

TOWN OF PARKER COUNCIL AGENDA
May 20, 2019

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. **TOWN COUNCIL MEETING SCHEDULE**

- A. **5:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. **Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. **Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. **SPECIAL PRESENTATIONS**

- **Spring 2019 Police Department Citizens Academy - Participant Recognition**

3. **PARKER CHAMBER OF COMMERCE UPDATES**

4. **PUBLIC COMMENTS 3 Minute Limit (No action will be taken on these items)**

5. **REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL**

6. **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 Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

A. ***APPROVAL OF MINUTES - May 6, 2019***

B. ***ORDINANCE NO. 9.286 - First Reading***

A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Dransfeldt Road Extension

Department: Engineering/Public Works, Chris Hudson

Second Reading: June 3, 2019

- C. *ORDINANCE NO. 1.533 - First Reading*
A Bill for an Ordinance Authorizing a Lease Purchase Transaction and in Connection Therewith, Authorizing the Leasing of Certain Town Property and the Execution and Delivery by the Town of a Site Lease, a Lease Purchase Agreement, an Escrow Agreement and Other Financing Documents in Connection Therewith
- Department: Finance, Mary Lou Brown
Town Attorney, Jim Maloney
Second Reading: May 23, 2019
- D. *ORDINANCE NO. 3.113.1 - First Reading*
A Bill for an Ordinance to Amend the Jackalope Planned Development Guide and Plan, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith
- Department: Community Development, Stacey Nerger
Trakit No.: Z18-026
Second Reading: June 3, 2019
- E. *ORDINANCE NO. 3.343 - First Reading*
A Bill for an Ordinance Amend Section 13.04.150 of the Parker Land Development Ordinance Concerning the Rezoning of Areas From All Other Zoning Districts to PD-Planned Development
- Department: Community Development, Bryce Matthews
Second Reading: June 3, 2019
- F. *ORDINANCE NO. 9.264.1 - First Reading*
A Bill for an Ordinance Approving the First Amendment to Intergovernmental Agreement Between the Town of Parker, Colorado, and Anthology West Metropolitan District Nos. 5 and 6
- Department: Town Attorney, Kristin Schledorn
Second Reading: June 3, 2019
- G. *ORDINANCE NO. 9.290 - First Reading*
A Bill for an Ordinance Approving the Agreement Regarding Final Design and Construction of Fee-In-Lieu Drainage and Flood Control Improvements for Lemon Gulch Upstream of Crowfoot Valley Road (Agreement No. 18-12.24, Project No. 107087) By and Between Urban Drainage and Flood Control District and the Town of Parker
- Department: Engineering/Public Works, Jacob James
Second Reading: June 3, 2019
- H. *ORDINANCE NO. 5.28.25 - First Reading*
A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Concerning 3.2 Beer and Changing the Reference from Town Council to Special Licensing Authority in the Parker Municipal Code Where Appropriate
- Department: Town Attorney, Jim Maloney
Second Reading: June 3, 2019

I. RESOLUTION NO. 19-027

A Resolution to Appoint a New Chairperson and Vice Chairperson of the Special Licensing Authority

Department: Town Council

J. RESOLUTION NO. 19-029

A Resolution Calling a Special Meeting on May 23, 2019, Pursuant to Section 3.8 of the Town of Parker Home Rule Charter

Department: Town Attorney, Jim Maloney

K. RESOLUTION NO. 19-030

A Resolution of the Town of Parker Approving the Enforcement of the International Fire Code, 2018 Edition, by the South Metro Fire Rescue Authority

Department: Community Development, Randy Sale

L. CONTRACTS OVER \$100,000

1. Taser Program Contract

Amount: \$229,413.60

Contractor: Axon Enterprises

Department: Police, Ken La Velle

7. PUBLIC HEARINGS

ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 - 6

Department: Town Attorney, Kristin Schledorn

1. RESOLUTION NO. 19-031

A Resolution to Approve the First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6

8. RESOLUTIONS

RESOLUTION NO. 19-026 (Continued from 5/6/19)

A Resolution Authorizing the Possession and Consumption of Alcoholic Beverages in Discovery Park, Subject to Certain Conditions

Department: Town Attorney, Kristin Schledorn

9. ORDINANCES

- A. ORDINANCE NO. 3.342 - Second Reading**
A Bill for an Ordinance to Amend Sections 13.07.080, 13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal Code Concerning Mylar Copies
Department: Community Development, Bryce Matthews
- B. ORDINANCE NO. 1.532 - Second Reading**
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District at the Stroh Soccer Park
Department: Engineering and Public Works, Chris Hudson
- C. ORDINANCE NO. 8.28.8 - Second Reading**
A Bill for an Ordinance to Amend Section 4.03.030 of the Parker Municipal Code Concerning Sales and Use Tax
Department: Finance, Mary Lou Brown
Town Attorney, Kristin Schledorn
- D. ORDINANCE NO. 3.345**
A Bill for an Emergency Ordinance to Impose a Temporary Suspension for One Hundred Eighty (180) Days in Duration on the Processing and Approval of any Application for a Town of Parker Permit or License Related to the Operation of a Business That Would be Engaged in the Growing, Storage, Extraction, Processing or Manufacturing of Industrial Hemp or the Extraction, Processing or Manufacturing of Industrial Hemp in Commercial Products Containing Industrial Hemp; Directing the Prompt Investigation of the Town's Regulatory Authority Over Such Businesses Pursuant to the Authority Granted by Article XX, Section 6, of the Colorado Constitution; and Declaring the Intention of the Town Council to Consider the Adoption of Appropriate Town Regulations with Respect to Such Businesses if Permitted by Law
Department: Town Attorney, Jim Maloney

10. ADJOURNMENT

Parker Town Council

Executive Session Agenda

May 20, 2019

“To hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).”

1. Section 10.11.080 of the Parker Municipal Code (service plan amendments Anthology West Metropolitan Districts No.’s 5 and 6 and related intergovernmental agreement)
2. Section 10.11.080 of the Parker Municipal Code (service plan amendments Hess Ranch Metropolitan District No.’s 1, 2 and 3 and related intergovernmental agreements)
3. Colo. Const. Art. XVIII, Section 16(1)(c) concerning the cultivation, processing and sale of industrial hemp
4. Sections 13.04.200(d), 11.01.030 and 13.09.050 of the Parker Municipal Code (concerning Blue Mountain Self Storage located on Lot 8A, Dransfeldt Place Minor Development Plat Amendment No. 1, Town of Parker, Colorado)

**TOWN OF PARKER COUNCIL
MINUTES
MAY 6, 2019**

Mayor Pro Tem John Diak called the meeting to order at 6:16 P.M. Mayor Mike Waid was absent.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were five (5) items. Under C.R.S. § 24-6-402(4)(e) there was one item which was a proposed Intergovernmental Agreement with Douglas County concerning Dransfeldt Road Extension; under C.R.S. 24-6-402(4)(b) there were four (4) items, the first was to receive legal advice on specific legal questions concerning Colorado Revised Statute 18-12-106 (1)(d) Prohibited Use of Weapons and Colorado Revised Statute 42-4-1301 (1)(a)(b) Driving Under the Influence - Driving While Impaired, the second was to receive legal advice on specific legal questions concerning Chapter 4.07 of the Parker Municipal Code concerning excise tax, the third was to receive legal advice on specific legal questions concerning Parker Automotive Plaza PD Guide and Plan concerning real property commonly known as the Eisenberg Property and the fourth was to receive legal advice on specific legal questions concerning listing agreement for Town properties between NavPoint Real Estate Group and the Town (My Mainstreet).

EXECUTIVE SESSION

Renee Williams moved and Joshua Rivero seconded to go into Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Renee Williams moved and Cheryl Poage seconded to come out of Executive Session at 7:10 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Pro Tem Diak reconvened the meeting at 7:18 P.M.

Boy Scouts in the audience led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS – None

PARKER CHAMBER OF COMMERCE UPDATES

Dennis Houston of the Parker Chamber provided updates on the Chamber's activities.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Shelley Mango provided an update on activities in the downtown area.

PUBLIC COMMENTS

- * Steve Trevino invited Town Council and the public to the 10th Annual Memorial Day Veterans' Service Remembrance at J.S. Parker Cemetery, May 27 at 10:00 A.M.
- * Dave Usechek, 12713 Buckhorn Creek, commented on the Master Plan, Pine Drive and the PACE Center.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers reported on meetings they each attended since the last Council meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - April 15, 2019*
- B. *ORDINANCE NO. 3.342 - First Reading*
A Bill for an Ordinance to Amend Sections 13.07.080, 13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal Code Concerning Mylar Copies
Department: Community Development, Bryce Matthews
Second Reading: May 20, 2019
- C. *ORDINANCE NO. 1.532 - First Reading*
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District at the Stroh Soccer Park
Department: Engineering and Public Works, Chris Hudson
Second Reading: May 20, 2019
- D. *ORDINANCE NO. 8.28.8 - First Reading*
A Bill for an Ordinance to Amend Section 4.03.030 of the Parker Municipal Code Concerning Sales and Use Tax
Department: Finance, Mary Lou Brown
Town Attorney, Kristin Schledorn
Second Reading: May 20, 2019
- E. *RESOLUTION NO. 19-024*
A Resolution to Amend Resolution No. 18-054, Series of 2018, Concerning the Town of Parker Policy Manual
Department: Town Attorney, Kristin Schledorn
- F. *PROCLAMATION - National Public Works Week 2019 - May 19 - 25*
Department: Town Council
- G. *PROCLAMATION - Building Department -- May 2019*
Department: Town Council
- H. *PROCLAMATION - Municipal Clerk Week - May 5 - 11*
Department: Town Council

I. CONTRACTS OVER \$100,000

1. Professional Services Agreement for H2O'Brien Renovation Project

Amount: \$242,920.00
Contractor: Barker Rinker Seacat Architecture
Department: Engineering/Public Works, Bob Exstrom

2. Agreement for the Purchase, Delivery, Use and Support of Products and Services for Body Worn, Fleet Vehicle, and Interview Room Camera Systems

Amount: \$923,974.44
Contractor: Axon Enterprises, Inc.
Department: Police, Ron Combs

Joshua Rivero moved and Jeff Toborg seconded to add the Proclamation for National Police Week 2019 as Item 7J.

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded to approve Consent Agenda Items 7A through 7J.

The motion was approved unanimously.

PUBLIC HEARINGS

A. PARKER PLAZA SHOPPING CENTER - Rezoning

Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z18-014

ORDINANCE NO. 3.341 - Second Reading

A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Parker Plaza Property from C-Commercial District to Parker Plaza Shopping Center Planned Development Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

7:50 P.M.

The applicant submitted a rezoning application to amend the zoning of the subject property from C-Commercial to Planned Development (PD). The intent of this rezoning application is to permit assembly uses with a maximum floor area of 10,000 square feet on the lower level of the building facing west only, while continuing to allow retail and service uses across the site as listed in the proposed Parker Plaza Shopping Center PD zoning. The assembly uses that would be permitted include day care and recreational facilities, membership and health clubs,

instructional services/studios and places of worship. Assembly uses are currently restricted to 3,500 square feet for properties zoned C-Commercial.

After review of the rezoning application, staff finds that the lower level of the shopping center is an appropriate location for assembly uses because of the above-referenced factors. The lower level is Class B or C commercial space and the proposal to allow assembly uses with a floor area up to 10,000 square feet is an appropriate response to this problem that will permit commercial activity appropriate for marginal locations. It will also help to meet the need for space to accommodate assembly uses in Town because such space is limited.

The applicant advised that the center is 15% vacant.

Public Comment - None

The Public Hearing was closed at 8:00 P.M.

Renee Williams moved to approve Ordinance No. 3.341 on second reading

Debbie Lewis seconded the motion.

The motion was approved unanimously.

B. SUNMARKE Planned Development - Rezoning

Applicant: Jerry Richmond III, RainTree Investment Corporation
Department: Community Development, Paul Workman
TRAKiT No.: Z18-018

8:01 P.M.

The applicant submitted a rezoning application to amend certain bulk standards in the SunMarke Planned Development (PD) zoning including setbacks, building height and lot size. The purpose of the proposed rezoning is to address outdated zoning standards and accommodate future residential development that reflects the current housing market.

The applicant also proposed a Sketch Plan and Preliminary Plan to subdivide the SunMarke property into 209 lots for detached and attached single-family lots as well as tracts for open space, parks and private access drives. The proposed residential density is 3.48 dwelling units per acre which is substantially less than the 5.7 dwelling units per acre permitted by the approved SunMarke PD zoning.

Applicant

Brock Chapman, Raintree Investment Corporation, Centennial CO 80112, stated that this property was planned many years ago and currently they are proposing fewer lots for Filing 1.

Public Comment

Dave Usechek, 12713 Buckhorn Creek, advised that he does not oppose this project, but is concerned about the traffic study being completed sooner rather than later as signals are needed now.

The Public Hearing was closed at 8:30 P.M.

1. **ORDINANCE NO. 3.209.4 - Second Reading**
A Bill for an Ordinance to Amend the Sunmarke PD Development Guide, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Renee Williams moved to approve Ordinance No. 3.209.4 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. **Sketch Plan and Preliminary Plan**

Renee Williams moved to approve, based on staff findings the Sketch and Preliminary Plans subject to the conditions in staff's report.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

A. HESS RANCH

8:34 P.M.

The Hess Ranch property is a 1,536 acre tract that is one of the last major development sites remaining in Parker. The developer, Front Range Communities (FRC) L.L.C., has indicated that they wish to begin the development of the site in 2019 on a phased basis.

FRC proposes to initiate the phased development process by a subdivision plat of Hess Ranch into two (2) segments. To do so, they have requested a partial waiver of certain subdivision regulations in the Land Development Ordinance (LDO) pursuant to Section 13.01.100 (Partial Waiver). The Partial Waiver would require the developer to satisfy all LDO requirements but provide a deferral of certain subdivision regulations for: (2) the initial plat to create two segments, and (2) future phases beyond Segment 1.

Public Comment - None

1. **RESOLUTION NO. 19-028**
A Resolution to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance with Certain Requirements of Sections 13.07.060 and 13.07.070 of the Parker Land Development Ordinance Associated with the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Hess Ranch Property Until Those Segments are Ready for Development

**Department: Community Development, John Fussa
Engineering/Public Works, Tom Williams**

Renee Williams moved to approve Resolution No. 19-028.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. Lemon Gulch Contribution Agreement

The Town and Urban Drainage and Flood Control District have determined that it is in the best interest of both entities to require the developer to provide funding for the design and construction of improvements to the two major drainageways located on the Hess Ranch property (Lemon Gulch and Lemon Gulch Tributary) in lieu of designing and constructing the improvements as a part of the development. The Town and Urban Drainage and Flood Control District believe that this arrangement will allow the improvements to be designed and constructed by consultants and contractors that are experts in their field and familiar with the requirements of each entity. This will result in infrastructure that will be sustainable for the Town and District.

This agreement will allow the Town to accept the funds and put forward an intergovernmental agreement with the District to transfer the funds to the District. The District will manage the design and construction of the improvements and provide long-term maintenance assistance.

Joshua Rivero moved to approve the Lemon Gulch Contribution Agreement.

Renee Williams seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 19-025

A Resolution to Approve the Model Single District and Multiple District Service Plans and Model Intergovernmental Agreement Form

Department: Town Attorney, Kristin Schledorn

8:51 P.M.

This resolution approves the Town's Model Single District and Multiple District Service Plans and Model Intergovernmental Agreement forms in accordance with Chapter 10.11 of the Parker Municipal Code.

