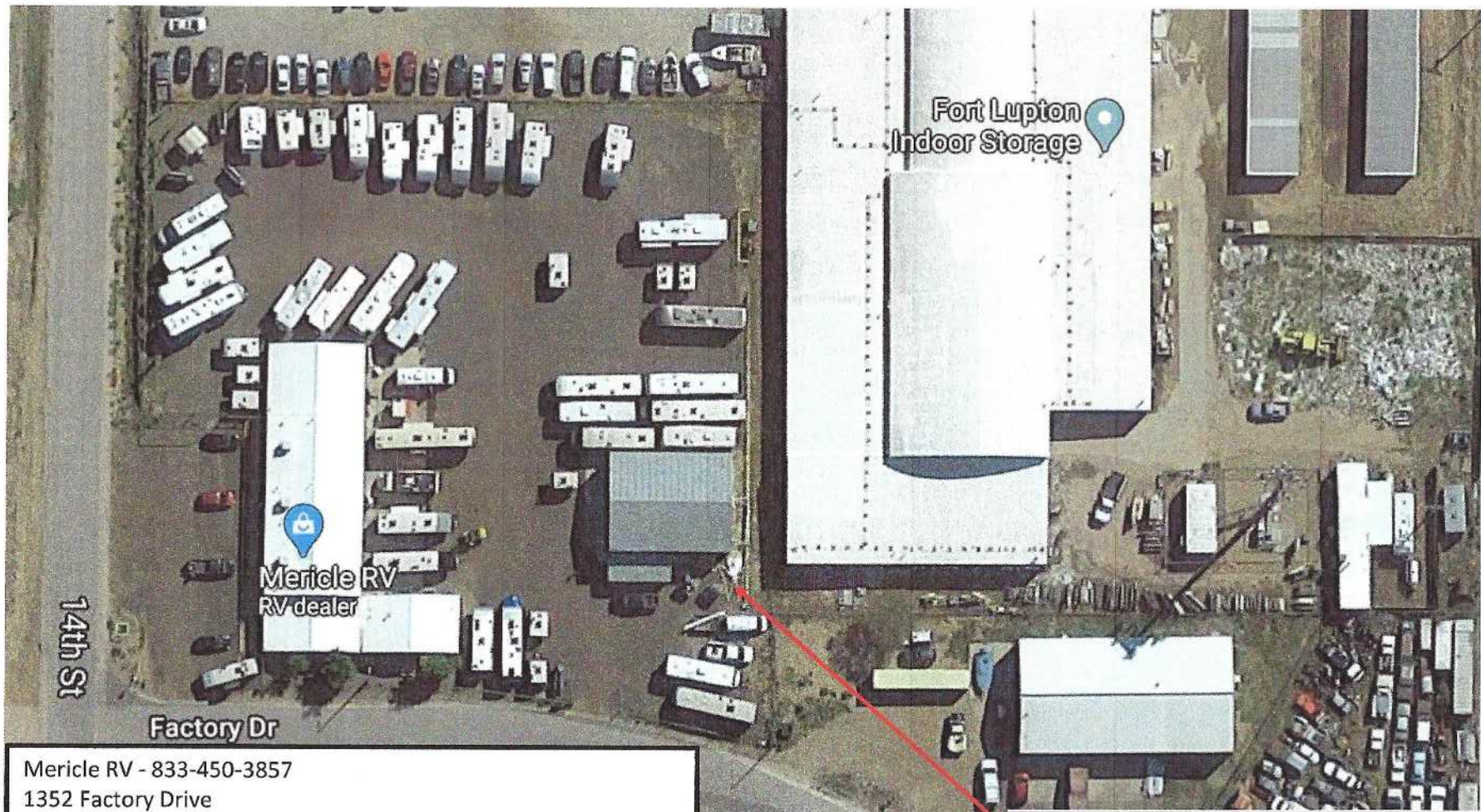
A Colorado Corporation

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

SCALE 1" = 20' | DRAWN BY: CDH | CHECKED BY: MJH | DATE: OCT. 26, 2020

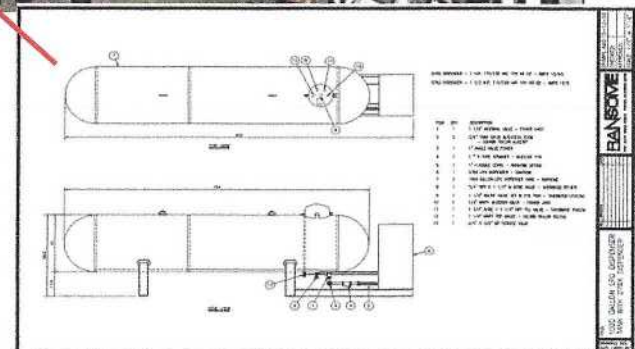
REVISIONS:

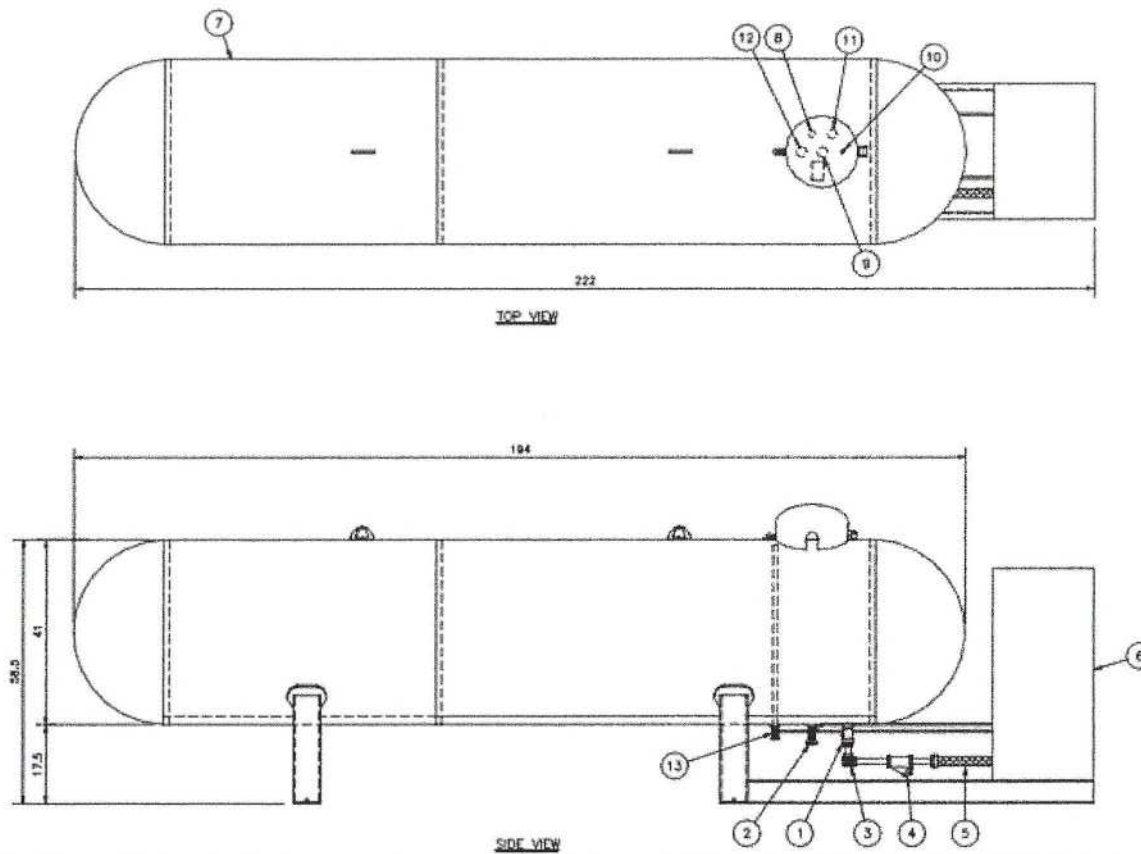
JOB NO: 20-405



Mericle RV - 833-450-3857
 1352 Factory Drive
 Fort Lupton, CO 80621

1,000 gallon tank & dispenser will be placed 25 feet from any buildable property line and 25 feet from any existing building. The dispenser will be protected from vehicle traffic with concrete bollards. The electrical supply will comply Class 1 Group D Division 1 or Division 2, and be equipped with all required seal off devices as required in NFPA 70.





D760 DISPENSER - 1 H.P. 115/230 VAC 1PH 60 HZ - AMPS 13/6.5
 D762 DISPENSER - 1 1/2 H.P. 115/230 VAC 1PH 60 HZ - AMPS 18/8

ITEM	QTY.	DESCRIPTION
1	1	1 1/4" INTERNAL VALVE - FISHER C407
2	2	3/4" TANK VALVE W/EXCESS FLOW - SQUIBB TAYLOR AL407EP
3	1	1" ANGLE VALVE FISHER
4	1	1" Y-TYPE STRAINER - MUELLER 774
5	1	1" FLEXIBLE CORN. - RANSOME M100U
6	1	D76X LPG DISPENSER - RANSOME
7	1	1000 GALLON LPG DISPENSER TANK - RANSOME
8	1	3/4" NPT X 1 1/4" M ACME VALVE - SHERWOOD PV1876
9	1	1 1/4" RELIEF VALVE SET @ 275 PSIG - SHERWOOD UN453AC
10	1	1/4" MNPT. BLEEDER VALVE - FISHER J400
11	1	1 3/4" ACME X 1 1/4" NPT FILL VALVE - SHERWOOD PV423A
12	1	1 1/4" MNPT TOP GAUGE - SQUIBB TAYLOR TA210A
13	1	3/4" X 3/8" NP SERVICE VALVE

DRAWN: AND 5-12-00
 CHECKED:
 APPROVED:
 SCALE: 1/2" = 1'-0"

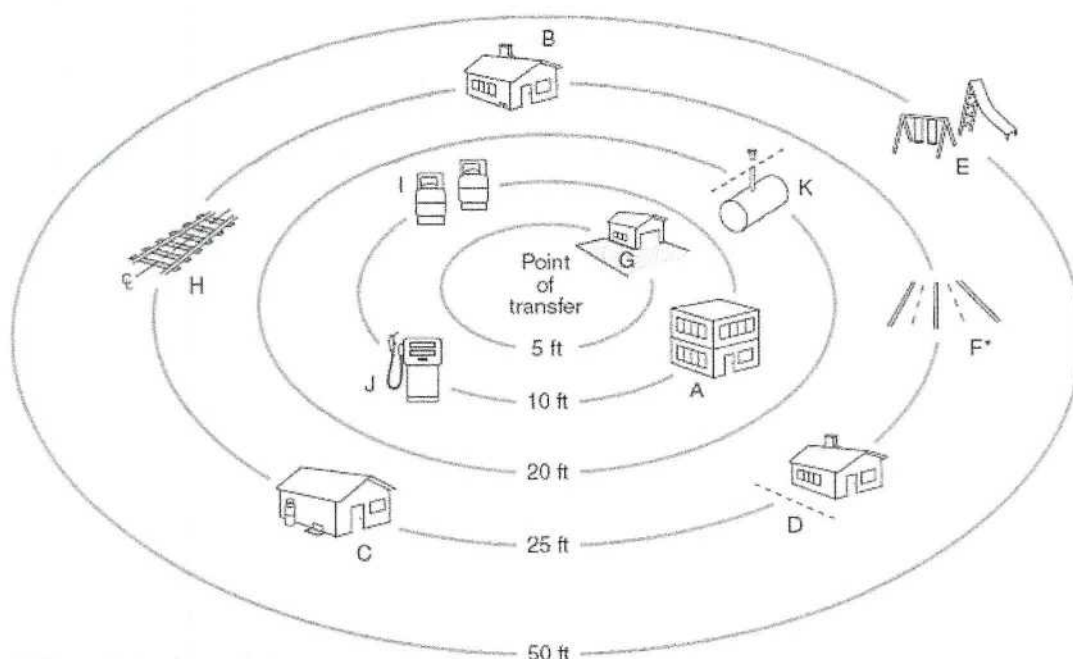
RANSOME
 3815 SOUTH WILSON AVENUE
 PLEASANTON, CALIFORNIA 94566

DATE
 NO. REVISION

TITLE:
 1000 GALLON LPG DISPENSER
 TANK WITH D76X DISPENSER

DRAWING NO.
 D20-1606-00

Dispenser Installation Points of Transfer To Exposures



* 10 ft at dispensing stations

TABLE 6.5.3 Distance Between Point of Transfer and Exposures

Part	Exposure	Minimum Horizontal Distance	
		ft	m
A	Buildings, ^a mobile homes, recreational vehicles, and modular homes with fire-resistive walls ^b	10 ^c	3.1
B	Buildings ^a with other than fire-resistive walls ^b	25 ^c	7.6 ^c
C	Building wall openings or pits at or below the level of the point of transfer	25 ^c	7.6 ^c
D	Line of adjoining property that can be built upon	25 ^c	7.6 ^c
E	Outdoor places of public assembly including schoolyards, athletic fields, and playgrounds	50 ^c	15 ^c
F	Public ways including public streets, highways, thoroughfares, and sidewalks		
	(1) From points of transfer in LP-Gas dispensing stations and at vehicle fuel dispensers	10	3.1
	(2) From other points of transfer	25 ^c	7.6 ^c
G	Driveways ^d	5	1.5
H	Mainline railroad track centerlines	25	7.6
I	Containers ^e other than those being filled	10	3.1
J	Flammable and Class II combustible liquid ^f dispensers and the fill connections of containers	10 ^c	3.1 ^c
K	Flammable and Class II combustible liquid containers, above-ground containers, and containers underground	20	6.1

^aFor the purpose of the table, buildings also include structures such as tents and box trailers at construction sites.