The Town's model service plans and intergovernmental agreement have been revised to reflect updates to the Town Council policies concerning metropolitan districts, as discussed with Town Council most recently at the April 8, 2019 Study Session. These include an adjustment to the

maximum debt mill levy, and authorization for the imposition of an infrastructure capital mill levy, a town-dedicated capital and maintenance mill levy, and an operations and maintenance mill levy, which varies based on size of the project. Overall, the proposal would result in the allowable imposition of between 72 and 77 mills, subject to further adjustment in accordance with the Gallagher amendment from 2019 forward.

The proposed policy includes 5 mills which would be remitted to the Town and used for capital projects and maintenance of the public infrastructure associated with the Districts. The annual revenue generated from a \$475,000 home would be approximately \$171/year.

Public Comments - None

The Public Hearing was closed at 8:55 P.M.

Renee Williams moved to approve Resolution No. 19-025.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. PUBLIC CONSUMPTION OF ALCOHOL IN PARKS

Department: Town Attorney, Kristin Schledorn

These ordinances amend Sections 8.08.010, Possession of alcohol in public places and 12.02.200, Alcohol, to allow the possession and consumption of alcoholic beverages on parcels that will be designated by a separate Town Council resolution. The resolution designates Discovery Park, subject to specified conditions, including limited hours (4 p.m. to closing) and no glass containers. This designation will take effect on Monday, May 27, 2019, and will expire on May 26, 2020, if Town Council does not take further action to extend the designation prior to that date.

Public Comment

Joshua Rivero read a letter from Steve Curtis asking that Council amend the resolution to include alcohol only during very specific events within Discovery Park, i.e., concerts in the Park would be an appropriate event.

Dennis Houston of Parker Chamber of Commerce asked that the resolution be amended for specific events only at the park.

1. ORDINANCE NO. 5.28.24 - Second Reading
A Bill for an Ordinance to Amend Section 8.08.010 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker

Renee Williams moved to approve Ordinance No. 5.28.24 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 12.03.5 - Second Reading
A Bill for an Ordinance to Amend Section 12.02.200 of the Parker Municipal Code to Allow the Public Consumption of Alcohol in Designated Public Places Within the Town of Parker

Renee Williams moved to approve Ordinance No. 12.03.5 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

3. RESOLUTION NO. 19-026
A Resolution Authorizing the Possession and Consumption of Alcoholic Beverages in Discovery Park, Subject to Certain Conditions

There was a discussion by Council concerning the time and event(s) alcohol can be consumed by the public.

Renee Williams moved to approve Resolution No. 19-026.

The motion died for lack of a second.

Joshua Rivero moved to continue Resolution No. 19-026 to May 20, 2019 and hold a discussion at Study Session on May 13, 2019.

Jeff Toborg seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 1.530-B - Third Reading
A Bill for an Ordinance Submitting Eight Ballot Questions to the Registered
Electors of the Town of Parker at the November 5, 2019, Special Election to Amend
the Town of Parker Home Rule Charter

Department: Town Attorney, Kristin Schledorn

This ordinance submits Ballot Question 8, to amend Section 2.7 of the Town of Parker Home Rule Charter, concerning Mayor and Town Councilmember's Terms of Office, for the November 5, 2019 special election.

Following a study session on April 22, 2019, Ballot Question 8 has been revised to provide that persons serving as Mayor or Town Councilmember may serve no more than four (4) four-year terms of office, in his or her lifetime, whether as Mayor or Town Council member.

It also provides that any Town Councilmember or Mayor who is appointed or elected to fill a vacancy with more than half the term remaining shall be considered to have served one complete four-year term.

If passed, this lifetime term limit will apply retroactively to any current or former Town Councilmember or Mayor, except that any person who is holding office on November 5, 2019, may serve the remainder of his or her term if he or she has served in excess of the lifetime term limits.

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 1.530-B on third reading.

Renee Williams seconded the motion.

The motion was approved 5-1. (Poage voted no.)

The meeting was adjourned at 9:22 PM.

Carol Baumgartner, Town Clerk

John Diak, Mayor Pro Tem



Request for Town Council Action

Date: May 20, 2019

Submitted By: Chris Hudson, Public Works Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.286 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Dransfeldt Road Extension

Department: Engineering/Public Works, Chris Hudson

Second Reading: June 3, 2019

EXECUTIVE SUMMARY

This item is associated with an ordinance to approve an intergovernmental agreement (IGA) with Douglas County for the preliminary design of the proposed Dransfeldt Road extension project. This IGA is needed to formalize negotiations and jointly fund the preliminary design effort.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town has been contemplating the extension of Dransfeldt Road south of Twenty Mile Road, over Cherry Creek, connecting to Motsenbocker Road for over a decade. This proposed roadway is an important component to the Parker area's long-term roadway transportation plan. Due to a portion of the proposed roadway extension being in unincorporated Douglas County, the project will need to be coordinated with Douglas County. After several years of discussions with Douglas County staff, the Town and County are ready to move forward with the preliminary design of this roadway extension.

The Town and Douglas County have both appropriated 2019 budget at \$125,000 per entity (\$250,000 total) to fund this preliminary design effort. Douglas County and Parker staff have agreed to utilize each entity's on-call engineering listing to select up to six (6) professional

engineering firms to prepare proposals for the preliminary design services. The selection of a professional engineering firm will be completed via a qualification based interview selection process of the short-listed firms. The Town and Douglas County have agreed to a 50/50 split on this preliminary engineering cost to be completed by July 31, 2020. An IGA is needed for formalize this arrangement.

FINANCIAL IMPACT

Funding has been appropriated for this preliminary design effort in the Streets Capital Projects fund (301-4310).

STRATEGIC GOAL(S)



**INNOVATE WITH
COLLABORATIVE
GOVERNANCE**



**ENHANCE ECONOMIC
VITALITY**



**DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH**

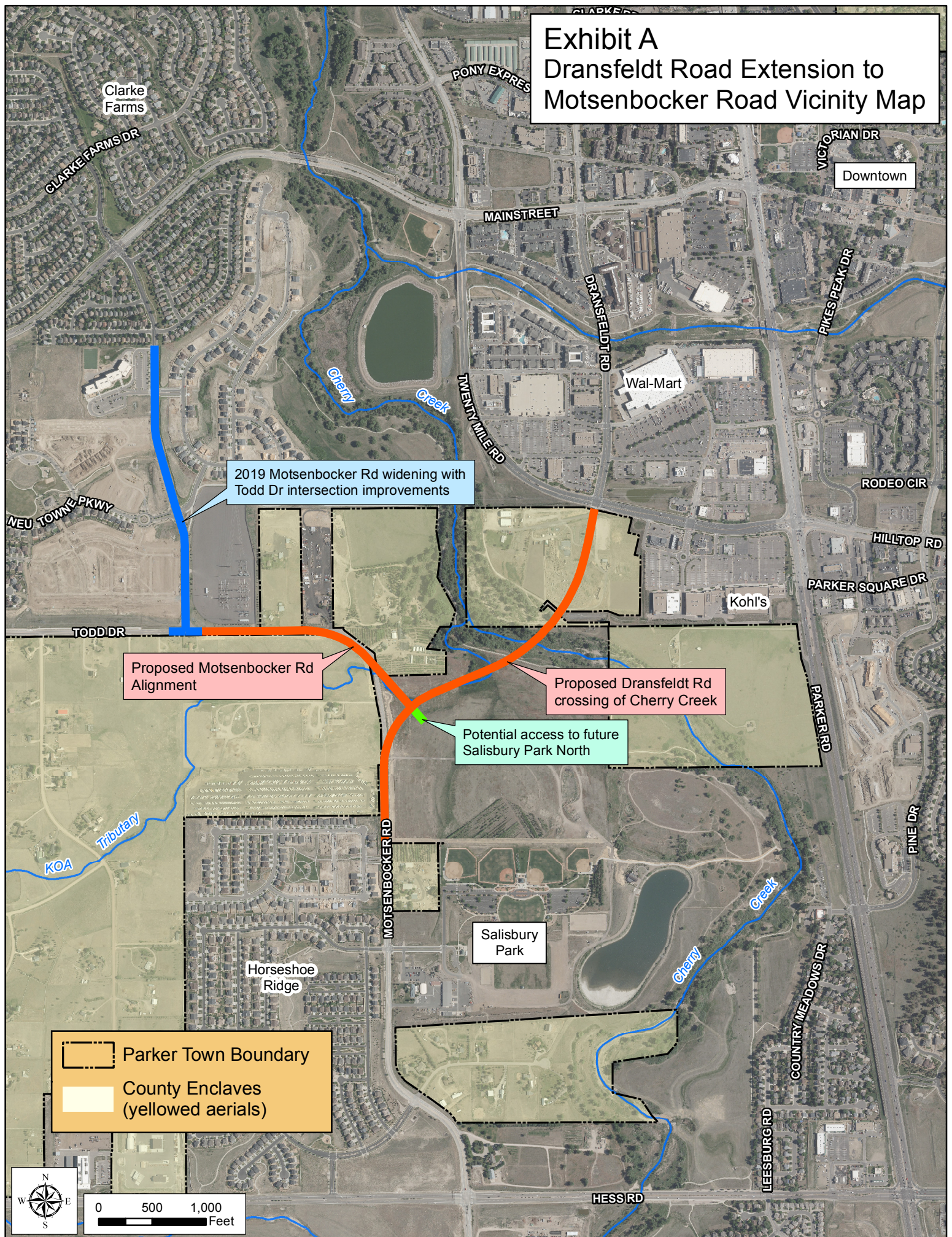
ATTACHMENTS

1. Vicinity Map
2. Ordinance No. 9.286

RECOMMENDED MOTION

I move to approve Ordinance No. 9.286 on first reading and to schedule second reading for June 3, 2019, as part of the consent agenda.

Exhibit A Dransfeldt Road Extension to Motsenbocker Road Vicinity Map



ORDINANCE NO. 9.286, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS REGARDING COST SHARING FOR THE DRANSFELDT ROAD EXTENSION

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement by and between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Dransfeldt Road Extension, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS REGARDING COST SHARING FOR THE DRANSFELDT ROAD EXTENSION

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, **2019**, by and between the Town of Parker, Colorado, a Colorado home rule municipality (the "Town"), and the Board of County Commissioners of Douglas County, Colorado (the "County"), hereinafter collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the County and the Town desire to cooperate in the conceptual / preliminary design of the Dransfeldt Road extension improvements between Twenty Mile Road and Motsenbocker Road (the "Project"). The Dransfeldt Road extension is a critical component of the region's long-term transportation infrastructure plan and the Project will help to reduce congestion, improve mobility, incident management and emergency response for residents of the Town and County. The Project limits are shown in **Exhibit A**, which is attached hereto and incorporated by this reference; and

WHEREAS, the County and the Town agree the Project shall be completed in exchange for mutual commitments of the Parties hereto; and

WHEREAS, the Town and the County desire to share in the cost of the Project, as described herein; and

WHEREAS, the Town and County desire to cooperate to further the design and ultimate construction of the Project, subject to future agreements; and

WHEREAS, the Town desires to be responsible for the completion of the Project, as described in this Agreement; and

WHEREAS, the County's only responsibilities are in assisting with the selection of the Qualified Engineer and its voluntary financial contribution for a portion of the Project costs; and

WHEREAS, the Parties further desire to memorialize their agreements concerning the participation in the funding of the Project.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties hereto agree as follows:

1. Consultant Selection Process and Contracting for the Project. The Parties agree that the Town will enter into a professional services agreement with a qualified engineer to complete the Project (the "Qualified Engineer"). The Qualified Engineer shall be selected based on the responses to a Request for Proposals (RFP) advertised by the Town. A list of consultants will be shortlisted to submit a proposal, consisting of three (3) engineering firms selected by the

Town and three (3) engineering firms selected by the County. The consultant selection process used for the Project shall be agreed to by the Parties, utilizing representatives from their respective Public Works / Engineering Departments. Once the Parties agree on the overall ranking of consultants submitting proposals, then the Town and County representatives will seek to finalize the scope and fee for the Project with highest-ranked consultant, and if they are unable to negotiate a mutually acceptable fee with the highest-ranked consultant then the Parties will work with the second highest-ranked consultant. Upon the selection of the Qualified Engineer, the Town shall prepare necessary Professional Service Contract(s).

2. Project Cost Estimate. The Parties have budgeted and estimated the Project costs to be Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00); and the Parties contributions shown below in this Agreement are based on actual Project expenditures by the Qualified Engineer not exceeding this amount.

3. County Contribution and Responsibilities. The County agrees to pay to the Town an amount not to exceed One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00), hereinafter referred to as the “County Contribution” for the sole purpose of contributing to the Project and paying for a portion of the professional services performed by the Qualified Engineer. In no event will the County be liable for paying the Town any amount more than the County Contribution, including for any additional work authorized by the Town or for any unforeseen project costs or claims.

The County Contribution is payable to the Town within thirty (30) days after the County has received a written invoice from the Town containing a statement that the Town has awarded a professional service contract with the Qualified Engineer.

If any portion of the County Contribution is not used, then the County is entitled to a refund as described below in Town Contribution and Responsibilities.

The County agrees to provide representatives from its Public Works / Engineering Department to participate in the Town design review meetings for the Project, but all Project decisions and directions to the consultants is ultimately the Town’s responsibility.

If the Town elects to unilaterally increase the Project Cost and its project budget, it may do so; provided it does not include an increase in the County Contribution. The County Contribution may not be increased without both Parties executing an amendment to this Agreement, prior to any additional expenditures in which the Town wants the County to participate.

4. Town Contribution and Responsibilities. The Town shall be responsible for managing all phases of the Project, including managing the Qualified Engineer and all other aspects of the Project. Except as expressly provided in Section 3 (County Contribution and Responsibilities), the Town shall be responsible for all other Project costs, including any excess of the Project Cost Estimate. The Town is responsible for completing the Project.

The Town of Parker will track Project monthly costs for the conceptual / preliminary design effort performed by the Qualified Engineer and will use this information to provide a

summary of the Project costs within thirty (30) days after completion or termination of the Project or upon written request by Douglas County.

At the completion of the conceptual / preliminary design effort performed by the Qualified Engineer or termination of the Qualified Engineer, the Town will provide written notification to the County regarding any unused project funding; and the County shall be refunded fifty percent (50%) of any amount of the difference between the actual Project expenditures and the Project Cost Estimate of \$250,000. The Town shall refund the County within forty-five (45) days for any of the reasons stipulated above.

5. Time of Performance. The Parties acknowledge and agree that the Project shall be substantially completed on or before **July 31, 2020**.

6. Remedies. The Parties hereto acknowledge and agree that each party may exercise all rights and remedies in law or in equity, by a decree in specific performance, or such other legal or equitable relief as may be available.

7. Notice. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given, at the address set forth below, or at such other address as has been previously furnished in writing, to the other party. Such notice shall be deemed to have been given when deposited in the United States mail.

Town of Parker: Town of Parker
 Attn: Director of Engineering/Public Works
 20120 E. Mainstreet
 Parker, Colorado 80138

Douglas County: Douglas County
 Attn: Director of Engineering Services
 100 Third Street
 Castle Rock, Colorado 80104

With electronic copy sent to: attorney@douglas.co.us

8. Appropriation. Pursuant to C.R.S. § 29-1-110, the financial obligations of the Town and the County contained herein which are payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available.

9. No Waiver of Governmental Immunity Act. The Parties hereto understand and agree that the Parties, their Commissioners, Councilmembers, officials, officers, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to the County.

10. Additional Documents. The Parties agree to execute any additional documents or take any additional action that is necessary to carry out the intent of this Agreement.

11. Colorado Law. This Agreement shall be governed by the laws of the State of Colorado. Venue for any action hereunder shall be in the District Court, County of Douglas, State of Colorado, and the Parties waive any right to remove any action to any other court, whether state or federal.

12. Separate Entities. The Parties enter into this Agreement as separate, independent governmental entities and shall maintain such status throughout.

13. No Third-Party Beneficiaries. The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person under such Agreement. Any beneficiary of the terms and conditions of this Agreement are not intended beneficiaries but are incidental beneficiaries only.

14. Severability. It is understood and agreed by the Parties hereto that if any part, term, or provision of this Agreement is by the courts held to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining 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, or provision held to be invalid.

15. Recitals. The Recitals to this Agreement are incorporated herein by this reference.

16. Entirety. This Agreement merges and supersedes all prior negotiations, representations and agreements between the Parties hereof and constitutes the entire agreement between the Parties concerning the subject matter hereof.

[Remainder of page intentionally left blank. Signatures on the following page.]

IN WITNESS WHEREOF, this Agreement is executed by the Parties hereto as of the date first written above.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY

Roger A. Partridge, Chair

ATTEST:

APPROVED AS TO CONTENT:

**Emily Wrenn,
Clerk to the Board**

**Douglas J. DeBord,
County Manager**

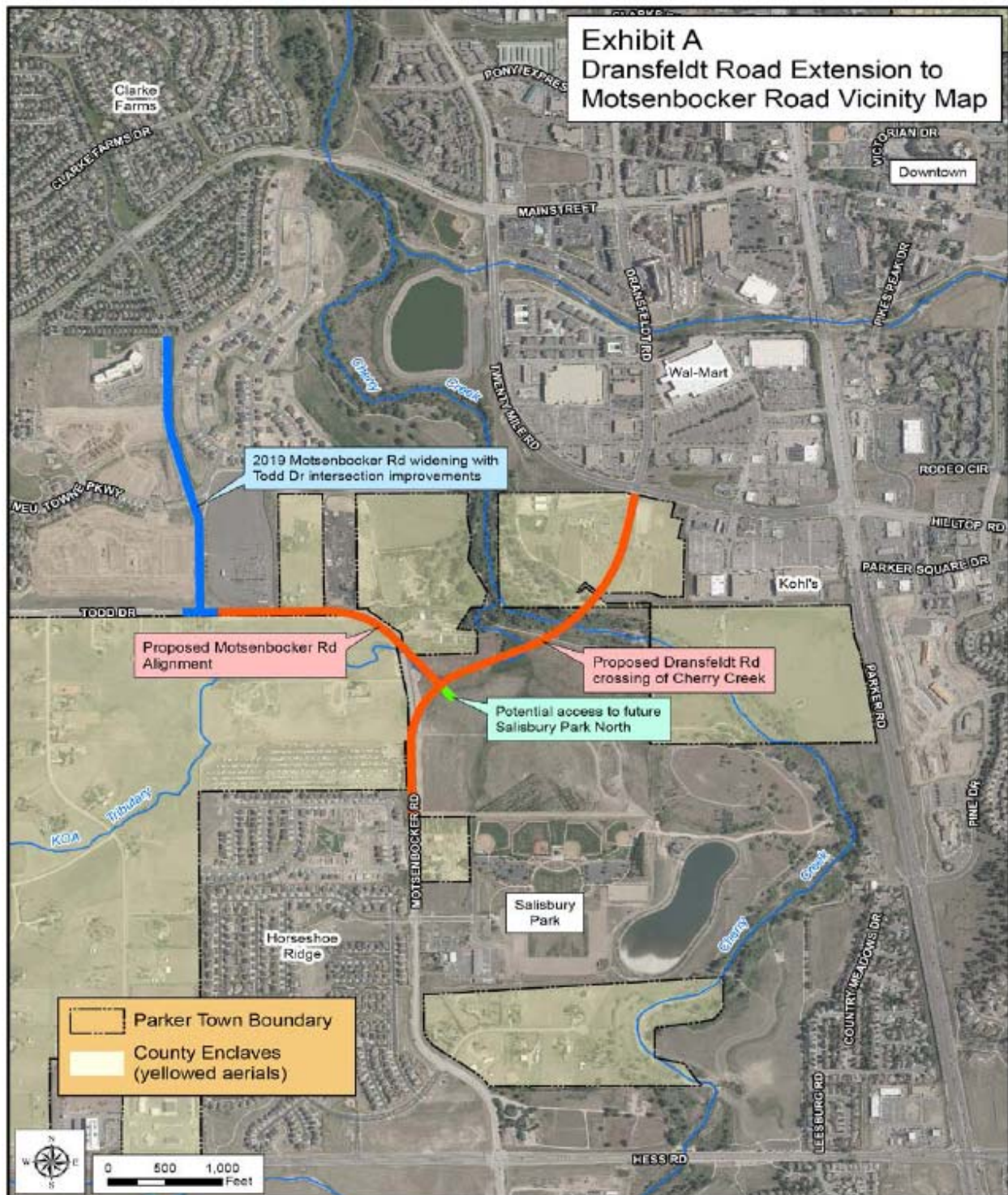
APPROVED AS TO FORM:

APPROVED AS TO FISCAL CONTENT:

**Chris Pratt,
Senior Assistant County Attorney**

**Andrew Copland,
Director of Finance**

Legal Description





Request for Town Council Action

Date: May 20, 2019

Submitted By: Mary Lou Brown, Finance Director
Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.533 - First Reading**
A Bill for an Ordinance Authorizing a Lease Purchase Transaction and in Connection Therewith, Authorizing the Leasing of Certain Town Property and the Execution and Delivery by the Town of a Site Lease, a Lease Purchase Agreement, an Escrow Agreement and Other Financing Documents in Connection Therewith

Department: Finance, Mary Lou Brown
Town Attorney, Jim Maloney

Second Reading: May 23, 2019

EXECUTIVE SUMMARY

Town staff and the Town's Financial Advisor are recommending the refunding of the 2009 Certificates of Participation through the issuance of 2019 Refunding Certificates of Participation and the authorization of a lease purchase agreement, site lease, escrow agreement and other related financing documents. The result of these approvals will be a reduction in the amount of interest expense paid by the Town.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

At a study session on May 13, 2019, the financial transaction was reviewed with Council by James Manire, Director, Hilltop Securities who serves as the Town's financial advisor. Also participating was Nate Eckloff, Managing Director, RBC Capital Markets; RBC will serve as the underwriter of the transaction.

In 2009, the Town issued \$44,250,000 in Certificates of Participation to finance the costs of constructing and equipping a new police station, as well as the PACE Center. The certificates

mature by October 15, 2035; those Certificates maturing on and after November 1, 2020 are subject to redemption on or after November 1, 2019 at the option of the Town.

In order to take advantage of positive market dynamics, Town Finance staff is recommending a refunding of the 2009 Certificates. The Refunding Certificates will be referred to as the Series 2019 and will reflect the interest in the rental under a new Lease Purchase Agreement entered into between Wells Fargo Bank as trustee and lessor and the Town of Parker as lessee. The Series 2019 Certificates will be executed and delivered by the Trustee according to a new Indenture of Trust. This process mirrors that of 2009.

Under the refunding, the collateral for the Series 2019 Certificates will be the Police Building and Site; under the current agreement both the Police Building and the PACE Center serve as collateral.

The recommendation for approval is being made for the following reasons: (1) the refunding is expected to reduce the effective interest rate from approximately 4.4% to less than 3.0%; (2) the maximum annual repayment cost of the base rentals will not exceed \$2,250,000 which will be a reduction from the current maximum annual repayment cost of \$2,900,000; (3) the total repayment cost will not exceed \$35,890,000; (4) the term of the repayment obligation will end no later than December 31, 2035 which is the same end date as for the 2009 Certificates; and (5) the PACE Center will be released as security for the 2019 Certificates.

FINANCIAL IMPACT

The end result of the refunding will be a reduction in the annual interest expense incurred by the Town. The exact amount will not be known until the transaction is complete as it is dependent upon market conditions.

STRATEGIC GOAL(S)



ATTACHMENTS

1. 2019 Refunding COPs PD & PACE 20190520 & 0523 TC mtgs

RECOMMENDED MOTION

I move to approve Ordinance 1.533 on first reading and schedule second reading for Thursday, May 23, 2019, at 5:00 p.m. as part of the consent agenda.

ORDINANCE NO. 1.533, Series of 2019

TITLE: A BILL FOR AN ORDINANCE AUTHORIZING A LEASE PURCHASE TRANSACTION AND IN CONNECTION THEREWITH, AUTHORIZING THE LEASING OF CERTAIN TOWN PROPERTY AND THE EXECUTION AND DELIVERY BY THE TOWN OF A SITE LEASE, A LEASE PURCHASE AGREEMENT, AN ESCROW AGREEMENT AND OTHER FINANCING DOCUMENTS IN CONNECTION THEREWITH

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Recitals.

A. The Town of Parker, Colorado (the “Town”) is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the “Charter”).

B. The members of the Town Council of the Town (the “Council”) have been duly elected or appointed and qualified.

C. The Town is authorized pursuant to Section 15.2 of the Charter and Article XX of the Colorado Constitution, to purchase, sell, exchange or dispose of any interest in real property, and the Council by ordinance may lease, for such a term as the Council shall determine, any real property to any person, firm or corporation, public or private.

D. The Town is authorized pursuant to Section 10.7 of the Charter to enter into lease-purchase and installment-purchase agreements as a means of acquiring any real or personal property for public purposes.

E. For the purpose of financing the cost of certain public improvements of the Town (the “Prior Projects”), the Town has previously executed and delivered:

i. The Site Lease dated as of August 1, 2009, between the Town, as lessor, and the Town of Parker Leasing Trust 2009, as Lessor (the “Leasing Trust”), as lessee (the “Site Lease”) pursuant to which the Town leased certain property of the Town (the “2009 Leased Property”) to the Leasing Trust; and

ii. A Lease Purchase Agreement dated as of August 1, 2009 (the “Original Lease”), by and between the Town, as Lessee, and the Leasing Trust, as Lessor, pursuant to which the 2009 Leased Property was leased by the Leasing Trust back to the Town.

F. In furtherance of Prior Projects, an Indenture of Trust dated as of August 1, 2009 (the “Original Indenture”), was executed and delivered by and between the Leasing Trust and Wells Fargo Bank, National Association, as Trustee.

G. Pursuant to the Original Indenture, there were executed and delivered certain Taxable Certificates of Participation (Direct Pay Build America Bonds), Series 2009A, in the original principal amount of \$40,720,000, of which \$34,190,000 is currently outstanding (the “2009A Certificates”), and certain Tax-Exempt Certificates of Participation, Series 2009B, none of which remain outstanding.

H. The Council has determined, and does hereby determine, that it is in the best interest of the Town and its inhabitants that the Town exercise its option to purchase the 2009 Leased Property by exercising its option to purchase the same as provided in the Original Lease by refunding and defeasing all of the outstanding 2009A Certificates (the “Refunding Project”).

I. In connection with the Refunding Project, the 2009 Leased Property will be released from the terms and provisions of the Original Lease and the Original Indenture and the Leasing Trust’s interest in the 2009 Leased Property will be conveyed to the Town.

J. The Town owns, in fee title, certain sites and the premises, buildings and improvements located thereon, or any additional property of the Town (as more particularly described in the Lease) (the “Leased Property”).

K. The Council has determined, and now hereby determines, that it is in the best interest of the Town and its inhabitants that the Town lease the Leased Property to a financial institution with trust powers as named in the Sale Certificate (as hereinafter defined), as trustee under the Indenture (the “Trustee”) pursuant to a Site Lease between the Town, as lessor, and the Trustee, as lessee (the “Site Lease”), and lease back the Trustee’s interest in the Leased Property pursuant to the terms of a Lease Purchase Agreement (the “Lease”) between the Trustee, as lessor, and the Town, as lessee.

L. The Trustee will execute and deliver an Indenture of Trust (the “Indenture”) pursuant to which there is expected to be executed and delivered certain certificates of participation (the “Certificates”) dated as of their date of delivery, that shall evidence proportionate interests in the right to receive certain Revenues (as defined in the Lease), shall be payable solely from the sources therein provided and shall not directly or indirectly obligate the Town to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect.

M. There will be executed and distributed in connection with the sale of the Certificates an Official Statement (the “Official Statement”) in substantially the form of the Preliminary Official Statement (the “Preliminary Official Statement”) relating to the Certificates as approved by the Finance Director of the Town.

N. The Town’s obligation under the Lease to pay Base Rentals and Additional Rentals (as each is defined in the Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the Town; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year direct or indirect Town debt or other financial obligation of the Town within the meaning of any constitutional, statutory or Charter limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment

obligation of the Town in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect.

O. The Certificates will be executed and delivered pursuant to the Indenture and the Lease and pursuant to a certain Certificate Purchase Agreement (the "Purchase Agreement"), between RBC Capital Markets LLC (the "Purchaser") and the Trustee.

P. The net proceeds of the Certificates are expected to be used to provide funds in an amount sufficient to finance the costs of the Refunding Project and pay the costs of issuance of the Certificates.

Q. There has also been presented to the Council at this meeting the form of Continuing Disclosure Certificate (the "Continuing Disclosure Certificate").

R. The Supplemental Public Securities Act, part 2 of article 57 of title 11, Colorado Revised Statutes (the "Supplemental Act"), provides that a public entity, including the Town, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act to an issue of securities.

S. No member of the Council has any conflict of interest or is interested in any pecuniary manner in the transactions contemplated by this ordinance

T. There have been filed with the Town Clerk proposed forms of: (i) the Site Lease; (ii) the Lease; (iii) the Indenture; (iv) the Continuing Disclosure Certificate; (v) the Preliminary Official Statement; and (vi) the Escrow Agreement, between the Town and Trustee, as escrow agent (the "Escrow Agreement") relating to the refunding and defeasance of the 2009A Certificates.

U. Capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Lease and the Site Lease.

Section 2. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers, agents or employees of the Council or the Town relating to the Site Lease, the Lease, the implementation of the Refunding Project, and the execution and delivery of the Certificates is hereby ratified, approved and confirmed.

Section 3. Finding of Best Interests. The Council hereby finds and determines, pursuant to the Constitution, the laws of the State and the Charter, that the implementation of the Refunding Project, including the payment of the costs of issuance in connection therewith, and financing the costs thereof pursuant to the terms set forth in the Site Lease, the Lease, the Indenture and the Escrow Agreement are necessary, convenient and in furtherance of the Town's purposes and are in the best interests of the inhabitants of the Town and that the fair value of the Leased Property does not exceed its Purchase Option Price (as defined in the Lease), and the Council hereby authorizes and approves the same.

Section 4. Supplemental Act Election; Parameters. The Council hereby elects to apply all of the provisions of the Supplemental Act to the Lease, the Site Lease and the Certificates, and

in connection therewith delegates to the Mayor, any other member of the Council, the Town Administrator and the Finance Director the independent authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i), Colorado Revised Statutes, in relation to the Lease and the Site Lease, and to execute a sale certificate (the "Sale Certificate") setting forth such determinations, including without limitation, the term of the Site Lease, the rental amount to be paid by the Trustee pursuant to the Site Lease, the term of the Lease and the rental amount to be paid by the Town pursuant to the Lease, subject to the following parameters and restrictions:

- (a) the Site Lease Term shall end no later than December 31, 2045;
- (b) the Lease Term shall end no later than December 31, 2035;
- (c) the maximum annual repayment cost of Base Rentals payable by the Town shall not exceed \$2,250,000, and the total repayment cost shall not exceed \$35,890,000;
- (d) the total aggregate principal amount of the Base Rentals payable by the Town under the Lease with respect to the Certificates shall not exceed \$32,755,000;
- (e) the purchase price of the Certificates shall not be less than 98% of the aggregate principal amount;
- (f) the maximum net effective interest rate on the interest component of the Base Rentals relating to the Certificates shall not exceed 4.50%; and
- (g) the estimated present value savings shall be no less than \$1,000,000 computed based upon the arbitrage yield for the Certificates to the date of delivery of the Certificates, assuming semi-annual compounding

Pursuant to Section 11-57-205 of the Supplemental Act, the Council hereby delegates to each of the Mayor, the Town Administrator or the Finance Director the authority to acknowledge any contract for the purchase of the Certificates between the Trustee and the Purchaser, and to execute any agreement or agreements in connection therewith. In addition, each of the Mayor, the Town Administrator or the Finance Director is hereby independently authorized to determine if obtaining an insurance policy for the payment of all or a portion of the Certificates is in the best interests of the Town, and if so, to select an insurer to issue an insurance policy, execute a commitment relating to the same and execute any related documents or agreements required by such commitment. Each of the Mayor, the Town Administrator or the Finance Director is also hereby authorized to determine if obtaining a reserve fund insurance policy for the Certificates is in the best interests of the Town, and if so, to select a surety provider to issue a reserve fund insurance policy and execute any related documents or agreements required by such commitment.