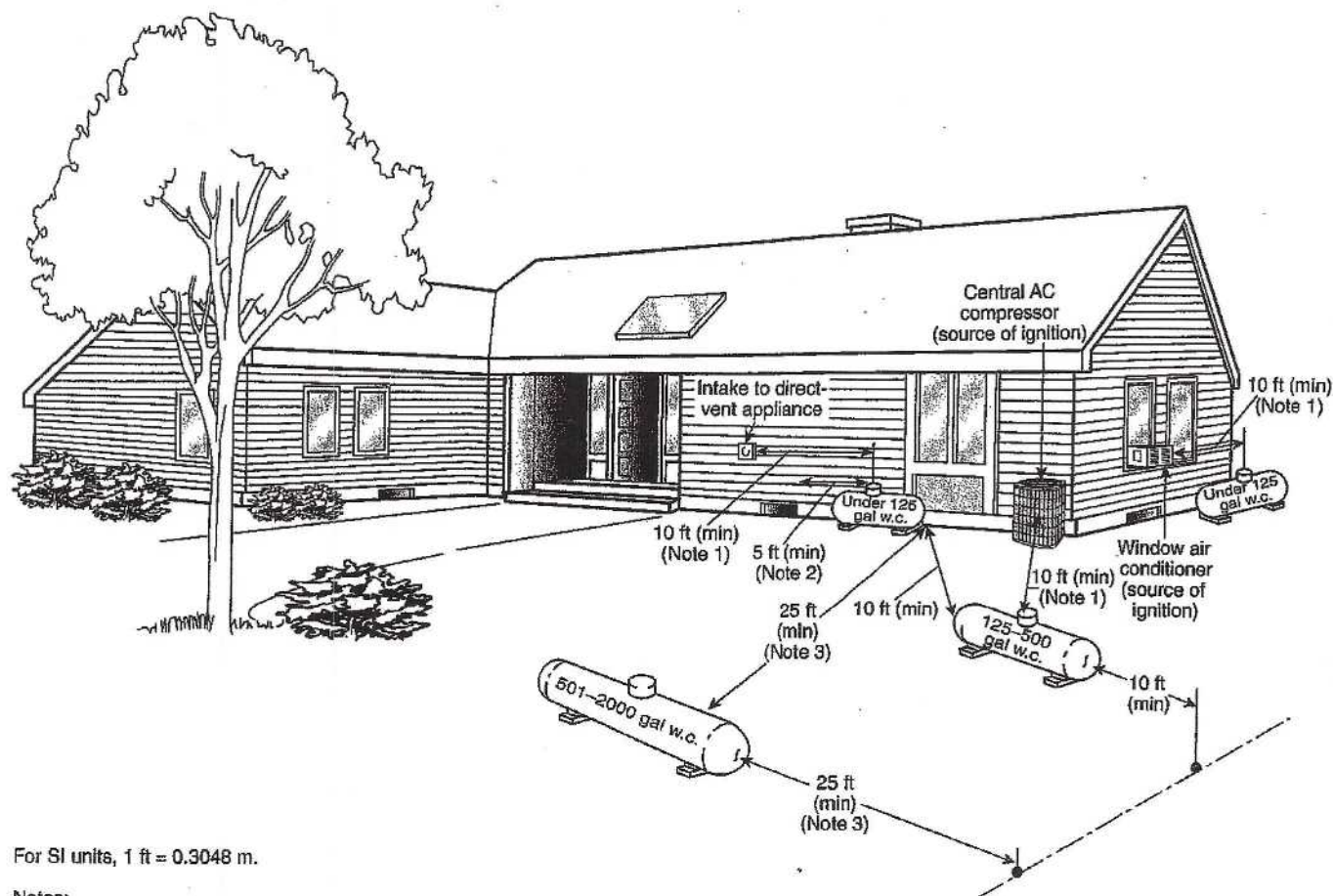
^bWalls constructed of noncombustible materials having, as erected, a fire resistance rating of at least 1 hour as determined by NFPA 251, *Standard Methods of Tests of Fire Endurance of Building Construction and Materials*.

^cSee 6.5.4.4.

^dNot applicable to driveways and points of transfer at vehicle fuel dispensers.

^eNot applicable to filling connections at the storage container or to dispensing vehicle fuel dispenser units of 2000 gal (7.6 m³) water capacity or less when used for filling containers not mounted on vehicles.

^fNFPA 30, *Flammable and Combustible Liquids Code*, defines these as follows: Flammable liquids include those having a flash point below 100°F (37.8°C) and having a vapor pressure not exceeding 40 psia (276 kPa) at 100°F (37.8°C). Class II combustible liquids include those having a flash point at or above 100°F (37.8°C) and below 140°F (60°C).



For SI units, 1 ft = 0.3048 m.

Notes:

(1) Regardless of its size, any ASME container filled on site must be located so that the filling connection and fixed maximum liquid level gauge are at least 10 ft from any external source of ignition (e.g., open flame, window AC, compressor), intake to direct-vented gas appliance, or intake to a mechanical ventilation system. Refer to 6.3.4.4.

(2) Refer to 6.3.4.3.

(3) This distance can be reduced to no less than 10 ft for a single container of 1200 gal (4.5 m³) water capacity or less, provided such container is at least 25 ft from any other LP-Gas container of more than 125 gal (0.5 m³) water capacity. Refer to 6.3.1.3.

FIGURE I.1(b) Aboveground ASME Containers. (Figure for illustrative purposes only; code compliance required.)

Annex J Sample Ordinance Adopting NFPA 58

This annex is not a part of the requirements of this NFPA document but is included for informational purposes only.

J.1 The following sample ordinance is provided to assist a jurisdiction in the adoption of this code and is not part of this code.

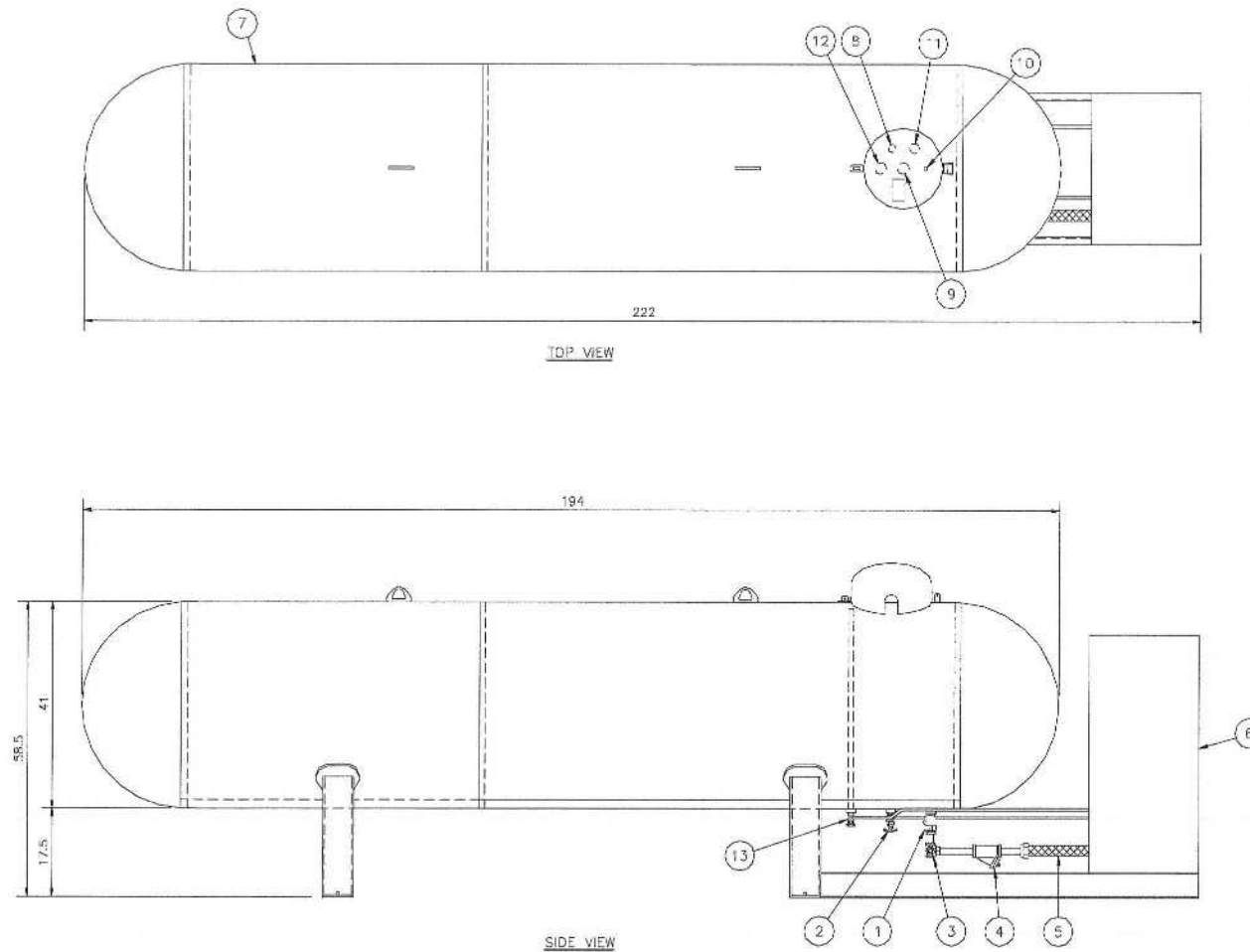
ORDINANCE NO. _____

An ordinance of the [jurisdiction] adopting the 2014 edition of NFPA 58, *Liquefied Petroleum Gas Code*, documents listed in Chapter 2 of that code; prescribing regulations governing conditions hazardous to life and property from fire or explosion; providing for the issuance of permits and collection of fees; repealing Ordinance No. _____ of the [jurisdiction] and all other ordinances and parts of ordinances in conflict therewith; providing a penalty; providing a severability clause; and providing for publication; and providing an effective date.

BE IT ORDAINED BY THE [governing body] OF THE [jurisdiction]:

SECTION 1 That the *Liquefied Petroleum Gas Code* and documents adopted by Chapter 2, three (3) copies of which are on file and are open to inspection by the public in the office of the [jurisdiction's keeper of records] of the [jurisdiction], are hereby adopted and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the [jurisdiction]. The same are hereby adopted as the code of the [jurisdiction] for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees.

SECTION 2 Any person who shall violate any provision of this code or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed



D760 DISPENSER - 1 H.P. 115/230 VAC 1PH 60 HZ - AMPS 13/6.5
 D762 DISPENSER - 1 1/2 H.P. 115/230 VAC 1PH 60 HZ - AMPS 16/8

ITEM	QTY.	DESCRIPTION
1	1	1 1/4" INTERNAL VALVE - FISHER C407
2	2	3/4" TANK VALVE W/EXCESS FLOW - SQUIBB TAYLOR AL407EP
3	1	1" ANGLE VALVE FISHER
4	1	1" Y-TYPE STRAINER - MUELLER 774
5	1	1" FLEXIBLE CONN. - RANSOME M100U
6	1	D76X LPG DISPENSER - RANSOME
7	1	1000 GALLON LPG DISPENSER TANK - RANSOME
8	1	3/4" NPT X 1 1/4" M ACME VALVE - SHERWOOD PV1876
9	1	1 1/4" RETURF VALVE SET @ 275 PSIG - SHERWOOD DV45J40
10	1	1/4" MNPT. BLEEDER VALVE - FISHER J400
11	1	1 3/4" ACME X 1 1/4" NPT FILL VALVE - SHERWOOD PV623A
12	1	1 1/4" MNPT TOP GAUGE - SQUIBB TAYLOR TA21DA
13	1	3/4" X 3/8" MP SERVICE VALVE

DRAWN: AMD 5-12-00
 CHECKED:
 APPROVED:
 SCALE: 1/2" = 1'-0"

RANSOME
 3482 SOUTH MARLE AVENUE FRESNO, CALIFORNIA 93725

NO.	REVISION	DATE

TITLE:
 1000 GALLON LPG DISPENSER
 TANK WITH D76X DISPENSER

DRAWING NO.
 020-1608-00



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.forthluptonfire.org

Date: 08/27/2020

Project name: Mericle RV, Propane Tank

Project address: 1352 Factory Dr., Fort Lupton, CO

FLFPD Project # 2020-034

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the submitted plans for the new **Mericle RV, Propane Tank** located at **1352 Factory Dr.**, Fort Lupton, CO. The submittal was reviewed for compliance with *2012 International Fire Code (IFC)* and National Fire Protection Association (NFPA) standards as adopted by the Fort Lupton Fire Protection District, the City Council of Fort Lupton and the Weld County Commissioners. The plans are approved with the following specific requirements and conditions.

Specific Requirements

1. Distances from buildings and property lines shall meet the requirements of the most current NFPA 58, Liquefied Petroleum Gas Code standard.
2. Electrical wiring and equipment shall be installed and maintained in accordance with NFPA 70. *2012 IFC 5703.1*
3. Dispensing of LP-gas shall be performed by a qualified attendant. *2012 IFC 6106.1*
4. LP-gas containers shall not be filled or maintained with LP-gas in excess of either the volume determined using the fixed liquid-level gauge installed by the manufacturer or the weight determined by the required percentage of the water capacity marked on the container. Portable LP-gas containers shall not be refilled unless equipped with an overfilling prevention device (OPD) where required by Section 5.7.3 of NFPA 58. *2012 IFC 6106.2*
5. Safety devices on LP-gas containers, equipment and systems shall not be tampered with or made ineffective. *2012 IFC 6107.1*
6. "No Smoking" signs complying with Section 310 shall be posted when required by the fire code official. Smoking within 25 feet (7620 mm) of a point of transfer, while filling operations are in progress at LP-gas containers or vehicles, shall be prohibited. *2012 IFC 6107.2*

Control of other sources of ignition shall comply with Chapter 3 of this code and Section 6.22 of NFPA 58.

7. Weeds, grass, brush, trash and other combustible materials shall be kept a minimum of 10 feet (3048 mm) from LP-gas tanks or containers. *2012 IFC 6107.3*

8. Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with Section 312. *2012 IFC 6107.4*

- a. Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other approved physical barriers that comply with Section 312.3.

Guard posts shall comply with all of the following requirements:

1. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.
 2. Spaced not more than 4 feet (1219 mm) between posts on center.
 3. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter.
 4. Set with the top of the posts not less than 3 feet (914 mm) above ground.
 5. Located not less than 3 feet (914 mm) from the protected object.
9. Portable fire extinguishers complying with Section 906 shall be provided as specified in NFPA 58. *2012 IFC 6108.2*
10. Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. These locations shall be along normal paths of travel, unless the fire code official determines that the hazard posed indicates the need for placement away from normal paths of travel. *2012 IFC 906.5*
11. Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions. *2012 IFC 906.7*
12. There shall be a minimum 20-foot fire department access through property from gate to gate. See attached map for notes.

Required inspections

- Final fire code inspection shall be required.

It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Please contact Fire Marshal, Taw Tamlin at 303-857-4603 one week in advance to schedule final inspection or if you have questions or need further assistance.

Stamped plans need to be onsite at time of inspection.

Part of the North 1/2 of the Southeast 1/4 of Section 31,
Township 2 North, Range 66 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

PROPERTY DESCRIPTION:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 9 AND THE WEST 66.74 FEET OF LOT 3, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2;

AND:
FOR JOSEPHSON OF THE CITY OF LONDON, COUNTY OF MIDDLESEX, STATE OF CALIFORNIA;

AND;

LOT 3, EXCEPT THE WEST 66.74 FEET THEREOF, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LIPTON, COUNTY OF WELD, STATE OF COLORADO.

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT TWIN PEAKS AUTO & RV BROKERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, AND ALL OF THE MORTGAGEES AND HOLDERS OF LENS UPON THE PROPERTY, AND EACH AND ALL OF THEM, 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 _____, 20____.

IN BUSINESS WHENEVER, WE HAVE HEREIN SET OUR HANDS AND SEALS THIS
 DAY OF 20

OWNER: TWIN PEAKS AUTO & RV BROKERS, LLC., A COLORADO LIMITED LIABILITY COMPANY

Journal of Management Education 36(7) 809-824

[illegible]

STATE OF COLORADO } SS

E

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

91

1000

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL:

[illegible]

--- SUMMARY ---

CITY ENGINEER

.....

GILL WATER AND SEWER DEPARTMENT REPORT

APPROVED THIS _____ DAY OF _____, 20____

DIRECTOR OF PUBLIC WORKS

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS _____ DAY OF _____, 20____

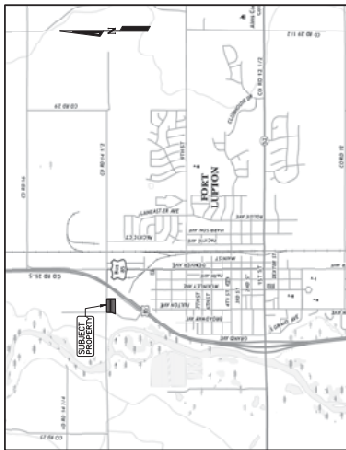
CITY ADMINISTRATOR

CLIENT: **AMERICLE RV**
1352 FACTORY DRIVE
FORT LUPTON, CO 80621
888-309-7630



PO Box 129, Brighton, CO 80601 * P-303-659-1532 F-303-655-0575 * cmvestils.com
A Lottario Corporation
SCALE 1" = 20' DRAWN BY: CDH CHECKED BY: MJH DATE: OCT. 26, 2020
REVISIONS:

FILE: Z:\ - M\Industrial Park West\MFICILE RV SPECIAL USE PERMIT_10262020.ppt



VICINITY MAP: NTS

GENERAL NOTES:

- 1) ADDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTIONS BASED UPON A VIOLATION IN THIS SURVEY WITHIN TEN YEARS AFTER YOU FIRST DISCOVER SUCH VIOLATION. THE SURVEY IS NOT TO BE USED TO PROVE OR DISPROVE ANY UNLAWFUL ACT MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 2) PROPERTY BOUNDARY INFORMATION AND EASEMENT INFORMATION SHOWN HEREON IS BASED ON THE SURVEY COMPLETED BY LAND SURVEY PLAN AND SURVEYING INSTRUMENT NO. 100, DATED JUNE 17, 2020.
- 3) THIS SITE PLAN DOES NOT REPRESENT A DOCUMENTED LAND SURVEY PLAN OR IMPROVEMENT THEREON. IT IS ONLY A PRELIMINARY PLAN. THE NATURE AND CONDITION OF THE EXISTING IMPROVEMENTS AND THE LOCATION OF PROPOSED IMPROVEMENTS SHOWN ON THIS SITE PLAN AND NO FURTHER EASEMENT INFORMATION WAS REQUESTED BY THE CLIENT.
- 4) PAVING DETAILS/SCHEMATIC AND THE LOCATION OF PROPOSED IMPROVEMENTS ARE PROVIDED

CITY OF FORT LUPTON NOTES:

- 1) ANY FUTURE EXPANSION OF THE SITE OR ADDITION OF BUILDINGS NOT SHOWN ON THE CURRENT PLANNING STAFF MAP WILL REQUIRE THE REVIEW OF THE PLANNING DEPARTMENT, BUILDING DEPARTMENT, AND FIRE DEPARTMENT. THE REVIEW OF THE PLANNING DEPARTMENT WILL DETERMINE IF ADDITIONAL REQUIREMENTS ARE NECESSARY PRIOR TO THE RELEASE OF BUILDING PERMITS.
- 2) THE PROPERTY SHALL BE MAINTAINED TO THE CURB, OR ROADWAY IF NO CURB EXISTS.
- 3) DEAD AND DYING LANDSCAPING MATERIAL SHALL BE REPLACED BY A DATE CHOSEN BY THE PLANNING DEPARTMENT STAFF.
- 4) ANY PARKING OR OTHER IMPROVEMENTS IN THE RIGHT-OF-WAY MUST BE REMOVED UPON REQUEST.

SURVEYOR'S STATEMENT:

CURTIS D. HOOS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SITE PLAN REPRESENTED BY THE ATTACHED MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A QUALIFIED PROFESSIONAL SURVEYOR. I HAVE REVIEWED THE SITE PLAN AND CONCLUDE THAT IT ACCURATELY REPRESENTS SAID SITE PLAN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CURTIS D. HOOS, PLS. 37971

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

Part of the North 1/2 of the Southeast 1/4 of Section 31,
Township 2 North, Range 66 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

COUNTY ROAD 14 1/2 (14TH STREET)

CENTER 1/4 COR. SEC. 31. T 2 N.
R 66 W. FOUND 3/4" REBAR WITH
2 1/2" ALUMINUM CAP. PLS 30462
AS WITNESS COR. 30.00" NORTH

Distances shall meet NFPA 58 requirements from buildings and property lines.



LINE	RADIUS	ARC	DELTA	CHORD	BEARING
C1	210.00'(M)	103.56'(M)	28°15'19"(M)	N14°05'25"E	102.51'
C2	210.00'(M)	6.39'(M)	01°44'41"(M)	N29°05'25"E	6.39'

PO Box 129, Brighton, CO 80601 • P:303-659-1532 F:303-655-0575 • cmwestlls.com
A Colorado Corporation

SCALE 1" = 20'	DRAWN BY: CDH	CHECKED BY: M.H	DATE: OCT. 26, 2020
REVISIONS:			
JOB NO: 20-405			



January 15, 2021

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

Re: LUP2020-0037 / SUP2020-0008 - Mericle RV Propane Tank Special Use Permit

Dear Maria Lancto:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Mericle RV Propane Tank Special Use Permit. After review of the information, United Power has no concerns or objection to the proposed 1000-gallon propane tank; 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,

Samantha Riblett
United Power, Inc.
Right of Way Administrative Assistant
O: 303-637-1324 | Email: platreferral@unitedpower.com

Maria Lancto

From: Hice-Idler - CDOT, Gloria <gloria.hice-idler@state.co.us>
Sent: Tuesday, December 29, 2020 11:43 AM
To: Maria Lancto; Todd Hodges; Alyssa Knutson; Magaly Morales-Tejada
Cc: Timothy Bilobran - CDOT; Allyson Mattson - CDOT
Subject: Mericle Propane

Follow Up Flag: Follow up
Flag Status: Flagged

CDOT has no comment regarding this proposal.

Gloria Hice-Idler
Rocksol Consulting

(970) 381-8629



10601 W. 10th Street, Greeley, CO 80634

gloria.hice-idler@state.co.us | www.codot.gov | www.cotrip.org



Maria Lancto

From: Thyne - DNR, Ailis <ailis.thyne@state.co.us>
Sent: Wednesday, January 20, 2021 9:37 AM
To: Williams - DNR, Joanna; Maria Lancto
Subject: Re: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Maria Lancto,

The referral does not contain information regarding water supply for the proposed propane tank, appears to obtain water from the City of Fort Lupton and there are no permitted water wells on the subject property. Therefore, this office has no comments regarding this proposal.

If you have any questions, please contact me at 303-866-3581 ext. 8216.

Sincerely,

Ailis Thyne, P.E.
Water Resource Engineer



COLORADO
Division of Water Resources
Department of Natural Resources

P 303.866.3581 x 8216
1313 Sherman Street, Room 818, Denver, CO 80203
ailis.thyne@state.co.us | www.colorado.gov/water

----- Forwarded message -----

From: Maria Lancto <MLancto@fortluptonco.gov>
Date: Tue, Dec 29, 2020 at 8:17 AM
Subject: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008
To:
Cc: Alyssa Knutson <AKnutson@fortluptonco.gov>, Todd Hodges <thodges@fortluptonco.gov>, Magaly Morales-Tejada <MMTejada@fortluptonco.gov>

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: [Mericle RV Propane Tank Special Use Permit](#).

Any comments you consider relevant to this request would be appreciated. Please reply by **January 18, 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 28, 2021 at 6:00 PM; and

City Council: Tuesday, February 16, 2021 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



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.

Maria Lancto

From: John Fryar
Sent: Tuesday, December 29, 2020 8:34 AM
To: Maria Lancto
Subject: RE: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008

Follow Up Flag: Follow up
Flag Status: Flagged

I don't see any law enforcement issues. Happy Holidays.



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: Tuesday, December 29, 2020 8:17 AM
Cc: Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>; Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008

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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



Maria Lancto

From: Roy Vestal
Sent: Thursday, December 31, 2020 2:06 PM
To: Maria Lancto
Cc: Alyssa Knutson; Todd Hodges; Magaly Morales-Tejada
Subject: RE: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008

Follow Up Flag: Follow up
Flag Status: Flagged

PW has no concerns regarding this SUP

RoyV

Roy L. Vestal, P.E.
Public Works Director / City Engineer



130 S. McKinley, Fort Lupton, CO 80621
Office: 720.466.6109
Mobile: 720.966.3613

From: Maria Lancto
Sent: Tuesday, December 29, 2020 8:17 AM
Cc: Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>; Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008

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The Public Hearings for this matter are scheduled for:

Planning Commission: Thursday, January 28, 2021 at 6:00 PM; and
City Council: Tuesday, February 16, 2021 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



Maria Lancto

From: Jake Freier
Sent: Friday, January 22, 2021 5:43 PM
To: Maria Lancto
Cc: Magaly Morales-Tejada; Alyssa Knutson; Todd Hodges
Subject: RE: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008

Follow Up Flag: Follow up
Flag Status: Flagged

I know this is past due but it looks fine to me. No comments.

Cheers,
Jake

From: Maria Lancto
Sent: Tuesday, December 29, 2020 8:17 AM
Cc: Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>; Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: Referral Response Request: Mericle RV Propane Tank Special Use Permit; Project No.: LUP2020-0037; Plan No.: SUP2020-0008

Good Afternoon,

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Any comments you consider relevant to this request would be appreciated. Please reply by **January 18, 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.

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Planning Commission: Thursday, January 28, 2021 at 6:00 PM; and
City Council: Tuesday, February 16, 2021 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

Sign Posting Affidavit

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



I, Kyle M. FERGUSON hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 8 day of JANUARY, 2021.

[Signature]
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Kyle Ferguson, this 20 day of January, 2021. Witness my hand and seal.

My commission expires 5/6/2023
Tiffany Patricia Humphrey
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194017012
MY COMMISSION EXPIRES May 06, 2023

(SEAL)

[Signature]
Notary Public



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 Mike Mericle for a special use permit for a property located 1352 Factory Drive in the I-1 Light Industrial Zone District, 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 28, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 16, 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 IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTH 1/2 OF SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 9 AND THE WEST 66.74 FEET OF LOT 3, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO. AND;

LOT 3, EXCEPT THE WEST 66.74 FEET THEREOF, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

Published: Greeley Tribune January 13, 2021-1768774

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Weld
State of Colorado

The undersigned, Melissa Najera, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Greeley Tribune*.
2. The *Greeley Tribune* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Weld County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Greeley Tribune* in Weld County on the following date(s):

Jan 13, 2021

Melissa Najera
Signature

Subscribed and sworn to me before me this

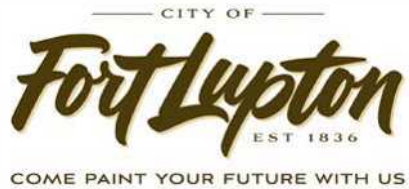
13th day of January, 2021.

Shayla Najera
Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES JULY 31, 2021

Account: 1102365
Ad Number: 1768774
Fee: \$30.80



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 11th day of January, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Special Use Permit map for the Mericle RV Propane Tank Special Use Permit was sent via U.S. Mail, postage pre-paid, to the following addresses:

SAKATA LAND CO
PO BOX 508
BRIGHTON, CO 80601

SOUTH PLATTE VALLEY HISTORICAL SOCIETY
PO BOX 633
FORT LUPTON, CO 80621

COLORADO – DEPT OF HIGHWAYS
4201 E ARKANSAS AVE
DENVER, CO 80222

TWIN PEAKS AUTO & RV BROKERS LLC
1352 FACTORY DR
FORT LUPTON, CO 80621

FORT LUPTON STORAGE LLC
1325 FACTORY CIR
FORT LUPTON, CO 80621

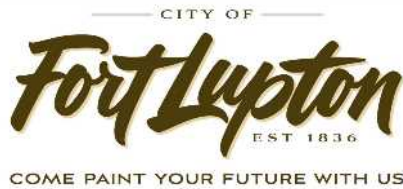
CIRIACO ELEANOR C
CIRIACO ANTHONY G
PO BOX 420
ERIE, CO 80516

EVAN CATHERINE M
EVANS RANDY B
PO BOX 964
FORT LUPTON, CO 80621

PLATT PAULA F
2760 COUNTY ROAD 21
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 Mike Mericle for a special use permit for a property located 1352 Factory Drive in the I-1 Light Industrial Zone District, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

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LEGAL DESCRIPTION

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTH 1 /2 OF SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 9 AND THE WEST 66.74 FEET OF LOT 3, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.
AND;

LOT 3, EXCEPT THE WEST 66.74 FEET THEREOF, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

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: MERICLE RV PROPANE TANK SPECIAL USE PERMIT.

MERICLE RV PROPANE TANK SPECIAL USE PERMIT

Part of the North 1/2 of the Southeast 1/4 of Section 31,
Township 2 North, Range 66 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 2

GENERAL NOTES:

- 1) 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.
- 2) PROPERTY BOUNDARY INFORMATION AND EASEMENT INFORMATION SHOWN HEREON IS BASED UPON ALTA/NSPS LAND TITLE SURVEY COMPLETED BY AMERICAN WEST LAND SURVEYING CO. DATED JUNE 17, 2020.
- 3) THIS SITE PLAN DOES NOT REPRESENT A MONUMENTED LAND SURVEY PLAT OR IMPROVEMENT SURVEY AND IS ONLY MEANT TO DEPICT THE NATURE AND CONDITION OF THE EXISTING IMPROVEMENTS LOCATED ON THE SUBJECT PROPERTY. NO TITLE COMMITMENT WAS PROVIDED TO AMERICAN WEST LAND SURVEYING CO. DURING THE PREPARATION OF THIS SITE PLAN AND NO FURTHER EASEMENT INFORMATION WAS REQUESTED BY THE CLIENT.
- 4) PARKING DETAILS/SCHEMATIC AND THE LOCATION OF PROPOSED IMPROVEMENTS WERE PROVIDED BY MERICLE RV.