The Council hereby acknowledges and agrees that the proceeds of the Certificates will be used to finance the costs of the Refunding Project.

Section 5. Approval of Documents. The Site Lease, the Lease, the Indenture, the Escrow Agreement, and the Continuing Disclosure Certificate are in all respects approved, authorized and confirmed, and the Mayor of the Town is hereby authorized and directed for and on behalf of the Town to execute and deliver such documents in substantially the forms and with

substantially the same contents as the proposed forms of such documents on file with the Town Clerk, with such changes as may hereafter be approved by the Mayor, the Finance Director or the Town Administrator.

Section 6. Official Statement. The designation of the Preliminary Official Statement by the Mayor or the Town Administrator as a “deemed final Official Statement” for purposes of Rule 15c2-12 of the Securities and Exchange Commission is hereby authorized and confirmed. A final Official Statement, in substantially the form of the Preliminary Official Statement, is in all respects approved and authorized. The Mayor is hereby authorized and directed to execute and deliver the final Official Statement, for and on behalf of the Town, in substantially the form and with substantially the same content as the Preliminary Official Statement on file with the Town Clerk. The distribution of the Preliminary Official Statement and the final Official Statement (in substantially the form of the Preliminary Official Statement) to prospective purchasers of the Certificates is hereby ratified, approved and authorized.

Section 7. Authorization to Execute Collateral Documents. The Town Clerk is hereby authorized and directed to attest all signatures and acts of any official of the Town, if so required by any documents in connection with the matters authorized by this ordinance and to place the seal of the Town on any document authorized and approved by this ordinance. The Mayor, the Town Administrator, the Finance Director, the Town Attorney, and Town Clerk and other appropriate officials or employees of the Town are hereby authorized to execute and deliver for and on behalf of the Town any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this ordinance, including but not limited to the execution of such other certificates and affidavits as may be necessary. The appropriate officers of the Town are authorized to execute on behalf of the Town agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this ordinance. The execution of any instrument by the aforementioned officers or members of the Council shall be conclusive evidence of the approval by the Town of such instrument in accordance with the terms hereof and thereof.

Section 8. No General Obligation Debt. No provision of this ordinance, the Lease, the Site Lease, the Indenture, the Continuing Disclosure Certificate, the Certificates, the Preliminary Official Statement, or the final Official Statement shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any constitutional, statutory or Charter provision, nor a mandatory charge or requirement against the Town in any ensuing fiscal year beyond the then current fiscal year. The Town shall not have any obligation to make any payment with respect to the Certificates except in connection with the payment of the Base Rentals and certain other payments under the Lease, which payments may be terminated by the Town in accordance with the provisions of the Lease. Neither the Lease nor the Certificates shall constitute a mandatory charge or requirement of the Town in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any constitutional, statutory or Charter debt limitation and shall not constitute a multiple fiscal year direct or indirect Town debt or other financial obligation whatsoever. No provision of the Site Lease, the Lease or the Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a

lending of the credit of the Town within the meaning of Sections 1 or 2 of Article XI of the State Constitution. Neither the Lease nor the Certificates shall directly or indirectly obligate the Town to make any payments beyond those budgeted and appropriated for the Town's then current fiscal year.

Section 9. **Reasonableness of Rentals.** The Council hereby determines and declares that the Base Rentals constitute the fair rental value of the Leased Property and do not exceed a reasonable amount so as to place the Town under an economic compulsion to renew the Lease or to exercise its option to purchase the Leased Property pursuant to the Lease. The Council hereby determines and declares that the period during which the Town has an option to purchase the Leased Property (*i.e.*, the entire maximum term of the Lease) does not exceed the remaining useful life of the Leased Property. The Council hereby further determines that the amount of rental payments to be received by the Town from the Trustee pursuant to the Site Lease is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Site Lease as provided therein.

Section 10. **Town Representatives.** The Council hereby authorizes each of the Mayor, the Town Administrator and the Finance Director to act as Town Representatives under the Lease, or such other person or persons who may be so designated in writing from time to time by the Mayor, as further provided in the Lease.

Section 11. **Exercise of Option; Direction to Trustee.** In order to effect the Refunding Project, the Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the Town its option to redeem the outstanding 2009A Certificates set forth in the Sale Certificate on the earliest applicable redemption date. The Town hereby irrevocably instructs the Trustee to give notice of refunding and defeasance to the Owners of the 2009A Certificates as soon as practicable after the execution and delivery of the Certificates, in accordance with the provisions of the Indenture and the Escrow Agreement between the Trust and the Trustee, as escrow agent.

Section 12. **No Recourse against Officers and Agents.** Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the Town acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal, interest or prior redemption premiums on the Certificates. Such recourse shall not be available either directly or indirectly through the Council or the Town, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Certificates and as a part of the consideration of their sale or purchase, any person purchasing or selling such certificate specifically waives any such recourse.

Section 13. **Charter Controls.** Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and the Sale Certificate authorized hereby and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 14. **Repealer.** All bylaws, orders, resolutions and ordinances of the Town, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency.

This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of the Town, or part thereof, heretofore repealed.

Section 15. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 16. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 17. Effective Date, Recording and Authentication. In accordance with Section 7.5 of the Charter, this Ordinance shall take effect ten (10) days after publication following final passage. A true copy of this Ordinance shall be numbered and recorded in the official records of the Town, authenticated by the signatures of the Mayor and the Town Clerk, and published in accordance with the Charter and the Town's municipal code.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019. A copy of this ordinance is available for inspection in the office of the Town Clerk.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

STATE OF COLORADO)
)
 COUNTY OF DOUGLAS) SS. CERTIFICATE OF TOWN CLERK
)
 TOWN OF PARKER)

I, the Town Clerk of the Town of Parker, Colorado (the “Town”), do hereby certify:

1. That the foregoing pages are a true and complete copy of the ordinance (the “Ordinance”) introduced, passed and adopted by the Town Council (the “Council”) at the regular meeting of the Council on May 20, 2019 and at the special meeting of the Council on May 23, 2019.

2. The adoption of the Ordinance on first reading was duly moved and seconded and the Ordinance was adopted by an affirmative vote of a majority of the members of the Council at the regular meeting of the Council on May 20, 2019, as follows:

Name	“Yes”	“No”	Absent
Mike Waid, Mayor			
John Diak			
Debbie Lewis			
Cheryl Poage			
Joshua Rivero			
Jeff Toborg			
Renee Williams			

3. The adoption of the Ordinance on second reading was duly moved and seconded and the Ordinance was adopted by an affirmative vote of a majority of the members of the Council at the special meeting of the Council on May 23, 2019, as follows:

Name	“Yes”	“No”	Absent
Mike Waid, Mayor			
John Diak			
Debbie Lewis			
Cheryl Poage			
Joshua Rivero			
Jeff Toborg			
Renee Williams			

4. A copy of the entire text of the Ordinance was available to the Council members at least four (4) days prior to the regular meeting at which the Ordinance was introduced.

5. The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Clerk and recorded in the minutes of the Council.

6. Attached hereto as **Exhibit A** is the affidavit of publication in *The Douglas County News-Press* of the Ordinance which was published by title with a statement that the full text of the Ordinance is available for public inspection and acquisition in the office of the Town Clerk.

7. Notices of the meetings of May 20, 2019 and May 23, 2019, in the forms attached as **Exhibit B**, were posted as provided by law.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the Town this 23rd day of May, 2019.

(SEAL)

Carol Baumgartner, Town Clerk

EXHIBIT A

(Attach Affidavit of Publication)

EXHIBIT B

(Attach Notices of May 20, 2019 Meeting and May 23, 2019 Meeting)



Request for Town Council Action

Date: May 20, 2019

Submitted By: Stacey Nerger, Associate Planner
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.113.1 - First Reading**
A Bill for an Ordinance to Amend the Jackalope Planned Development Guide and Plan, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Department: Community Development, Stacey Nerger

Trakit No.: Z18-026

Second Reading: June 3, 2019

EXECUTIVE SUMMARY

The applicant is proposing an amendment to the Jackalope Planned Development Guide and Plan (Jackalope PD) to support their proposed commercial development. The purpose of the proposed PD Amendment is to permit a greater range of commercial uses, especially retail, including a hardware store and garden center. To accomplish this, the proposed PD Amendment will expand the uses allowed on the property to incorporate those uses permitted by-right in the C-Commercial Zone and include related accessory uses, definitions and development standards.

The applicant has also submitted Replat and Site Plan Amendment applications in connection with their proposal for a hardware store and garden center. These applications are currently under review and will be approved administratively subject to Town Council action on the subject PD Amendment application at public hearing.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The subject property was originally annexed into the Town and zoned as part of the Jackalope Planned Development (PD) in 1997. The property was also platted and a development

application approved in 1997 for conversion of the existing Cockriel Stables into a market with indoor and outdoor retail sales. In 2003, a Site Plan Amendment was approved to revise the site landscaping to include a water feature and hardscape.

The applicant has submitted the PD Amendment application as part of their development proposal for the Big Tool Box consisting of a hardware store, garden center and related accessory uses. The proposed PD Amendment is consistent with the Parker 2035 Master Plan because the property is located in a designated Neighborhood Center which is intended to "...serve residential neighborhoods..." and "...include convenient retail and personal/business services..." In addition to satisfying the goals for commercial development in Neighborhood Centers, staff has reviewed the proposed PD amendment against the nine (9) criteria for rezoning set forth in the Land Development Ordinance and determined that the criteria are satisfied.

The Planning Commission held a public hearing on May 9, 2019 and recommended Town Council approve the ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

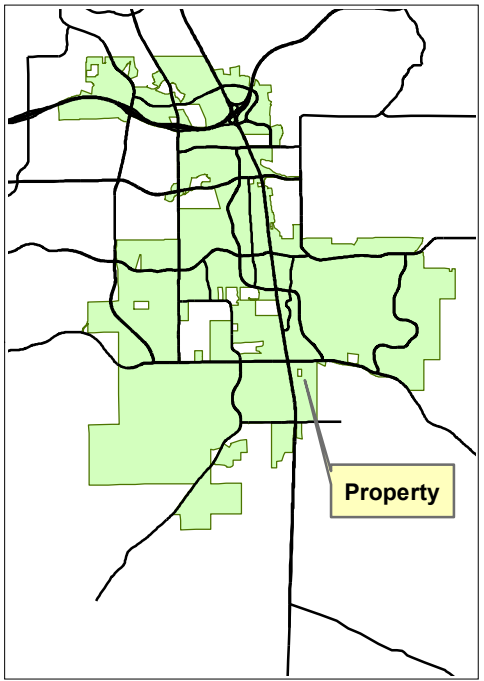
1. Vicinity Map
2. Ordinance No. 3.113.1
3. Planning Commission Staff Report
4. Site Plan Exhibit

RECOMMENDED MOTION

I move to approve Ordinance No. 3.113.1 on first reading and to schedule second reading for June 3, 2019, as part of the consent agenda.

**Jackalope Planned Development Amendment No. 1
Rezoning**

Rezoning
Case No. Z18-026



Legend

-  Site
-  Roads

Narrative:
Proposed Planned Development Amendment to expand the uses on the property to allow a hardware store and garden center on the property.

Planner: Stacey Nerger
Hearing Schedules:

Planning Commission:
May 9, 2019

Town Council:
May 20, 2019 (1st Reading)
June 3, 2019 (2nd Reading)



ORDINANCE NO. 3.113.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND THE JACKALOPE PLANNED DEVELOPMENT GUIDE AND PLAN, PURSUANT TO THE TOWN OF PARKER LAND DEVELOPMENT ORDINANCE, AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Finding of Fact.

a. Application has been made for amending the PD-Planned Development zoning for the Jackalope Planned Development Guide and Plan, approved by the Town Council on July 7, 1997, and recorded in the Office of the Douglas County Clerk and Recorder's Office on November 20, 1997, at Book 1486, Page 0232, pursuant to the Town of Parker Land Development Ordinance.

b. Public notice has been given of such zoning by publication on the Town's website at least fifteen (15) days prior to the public hearing of such zoning.

c. Written notice was sent by first class mail to all owners of property that abut the Property, at least fifteen (15) days prior to the public hearing.

d. Notice of such proposed hearing was posted on the Property for fifteen (15) consecutive days prior to said hearing.

e. The requirements contained in Section 13.04.240(b) of the Parker Land Development Ordinance for amending the PD-Planned Development zoning the property described in **Exhibit A**, which is attached hereto and incorporated by this reference (the "Property"), have been satisfied.

Section 2. The Jackalope Planned Development Guide and Plan for the Property is hereby amended as provided in the "Jackalope Planned Development Guide and Plan 1st Amendment," which is attached hereto as **Exhibit B** and incorporated by this reference (the "First Amendment").

Section 3. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change to the property.

Section 4. Approval of this Ordinance does not create a vested property right. Vested property rights may arise and accrue pursuant to the provisions of Ordinance No. 3.65.1, as amended, of the Town of Parker.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it

is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

Legal Description

Legal Description for 12450 South Parker Road, Parker, CO 80134:

A parcel of land being a part of the northeast quarter of the northeast quarter (NE1/4, NE1/4) of Section 34, Township 6 South, Range 66 West, of the Sixth Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Commencing at the southeast corner of said NE1/4, NE1/4 of Section 34;

Thence along the southerly line of said NE1/4, NE1/4, South 89°41'32" West, 325.00 feet, to the true point of beginning;

Thence parallel with the easterly line of said NE1/4, NE1/4, North 00°10'59" West, 670.16 feet;

Thence parallel with the southerly line of said NE1/4, NE1/4, South 89°41'32" West, 673.81 feet, to the easterly right-of-way (ROW) line of State Highway 83 as described in Book 1047 at page 908;

Thence along said easterly ROW line, South 08°45'20" East, 507.17 feet;

Thence continuing along said easterly ROW line, South 10°34'05" East, 171.23 feet, to the southerly line of said NE1/4, NE1/4;

Thence along said southerly line, North 89°41'32" East, 567.35 feet, to the true point of beginning. Containing 393,624 SF (9.041 AC), more or less.

EXHIBIT B

Jackalope

Planned Development Guide 1st Amendment

March 6, 1997

1st Amendment June 3, 2019

Jackalope

Planned Development Guide

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GENERAL PROVISIONS:

I. PURPOSE:

This development guide sets forth land uses and development standards for the Jackalope Subdivision, a planned development in the Town of Parker, Colorado. It shall regulate the use of the land, define certain terms and clarify the zoning procedures.

The Jackalope Subdivision is comprised of approximately 9.6 acres. The comprehensive development of this parcel in response to certain opportunities and constraints will contribute to an orderly, balanced and quality addition to the Town of Parker.