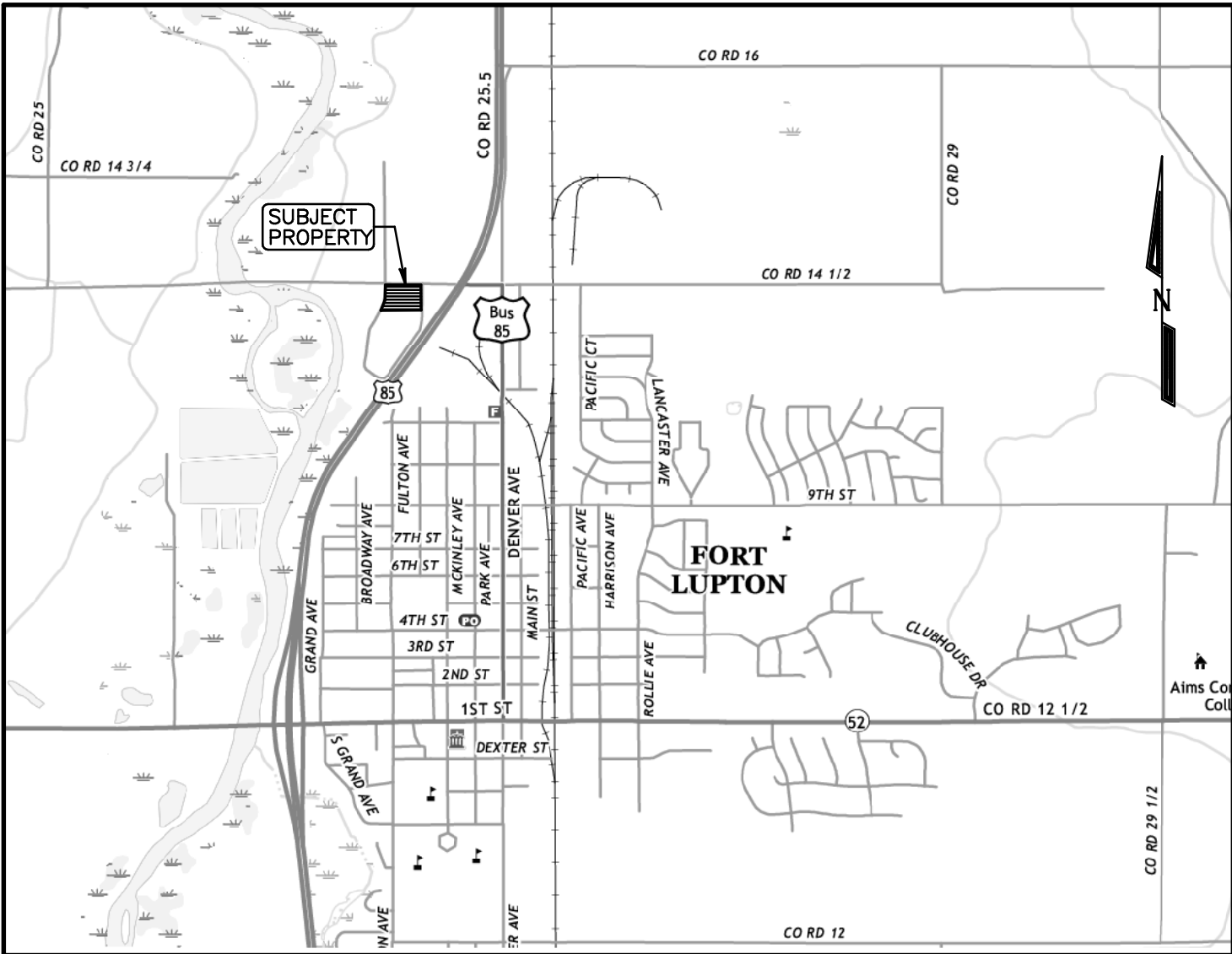
CITY OF FORT LUPTON NOTES:

- 1) ANY FUTURE EXPANSION OF THE SITE OR ADDITION OF BUILDINGS NOT SHOWN ON THE CURRENT SITE PLAN MAP WILL REQUIRE THE REVIEW OF THE PLANNING DEPARTMENT, BUILDING DEPARTMENT, ENGINEERING DEPARTMENT, AND THE FIRE DISTRICT TO DETERMINE IF ADDITIONAL REQUIREMENTS ARE NECESSARY PRIOR TO THE RELEASE OF BUILDING PERMITS.
- 2) THE PROPERTY SHALL BE MAINTAINED TO THE CURB, OR ROADWAY IF NO CURB EXISTS.
- 3) DEAD AND DYING LANDSCAPING MATERIAL SHALL BE REPLACED BY A DATE CHOSEN BY THE PLANNING DEPARTMENT STAFF.
- 4) ANY PARKING OR OTHER IMPROVEMENTS IN THE RIGHT-OF-WAY MUST BE REMOVED UPON REQUEST BY THE CITY.

SURVEYOR'S STATEMENT:

I, CURTIS D. HOOS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SITE PLAN REPRESENTED BY THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT ACCURATELY REPRESENTS SAID SITE PLAN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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



VICINITY MAP: NTS

PROPERTY DESCRIPTION:

A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTH 1/2 OF SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT TWIN PEAKS AUTO & RV BROKERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, AND 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 _____, 20____

OWNER: TWIN PEAKS AUTO & RV BROKERS, LLC., A COLORADO LIMITED LIABILITY COMPANY

MICHAEL J. MERICLE AS PRESIDENT

STATE OF COLORADO }
COUNTY OF WELD } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

BY _____ ON THIS _____

DAY OF _____, 20____

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CITY ENGINEER'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____

CITY ENGINEER

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____

DIRECTOR OF PUBLIC WORKS

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____

CITY ADMINISTRATOR

CLIENT:
MERICLE RV
1352 FACTORY DRIVE
FORT LUPTON, CO 80621
888-308-3639



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" = 20' | DRAWN BY: CDH | CHECKED BY: MJH | DATE: OCT. 26, 2020

REVISIONS:
JOB NO: 20-405

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROWS TITLED: MERICLE RV PROPANE TANK SPECIAL USE PERMIT.

Sheet 2 of 2

S89°21'03"W 2676.42' (BASIS OF BEARINGS)



**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 Mike Mericle for a special use permit for a property located 1352 Factory Drive in the I-1 Light Industrial Zone District, 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 28, 2021, at 6:00 P.M., and before the City Council on Tuesday, February 16, 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 IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTH 1/2 OF SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 9 AND THE WEST 66.74 FEET OF LOT 3, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.
AND;

LOT 3, EXCEPT THE WEST 66.74 FEET THEREOF, INDUSTRIAL PARK WEST SUBDIVISION, FILING NO. 2, A SUBDIVISION OF THE CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

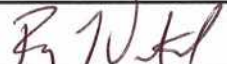
First Publication: January 20, 2021
Published In: Fort Lupton Press
Legal Order No. FLP222223

— CITY OF —
Fort Lupton
EST 1836
COME PAINT YOUR FUTURE WITH US

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

APPROVAL OF THE SUBDIVISION IMPROVEMENTS AGREEMENT WITH FTL LAND ASSEMBLAGE, LLLP, FOR THE LUPTON VILLAGE PUD

- Approval of the Subdivision Improvements Agreement between the City of Fort Lupton and FTL Land Assemblage, LLLP, for the Lupton Village PUD Final Plat.*

- IV. Submitted by: 
Public Works Director
- V. Finance Reviewed 
Finance Director
- VI. Approved for Presentation: 
City Administrator
- VII. Attorney Reviewed
Approved Pending Approval

Date _____

IX. Detail of Issue/Request:

This Subdivision Improvement Agreement was drafted for the Lupton Village PUD Final Plat (LUP2020-0023 & Plan No. FPL2020-0005) approved by City Council on January 5, 2021, which is located north of CR 12, immediately south of Hwy 85 along S Rollie Avenue.

Improvements are for the construction of water, sanitary sewer main extensions, roadway construction, landscape, trails and storm drainage system improvements. Approximate cost of this agreement for construction is \$3,842,701.00.

Resolution 2021R007, approved by Council on January 5, 2021 requires the applicant to enter into a Subdivision Improvements Agreement.

X. Legal/Political Considerations:

Not Applicable

XI. Alternatives/Options:

- *Approve Resolution*
- *Do not approve Resolution*

XII. Financial Considerations:

None

XIII. Staff Recommendation:

Staff recommends approval of this Subdivision Improvement Agreement between the City of Fort Lupton and FTL Land Assemblage, LLLP.

RESOLUTION NO. 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE FTL LAND ASSEMBLAGE, LLLP SUBDIVISION IMPROVEMENT AGREEMENT OF THE LUPTON VILLAGE PUD FINAL PLAT LOCATED IN FORT LUPTON, WELD COUNTY, COLORADO.

WHEREAS, the City Council Resolution No. 2021R007 approved the Lupton Village PUD Final Plat with conditions January 5, 2021; and

WHEREAS, Developer is required to construct certain public improvements as a condition of subdivision approval for the Development; and

WHEREAS, the City Council finds that the Subdivision Improvement Agreement is in conformance with the Fort Lupton Land Use Plan, zoning code and is consistent with the goals and policies therein; and

NOW THEREFORE BE IT RESOLVED that the Fort Lupton City Council reviewed the Subdivision Improvement Agreement with supporting documentation. Based upon review of the applicable policies and goals in the Fort Lupton Land Use Plan, review of the Zoning Regulations, and analysis of staff comments, the City hereby approves the FTL Land Assemblage, LLLP Subdivision Improvement Agreement and authorizes the Mayor to sign.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 26th DAY OF FEBRUARY 2020.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Pena, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

**SUBDIVISION IMPROVEMENTS AGREEMENT
FOR
LUPTON VILLAGE P.U.D.**

THIS AGREEMENT is made and entered into this _____ day of _____, by _____ and _____ between the CITY OF FORT LUPTON, a municipal corporation, in the County of Weld, State of Colorado, hereinafter referred to as the "City," and **FTL Land Assemblage, LLLP**, hereinafter referred to as "Developer", together referred to as the "Parties".

WHEREAS, the Developer submitted a Planned Unit Development Plat for the Subdivision entitled "Lupton Village PUD Final Plat, Case No. LUP2020-0023; COZ2020-0005; PPL2020-0003 & FPL2020-0005 (the "Development")", which Plat depicts the proposed project (the "Development") to be constructed by Developer on the property depicted on the PUD, which is the "Subject Property"; and

WHEREAS the PUD was approved by the City of Fort Lupton City Council on January 5, 2021 by Resolution No. 2021R007 with conditions; and

WHEREAS, Developer is required to construct certain public improvements (the "Improvements") as a condition of subdivision approval for the Development; and

WHEREAS, Section 17-23(c) of the City of Fort Lupton Municipal Code requires that a subdivision agreement for public improvements be executed by the Developer and the City and recorded in the office of the Weld County Clerk and Recorder; and

WHEREAS, Section 17-23(f)(7) of the City of Fort Lupton Municipal Code requires that the installation of the required public improvements be guaranteed in the form of letter of credit, cash, or other suitable means, which have been approved by the City Attorney.

NOW, THEREFORE, in consideration of the foregoing, the Parties promise, covenant and agree as follows:

1.0 GENERAL CONDITIONS

1.1 Development Obligation. Developer shall be responsible for performance of the covenants set forth herein. Unless as otherwise amended within this agreement, the Developer shall be responsible for performance of all requirements in this Agreement.

1.2 Engineering and Surveying Services. Developer agrees to furnish, at its expense, all necessary engineering and surveying services relating to the design layout and construction of the improvements (the "Improvements") depicted on **Exhibit "A"** and **Exhibit "B"** attached hereto and fully incorporated herein by this reference. Said engineering services shall

be performed by or under the supervision of a Registered Professional Engineer or Registered Land Surveyor, or other professionals as appropriate, licensed by the State of Colorado, and in accordance with applicable Colorado law, and shall conform to the standards and criteria for public improvements as established and approved by the City as of the date of submittal to the City.

1.3 Construction Standards. Developer shall construct all Improvements required by this Agreement, in accordance with plans and specifications approved in writing by the City, in conformance with all applicable codes and ordinances as adopted by the City, and in full conformity with the City's construction and specifications applicable at the time of actual construction.

1.4 Development Coordination. Unless specifically provided in this Agreement to the contrary, all submittals to the City or approvals required of the City in connection with this Agreement shall be submitted to or rendered by the City Administrator, or his designee, who shall have general responsibility for coordinating development with Developer.

1.5 Construction Acceptance and Warranty. No later than ten (10) days after the Improvements are completed, Developer shall request and the City shall provide inspection by the City. If Developer does not request this inspection within ten (10) days of completion of the Improvements, the City may conduct the inspection without the approval of Developer. Developer shall provide "as-built" drawings no later than thirty (30) days after the Improvements are completed. If the Improvements completed by Developer are satisfactory, the City shall grant construction acceptance ("Construction Acceptance") within ten (10) days of the Developer's submission of "as-built" drawings, which shall be subject to final acceptance ("Final Acceptance") as set forth herein. If the Improvements completed by Developer are unsatisfactory, the City shall provide written notice to Developer of the repairs, replacements, construction or other work required to receive Construction Acceptance within ten (10) days from the date of City inspection. Developer shall complete all needed repairs, replacements, construction or other work within thirty (30) days of said notice, weather permitting. After Developer does complete the repairs, replacements, construction or other work required, Developer shall request a re-inspection of such work within ten (10) days to determine if Construction Acceptance can be granted. The City shall provide either Construction Acceptance or written notice of additional repairs, replacements, construction or other work required to receive Construction Acceptance within ten (10) days of the re-inspection date. The City shall issue no certificate of occupancy until the City has granted the Construction Acceptance.

1.6 Final Acceptance. At least thirty (30) days before one (1) year has elapsed from the issuance of Construction Acceptance, or as soon thereafter as weather permits, Developer shall request a Final Acceptance inspection. The City shall inspect the Improvements and shall notify the Developer in writing of all deficiencies and necessary repairs. After Developer has corrected all deficiencies and made all necessary repairs identified in said written notice, the City shall issue to Developer a letter of Final Acceptance.

1.7 Testing and Inspection.

(a) At all times during construction of the public improvements, the City shall have access to inspect materials and workmanship, and all materials and work not conforming to the approved plans and specifications shall be repaired or removed and replaced at Developer's expense so as to conform to the approved plans and specifications.

(b) The Developer will be responsible for oversight of the construction of the public improvements. The Developer shall solicit and retain a third-party engineer or inspector, solely at Developer's cost, to perform oversight, provided the engineer/inspector's qualifications are approved by the City prior to commencement of construction of the public improvements. The Developer will provide the resume of a Civil Engineer, or other qualified inspector(s), of the construction and installation of such improvements before construction may begin. The City Engineer or the City's designee shall determine the amount of oversight required, after consultation with the Developer.

(c) All testing required by the City's "*Standards and Specifications for the Design and Construction of Public Improvements*" shall be the responsibility of the Developer. All test reports shall be provided to the City Engineer.

(d) All work shown on the Improvements plans requires inspection by the City. Inspection services are provided Monday through Friday, except legal holidays, from 8:00 a.m. to 4:00 p.m. During the hours listed above and except as otherwise provided for in advance, inspections shall be scheduled a minimum of three (3) business days in advance.

1.8 Indemnification and Release of Liability. Developer agrees to defend, indemnify and hold harmless the City, its officers, employees, agents or servants, and to pay any and all judgments rendered against said persons on account of any suit, actions or claim caused by, arising from, or on account of acts or omissions by the Developer, its officers, employees, agents, consultants, contractors and subcontractors; provided, however, that Developer's obligation herein shall not apply to the extent said suit, action or claim results from any acts or omissions of officers, employees, agents or servants of the City. Said obligation of Developer shall be limited to suits, actions or claims based upon conduct prior to Final Acceptance by the City of the construction work. Developer acknowledges that the City's review and approval of plans for development of the Subject Property is done in furtherance of the general public's health, safety and welfare and that no immunity is waived and no specific relationship with, or duty of care to, the Developer or third parties is assumed by such review approval.

1.9 Insurance OSHA. Developer shall furnish to the City upon request proof thereof that all employees and contractors engaged in the construction of Improvements are covered by adequate Worker's Compensation Insurance and Public Liability Insurance and shall require faithful compliance with all provisions of the Federal Occupational Safety and Health Act (OSHA).

(a). **OSHA Requirements.** Developer agrees that it alone bears the responsibility for providing a safe and healthy work environment and shall provide its employees with adequate orientation and training to safely perform the scope of work set forth in this contract. Developer's Contractor shall at all times comply with the safety and health regulations of the Occupational Safety and Health Act of 1970 (29 CFR 1926) including all amendments and modifications thereto. In the event there is a conflict between the safety and health provisions of federal, state or local regulations, the more stringent provision shall prevail. Developer acknowledges and agrees that with respect to the scope of work under this contract, Developer's Contractor shall comply with all obligations and assume all responsibilities for its actions as required by all OSHA rules and regulations. The Contractor shall adhere to all federal, state and local safety and health regulations, laws and ordinances and shall comply with all obligations and assume all responsibilities imposed upon the "controlling contractor" as such term is defined and construed under all OSHA rules and regulations.

2.0 CONSTRUCTION OF IMPROVEMENTS

2.1 Rights-of-Way, Easements and Permits. Before the City may approve construction plans for any Improvements herein agreed upon, Developer shall acquire, at its own expense, all rights-of-way and easements depicted on the Plat, as required by the City for the construction of the Improvements. All such conveyances shall be free and clear of liens, taxes and encumbrances and shall be by deed, easement, license, agreement in form and substance acceptable to the City Administrator or the Administrator's designee. All title documents shall be recorded at the Developer's expense.

3.0 INFRASTRUCTURE IMPROVEMENTS

3.1 Public Improvements

The Developer agrees to construct public improvements (the "Improvements"), within the Subdivision, depicted on **Exhibit "A"** attached hereto and fully incorporated herein by this reference. The Developer shall be responsible for providing the City with a Security Bond, Letter of Credit, or cash deposit with the City (the "Security") guaranteeing installation of the Improvements that are not completed prior to issuance of the first building permit. The amount shall be one hundred twenty-five percent (125%) of the applicable phased estimated cost of the required Improvements per approved Construction Drawings. The City may accept portions of the Improvements, reducing the Security for each portion completed and accepted by the City, to no less than twenty-five percent (25%) of the actual or estimated construction costs, whichever is greater, for each completed system. Each Improvement phase shall define a system, i.e. roadways system, sewer system, water system. The remaining twenty-five percent (25%) percent for each system shall be retained to secure the Developer's warranty during the designated warranty period. A warranty period of two (2) years shall apply to all public improvements. The City shall release or return the Security to the Developer within Thirty (30) days of receipt of the Conditional Acceptance as provided in paragraph 1.5 herein, less the twenty-five percent (25%) of construction costs to be retained during the warranty period. Upon Final Acceptance of the Improvements as provided in paragraph 1.6 herein, the twenty-five percent (25%) Security retained during the warranty period shall be released or returned to the Developer within Thirty (30) days of issuance of the Final Acceptance.

4.0 LANDSCAPE, PARK AND TRAIL IMPROVEMENTS

The Developer agrees to construct certain Landscape, Park and Trail improvements located within the Subdivision (the "Landscape, Park and Trail Improvements") per the approved P.U.D. referenced as **Exhibit "B"** attached hereto and fully incorporated herein by this reference, as part of the Improvements. No more than thirty (30) building permits for lots shall be issued until the Landscape, Park and Trail improvements are complete or surety is provided. The surety shall be in the amount of one hundred twenty-five percent (125%) of the estimated cost of the Landscape, Park and Trail Improvements as shown on **Exhibit "C"**, or portion thereof, for improvements that do not have construction acceptance at the time of application for the first (1st) building permit. Surety in the amount of 25% shall be provided, at the time of recording, for improvements that have received construction acceptance under the terms of this agreement. The Landscape, Park and Trail Improvements are depicted in the Construction Drawings for the Lupton Village P.U.D. by Olsson, incorporated herein by reference.

5.0 SPECIFICATIONS.

All street improvements, curb, gutter and sidewalks and appurtenances thereto, water mains, sewer mains and stormwater improvements shall be constructed and installed so as to meet or exceed City-approved plans, specifications and the Improvements described on **Exhibit “A”** Public Improvements. All streets within the Subdivision shall be constructed to City Standards and Specifications per the approved Construction Plans and based upon a site-specific geotechnical study and pavement design. All streetscaping will meet the requirements of the Fort Lupton Subdivision Regulations. Detention or Retention pond improvements will be required at the time of construction on the site as determined by the Phase III Drainage Study submitted.

6.0 OTHER REQUIREMENTS

6.1 Trash, Debris, Mud. Developer agrees that, during construction of the Development and Improvements described herein, Developer shall take any and all steps necessary to control trash, debris and wind or water erosion in the Development. Developer agrees to take any and all steps necessary to prevent the transfer of mud or debris from the construction site into public rights-of-way and to immediately remove such mud and debris from public rights-of-way after notification by the City. If these requirements are not met, the developer will be responsible for reimbursing the City for any costs incurred by the City in mitigating impacts of trash, debris, and mud.

6.2 Erosion Control and Sedimentation Plan. Developer agrees to submit an erosion control and sedimentation plan for review and approval by the City Engineer prior to commencement of construction on the site. Each individual lot will require erosion control measures be taken. Colorado State permits required shall be the responsibility of the Developer.

7.0 MISCELLANEOUS TERMS

7.1 Local Codes and Ordinances. In addition to any of the items listed in this Agreement, all construction in the Development is subject to all local Codes and Ordinances as adopted by the City subject to exceptions agreed or granted.

7.2 Recording of Agreement. The City shall record this Agreement at Developer's expense in the office of the Clerk and Recorder, County of Weld, State of Colorado, and the City shall retain the recorded Agreement.

7.3 Binding Effect of Agreement. This Agreement shall run with the land included within the Development and shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

7.4 Modification and Waiver. No modification of the terms of this Agreement shall be valid unless in writing and executed with the same formality as this Agreement, and no waiver of the breach of the provisions of any section of this Agreement shall be construed as a waiver of any subsequent breach of the same section or any other sections which are contained herein.

7.5 Notices. Any notice or communication required or permitted hereunder shall be given in writing and shall be personally delivered or sent by United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed as follows:

CITY: City of Fort Lupton
Attention: City Administrator
130 South McKinley Avenue
Fort Lupton, Colorado 80621

DEVELOPER: Lupton Village P. U. D.
By: Realty Funding Source, LLC (General Partner)
1295 Main Street #5
Windsor, CO 80550
970-266-1500

or to such other address or the attention of such other person(s) as hereafter designated in writing by the applicable parties in conformance with this procedure. Notices shall be effective upon mailing or personal delivery in compliance with this paragraph.

7.6 No Waiver Of Governmental Immunity. The City, its elected officials, officers and employees are relying upon, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. 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.

7.7 Force Majeure. Neither party shall be liable or responsible to the other party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any obligation under this Agreement when such failure or delay is caused by or results from causes beyond the reasonable control of the affected party, including but not limited to fire, floods, embargoes, pandemics, wars, acts of war (whether war is declared or not), insurrections, riots, civil commotions, strikes, lockouts or other labor disturbances, instances affecting public health including pandemics, acts of God or acts, omission, or delays in acting by any governmental authority. Provided, however, that the party so affected shall use reasonable efforts to avoid or remove such causes of non-performance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed. Either party shall provide the other party with prompt written notice of any delay or failure to perform that occurs by reason of force majeure. The parties shall mutually seek a resolution of the delay or the failure to perform as noted above.

7.8 Approvals. Whenever approval or acceptance of a matter is required or requested of the City pursuant to any provisions of this Agreement, the City shall act reasonably in responding to such matter, and no such approval or acceptance shall be unreasonably withheld or delayed.

7.9 Title and Authority. Developer warrants to the City that it is the record owner of the Subject Property upon which the Development shall be constructed or is acting in accordance with the authority of the owner. The undersigned further warrants to have full power and authority to enter into this Agreement.

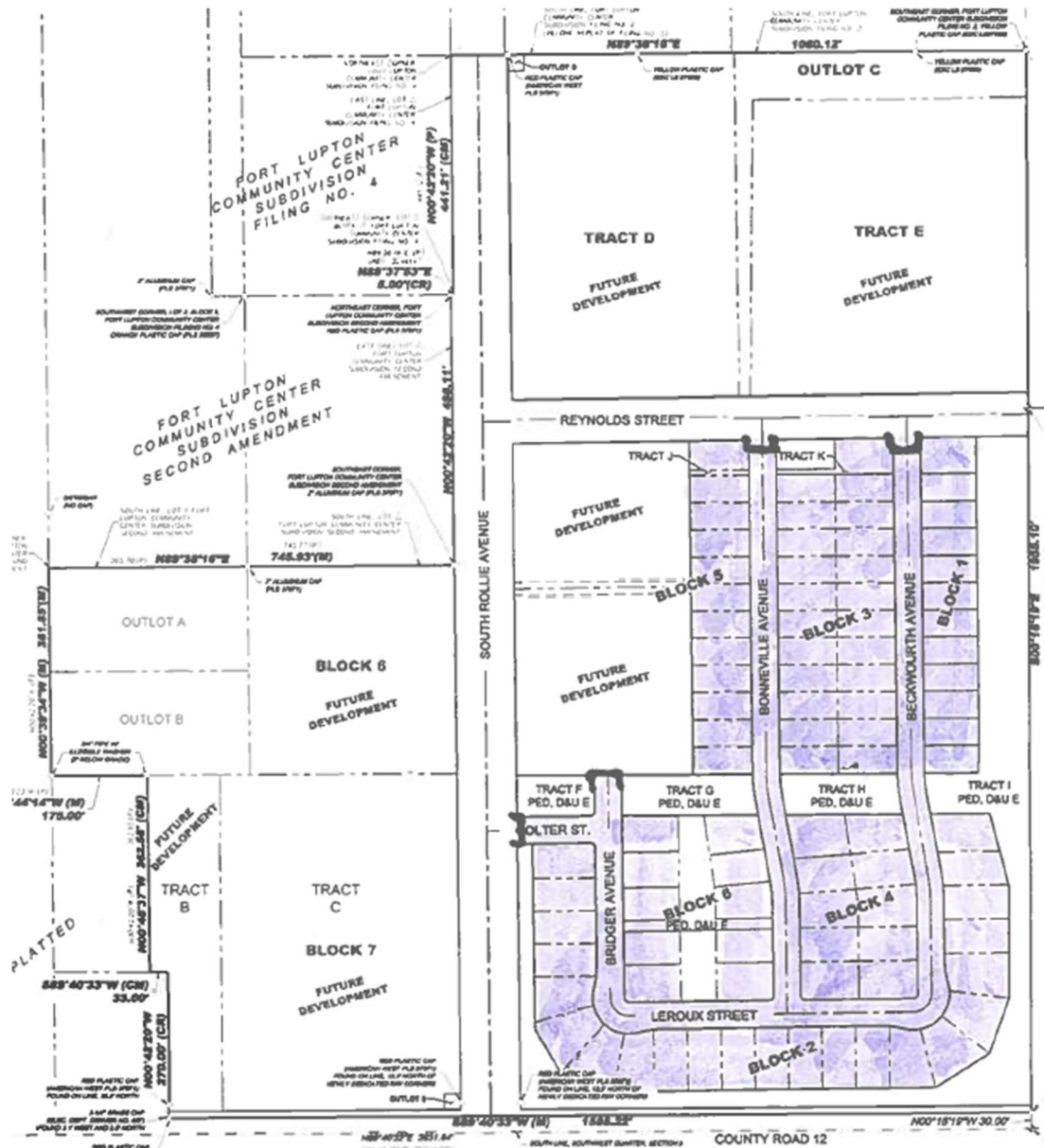
EXHIBIT A - Cost Estimate Public Improvements

BUDGETARY ESTIMATE				
ITEM	UNIT	QUANTITY	UNIT COST	EXTENDED
4) SEWER				
8" DR35 Sewer Main	LF	3,766.0	\$29.40	\$110,720.40
4.0' ID Sewer Manholes	EACH	17.0	\$3,618.66	\$61,517.22
4" Services off 8" Main New, 12 out of Manhole	EACH	90.0	\$897.82	\$80,803.80
Concrete Encase 8" Sewer Main	EACH	16.0	\$3,038.07	\$48,609.12
Sewer Subtotal:				\$301,650.54
5) WATER				
8" Water Main	LF	3,300.0	\$30.72	\$101,376.00
8" Gate Valves	EACH	9.0	\$1,771.96	\$15,947.64
8" Bends	EACH	11.0	\$497.68	\$5,474.48
8" Tee's	EACH	2.0	\$878.84	\$1,757.68
Fire Hydrant	EACH	8.0	\$6,763.25	\$54,106.00
3/4" Water Service	EACH	90.0	\$1,123.92	\$101,152.80
2" Blow Off	EACH	1.0	\$2,794.77	\$2,794.77
2" ARV and Vault	EACH	5.0	\$4,791.14	\$23,955.70
8" PVC Water Lowering	EACH	6.0	\$4,069.29	\$24,415.74
Water Subtotal:				\$330,980.81
7) STORM				
Storm Line 3				
24" Storm RCP	LF	160.0	\$72.00	\$11,520.00
18" Storm RCP	LF	40.0	\$82.95	\$3,318.00
18" Storm HDPE	LF	240.0	\$54.12	\$12,988.80
5' Type R Inlet	EACH	4.00	\$8,298.68	\$33,194.72
12" Nyloplast Drain Basin	EACH	2.00	\$2,399.02	\$4,798.04
Storm Line 4				
36" Storm RCP	LF	264.0	\$106.76	\$28,184.64
30" Storm RCP	LF	304.0	\$84.74	\$25,760.96
24" Storm RCP	LF	272.0	\$67.08	\$18,245.76
8" HDPE Pipe (Under Sidewalk)	LF	40.0	\$29.87	\$1,194.80
6' ID Manhole	EACH	1.0	\$3,741.80	\$3,741.80
5' Type R Inlet	EACH	4.00	\$5,797.24	\$23,188.96
10' Type R Inlet	EACH	2.00	\$8,775.93	\$17,551.86
Type C Grate Inlet	EACH	2.00	\$4,378.24	\$8,756.48
Storm Subtotal:				\$192,444.82
8) CONCRETE				
Prep				
6' 11" Curbwalk Prep	LF	6278.0	\$2.85	\$17,892.30
Radius/ HC Ramp Prep	EACH	38.0	\$367.45	\$13,963.10
Crossspan Prep	EACH	5.0	\$542.50	\$2,712.50
4' Wide Attached Sidewalk Prep	LF	277.0	\$4.49	\$1,243.73
Curb Channel Prep	LF	514.0	\$4.63	\$2,379.82
2' Trickle Channel Prep	LF	791.0	\$3.01	\$2,380.91
Prep Subtotal:				\$40,572.36
Concrete Placement				
6' 11" Curbwalk	LF	6,278.0	\$38.50	\$241,703.00
15' Round Radius	EACH	2.0	\$880.00	\$1,760.00
15' Square Radius	EACH	3.0	\$1,045.00	\$3,135.00
20' Square Radius	EACH	4.0	\$1,540.00	\$6,160.00
30' Square Radius	EACH	2.0	\$2,750.00	\$5,500.00
Single Handicap Ramp w/ Truncated Domes	EACH	15.0	\$1,485.00	\$22,275.00
Mid-Block HC Ramp	EACH	5.0	\$1,650.00	\$8,250.00
10' wide Handicap, radial domes	EACH	6.0	\$2,750.00	\$16,500.00
Crossspan 8" Thick	SF	1,300.0	\$7.70	\$10,010.00
4' Attached Sidewalk	LF	277.0	\$23.10	\$6,398.70
6' Wide Curb Channel	LF	208.0	\$49.50	\$10,296.00
8' Wide Curb Channel	LF	306.0	\$60.50	\$18,513.00
2' Trickle Channel Prep	LF	791.0	\$22.00	\$17,402.00
Concrete Placement Subtotal:				\$367,902.70
Concrete Subtotal:				\$408,475.06