II. INTENT:

It is the intent of this Development Guide to provide areas for businesses providing convenience retail and personal service uses and/or for wholesale and service commercial uses with minimal assembly or manufacturing activities.

III. APPLICATION:

The standards and regulations contained in this Development Guide shall apply to the Property. The standards and regulations contained in this Development Guide may be divergent from the standards and regulations contained in Chapter 13.04 of the Parker Land Development Ordinance, but not any other Chapter of the Parker Land Development Ordinance. In the event that there is a conflict between the standards and regulations contained in this Development Guide (excluding Chapter 13.04) then the Parker Land Development Ordinance shall control.

IV. CONTROL:

After the adoption of this Development Guide by the Town Council of the Town of Parker, subject to the provisions of Section 13.04.230 of the Parker Land Development Ordinance (Non-Conforming Situations), the standards and regulations contained in this Development Guide, in conjunction with the Town of Parker Land Development Ordinance, as provided herein, shall control development, land use, the location and bulk of all buildings and other structures, existing and future, and shall also apply to the following:

- A. Any new building or other structure, and any parcel of land, or land use;
- B. The use of any existing building, other structure or parcel of land may be changed or extended;
- C. Any existing building or other structure, if such building or other structure is to be enlarged, reconstructed, structurally altered, converted or relocated.
- D. All standards and regulations set forth or referred to in the standards and regulations for the planning area in which such buildings and other structures are located.

V. INCORPORATION OF DEVELOPMENT PLAN:

The Jackalope development, including the type, location and boundaries of land use areas are shown upon the “Jackalope Development Plan” (hereinafter referred to as “Development Plan”), which Development Plan is hereby incorporated by reference into this Development Guide together with everything shown thereon and all amendments thereto.

VI. CONFLICTS:

Where there is more than one provision within the Development Guide that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Community Development Director.

AUTHORITY

I. AUTHORITY

The authority for this PD Development Guide is Section 13.04.150 (PD-Planned Development) of the Town of Parker Land Development Ordinance.

II. ADOPTION:

The adoption of this Development Guide and Development Plan by ordinance shall evidence the findings and decisions of the Town of Parker Town Council that this Development Guide and Development Plan for the Jackalope Planned Development is authorized by the provisions of Section 13.04.150 of the Town of Parker Land Development Ordinance.

III. ENFORCEMENT:

The provisions of the Development Guide relating to the use of land shall run in favor of the Town of Parker and shall be enforceable, at law or in equity, by the Town of Parker without any limitation on any power or authority otherwise granted by law. All provisions of this Development Guide shall run in favor of the owners of the Property to the extent expressly provided in this Development Guide and in accordance with its terms and conditions.

COMMERCIAL DEVELOPMENT STANDARDS

I. PURPOSE:

Provide areas for businesses providing convenience retail and personal service uses and/or for wholesale and service commercial uses with minimal assembly or manufacturing activities.

II. DEFINITIONS:

Commercial Retail is an establishment engaged in selling goods and/or merchandise to the general public at retail for personal or household consumption and rendering services incidental to the sale of such goods and/or merchandise.

Small engine motorized equipment: A small-displacement, single cylinder or twin cylinder four stroke/cycle, low-powered internal combustion engine (or electric motor equivalent) used to power lawn mowers, generators, concrete mixers, snow blowers, chain saws, string trimmers, utility vehicles (UTV's), and many other machines that require independent power sources.

Medium engine motorized equipment: medium and light duty farm, landscaping and recreational equipment generally under 100 horsepower including small tractors, skid loaders, ATVs, golf carts, and similar motorized equipment

Rental Vehicles: Pick-up trucks, trailers, cargo vans, box/moving trucks (up to 26' long), small engine motorized equipment, medium engine motorized equipment.

III. USES PERMITTED BY RIGHT:

A. The following uses shall be permitted as a matter of right:

1. Offices: general, medical, dental, professional and governmental
2. Public and quasi-public facilities
3. Greenhouses, nurseries (plants) and garden centers, wholesale and retail
4. Banks
5. Commercial Retail
6. Personal Services
7. Bars and Lounges
8. Dry Cleaning
9. Indoor amusement and recreational facilities up to 3,500 square feet
10. Instructional Services/studios up to 3,500 square feet
11. Health club, gym or fitness center up to 3,500 square feet
12. Child care facility up to 3,500 square feet
13. Restaurants including drive-thru or carry-out
14. Retail display and sale of storage sheds and similar structures
15. Outdoor commercial display, including storage of inventory, subject to the design standards listed within Section VII of this document
16. Auto parts stores

- 17. Brewery/distillery
- 18. Public parks, playgrounds, open space and outdoor recreation areas

IV. ACCESSORY USES:

The following uses shall be allowed which are incidental and subordinate to the principal use of the land or building on the property:

- A. Food trucks, vendor stands and commercial kiosks, subject to Section 13.04.215, as amended of the Parker Land Development Ordinance.
- B. Motor vehicles: sales, leasing, rental servicing and repair of Rental Vehicles as an accessory activity
- C. Indoor small and medium engine motorized equipment sales and repair – Not to exceed 35% of the total building area on the property
- D. Uses that are similar in nature and impact to those listed within the uses permitted by right shall be allowed as determined by the Community Development Director

V. USES PERMITTED BY SPECIAL REVIEW:

The following uses shall be allowed with a Use by Special Review:

- A. Automobile service, including repairs
- B. Convenience Store with or without gas station or car wash
- C. Tire repair shops
- D. Veterinary clinics and hospitals
- E. Observation kennels and pet day care

VI. DEVELOPMENT STANDARDS:

- A. Maximum Building Height: 35 feet
- B. Minimum Front Yard Setback:
 - 1. Parker Road - 25 feet for permanent enclosed structures
 - 2. Cockriel Drive -25 feet for permanent enclosed structures
- C. Minimum Side Yard Setback: 10 feet, except when adjoining a residential zone district, 25 feet for permanent enclosed structures (excluding perimeter fencing, walls or other enclosures for any garden center or nursery)
- D. Minimum Rear Yard Setback: 10 feet, except when adjoining a residential zone district, 25 feet for permanent enclosed structures (excluding perimeter fencing, walls or other enclosures for any garden center or nursery)
- E. Outdoor Commercial Display: 10 feet from Parker Road and Cockriel Drive, 25 feet when adjoining a residential zone district. Proper screening and buffer requirements shall apply as approved on a Site Plan.
- F. Storage areas: 50 feet from Parker Road and Cockriel Drive, 75 feet when adjoining a residential zone district. Proper screening and buffer requirements shall apply as approved on a Site Plan.

VII. OUTDOOR COMMERCIAL DISPLAY AREAS:

Allowed as outlined within Section 13.04.120 (d) (11), supplemented as follows:

- A. Outdoor commercial display shall occur only within the designated areas approved as part of the approved site plan and shall not comprise more than thirty-five percent (35%) of the total land area of the property.
- B. Any outdoor commercial display areas that are not enclosed with a fence, wall or other perimeter enclosure shall be identified by a permanent marking material, identifying the entire outdoor display area, as shown on the approved site plan for the property.
- C. The use of semi-trailers or temporary buildings (other than as provided in Section III.B. above) shall not be permitted on a permanent basis. All temporary uses shall comply with Chapter 13.04.210 of the Town of Parker Land Development Ordinance, as amended; provided, however that promotional events shall not exceed five thousand (5,000) square feet and shall not exceed a duration of ninety (90) days.

JACKALOPE DEVELOPMENT PLAN 1ST AMENDMENT

12450 SOUTH PARKER ROAD
LOT 1, BLOCK 1 & TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1
SECTION 34, TOWNSHIP 6 SOUTH, RANGE 66 WEST
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO

LEGAL DESCRIPTION

A PORTION OF LOT 1, BLOCK 1 AND A PORTION OF TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1, PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1, PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO AS BEARING N 00°16'57" E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGIN AT THE SOUTHEAST CORNER OF TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1, PUBLIC RECORDS OF DOUGLAS COUNTY, COLORADO;
THENCE N 00°16'57" E FOR A DISTANCE OF 634.74 FEET ALONG THE EAST LINE OF SAID TRACT A TO THE SOUTH LINE OF RECEPTION NO. 2013070277;
THENCE N 89°46'42" W FOR A DISTANCE OF 668.62 FEET ALONG SAID SOUTH LINE TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 83 AS DESCRIBED IN BOOK 1047, PAGE 908, ALSO BEING THE WEST LINE OF LOT 1, BLOCK 1, SAID JACKALOPE SUBDIVISION, FILING NO. 1;
THENCE S 08°17'32" E FOR A DISTANCE OF 472.13 FEET ALONG SAID WEST LINE;
THENCE S 10°05'42" E FOR A DISTANCE OF 171.06 FEET ALONG SAID WEST LOT LINE TO THE SOUTH LINE OF SAID LOT 1;
THENCE S 89°49'38" E FOR A DISTANCE OF 567.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 393,711 SF (9.038 AC), MORE OR LESS.

BASIS OF BEARING

BEARINGS BASED ON THE EAST LINE OF TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1, AS BEARING N 00°16'57" E, AN ASSUMED MERIDIAN.

GENERAL NOTES

THIS SITE IS NOT WITHIN A FLOOD AREA. REFER TO FEMA MAP NO. 08035C0182G.

NO LAND WILL BE DEDICATED TO THE TOWN OF PARKER.

NO UNIQUE FEATURES ON SITE.

PROJECT CONTACTS:

PROPERTY OWNER
WB VENTURES-PARKER, LLC.
12450 SOUTH PARKER ROAD
PARKER, CO 80134
(303) 947-0911
CONTACT: EVERT MELLEMA

APPLICANT
JACKALOPE PROPERTIES, LLC.
8080 S HOLLY STREET
CENTENNIAL, CO 80122
(303) 912-8079
CONTACT: MARLEY HODGSON

CIVIL ENGINEER
RIDGETOP ENGINEERING AND CONSULTING, LLC
5255 RONALD REAGAN BLVD, SUITE 210
JOHNSTOWN, CO 80534
(970) 663-4552
CONTACT: MIKE BEACH, P.E.

SURVEYOR CERTIFICATE

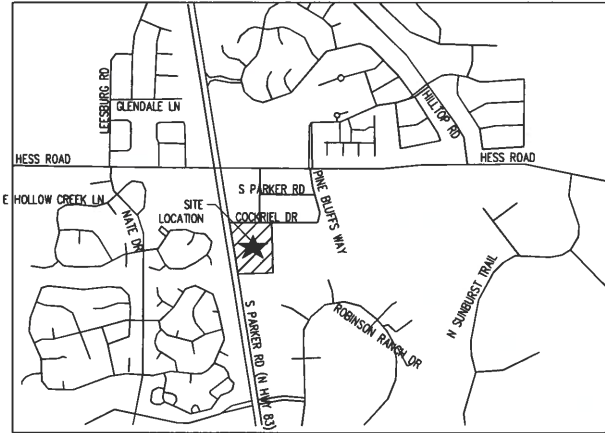
I, BRYAN SHORT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS DEVELOPMENT PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION; THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THIS MAP ACCURATELY DELINEATES THE PARCEL OF LAND TO BE ZONED IN THE TOWN OF PARKER, COLORADO; AND THAT AT LEAST ONE SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO.

BRYAN SHORT
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 32444
FOR AND ON BEHALF OF PLS GROUP

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) 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.

NOTICE:
PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THE SURVEY REPRESENTED HEREON HAS BEEN PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS BASED UPON MY KNOWLEDGE, INFORMATION, AND BELIEF.

VICINITY MAP



SHEET LIST

COVER SHEET	0.0
ZONING MAP	1.0

OWNER'S CERTIFICATE, LOT 1

I, JACKALOPE PROPERTIES, LLC., HEREBY AFFIRM THAT I AM AN OWNER OR AUTHORIZED AGENT HAVING AN OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN.

JACKALOPE PROPERTIES, LLC.

STATE OF _____ } SS

COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D., 20____

BY _____ WITNESS MY HAND AND SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

OWNER'S CERTIFICATE, TRACT A

I, JACKALOPE PROPERTIES, LLC., HEREBY AFFIRM THAT I AM AN OWNER OR AUTHORIZED AGENT HAVING AN OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN.

JACKALOPE PROPERTIES, LLC.

STATE OF _____ } SS

COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D., 20____

BY _____ WITNESS MY HAND AND SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

PLANNING COMMISSION CERTIFICATE

THIS DEVELOPMENT PLAN WAS REVIEWED AND RECOMMENDED FOR APPROVAL BY THE TOWN OF PARKER PLANNING COMMISSION FOLLOWING A PUBLIC HEARING ON _____

COMMUNITY DEVELOPMENT DIRECTOR ON BEHALF
OF THE PLANNING COMMISSION

TOWN COUNCIL ACCEPTANCE

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN OF PARKER ON THIS _____ DAY OF _____, 2019, FOR THE PROPERTY DESCRIBED HEREIN.

MAYOR, TOWN OF PARKER

ATTEST-TOWN CLERK

DOUGLAS COUNTY CLERK AND RECORDER'S CERTIFICATION

THIS DEVELOPMENT PLAN WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF DOUGLAS COUNTY AT _____ M. ON THE _____ DAY OF _____, 2019,

RECEPTION NO. _____

DOUGLAS COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

LOGO



SEAL

PROJECT TITLE

THE BIG TOOL
BOX RETAIL

12450 SOUTH PARKER ROAD
LOT 1, BLOCK 1 & TRACT A, JACKALOPE
SUBDIVISION, FILING NO. 1
SECTION 34, TOWNSHIP 6 SOUTH,
RANGE 66 WEST
TOWN OF PARKER, COUNTY OF DOUGLAS,
STATE OF COLORADO
PREPARED FOR

THE BIG TOOL
BOX, INC.



Know what's below.
Call before you dig.

SUBMITTAL

ZONING

DRAWN BY:	ACC
CHECKED BY:	MRB
PROJECT NO.:	.

REVISIONS

TOWN COMMENTS	03/05/18
---------------	----------

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DATE

01/31/2019

SHEET TITLE

COVER SHEET

SHEET INFORMATION

C-0.0

1 of 2

CASE NUMBER: Z-_____

JACKALOPE DEVELOPMENT PLAN 1ST AMENDMENT

12450 SOUTH PARKER ROAD
LOT 1, BLOCK 1 & TRACT A, JACKALOPE SUBDIVISION, FILING NO. 1
SECTION 34, TOWNSHIP 6 SOUTH, RANGE 66 WEST
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



SEAL

LEGEND

- PROPERTY LINE
- EX. CONCRETE CURB & CUTTER
- EASEMENT
- EX. CONTOUR

PROJECT TITLE

THE BIG TOOL
BOX RETAIL

12450 SOUTH PARKER ROAD
LOT 1, BLOCK 1 & TRACT A, JACKALOPE
SUBDIVISION, FILING NO. 1
SECTION 34, TOWNSHIP 6 SOUTH,
RANGE 66 WEST
TOWN OF PARKER, COUNTY OF DOUGLAS,
STATE OF COLORADO
PREPARED FOR

THE BIG TOOL
BOX, INC.



Know what's below.
Call before you dig.