Subdivision Improvement Agreement – Lupton Village PUD

9) ASPHALT				
Prep				
Subgrade Prep Streets	SY	12,000.0	\$2.81	\$33,720.00
Subtotal:				\$33,720.00
Asphalt Placement				
Asphalt Mob	EACH	1.0	\$1,650.00	\$1,650.00
4" Asphalt Paving Over 8" Base On Local Streets	SY	12,000.0	\$34.10	\$409,200.00
Road Remediation - IF NEEDED	SY	3,500.0	\$12.75	\$44,625.00
Raise Manholes	EACH	38.0	\$605.00	\$22,990.00
Raise Valve Boxes	EACH	32.0	\$385.00	\$12,320.00
Subtotal:				\$490,785.00
Asphalt Subtotal:				\$524,505.00

Construction Total:	\$1,758,056.23
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Subdivision Improvement Agreement – Lupton Village PUD

BUDGETARY ESTIMATE

ITEM	UNIT	QUANTITY	UNIT COST	EXTENDED
4) SEWER				
Pour Manhole over existing 18" Sewer Main	EACH	5.0	\$5,406.70	\$27,033.50
8" DR35 Sewer Main	LF	252.0	\$29.40	\$7,408.80
4.0' ID Sewer Manholes	EACH	1.0	\$3,618.66	\$3,618.66
Concrete Encase 18" & 8" Sewer Main	EACH	2.0	\$3,038.07	\$6,076.14
Sewer Subtotal:				\$44,137.10

5) Off Site WATER				
Demo Existing 12" Water Main	LF	740.00	\$11.61	\$8,591.40
12" Water Main Tie In	EACH	2.0	\$1,709.01	\$3,418.02
8" Wet Tap at Reynolds St & Beckwourth Ave	EACH	2.0	\$6,377.41	\$12,754.82
8" Wet Tap at Reynolds St & Future Road (West Side)	EACH	2.0	\$6,377.41	\$12,754.82
12" x 8" Cut in Cross at Reynolds St & Bonneville Ave	EACH	1.0	\$9,818.94	\$9,818.94
12" Water Main	LF	740.0	\$48.22	\$35,682.80
8" Water Main	LF	520.0	\$30.72	\$15,974.40
8" Gate Valves	EACH	7.0	\$1,771.96	\$12,403.72
8" Bends	EACH	2.0	\$497.68	\$995.36
12" x 8" Cross	EACH	2.0	\$1,141.30	\$2,282.60
2" Blow Off	EACH	7.0	\$2,794.77	\$19,563.39
12" Water Lowering	EACH	2.0	\$6,652.01	\$13,304.02
8" PVC Water Lowering	EACH	5.0	\$4,069.29	\$20,346.45
Water Subtotal:				\$167,890.74

7) STORM				
Storm Line 1				
42" Storm RCP	LF	480.00	\$ 140.33	\$67,358.40
36" Storm RCP	LF	272.00	\$ 109.63	\$29,819.36
30" Storm RCP	LF	112.00	\$ 91.62	\$10,261.44
42" FES	EACH	1.00	\$ 3,535.29	\$3,535.29
8' ID Boxbase Manhole	EACH	1.0	\$15,185.84	\$15,185.84
6' ID Manhole	EACH	1.0	\$ 4,258.33	\$4,258.33
5' Type R Inlet	EACH	1.00	\$ 6,053.54	\$6,053.54
10' Type R Inlet	EACH	1.00	\$ 8,398.08	\$8,398.08
15' Type R Inlet	EACH	1.00	\$11,671.02	\$11,671.02
Type M Rip Rap	CY	12.44	\$ 136.56	\$1,698.81
Storm Line 2				
30" Storm RCP	LF	328.0	\$ 84.18	\$27,611.04
24" Storm RCP	LF	208.0	\$ 69.14	\$14,381.12
5' ID Manhole	EACH	1.0	\$ 3,664.22	\$3,664.22
6' ID Manhole	EACH	1.0	\$ 3,867.39	\$3,867.39
Storm Line 5				
36" Storm RCP	LF	704.0	\$ 107.05	\$75,363.20
30" Storm RCP	LF	40.0	\$ 89.35	\$3,574.00
6' ID Manhole	EACH	3.0	\$ 3,637.74	\$10,913.22
7' ID Manhole	EACH	1.0	\$ 4,651.72	\$4,651.72
Flow Fill	CY	65.0	\$ 114.79	\$7,461.35
Storm Line 6				
15" Storm RCP	LF	88.0	\$ 48.77	\$4,291.76
15" FES	EACH	1.00	\$ 1,828.79	\$1,828.79
Storm Line 7				
Tie into Existing Storm Manhole	EACH	2.0	\$ 3,735.95	\$7,471.90
23" x 14" Storm HERCP	LF	96.0	\$ 81.56	\$7,829.76
Storm Line 8				
18" Storm RCP	LF	80.0	\$ 50.14	\$4,011.20
18" FES	EACH	1.00	\$ 2,049.89	\$2,049.89
5' Type R Inlet	EACH	2.00	\$ 5,797.24	\$11,594.48
Type M Rip Rap	CY	4.44	\$ 158.20	\$702.41
Storm Line 9				
Demo and Replace Sidewalk	SF	1,200.0	\$ 13.54	\$16,248.00
18" Storm RCP	LF	224.0	\$ 52.95	\$11,860.80

Subdivision Improvement Agreement – Lupton Village PUD

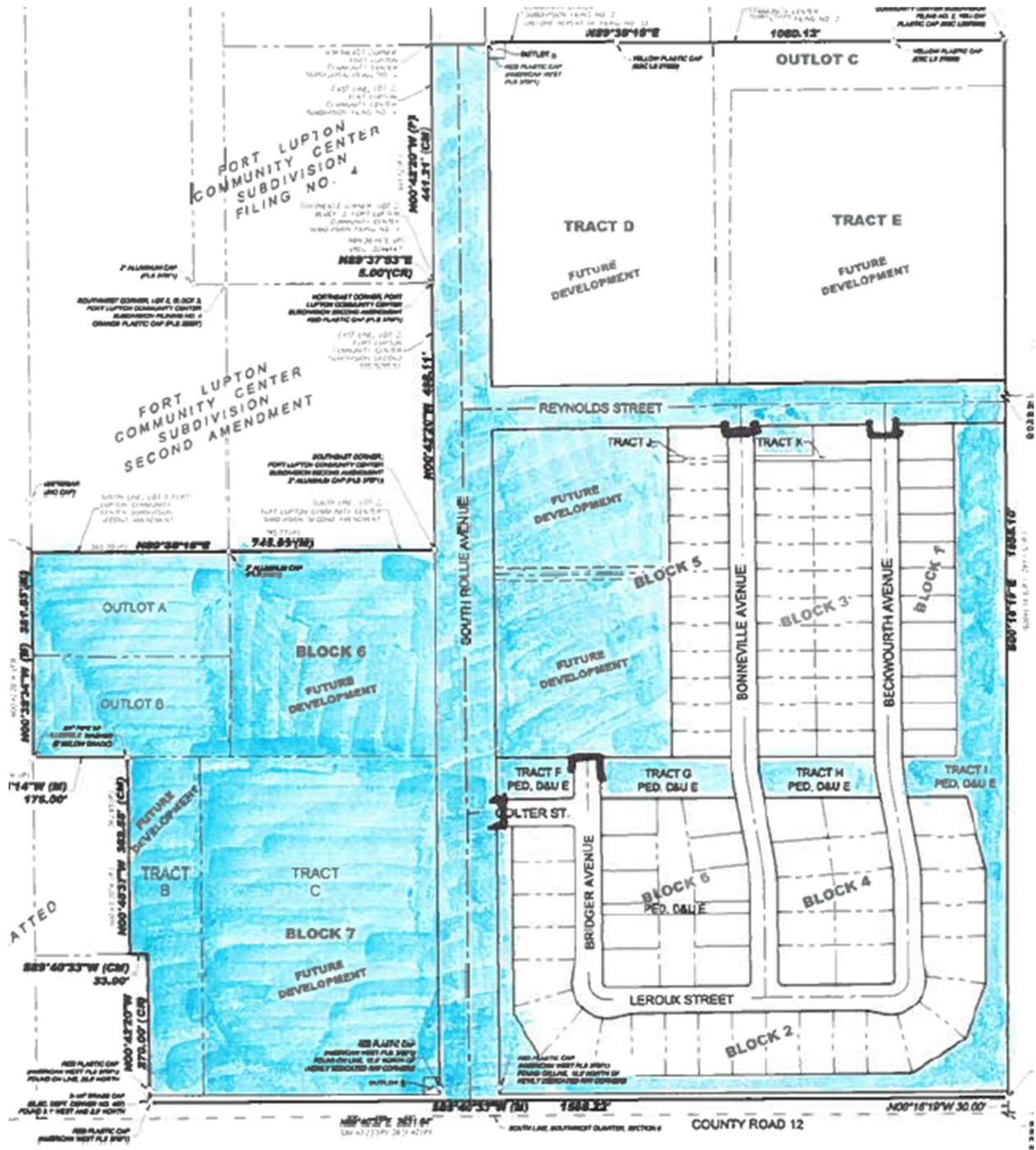
18" FES	EACH	1.00	\$ 2,049.89	\$2,049.89
4' ID Manhole	EACH	2.0	\$ 3,150.72	\$6,301.44
Outfall D, E & J				
Type M Rip Rap - Grouted	CY	60.74	\$ 202.07	\$12,273.91
Emergency Spill Ways	EACH	2.00	\$ 6,484.98	\$12,969.96
Dry Wells				
Dry Wells in Ponds	EACH	34.00	\$4,642.46	\$157,843.64
Storm Subtotal:				\$569,055.20

8) CONCRETE				
Prep				
30" Vertical Curb & Gutter	LF	4273.0	\$2.83	\$12,092.59
Radius/ HC Ramp Prep	EACH	7.0	\$367.45	\$2,572.15
Crossspan Prep	EACH	4.0	\$542.50	\$2,170.00
6' Wide Attached Sidewalk Prep	LF	1369.0	\$2.84	\$3,887.96
10' Trail Prep	LF	1153.0	\$2.84	\$3,274.52
Prep Subtotal:				\$23,997.22
Concrete Placement				
30" Vertical Curb and Gutter	LF	4,273.0	\$24.20	\$103,406.60
20' Square Radius	EACH	4.0	\$1,540.00	\$6,160.00
25' Square Radius	EACH	2.0	\$2,145.00	\$4,290.00
10' wide Handicap, radial domes	EACH	2.0	\$2,750.00	\$5,500.00
Crossspan 8" Thick	SF	650.0	\$7.70	\$5,005.00
Concrete Apron at Crossspan	SF	952.0	\$7.70	\$7,330.40
Driveway Approach	SF	952.0	\$7.70	\$7,330.40
6' Wide Detached SW	LF	1,369.0	\$33.00	\$45,177.00
10' wide concrete to parks & Open Space, west of Rollie, 6" thick	LF	1,153.0	\$55.00	\$63,415.00
Concrete Placement Subtotal:				\$247,614.40
Concrete Subtotal:				\$271,611.62

9) ASPHALT				
Prep				
Subgrade Prep Streets	SY	9,438.0	\$2.81	\$26,520.78
Subtotal:				\$26,520.78
Asphalt Placement				
Asphalt Mob	EACH	1.0	\$1,650.00	\$1,650.00
6" Asphalt Paving Over 8" Base On S. Rollie Ave	SY	6,213.0	\$45.10	\$280,206.30
4" Asphalt Paving Over 8" Base On Reynolds St	SY	3,225.0	\$34.10	\$109,972.50
Asphalt Patch on CR 12 (5" Thick)	TON	380.0	\$165.00	\$62,700.00
Road Remediation - IF NEEDED	SY	3,500.0	\$12.75	\$44,625.00
Raise Manholes	EACH	14.0	\$605.00	\$8,470.00
Raise Valve Boxes	EACH	15.0	\$385.00	\$5,775.00
Subtotal:				\$513,398.80
Asphalt Subtotal:				\$539,919.58