SUBMITTAL

ZONING

DRAWN BY: ACC
CHECKED BY: MRB
PROJECT NO: -

REVISIONS

TOWN COMMENTS	DATE
	03/05/18

DATE

01/31/2019

SHEET TITLE

DEVELOPMENT
PLAN

SHEET INFORMATION

C-1.0

2 of 2

1" BRASS TAG WSS
PLS 23524
3.00' WITNESS CORNER
(EAST OF CORNER)

25' PWSO NON-EXCLUSIVE
UTILITY EASEMENT
RECEPTION NO. 2008070604

DRAINAGE EASEMENT
RECEPTION NO. 2008056636
CENTERLINE PARKER WATER
& SANITATION DISTRICT 10'
FIRE HYDRANT EASEMENT
RECEPTION NO. 9846859

S. PARKER ROAD
PUBLIC ROW VARIES

30' PARKER WATER &
SANITATION DISTRICT
SANITARY SEWER EASEMENT
RECEPTION NO. 2007090473

30' PARKER WATER &
SANITATION DISTRICT
WATER LINE EASEMENT
RECEPTION NO. 2007090473

PIPELINE EASEMENT
BOOK 1047 PAGE 908
BOOK 1205 PAGE 2368
BOOK 1249 PAGE 325

CENTERLINE PARKER WATER
& SANITATION DISTRICT 10'
FIRE HYDRANT EASEMENT
RECEPTION NO. 986658

LOT 1 BLOCK 1
5.423 ACRES
PARCEL NO. 2233-341-20-020
COMMERCIAL
EXISTING ZONE: PD COMMERCIAL (JACKALOPE)
PROPOSED ZONE: PD COMMERCIAL (JACKALOPE)

TRACT A
4.152 ACRES
PARCEL NO. 2233-341-20-021
COMMERCIAL
EXISTING ZONE: PD COMMERCIAL (JACKALOPE)
PROPOSED ZONE: PD COMMERCIAL (JACKALOPE)

TR NE¼ NE¼ 34-6-66 4.739 AM/L 173-489
4.739 ACRES
PARCEL NO. 2233-341-00-0030
AGRICULTURAL

OWNER: MARTIN & BARBARA J. COCKRIEL
8752 N. STATE HIGHWAY 83
PARKER, CO 80134

TRACT D ROBINSON RANCH #1

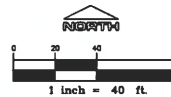
ROBINSON RANCH FILING NO. 1
RECEPTION NO. 99095271

LOT 49
OWNER: DAVID B. DILLON & TERRI S. DILLON
20015 E. HATCHET RANCH PL.
PARKER, CO 80134

LOT 48
OWNER: JAMES H. YATES & KATHLEEN E. YATES
20047 E. HATCHET RANCH PL.
PARKER, CO 80134

LOT 47
OWNER: RUSSELL T. SKEATES III & XIUQING
SKEATES
20051 E. HATCHET RANCH PL.
PARKER, CO 80134

CASE NUMBER: Z_____





Planning Commission Staff Report

Planning Commission Date: 5/9/2019

Town Council Date: 6/3/2019

Hearing Type: Public Hearing
**JACKALOPE PLANNED DEVELOPMENT
AMENDMENT NO. 1 - Rezoning
TRAKiT No.: Z18-026**

Location: South of Cockriel Drive and east of Parker Road

Project Planner: Stacey Nerger, Planner

Applicant: Marley Hodgson, Jackalope Properties, LLC

Executive Summary: The applicant is proposing a Planned Development (PD) Amendment on Lot 1 and Tract A of the Jackalope Subdivision. The proposed Jackalope PD Amendment would amend the uses permitted on the site to allow for a broader range of commercial uses including a hardware store and garden center. The property is located on the east side of Parker Road south of the intersection with Hess Road.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the Jackalope Planned Development Amendment No. 1."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve the Jackalope Planned Development Amendment No. 1, subject to the conditions contained in this staff report."

"I move that the Planning Commission recommend that Town Council deny the Jackalope Planned Development Amendment No. 1 as the request does not meet the following approval criteria:"

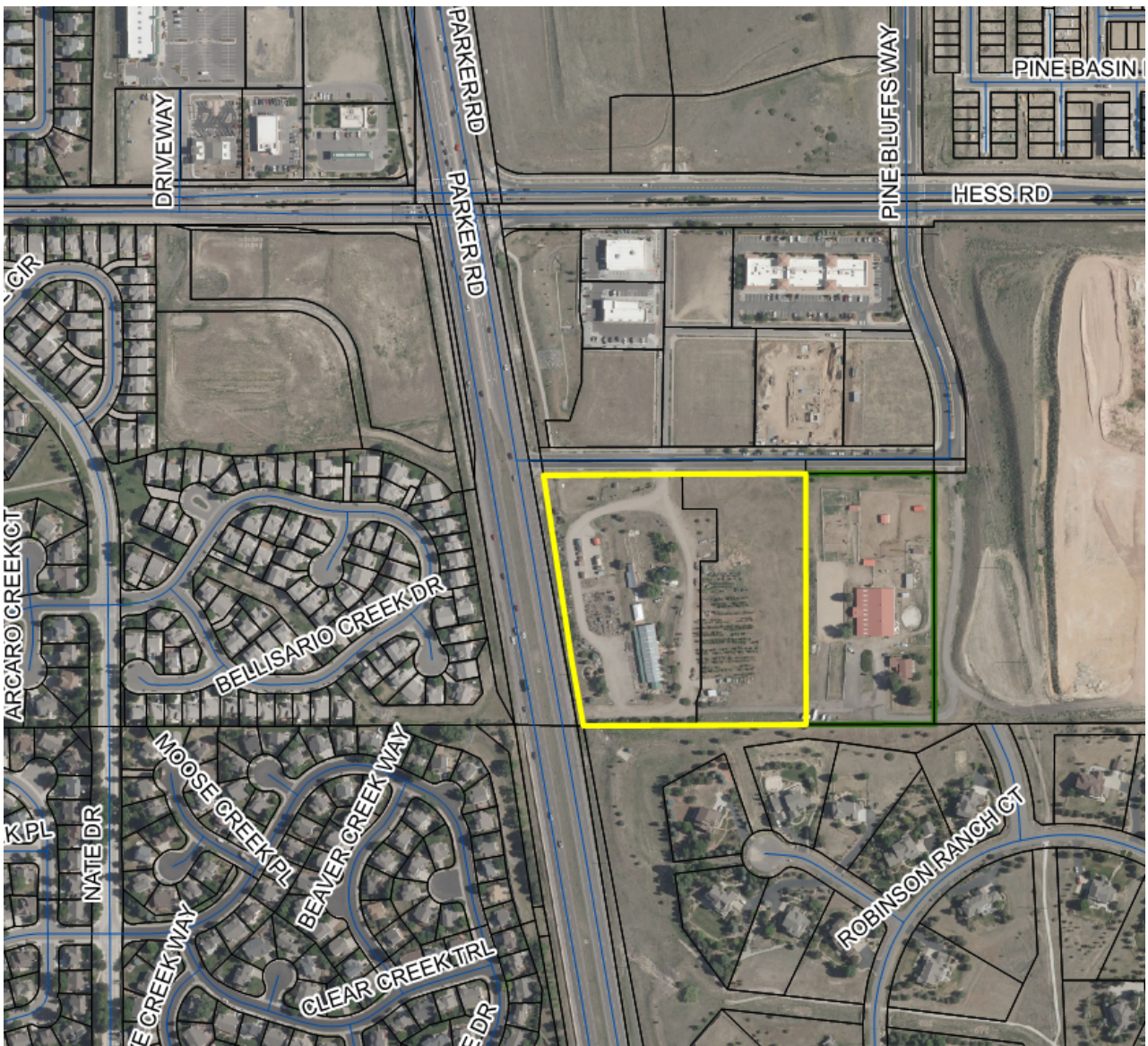
-List criteria not met (either by staff or Planning Commission)

"I move that the Planning Commission vote to continue the Jackalope Planned Development Amendment No. 1 to a future date."

I. BACKGROUND/DISCUSSION

The intent of this rezoning is to allow for a larger range of retail and commercial uses including allowing for a hardware store and garden center. The intent of the original Jackalope PD was to provide a commercial retail facility with permitted uses from retail, office and restaurant. The proposed PD Amendment will expand the uses allowed on the property to include those listed as uses permitted by right within the C-Commercial Zone District within the Town, as well as add accessory uses, definitions and development standards which pertain to a proposed neighborhood hardware store and garden center. The applicant has also submitted a replat and site plan amendment for a proposed hardware store and garden center. The replat and site plan amendment are currently under review and cannot be approved until such time the rezoning has been acted upon by Town Council.

Vicinity Map



II. PRIOR ACTIONS

Date	Action
July 7, 1997	The property was originally annexed as part of the Jackalope Planned Development.
July 7, 1997	Town Council approved the Jackalope Minor Development Plat.
May 22, 1997	The Planning Commission approved the Jackalope Site Plan to convert the existing Cockriel Stables into an outdoor market and to use the existing building for retail sales.
April 23, 2003	An administrative Site Plan Amendment was approved to revise the landscaping to include a water feature and hardscape.

III. CURRENT SITE DATA

Existing Zoning	PD - Planned Development		
Overlay District	N/A		
PD & Plan Area	Jackalope Planned Development		
Master Plan Area	Neighborhood Center		
Site Acreage	9.038 acres		
Subdivision	Jackalope		
Existing Use	Commercial		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	Neighborhood Center	PD - Planned Development	Robinson Ranch Planned Development, Commercial/Vacant and Gas Station Under Construction
South	Low Density Residential	PD - Planned Development	Robinson Ranch Planned Development, Single-Family Detached
East	Neighborhood Center	Douglas County Zoning	Agriculture, Cockriel Farms
West	Medium Density Residential	PD - Planned Development	Stroh Ranch Planned Development, Single-Family Detached Across Parker Road

IV. PARKER 2035 MASTER PLAN

[Parker 2035 Master Plan | Town of Parker - Official Website](#)

MASTER PLAN CONSISTENCY	
Master Plan Designation	Neighborhood Center ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	Serve the basic needs of the surrounding residents. Typical uses include convenient retail and personal/business services usually anchored by a grocery store. Other compatible uses such as small offices, recreational uses and restaurants are also permitted. The total Gross Leasable Area for the commercial/office components within an entire Neighborhood Center should range from a combined 50,000 to 250,000 square feet. Higher density residential is appropriate as a transition between less intense residential areas and non-residential areas when developed as part of a mixed-use development and when the design encourages residents to walk or bicycle. Typical garden style apartment designs are not appropriate.
Consistent Goals/Strategies	<u>Land Use 1.C</u> <u>Community Appearance and Design 2.B</u>
Staff Analysis	Staff has reviewed the proposed expansion of allowed uses against the Town's master plan and determined that the proposal is consistent with the master plan. The expansion of the allowed uses on the property allows for greater conformance with the commercial land use under the neighborhood center designation.

V. LAND DEVELOPMENT ORDINANCE

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre	Higher density residential is appropriate within Neighborhood Centers.	None	☒ Consistent ☐ Inconsistent ☐ No Change ☐ N/A
Allowed Uses	Convenient retail and personal/business services, grocery, small	Convenient retail and personal/business services, offices, recreational uses	☒ Consistent ☐ Inconsistent

	offices, recreational uses and restaurants.	and restaurants.	☐ No Change
Height/Stories	None	35 feet	☒ Consistent ☐ Inconsistent ☐ No Change
Staff Analysis	The proposed Planned Development Amendment meets the Town's Master Plan Goals and Strategies for Commercial Development at Neighborhood Centers within the Town. The proposed expansion of uses will align with the Town's Commercial Property Vision while allowing for the applicant's desire to construct a hardware store and garden center.		

VI. ACCESS, CIRCULATION & TRAFFIC ANALYSIS

The property has been developed with one full movement access point off Cockriel Drive which aligns with access to the Robinson Ranch commercial area located to the north. Internal drive aisles within the development will be constructed as approved through an administrative site plan amendment.

VII. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

Applicant's Response

The current site is within the Jackalope PD, which was written in 1997 and requires Rezoning for any increase in the retail square footage. Although this PD allows for commercial retail and recreational use, it does not include the all uses this project is proposing and restricts the permissible retail area to a building footprint that is not conducive for uses other than the current market. The Big Tool Box will provide a hardware store, tool, equipment and U-Haul rental facility, indoor & outdoor greenhouse and garden center, outdoor retail area for plants garden center related products, a small engine repair shop, a pad for Food Trucks and small accessory building sales area (Tuff Shed). The proposed use increases the existing 5,800 sq ft to approximately 29,000 sq ft inclusive of the greenhouse. The PD Amendment zoning will allow for these proposed changes to the site.

Staff Analysis

The Jackalope PD was created in 1997 and was written to allow for a variety of commercial uses. The proposed rezoning will not change the commercial nature of the property, but will expand the commercial uses to be consistent with the Town's Commercial Property Vision while allowing for the applicant's desire to construct a hardware store and garden center.

Based on this analysis, staff has determined that the request meets this criterion.

2. The particular parcel of ground is indeed the correct site for the proposed development.

Applicant's Response

This parcel is very well suited for the proposed development. Topographically, it is slightly oriented uphill and will not require excessive grading. The proposed uses are in high demand by the existing surrounding communities and for future developments. The roads, streets and intersections surrounding the property are all recently improved and provide for great access to the site and ease of use by the public. The existing PD already allows for most commercial uses including many of our proposed uses and some of which that are already operating at the site.

Staff Analysis

The property is located adjacent to Parker Road and within the Neighborhood Center Designation of the Master Plan. The property has been used for commercial purposes for the last 22 years. The proposed rezoning will not change the commercial use of the property but expand the commercial uses allowed on the property to be consistent with the Town's Commercial Vision.

Based on this analysis, staff has determined that the request meets this criterion.

3. There has been an error in the original zoning; or

Applicant's Response

The existing PD won't allow for more than the existing 5,800 square feet of retail. In order to achieve any financial feasibility this needs to be increased as proposed.

Staff Analysis

An error has not occurred within the original zoning.

Based on this analysis, staff has determined that the request meets this criterion.

4. There have been significant changes in the area to warrant a zone change.

Applicant's Response

The surrounding area is zoned as PD Commercial and Residential which hasn't changed. However, with the increased development and growth of Parker and its surrounding communities, this particular site can be better used to provide needed retail and services to the community. The existing zoning will not allow for that due to some limits on use and due to the requirement to rezone to increase the retail square footage as proposed.

Staff Analysis

The property has been zoned for commercial uses for several years, however, until recently the commercial areas have sat mostly vacant. As development and growth have occurred over the past several years, commercial development in this area has increased. The proposed rezoning will update the list of permitted uses to current commercial demands.

Based on this analysis, staff has determined that the request meets this criterion.

5. Adequate circulation exists and traffic movement would not be impeded by development; and

Applicant's Response

The entrance/exit to the proposed site will be off Cockriel Drive, which is a fully established road that intersects with S Parker Road. There are both deceleration and acceleration lanes currently in place at the intersection of Parker Road Northbound and Cockriel Drive. Access to and from Parker Road Southbound and Hess Road will be via Pine Bluffs Parkway which intersects with Hess Road at a full movement, lighted intersection that was recently improved to allow for the additional retail and commercial uses planned for and already in existence in the immediate area. These access points are good, sufficient for the proposed project and will not impede traffic.

Staff Analysis

The property was developed to include one full movement access point off of Cockriel Drive. This access point allows customers to access a right-in/right-out at Parker Road or a full movement signalized access point at Hess Road through the Robinson Ranch commercial area. The applicant has provided a traffic study which has been reviewed and determined to be sufficient for the proposed commercial uses on the property.

Based on this analysis, staff has determined that the request meets this criterion.

6. Additional municipal service costs will not be incurred which the Town is not prepared to meet.

Applicant's Response

The site already has the municipal services that are needed to support the proposed project. The surrounding roadways are fully improved and provide adequate access to the proposed site.

Staff Analysis

The property was annexed into the Town in 1997. The proposed rezoning would not require any additional municipal services which are not currently provided by the Town to the property.

Based on this analysis, staff has determined that the request meets this criterion.