Construction Total:	\$1,592,614.24
Construction Per 90 Lots:	\$17,695.71

See next page



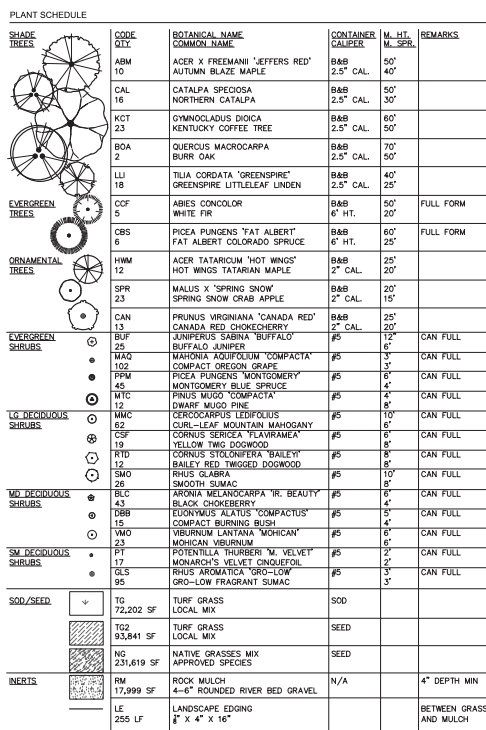


EXHIBIT C



12505 E. 168th Avenue

Brighton, CO 80603

720-275-9644

www.leocarabajallandscaping.com

BUDGETARY PRICING

Project: The Courtyards @ Lupton Village

To: FTL Land Assemblage LLLP, Attn. Fred Croci

Date: February 5, 2021

From: Jim Meining

Cell: 720-928-8609

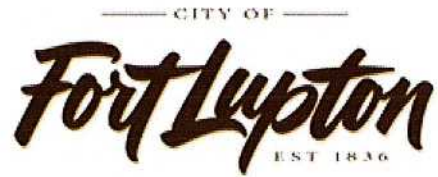
jamesm@leolandscape.com

Bid Item	Description	Quantity	Unit	Total Cost
	PLANT MATERIAL	1	LS	\$ 120,421.00
	STEEL EDGER	2,000	LF	\$ 9,091.00
	COBBLE	25,579	SF	\$ 49,129.00
	SOIL AMENDMENT SOD/MULCH	85,621	SF	\$ 15,350.00
	KENTUCKY BLUE SOD	60,042	SF	\$ 47,181.00
	SEEDING-TURF GRASS LOCAL MIX	2	AC	\$ 2,756.76
	SEEDING-NATIVE GRASSES MIX	5	AC	\$ 6,410.07
	SEEDING-TURF GRASS LOCAL MIX	3	AC	\$ 3,147.00
	MULCHING STRAW 2 TONS @ AC	11	AC	\$ 4,262.00
	MOBILIZATION SEEDING	1	LS	\$ 1,882.00
	IRRIGATION	1	LS	\$ 225,000.00
	MAINTENANCE	30	Days	\$ 3,337.00
	MOBILIZATION LANDSCAPING	1	LS	\$ 4,064.00
Total				\$ 492,030.83

Conditions/Exclusions

- * Traffic control to be provided by others.
- * Power to controller to be provided by others. Does not include cutting/patching, boring or coring, etc. The irrigation system begins with the backflow preventor. Leo Landscape needs to be notified before concrete is formed and/or poured to allow for sleeve installation.
- * Maintenance and/or watering is not included beyond 30 days.
- * Water to be provided by others.
- * Mulch tackifier straw mulch is not included.
- * Fine grading, rock picking, and/or debris removal is not included.
- * Final grade to be provided to within 0.1 foot by others.
- * Topsoil supply or installation is not included.
- * Demolition of any kind is not included. Hauloff is not included.
- * Leo Landscape will not be responsible for liquidated damages beyond our control.
- * Compacted areas are to have compaction relief provided by others to allow for the use of standard reclamation and landscape equipment.
- * Davis Bacon/Prevailing wages are not included.
- * Survey to be provided by others.
- * This quote is only good for 30 days from the bid date.
- * Access to the site is to be provided by the general contractor. A staging area needs to be provided in close proximity to the site for material storage.
- * Minimum one week notice is required prior to mobilization.

**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

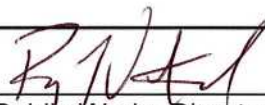
AM 2021-029

**APPROVING A RESOLUTION AMENDING THE WATER AND SEWER PLANT INVESTMENT FEE
SCHEDULE TO BE EFFECTIVE APRIL 15, 2021**

- I. **Agenda Date:** Council Meeting – February 16, 2021
- II. **Attachments:**
- a. Resolution 2021R-0xx.
 - b. Revised Water and Sewer Plant Investment Fee Schedule.
 - c. Survey of Water and Sewer Tap Fees dated December 2020.
 - d. WWTP / WTP Funding Plans.
- III. **Summary Statement:**

Submitted for approval is a Resolution to increase the Wastewater Treatment (WWTP) and Water Treatment Plant (WTP) plant investment fees charged for new taps on the City systems, first step effective April 15, 2021.

IV. **Submitted by:**


Public Works 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:

Periodically, it is necessary to revise the Water and Sewer Plant Investment Fee Schedule. City staff conducted a survey of water and sewer taps in the surrounding region. Of the 17 communities surveyed, Fort Lupton fell on the bottom of the list. The average was \$12,160.52 for water fees and \$7,130.14 for sewer fees (or \$19,290.66 for both taps for a ¾" meter). During the budget discussions held on October 17, 2020, the City looked at the upcoming needs to expand the water and sewer plants totaling \$63 million within the next 10 years. As a result, staff recommends increasing the ¾" residential tap fee to \$6,625 per tap and adjust the other tap fees accordingly and adjusting the sewer tap fees to \$6,270 and adjusting the other size fees accordingly. This is the first step of PIF increases effective April 15, 2021.

X. Legal/Political Considerations:

Not Applicable.

XI. Alternatives/Options:

- *Approve the Resolution*
- *Delay approval*
- *Revise timing and/or amounts.*

XII. Financial Considerations:

Revising the respective fees will ensure that the City can adequately plan for the expansion of the WWTP and WTP without requiring additional dept.

XIII. Staff Recommendation:

Staff recommends approval of the Resolution to step up the PIF to provide adequate funding for future expansion of the WWTP and WTP.

RESOLUTION NO. 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON ACTING AS THE FORT LUPTON UTILITY ENTERPRISE BOARD AMENDING THE WATER AND SEWER PLANT INVESTMENT FEE SCHEDULE

WHEREAS, Section 13-124(a) of the Fort Lupton Municipal Code states the water plant investment fee shall be established, and amended from time to time, by written resolution of the Fort Lupton Utility Enterprise Board; and

WHEREAS, Section 13-27(a) of the Fort Lupton Municipal Code states the sewer plant investment fee shall be established, and amended from time to time, by written resolution of the Fort Lupton Utility Enterprise Board; and

WHEREAS, the water and sewer plant investment fee schedule is not adequate to provide for the expansion of the water and sewer treatment plants and for upgrades of the system; and

WHEREAS, it is necessary to raise these fees to reflect prevailing market rate trends and consistent with the needs of the City.

NOW THEREFORE BE IT RESOLVED that the City Council, acting as the Fort Lupton Utility Enterprise Board, hereby modify the plant investment fee requirements of Fort Lupton Municipal Code effective April 15, 2021 for new services.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 26th 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

CITY OF FORT LUPTON, COLORADO
WATER AND SEWER PLANT INVESTMENT FEE SCHEDULE

Resolution 2020Rxxx
Effective April 15, 2021

Sewer Tap Fees: April 15, 2021

Commercial 4"	\$8,215.00
Commercial 6"	\$17,740.00
Resid 4"	\$6,270.00
Resid 6"	\$13,540.00
MF / Unit	\$3,762.00

Residential Water Tap Fees: April 15, 2021

3/4"	\$ 6,625.00
1"	\$ 11,064.00
1 1/4" - 1 1/2"	\$ 22,062.00
2"	\$ 35,312.00
3"	\$ 70,622.00
Multi-family	\$ 3,975.00

Commercial Water Tap Fees: April 15, 2021

3/4"	\$ 8,679.00
1"	\$ 13,016.00
1 1/2"	\$ 25,914.00
2"	\$ 41,485.00
3"	\$ 83,029.00

Utility Charges New Service SF (3/4")

Water				Sanitary			TOTAL
Impact Fee	Water Tap	Total	Sewer Tap Fee	PIF	Total		
Proposed 2022		\$ 7,500.00			\$ 9,500.00		\$ 17,000.00
Proposed 2021		\$ 6,625.00			\$ 6,270.00		\$ 12,895.00
Fort Lupton		\$ 5,750.00		\$ 3,041.00	\$ 3,041.00		\$ 8,791.00
Lochbuie (S Beebe Draw)	\$ 7,264.00	\$ 7,264.00		\$ 8,424.00	\$ 8,424.00		\$ 15,688.00
Keensburg	\$ 6,490.00	\$ 6,490.00	\$ 7,429.00		\$ 7,429.00		\$ 13,919.00
Platteville	\$ 4,194.05	\$ 4,194.05	\$ 350.00	\$ 4,999.50	\$ 5,349.50		\$ 9,543.55
Hudson	\$ 1,935.14	\$ 1,161.08	\$ 3,096.22	\$ 1,290.08	\$ 2,580.17	\$ 3,870.25	\$ 6,966.47
St Vrain CWCWD		\$ 10,000.00		\$ 5,860.00	\$ 5,860.00		\$ 15,860.00
Firestone	\$ 12,661.32	\$ 12,800.00		\$ 5,860.00	\$ 5,860.00		\$ 31,321.32
Frederick		\$ 14,873.00		\$ 5,860.00	\$ 5,860.00		\$ 20,733.00
Dacono		\$ 11,388.75		\$ 5,860.00	\$ 5,860.00		\$ 17,248.75
Erie	\$ 16,243.00	\$ 12,050.00	\$ 28,293.00	\$ 8,860.00		\$ 8,860.00	\$ 37,153.00
Longmont	\$ 1,980.00	\$ 5,240.00	\$ 7,220.00		\$ 6,080.00	\$ 6,080.00	\$ 13,300.00
Brighton (MWRD)	\$ 13,354.00	\$ 11,000.00	\$ 24,354.00	\$ 2,251.00	\$ 4,725.00	\$ 6,976.00	\$ 31,330.00
					\$ 4,340.00	\$ 6,591.00	\$ 30,945.00
Milliken	\$ 2,819.00	\$ 9,487.00	\$ 12,306.00	\$ 6,833.00		\$ 6,833.00	\$ 19,139.00
Johnstown	\$ 5,441.96	\$ 6,437.00	\$ 11,878.96	\$ 5,280.00	\$ 14,089.00	\$ 19,369.00	\$ 31,247.96
Windsor	\$ 9,400.00		\$ 9,400.00		\$ 4,400.00	\$ 4,400.00	\$ 13,800.00
Greeley	\$ 11,200.00		\$ 11,200.00		\$ 6,800.00	\$ 6,800.00	\$ 18,000.00
Severance		\$ 12,200.00	\$ 12,200.00	\$ 6,500.00		\$ 6,500.00	\$ 18,700.00
Loveland	\$ 5,520.00	\$ 8,000.00	\$ 13,520.00	\$ 8,630.00	\$ 2,880.00	\$ 11,510.00	\$ 25,030.00
AVERAGE		\$ 12,160.52			\$ 7,130.14		\$ 19,290.66

WWTP TIMING PLAN

2900 Current Services

2.9 8,410 population
 MGD
 588,700 (@70gpd/cap)

Critical Dates

30-Jan-21 CDPHE Permit Compliance Ltr Financing secured
5-Apr-21 Construction Start
3-May-21 New outfall structure
30-Nov-22 Train 2 Complete
31-Dec-22 CDPHE Permit Compliance Discharge limits
16-Aug-23 Train 1 Complete

2017 WWTP Study (SEH) \$ 150,000.00
2019 Permitting (PEC) \$ 25,975.00
 Design Engineering
2020 (Burns McDonnell) \$ 1,500,000.00

\$ 3,041.00 Current

\$ 6,250.00 2021

2.75 55% 1.5 \$ 9,500.00 2022

Todd

Additional
Homes

Creek
District

Flow
(MGD)

PIF

2020 Current Operations

Capacity

2021

Obtain effluent limits / Move outfall 2.9 pop/DU @
obtain redundancy \$ 12,899,441.00 New UV 200 1.54 \$ 608,200.00 70gpd

2022

Train 2
New Basin
\$ 18,916,000.00 3.1 New headworks 300 1.60 \$ 1,875,000.00 TC=ALF

2023

Rehabilitate original Train 1 +
equipment \$ 7,369,000.00 New dewater 400 1.68 \$ 3,800,000.00 \$ 6,283,200.00

2024

500 1.78 \$ 4,750,000.00

2025

350 1.86 \$ 3,325,000.00

2026

* 200 1.94 \$ 3,800,000.00 \$ 18,158,200.00

2027

300 2.04 \$ 4,750,000.00

2028

300 2.14 \$ 4,750,000.00

2029 **80% Existing Capacity**

2.20

300 2.24 \$ 4,750,000.00

2030

300 2.34 \$ 4,750,000.00

2031

80% Capacity

2.48

300 2.44 \$ 4,750,000.00 \$ 37,158,200.00

2032

300 2.55 \$ 4,750,000.00

2033

\$ 24,000,000.00 6.20 Third train 300 2.65 \$ 4,750,000.00

2034

300 2.75 \$ 4,750,000.00

2035

300 2.85 \$ 4,750,000.00

2036

\$ 12,000,000.00 Reg 31 300 2.95 \$ 4,750,000.00

2037

300 3.05 \$ 4,750,000.00

\$ 75,184,441.00 5250 \$ 70,408,200.00

Todd Creek Commitment

3000 \$ 9,123,000.00

2021

\$ - 2022

\$ - 2023

\$ 79,531,200.00

* Indicates current back log of development potential

				75%	59%			
		4.75 MGD practical		3.56	2.8	\$	60,000.00	\$ 7,500.00
				Additional	Flow			
				Homes	(MGD)		\$Water shares	PIF
2020		Capacity						
2021								
		/day						
	Basalite	usage	12,000	200	2.88	\$	3,000,000.00	\$ 1,500,000.00
2022				300	2.99	\$	4,500,000.00	\$ 2,250,000.00
2023				400	3.13	\$	6,000,000.00	\$ 3,000,000.00
2024	Pretreatment	\$ 5,000,000.00		500	3.30	\$	7,500,000.00	\$ 3,750,000.00 \$ 10,500,000.00
2025				350	3.42	\$	5,250,000.00	\$ 2,625,000.00
2026	75% Capacity	3.56		200	3.49	\$	3,000,000.00	\$ 1,500,000.00
2027	\$ 2,000,000.00	4.69 Add 1 skid		200	3.56	\$	3,000,000.00	\$ 1,500,000.00 \$ 16,125,000.00
2028				200	3.63	\$	3,000,000.00	\$ 1,500,000.00
2029				200	3.70	\$	3,000,000.00	\$ 1,500,000.00
2030	Elevated tank	\$ 2,200,000.00		200	3.77	\$	3,000,000.00	\$ 1,500,000.00
2031				200	3.84	\$	3,000,000.00	\$ 1,500,000.00
2032				200	3.91	\$	3,000,000.00	\$ 1,500,000.00
2033				200	3.98	\$	3,000,000.00	\$ 1,500,000.00
2034				200	4.05	\$	3,000,000.00	\$ 1,500,000.00
2035	75% Capacity	5.81 Add 1 skid						
		\$ 9,200,000.00		3550		\$	53,250,000.00	\$ 26,625,000.00

EXISTING

				2021	Proposed	
Residential 3/4"	\$	5,750.00		\$ 6,625.00	\$ 7,500.00	
Residential 1"	\$	9,603.00	167%	\$ 11,064.33	\$ 12,525.65	
Residential 1-1/4", 1-1/2"	\$	19,148.00	333%	\$ 22,061.83	\$ 24,975.65	
Residential 2"	\$	30,648.00	533%	\$ 35,311.83	\$ 39,975.65	
Residential 3"	\$	61,295.00	1066%	\$ 70,622.50	\$ 79,950.00	
Multifamily (Per Unit)	\$	3,450.00	60%	\$ 3,975.00	\$ 4,500.00	
Commercial 3/4"	\$	7,533.00	131%	\$ 8,679.33	\$ 9,825.65	
Commercial 1"	\$	11,297.00	196%	\$ 13,016.11	\$ 14,735.22	
Commercial 1-1/4", 1-1/2"	\$	22,491.00	391%	\$ 25,913.54	\$ 29,336.09	
Commercial 2"	\$	36,006.00	626%	\$ 41,485.17	\$ 46,964.35	
Commercial 3"	\$	72,063.00	1253%	\$ 83,029.11	\$ 93,995.22	

2900 Current Services	
2.9	8410 population
	MGD
2.9 pop/DU @	(@120gpd/ca
70gpd	1.0092 p)
TC=ALF	
	1.2 MGD/Skid
	5 skids
	6 MGD Max

**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 2021-030

**APPROVING A RESOLUTION AMENDING THE WATER AND SEWER PLANT INVESTMENT FEE
SCHEDULE TO BE EFFECTIVE JANUARY 1, 2022**

I. Agenda Date: Council Meeting – February 16, 2021

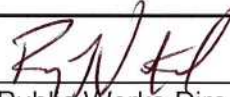
II. Attachments:

- a. Resolution 2021Rxxx
- b. Revised Water and Sewer Plant Investment Fee Schedule.
- c. Survey of Water and Sewer Tap Fees dated December 2020.
- d. WWTP / WTP Funding Plans.