7. There are minimal environmental impacts or impacts can be mitigated.

Applicant's Response

The existing site already contains native grass, healthy landscaping, and does not appear to show any signs of negative environmental impacts. The proposed project will replace the older buildings with facilities and site improvements that are modern and adhere to current building, environmental and design codes/standards. Due to the existing topography and good soil conditions, grading and over excavation will be minimized allowing for less environmental impact.

Any mature trees that need to be removed (does not appear to be very many) to allow for the proposed development will be replaced in other areas of the site in accordance with applicable landscape mitigation requirements.

Staff Analysis

The original commercial use on the property commenced in 1997 which utilized existing buildings from the Cockriel Farm. The developer is proposing to remove all existing building and improvements on the site through a Site Plan Amendment. The applicant will work with the Town of Parker Engineering Department to ensure any environmental impacts are mitigated. The proposed rezoning will not change the size or overall character of the commercial area and will not create additional environmental impacts.

Based on this analysis, staff has determined that the request meets this criterion.

8. The proposal is consistent with the Town Master Plan, maps, goals, and policies.

Applicant's Response

The proposed project follows the Town's Master Plan maps, goals and policies. The proposed use will serve to revitalize and improve this important site that sits along Parker Road providing amenities for Parker and the surrounding communities. The proposed use will create a significant amount of jobs of several types. Retail sales associates, master gardeners, certified horticulturalists, retail managers and mechanics are among the types of jobs that will be created in both full and part-time varieties. At maturity, it is expected that the project will create 100-130 full and part-time jobs. In addition to full-time and skilled positions, the Big Tool Box also provides significant opportunities for the community in the form of first time job opportunities for high school, college aged kids and others mainly during the weekends, summers and holidays.

Staff Analysis

The Town of Parker master plan identifies this property as a Neighborhood Center which is recommended to serve the basic needs of the surrounding residents with convenient retail and personal/business services. The proposed rezoning of the property to expand the allowed commercial uses is consistent with the Town's master plan.

Based on this analysis, staff has determined that the request meets this criterion.

9. There is adequate waste and sewage disposal water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land uses.

Applicant's Response

The existing site already contains waste and sewage disposal as well as water service. These utilities will be used and updated for the proposed project. A storm water detention pond is already in existence and will be improved and updated as necessary.

The proposed plan also allows for a gathering place for shoppers and their families as well as staff to eat and take breaks. This is in the form of a food truck pad and adjacent picnic area and gazebo type structure.

Staff Analysis

The property is included within the Parker Water and Sanitation District. The proposed hardware store and garden center will require review and approval from Parker Water and Sanitation District to ensure compliance with their standards and requirements at the time of Site Plan Amendment. In addition, the proposed rezoning will not change the properties designation as commercial, which will result in no additional impact to schools, parks and open space or any other services.

Based on this analysis, staff has determined that the request meets this criterion.

VIII. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Parker Engineering	No Comment
Fire Life Safety	No issue with the proposed rezoning, comments specific to the site will be addressed at the time of Site Plan Amendment.
Aztec Consultants	No Comment
Parker Water and Sanitation District	Approved
Parker Building	No Comment
Douglas County Assessors	No Comment
Xcel	PSCO has no objection to this proposed rezone, contingent upon PSCO's ability to maintain all existing rights.
IREA	The Association has existing underground/overhead electric facilities on the property. The overhead power lines will need to be converted to underground electric as required by the Town's Land development Ordinance and additional easements will be required. - These easements and undergrounding will be reviewed and required at the time of Replat.
CenturyLink	No Comment
Comcast	No Comment
Parker Economic Development	Approved
Parker Comprehensive Planning	The proposed rezoning is compliant with the 2035 Master Plan.

Colorado Department of Transportation	A right-in/right-out access permit exists for the access at Cockriel Drive. Any construction or work within the CDOT right-of-way will require a Special Use Permit issued by the Department.
Town of Parker Police	No Comment
Robinson Ranch HOA	No Comment
Stroh Ranch HOA	No Comment
Magellan Pipeline	No Comment

IX. CONCLUSION

The applicant submitted this rezoning request in order to expand the uses on the property to be consistent with the C- Commercial zone district within the Town as well as allow a future hardware store and garden center. The proposed rezoning is consistent with the Parker 2035 Master Plan Amendment as it meets the goals and strategies for commercial development at Neighborhood Centers within the Town. Based on this information staff is recommending approval of the rezoning to Jackalope PD Amendment No. 1.

X. RECOMMENDED CONDITIONS

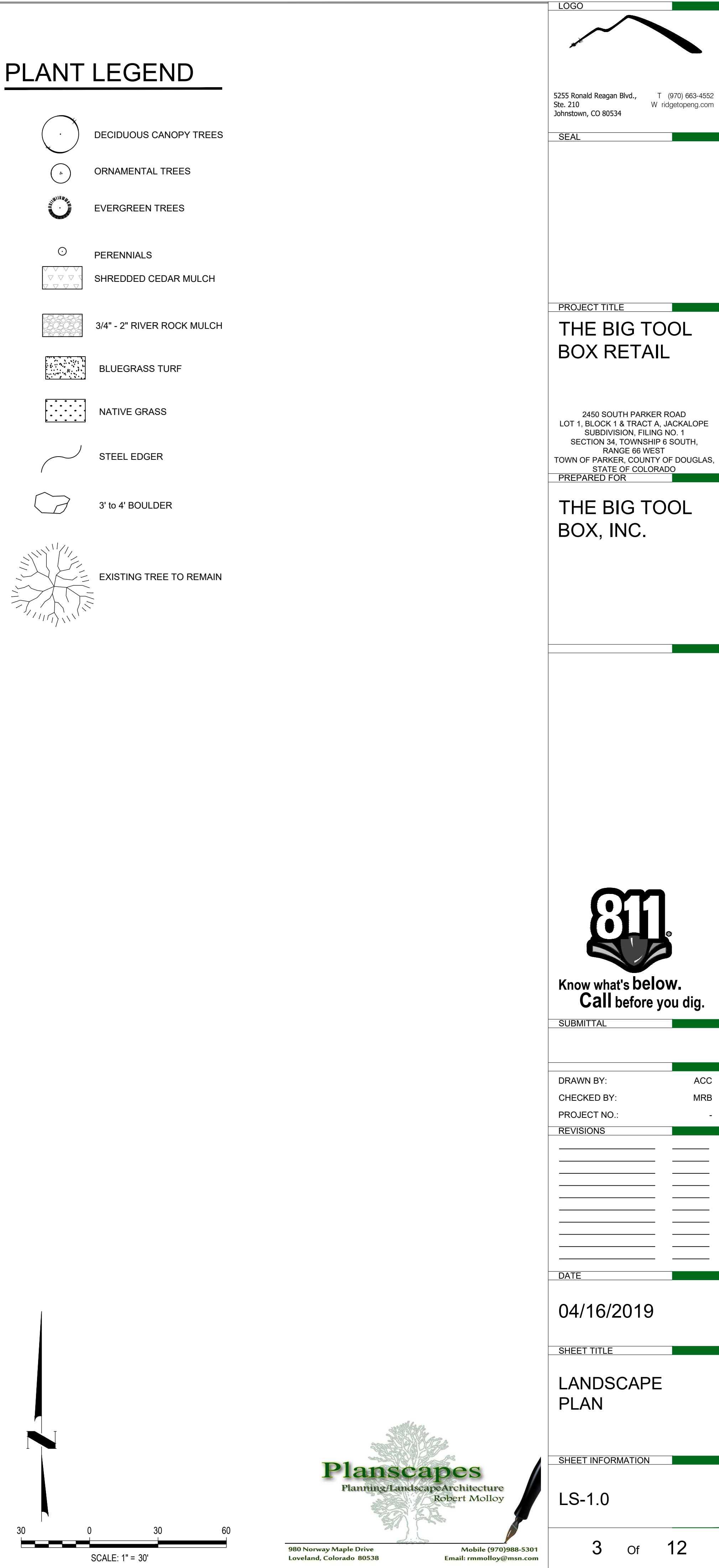
None

XI. ATTACHMENTS

1. DRAFT Ordinance
2. Referral Agency Comments

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director





Request for Town Council Action

Date: May 20, 2019

Submitted By: Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.343 - First Reading**
A Bill for an Ordinance Amend Section 13.04.150 of the
Parker Land Development Ordinance Concerning the
Rezoning of Areas From All Other Zoning Districts to PD-
Planned Development

Department: Community Development, Bryce
Matthews

Second Reading: June 3, 2019

EXECUTIVE SUMMARY

The proposed amendment to the Land Development Ordinance (LDO) will create minimum area standards for the rezoning of properties with standard zone districts that are established in the LDO, such as the C-Commercial District and LI-Light Industrial District, to a PD - Planned Development zone district as follows:

1. The area of the proposed PD zone is a minimum of ten (10) acres, or
2. The proposed PD zone is being used to clean-up the zoning of an area comprised of multiple lots burdened by split lot zoning (more than one zone district), and the area of the proposed PD zone is a minimum of four (4) acres.

The Planning Commission held a public hearing on May 9, 2019 and recommended Town Council approve the ordinance.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Land Development Ordinance (LDO) is relatively permissive with regard to the use of PD - Planned Development zoning and currently allows applicants to rezone properties to PD with

limited requirements and without a minimum land area standard for a new PD zone district. The proposed LDO amendment will address this issue and limit the rezoning of properties with standard zone districts such as, but not limited to, the C - Commercial and LI - Light Industrial Districts, from being rezoned to PD-Planned Development subject to the following standards:

1. The area of the proposed PD zone is a minimum of ten (10) acres, or
2. The proposed PD zone is being used to clean-up the zoning of an area comprised of multiple lots burdened by split lot zoning (more than one zone district), and the area of the proposed PD zone is a minimum of four (4) acres.

The Town is currently in the process of modernizing the LDO, one of the goals of the project is to reduce the use of PD - Planned Development zone districts. The proposed LDO amendment will support this goal by limiting the creation of new PD zones during the modernization process. It will also support a more consistent and standardized approach to zoning since each PD zone district incorporates unique standards tailored to a development proposal and property. The Town now has more than 80 PD zone districts so the proposed LDO amendment along with the LDO modernization project will begin to address this issue.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Ordinance 3.343

RECOMMENDED MOTION

I move to approve Ordinance No. 3.343 on first reading and to schedule second reading for June 3, 2019, as part of the consent agenda.

ORDINANCE NO. 3.343, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.04.150 OF THE PARKER LAND DEVELOPMENT ORDINANCE CONCERNING THE REZONING OF AREAS FROM ALL OTHER ZONING DISTRICTS TO PD-PLANNED DEVELOPMENT

WHEREAS, the Town of Parker is currently evaluating major revisions to the Parker Land Development Ordinance as part of the “Land Development Modernization Project”;

WHEREAS, one of the goals of the Land Development Modernization Project is to reduce the Town’s reliance on planned development zoning; and

WHEREAS, the Town Council has determined that establishing a minimum area requirement for rezoning areas from all other zoning districts to the PD-planned development zoning district is in the best interest of the Town while it is evaluating amendments to modernize the Parker Land Development Ordinance;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Subsubsection (1) of subsection (c) of section 13.04.150 of the Parker Municipal Code is amended to read as follows:

(c) General requirement.

(1) There shall be no minimum area required for any planned development; **provided, however, no area zoned A-Agricultural District, ER-Estate Residential District, SR-Suburban Residential District, MF-Multiple Family District, MH-Mobile Home District, B-Business District, GD-Greater Downtown District, C-Commercial District, LI-Light Industrial District, PF-Public Facilities, or any modified version of those zoning districts, shall be rezoned to PD-Planned Development unless:**

a. such area is a minimum of ten (10) acres, or

b. if such area that is to be developed as a single development is comprised of multiple lots with more than one zoning district, such lots cumulatively are a minimum of four (4) acres.

Section 2. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this

Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: May 20, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.264.1 - First Reading**
A Bill for an Ordinance Approving the First Amendment to Intergovernmental Agreement Between the Town of Parker, Colorado, and Anthology West Metropolitan District Nos. 5 and 6

Department: Town Attorney, Kristin Schledorn
Second Reading: June 3, 2019

EXECUTIVE SUMMARY

The Town, Anthology West Metropolitan District Nos. 5 and 6 (the "Districts"), Cherry Creek South Metropolitan District Nos. 2 and 3 (now known as Anthology West Metropolitan District Nos. 2 and 3), and Anthology West Metropolitan District No. 4 entered into an Intergovernmental Agreement dated July 12, 2016 (the "IGA"). This ordinance approves the First Amendment to Intergovernmental Agreement between the Town and Anthology West Metropolitan District Nos. 5 and 6.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In 2016, Town Council approved the Amended and Restated Service Plan for Cherry Creek South Metropolitan District Nos. 2 and 3 and Consolidated Service Plan for Cherry Creek South Metropolitan Districts Nos. 2 and 3 and Anthology West Metropolitan District Nos. 4, 5 and 6, as well as the IGA. On May 20, 2019, the Town Council will consider approval of a First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6, which increases the debt limitation in the Service Plan (see agenda item for Resolution No. 19-031). Therefore, it is also necessary to amend the IGA as it relates to the debt limitation for the Districts.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 9.264.1

RECOMMENDED MOTION

I move to approve Ordinance No.9.264.1 on first reading and to schedule second reading on June 3, 2019, as part of the consent agenda.

ORDINANCE NO. 9.264.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE APPROVING THE FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PARKER, COLORADO AND ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby approves the First Amendment to Intergovernmental Agreement by and between the Town of Parker and Anthology West Metropolitan District Nos. 5 and 6, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

First Amendment to Intergovernmental Agreement

TOWN OF PARKER
FIRST AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT BETWEEN
THE TOWN OF PARKER, COLORADO AND
ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (the “Amendment”) is made and entered into as of this _____ day of _____, 2019, by and between the TOWN OF PARKER, a home rule municipal corporation of the State of Colorado (the “Town”), and ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 and 6, each a quasi-municipal corporation and political subdivision of the State of Colorado (each a “District” and collectively the “Districts”). The Town and the Districts are collectively referred to as the Parties.

WITNESSETH:

WHEREAS, C.R.S. § 29-1-203 authorizes the Parties to cooperate and contract with one another regarding functions, services and facilities each is authorized to provide; and

WHEREAS, the Districts were organized to provide those services and to exercise powers as are more specifically set forth in the Amended and Restated Service Plan for Cherry Creek South Metropolitan District No. 2 and Cherry Creek South Metropolitan District No. 3 and Consolidated Service Plan for Cherry Creek South Metropolitan District No. 2, Cherry Creek South Metropolitan District No. 3, Anthology West Metropolitan District No. 4, Anthology West Metropolitan District No. 5 and Anthology West Metropolitan District No. 6, approved by the Town on April 4, 2016 (the “Service Plan”); and

WHEREAS, pursuant to the Service Plan, the Town, the Districts, Cherry Creek South Metropolitan District No. 2 (now known as Anthology West Metropolitan District No. 2), Cherry Creek South Metropolitan District No. 3 (now known as Anthology West Metropolitan District No. 3) and Anthology West Metropolitan District No. 4 entered into that certain Intergovernmental Agreement between the Town of Parker, Colorado and Cherry Creek South Metropolitan District Nos. 2 and 3 and Anthology West Metropolitan District Nos. 4-6, dated July 12, 2016 (the “IGA”); and

WHEREAS, on May 20, 2019, the Town Council of the Town of Parker approved the First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5-6 (the “Service Plan Amendment”), which increases the debt limitation contained in the Service Plan as the same relates to the Districts; and

WHEREAS, as a result of the Service Plan Amendment, it is necessary to amend the IGA as the same relates to the debt limitation for the Districts.