III. Summary Statement:

Submitted for approval is a Resolution to increase the Wastewater Treatment (WWTP) and Water Treatment Plant (WTP) plant investment fees charged for new taps on the City systems, second step effective January 1, 2022.

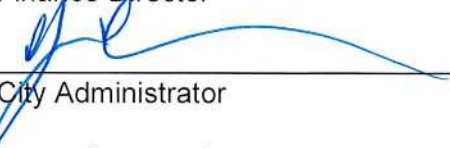
IV. Submitted by:


Public Works 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:

Periodically, it is necessary to revise the Water and Sewer Plant Investment Fee Schedule. City staff conducted a survey of water and sewer taps in the surrounding region. Of the 17 communities surveyed, Fort Lupton fell on the bottom of the list. The average was \$12,160.52 for water fees and \$7,130.14 for sewer fees (or \$19,290.66 for both taps for a ¾" meter). During the budget discussions held on October 17, 2020, the City looked at the upcoming needs to expand the water and sewer plants totaling \$63 million within the next 10 years. As a result, staff recommends increasing the ¾" residential tap fee to \$7,500 per tap and adjust the other tap fees accordingly and adjusting the sewer tap fees to \$9,500 and adjusting the other size fees accordingly.

X. Legal/Political Considerations:

Not Applicable.

XI. Alternatives/Options:

- *Approve the Resolution*
- *Delay approval*
- *Revise timing and/or amounts.*

XII. Financial Considerations:

Revising the respective fees will ensure that the City can adequately plan for the expansion of the WWTP and WTP without requiring additional dept.

XIII. Staff Recommendation:

Staff recommends approval of the Resolution to provide adequate funding for future expansion of the WWTP and WTP.

RESOLUTION NO. 2021Rxxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT LUPTON ACTING AS THE FORT LUPTON UTILITY ENTERPRISE BOARD AMENDING THE WATER AND SEWER PLANT INVESTMENT FEE SCHEDULE.

WHEREAS, Section 13-124(a) of the Fort Lupton Municipal Code states the water plant investment fee shall be established, and amended from time to time, by written resolution of the Fort Lupton Utility Enterprise Board; and

WHEREAS, Section 13-27(a) of the Fort Lupton Municipal Code states the sewer plant investment fee shall be established, and amended from time to time, by written resolution of the Fort Lupton Utility Enterprise Board; and

WHEREAS, the water and sewer plant investment fee schedule is not adequate to provide for the expansion of the water and sewer treatment plants and for upgrades of the system; and

WHEREAS, it is necessary to raise these fees to reflect prevailing market rate trends and consistent with the needs of the City.

NOW THEREFORE BE IT RESOLVED that the City Council, acting as the Fort Lupton Utility Enterprise Board, hereby modify the plant investment fee requirements of Fort Lupton Municipal Code effective January 1, 2022 for new services.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 26th 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

CITY OF FORT LUPTON, COLORADO
WATER AND SEWER PLANT INVESTMENT FEE SCHEDULE

Resolution 2020Rxxx
Effective January 1, 2022

Sewer Tap Fees: January 1, 2022

Commercial 4"	\$12,445.00
Commercial 6"	\$26,880.00
Resid 4"	\$9,500.00
Resid 6"	\$20,520.00
MF / Unit	\$5,700.00

Residential Water Tap Fees: January 1, 2022

$\frac{3}{4}$ "	\$ 7,500.00
1"	\$ 12,525.00
1 $\frac{1}{4}$ " - 1 $\frac{1}{2}$ "	\$ 24,975.00
2"	\$ 39,975.00
3"	\$ 79,950.00
Multi-family	\$ 4,500.00

Commercial Water Tap Fees: January 1, 2022

$\frac{3}{4}$ "	\$ 9,825.00
1"	\$ 14,725.00
1 $\frac{1}{2}$ "	\$ 29,325.00
2"	\$ 46,950.00
3"	\$ 93,975.00

Utility Charges New Service SF (3/4")

Water				Sanitary			TOTAL
Impact Fee	Water Tap	Total	Sewer Tap Fee	PIF	Total		
Proposed 2022		\$ 7,500.00			\$ 9,500.00		\$ 17,000.00
Proposed 2021		\$ 6,625.00			\$ 6,270.00		\$ 12,895.00
Fort Lupton		\$ 5,750.00		\$ 3,041.00	\$ 3,041.00		\$ 8,791.00
Lochbuie (S Beebe Draw)	\$ 7,264.00	\$ 7,264.00		\$ 8,424.00	\$ 8,424.00		\$ 15,688.00
Keensburg	\$ 6,490.00	\$ 6,490.00	\$ 7,429.00		\$ 7,429.00		\$ 13,919.00
Platteville	\$ 4,194.05	\$ 4,194.05	\$ 350.00	\$ 4,999.50	\$ 5,349.50		\$ 9,543.55
Hudson	\$ 1,935.14	\$ 1,161.08	\$ 3,096.22	\$ 1,290.08	\$ 2,580.17	\$ 3,870.25	\$ 6,966.47
St Vrain CWCWD		\$ 10,000.00		\$ 5,860.00	\$ 5,860.00		\$ 15,860.00
Firestone	\$ 12,661.32	\$ 12,800.00		\$ 5,860.00	\$ 5,860.00		\$ 31,321.32
Frederick		\$ 14,873.00		\$ 5,860.00	\$ 5,860.00		\$ 20,733.00
Dacono		\$ 11,388.75		\$ 5,860.00	\$ 5,860.00		\$ 17,248.75
Erie	\$ 16,243.00	\$ 12,050.00	\$ 28,293.00	\$ 8,860.00		\$ 8,860.00	\$ 37,153.00
Longmont	\$ 1,980.00	\$ 5,240.00	\$ 7,220.00		\$ 6,080.00	\$ 6,080.00	\$ 13,300.00
Brighton (MWRD)	\$ 13,354.00	\$ 11,000.00	\$ 24,354.00	\$ 2,251.00	\$ 4,725.00	\$ 6,976.00	\$ 31,330.00
					\$ 4,340.00	\$ 6,591.00	\$ 30,945.00
Milliken	\$ 2,819.00	\$ 9,487.00	\$ 12,306.00	\$ 6,833.00		\$ 6,833.00	\$ 19,139.00
Johnstown	\$ 5,441.96	\$ 6,437.00	\$ 11,878.96	\$ 5,280.00	\$ 14,089.00	\$ 19,369.00	\$ 31,247.96
Windsor	\$ 9,400.00		\$ 9,400.00		\$ 4,400.00	\$ 4,400.00	\$ 13,800.00
Greeley	\$ 11,200.00		\$ 11,200.00		\$ 6,800.00	\$ 6,800.00	\$ 18,000.00
Severance		\$ 12,200.00	\$ 12,200.00	\$ 6,500.00		\$ 6,500.00	\$ 18,700.00
Loveland	\$ 5,520.00	\$ 8,000.00	\$ 13,520.00	\$ 8,630.00	\$ 2,880.00	\$ 11,510.00	\$ 25,030.00
AVERAGE		\$ 12,160.52			\$ 7,130.14		\$ 19,290.66

WWTP TIMING PLAN

2900 Current Services

2.9 8,410 population
MGD
588,700 (@70gpd/cap)

Critical Dates

30-Jan-21 CDPHE Permit Compliance Ltr Financing secured
5-Apr-21 Construction Start
3-May-21 New outfall structure
30-Nov-22 Train 2 Complete
31-Dec-22 CDPHE Permit Compliance Discharge limits
16-Aug-23 Train 1 Complete

2017 WWTP Study (SEH) \$ 150,000.00
2019 Permitting (PEC) \$ 25,975.00
Design Engineering
2020 (Burns McDonnell) \$ 1,500,000.00

\$ 3,041.00 Current

\$ 6,250.00 2021

2.75

55%

1.5

\$ 9,500.00

2022

Todd

Creek

District

Flow

(MGD)

PIF

2020 Current Operations

Capacity

Additional
Homes

2021

Obtain effluent limits /
obtain redundancy

\$ 12,899,441.00

Move outfall
New UV

200

1.54

\$ 608,200.00

2.9 pop/DU @
70gpd

2022

Train 2
New Basin

\$ 18,916,000.00

3.1

New headworks

300

1.60

\$ 1,875,000.00

TC=ALF

2023

Rehabilitate original
equipment

\$ 7,369,000.00

Train 1 +
New dewater

400

1.68

\$ 3,800,000.00

\$ 6,283,200.00

2024

500

1.78

\$ 4,750,000.00

2025

350

1.86

\$ 3,325,000.00

2026

*

200

200

1.94

\$ 3,800,000.00

\$ 18,158,200.00

2027

300

200

2.04

\$ 4,750,000.00

2028

300

200

2.14

\$ 4,750,000.00

2029

80% Existing Capacity

2.20

300

200

2.24

\$ 4,750,000.00

2030

300

200

2.34

\$ 4,750,000.00

2031

80% Capacity

2.48

300

200

2.44

\$ 4,750,000.00

\$ 37,158,200.00

2032

300

200

2.55

\$ 4,750,000.00

2033

\$ 24,000,000.00

6.20

Third train

300

200

2.65

\$ 4,750,000.00

2034

300

200

2.75

\$ 4,750,000.00

2035

300

200

2.85

\$ 4,750,000.00

2036

\$ 12,000,000.00

Reg 31

300

200

2.95

\$ 4,750,000.00

2037

300

200

3.05

\$ 4,750,000.00

\$ 75,184,441.00

5250

\$ 70,408,200.00

Todd Creek Commitment

3000

\$ 9,123,000.00

2021

\$ -

2022

\$ -

2023

\$ 79,531,200.00

* Indicates current back log of development potential

				75%	59%				
		4.75	MGD practical	3.56	2.8	\$	60,000.00	\$	7,500.00
				Additional	Flow				
				Homes	(MGD)		\$Water shares		PIF
2020		Capacity							
2021									
		/day							
	Basalite	usage	12,000	200	2.88	\$	3,000,000.00	\$	1,500,000.00
2022				300	2.99	\$	4,500,000.00	\$	2,250,000.00
2023				400	3.13	\$	6,000,000.00	\$	3,000,000.00
2024	Pretreatment	\$	5,000,000.00	500	3.30	\$	7,500,000.00	\$	3,750,000.00
2025				350	3.42	\$	5,250,000.00	\$	2,625,000.00
2026	75% Capacity		3.56	200	3.49	\$	3,000,000.00	\$	1,500,000.00
2027		\$	2,000,000.00	4.69 Add 1 skid	200	3.56	\$	3,000,000.00	\$
2028				200	3.63	\$	3,000,000.00	\$	1,500,000.00
2029				200	3.70	\$	3,000,000.00	\$	1,500,000.00
2030	Elevated tank	\$	2,200,000.00	200	3.77	\$	3,000,000.00	\$	1,500,000.00
2031				200	3.84	\$	3,000,000.00	\$	1,500,000.00
2032				200	3.91	\$	3,000,000.00	\$	1,500,000.00
2033				200	3.98	\$	3,000,000.00	\$	1,500,000.00
2034				200	4.05	\$	3,000,000.00	\$	1,500,000.00
2035	75% Capacity		5.81 Add 1 skid						
		\$	9,200,000.00	3550		\$	53,250,000.00	\$	26,625,000.00

EXISTING

				2021	Proposed	
Residential 3/4"	\$	5,750.00		\$ 6,625.00	\$ 7,500.00	
Residential 1"	\$	9,603.00	167%	\$ 11,064.33	\$ 12,525.65	
Residential 1-1/4", 1-1/2"	\$	19,148.00	333%	\$ 22,061.83	\$ 24,975.65	
Residential 2"	\$	30,648.00	533%	\$ 35,311.83	\$ 39,975.65	
Residential 3"	\$	61,295.00	1066%	\$ 70,622.50	\$ 79,950.00	
Multifamily (Per Unit)	\$	3,450.00	60%	\$ 3,975.00	\$ 4,500.00	
Commercial 3/4"	\$	7,533.00	131%	\$ 8,679.33	\$ 9,825.65	
Commercial 1"	\$	11,297.00	196%	\$ 13,016.11	\$ 14,735.22	
Commercial 1-1/4", 1-1/2"	\$	22,491.00	391%	\$ 25,913.54	\$ 29,336.09	
Commercial 2"	\$	36,006.00	626%	\$ 41,485.17	\$ 46,964.35	
Commercial 3"	\$	72,063.00	1253%	\$ 83,029.11	\$ 93,995.22	

2900 Current Services

2.9	8410 population
	MGD
2.9 pop/DU @	(@120gpd/ca
70gpd	1.0092 p)
TC=ALF	
	1.2 MGD/Skid
	5 skids
	6 MGD Max



Upcoming Events

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 18, 2021 City Council Special Meeting, 130 S. McKinley Ave. 6:30 p.m.

February 23, 2021 Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

March 2, 2021 City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.

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