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Repeal and Restatement. Section 10 of the IGA is hereby amended but only as to the Districts. Nothing contained herein shall be interpreted or otherwise amend Section 10 of the IGA as the same relates to Anthology West Metropolitan District Nos. 2-4.

10. Total Debt Issuance. In addition to the aggregate debt authorization set forth in the Service Plan as the same relates to Anthology West Metropolitan District Nos. 2-6, District Nos. 5 and 6 are hereby authorized to issue additional debt not in excess of \$7,500,000 in a total aggregate principal amount, which limit is a combined, total aggregate amount for both Districts, specifically exclusive of any intergovernmental agreements by, among or between the Districts which create a multi-fiscal year obligation on the part of any of the Districts.

2. Prior Provisions Effective. Except as specifically amended hereby, all terms and provisions of the IGA shall remain in full force and effect.

3. Counterpart Execution. This Amendment may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

[Remainder of page intentionally left blank. Signatures on following page.]

IN WITNESS WHEREOF, this Agreement is executed by the Town and the Districts as of the date first above written.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

[Signature page 1 of 2 to First Amendment to Intergovernmental Agreement]

ANTHOLOGY WEST METROPOLITAN NO. 5, a quasi-municipal corporation and political subdivision of the State of Colorado

By: _____
President

ATTEST:

Secretary

ANTHOLOGY WEST METROPOLITAN NO. 6, a quasi-municipal corporation and political subdivision of the State of Colorado

By: _____
President

ATTEST:

Secretary

[Signature page 2 of 2 to First Amendment to Intergovernmental Agreement]



Request for Town Council Action

Date: May 20, 2019

Submitted By: Jacob James, Stormwater Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.290 - First Reading**
A Bill for an Ordinance Approving the Agreement Regarding Final Design and Construction of Fee-In-Lieu Drainage and Flood Control Improvements for Lemon Gulch Upstream of Crowfoot Valley Road (Agreement No. 18-12.24, Project No. 107087) By and Between Urban Drainage and Flood Control District and the Town of Parker

Department: Engineering/Public Works, Jacob James

Second Reading: June 3, 2019

EXECUTIVE SUMMARY

This intergovernmental agreement between the Town and Urban Drainage is to fund the design of major drainage improvements to Lemon Gulch and Lemon Gulch Tributary within the Hess Ranch property. The property owner of the Hess Ranch property has provided the funds for this engineering effort to satisfy the development obligation to design the improvements. The property owner will provide funds for construction of the improvements at a later date as determined by the partial waiver resolution signed by the Town and consented to by the property owner.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Hess Ranch property owner is required to design and construct regional major drainage improvements on Lemon Gulch and Lemon Gulch Tributary in accordance with Town Code and criteria as a part of the development. The Town and Urban Drainage have determined that it is in the best interest of both entities to have the property owner provide funds in lieu of designing and constructing the improvements with the development. The property owner has provided the design funds for engineering to the Town and this intergovernmental agreement will transfer the

funds to Urban Drainage, which is the entity that will lead the design effort.

FINANCIAL IMPACT

No financial impacts as these funds were provided by the property owner.

STRATEGIC GOAL(S)

PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 9.290

RECOMMENDED MOTION

I move to approve Ordinance No. 9.290 on first reading and to schedule second reading for June, 3, 2019, as part of the consent agenda.

ORDINANCE NO. 9.290, Series of 2019

TITLE: A BILL FOR AN ORDINANCE APPROVING THE AGREEMENT REGARDING FINAL DESIGN AND CONSTRUCTION OF FEE-IN-LIEU DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR LEMON GULCH UPSTREAM OF CROWFOOT VALLEY ROAD (AGREEMENT NO. 18-12.24, PROJECT NO. 107087) BY AND BETWEEN URBAN DRAINAGE AND FLOOD CONTROL DISTRICT AND THE TOWN OF PARKER

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby approves the Agreement Regarding Final Design and Construction of Drainage and Flood Control Improvements for Lemon Gulch Upstream of Crowfoot Valley Road (Agreement No. 18-12.24, Project No. 107087) by and between Urban Drainage and Flood Control District and the Town of Parker, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

AGREEMENT REGARDING FINAL DESIGN AND CONSTRUCTION OF FEE-IN-LIEU DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR LEMON GULCH UPSTREAM OF CROWFOOT VALLEY ROAD TOWN OF PARKER

Agreement No. 18-12.24
Project No. 107087

THIS AGREEMENT, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT") and TOWN OF PARKER (hereinafter called "TOWN") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, DISTRICT, in a policy statement previously adopted (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain regulation measures; and

WHEREAS, PARTIES participated in a joint planning study titled "Scott and Lemon Gulch Watersheds Outfall Systems Planning – Preliminary Design Report" by CH2M Hill, dated July 2006, (hereinafter called "PLAN"); and

WHEREAS, PARTIES now desire to proceed with the design and construction of drainage and flood control improvements for Lemon Gulch upstream of Crowfoot Valley Road (hereinafter called "PROJECT"); and

WHEREAS, TOWN now desires to utilize developer funding to design and construct PLAN improvements; and

WHEREAS, DISTRICT, on behalf of TOWN, shall manage the design and construction of PROJECT for an administrative fee to cover the additional project management costs for PROJECT; and

WHEREAS, the Town Council of TOWN by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. **SCOPE OF THIS AGREEMENT**

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

2. **SCOPE OF PROJECT**

- A. **Final Design.** PROJECT shall include the final design of improvements in accordance with the engineer's scope, fee, and schedule as shown on Exhibit B1.
- B. **Construction.** PROJECT shall include construction, establishment of vegetation, and permit monitoring by DISTRICT of the drainage and flood control improvements as set forth in the design and through final acceptance of permitting and vegetation establishment obligations. Establishment and permit monitoring includes stream management and revegetation for establishment and weed management to comply with all federal, state, and local stormwater

management permits and mitigation requirements under Section 404 of the Federal Clean Water Act and project goals.

DISTRICT shall monitor the stream and determine how it is performing relative to hydrologic, hydraulic, and geomorphic parameters during the establishment period. If the stream is departing from stable ranges of hydrologic, hydraulic, and geomorphic parameters that result in PROJECT not achieving goals. DISTRICT shall implement stream management improvements, provided project funding is available. PROJECT shall be considered complete when there are no longer project funds available or when the stream remains within stable ranges during the establishment period.

3. PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of PARTIES and to their property therein.

4. PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following Project Costs:

1. Final design services
2. Delineation, description and acquisition of required rights-of-way/easements
3. Construction of improvements
4. Contingencies mutually agreeable to PARTIES
5. Administrative Fee

B. It is understood that PROJECT costs as defined above are not to exceed \$383,939 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>PROJECT ITEM</u>	<u>AMOUNT</u>
1. Final design	\$ 365,379.00
2. Right of way;	\$ -0-
3. Construction	\$ -0-
4. Contingencies	\$ -0-
Sub Total	\$ 365,379.00
<u>ADMINISTRATIVE ITEM</u>	
5. Final Design Administrative Fee	\$ 18,560.00
6. Construction Administrative Fee	\$ -0-
Sub Total	\$
Grand Total	\$ 383,939.00

This breakdown of conceptual design, final design, construction, and contingency costs is for estimating purposes only. Costs may vary between the various elements of the effort

without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest, if applicable.

5. MANAGEMENT OF FINANCES

- A. Project Costs. As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's share may come from its own revenue sources or from funds received from state, federal, or other sources of funding without limitation and without prior DISTRICT approval.

Project Payment by TOWN of \$408,935 shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The project payment shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to TOWN of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares; or, at TOWN request, TOWN share of remaining monies shall be transferred to another special fund held by DISTRICT.

- B. Administrative Costs. As set forth in DISTRICT policy (Resolution No. 38, Series of 2017), DISTRICT shall collect administrative fees for Fee-In-Lieu projects to offset DISTRICT staff time required to manage the Final Design and Construction of PROJECT. The administrative fee is nonrefundable and to be held in the Development Service Enterprise Fund.

1. Final Design. The administrative fee is based on a standard one-time charge for final design start-up and close-out cost, plus a monthly final design management cost. The monthly final design management cost will be the rate below per months the PROJECT is in design.

Final Design Start-up Cost	\$2,400
Monthly Final Design Management	\$1,645 per month
Final Design Close-out Cost	\$3,000

2. Construction. The administrative fee is based percentage of the estimated construction costs. The percentage charged is as shown in the following table.

Estimated Construction Cost Range	Percentage Charged
Under \$500,000	8%
\$500,000 - \$1,000,000	6%
\$1,000,000 - \$1,500,000	4%
\$1,500,000 - \$2,000,000	3%
\$2,000,000 - \$3,500,000	2.0%
\$3,500,000 - \$5,000,000	1.5%
\$5,000,000 - \$10,000,000	1.0%
\$10,000,000 - \$15,500,000	0.7%
\$15,500,000 - \$20,000,000	0.6%

6. FINAL DESIGN

The contracting officers for PARTIES, as defined under Paragraph 13 of this Agreement, shall select an engineer mutually agreeable to both PARTIES. DISTRICT shall contract with selected engineer and shall supervise and coordinate the final design including right-of-way delineation subject to approval of the contracting officer for TOWN. Payment for final design services shall be made by DISTRICT as the work progresses from the PROJECT fund established as set forth above.

Final design services shall consist of, but not be limited to, the following:

- A. Preparation of a work plan schedule identifying the timing of major elements in the design;
- B. Preparation of detailed construction plans and specifications;
- C. Preparation of an estimate of probable construction costs of the work covered by the plans and specifications;
- D. Preparation of an appropriate construction schedule.
- E. If the engineer that prepared the field-ready construction documents is selected to perform construction observation, and the contractor to construct the improvements is selected using DISTRICT's Best Value Selection process, the engineer shall seal the construction documents, otherwise the construction documents shall be provided to the developer and TOWN unsealed.

DISTRICT shall provide any written work product by the engineer to TOWN.

7. RIGHT OF WAY OR NON-REVOCABLE EASEMENT

Right of Way or a non-revocable easement shall be acquired through a subdivision plat at no cost to TOWN and DISTRICT, subject to approval of DISTRICT, for land or interests in land needed to implement construction of the drainage and flood control improvements, as defined herein. The right-of-way or non-revocable easement acquired shall be in the name of TOWN and the conveyancing document shall be promptly recorded in the records of the Clerk and Recorder of TOWN.

- A. Coordination of Right-of-Way or Non-revocable Easement Acquisition. TOWN shall acquire the right-of-way or non-revocable easement only after receiving prior approval of DISTRICT.
 - B. Ownership of Property and Limitation of Use. TOWN shall own the property either in fee or non-revocable easement and shall be responsible for same. It is specifically understood that the right-of-way is being used for drainage and flood control purposes. The properties upon which PROJECT is constructed shall not be used for any purpose that will diminish or preclude its use for drainage and flood control purposes. TOWN may not dispose of or change the use of the properties without approval of DISTRICT. If, in the future, TOWN disposes of any portion of or all of the properties acquired upon which PROJECT is constructed pursuant to this Agreement; changes the use of any portion or all of the properties upon which PROJECT is constructed pursuant to this Agreement; or modifies any of the improvements located on any portion of the properties upon which PROJECT is constructed pursuant to this Agreement; and TOWN has not obtained the written approval of DISTRICT prior to such action, TOWN shall take any and all action necessary to reverse said unauthorized activity and return the properties and improvements thereon, acquired and constructed pursuant to this Agreement, to the ownership and condition they were in immediately prior to the unauthorized activity at TOWN's sole expense.
8. MANAGEMENT OF CONSTRUCTION
- A. Costs. Construction costs shall consist of those costs as incurred by the most qualified contractor(s) including detour costs, licenses and permits, utility relocations, and construction related engineering services as defined in Paragraph 4 of this Agreement.
 - B. Construction Management and Payment
 - 1. DISTRICT, with the concurrence of TOWN, shall administer and coordinate the construction-related work as provided herein.
 - 2. DISTRICT, with concurrence of TOWN, shall select and award construction contract(s).
 - 3. DISTRICT shall require the contractor to provide adequate liability insurance that includes TOWN. The contractor shall be required to indemnify TOWN. Copies of the insurance coverage shall be provided to TOWN.
 - 4. DISTRICT, with assistance of TOWN, shall coordinate field surveying; staking; inspection; testing; acquisition of right-of-way; and engineering as required to construct PROJECT. DISTRICT, with assistance of TOWN, shall assure that construction is performed in accordance with the construction contract documents including approved plans and specifications and shall accurately record the quantities and costs relative thereto. Copies of all inspection reports shall be furnished to TOWN on a weekly basis. DISTRICT shall retain an engineer to perform all or a part of these duties.

5. DISTRICT, with concurrence of TOWN, shall contract with and provide the services of the design engineer for basic engineering construction services to include addendum preparation; survey control points; explanatory sketches; revisions of contract plans; shop drawing review; as-built plans; weekly inspection of work; and final inspection.
 6. PARTIES shall have access to the site during construction at all times to observe the progress of work and conformance to construction contract documents including plans and specifications.
 7. DISTRICT shall review and approve contractor billings... DISTRICT shall remit payment to contractor based on billings.
 8. DISTRICT, with concurrence of TOWN, shall prepare and issue all written change or work orders to the contract documents.
 9. PARTIES shall jointly conduct a final inspection and accept or reject the completed PROJECT in accordance with the contract documents.
 10. DISTRICT shall provide TOWN a set of reproducible "as-built" plans.
- C. Construction Change Orders. In the event that it becomes necessary and advisable to change the scope or detail of the work to be performed under the contract(s), such changes shall be rejected or approved in writing by the contracting officers. No change orders shall be approved that increase the costs beyond the funds available in the PROJECT fund, including interest earned on those funds, unless and until the additional funds needed to pay for the added costs are committed by all PARTIES.

9. MAINTENANCE

PARTIES agree that TOWN shall own and be responsible for maintenance of the completed and accepted PROJECT. PARTIES further agree that DISTRICT, at TOWN's request, shall assist TOWN with the maintenance of all facilities constructed or modified by virtue of this Agreement to the extent possible depending on availability of DISTRICT funds. Such maintenance assistance shall be limited to drainage and flood control features of PROJECT. Maintenance assistance may include activities such as keeping flow areas free and clear of debris and silt, keeping culverts free of debris and sediment, repairing drainage and flood control structures such as drop structures and energy dissipaters, and clean-up measures after periods of heavy runoff. The specific nature of the maintenance assistance shall be set forth in a memorandum of understanding from DISTRICT to TOWN, upon acceptance of DISTRICT's annual Maintenance Work Program.

DISTRICT shall have right-of-access to right-of-way and storm drainage improvements at all times for observation of flood control facility conditions and for maintenance when funds are available.

10. FLOODPLAIN REGULATION

TOWN agrees to regulate and control the floodplain of Lemon Gulch within TOWN in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum.

PARTIES understand and agree, however, that TOWN cannot obligate itself by contract to exercise its police powers. If TOWN fails to regulate the floodplain of Lemon Gulch within TOWN in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum, DISTRICT may exercise its power to do so and TOWN shall cooperate fully.

11. TERM OF AGREEMENT

Despite the date that this Agreement is signed by PARTIES, the term of this Agreement shall commence upon the earlier of the date of final execution by all PARTIES or December 31 of the year that it is tendered to TOWN for execution and shall terminate three (3) years after the final payment is made to the construction contractor and the final accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 5 herein, except for Paragraph 10. FLOODPLAIN REGULATION, Paragraph 7.B. Ownership of Property and Limitation of Use, and Paragraph 9. MAINTENANCE, which shall run in perpetuity.

12. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs, or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

13. CONTRACTING OFFICERS

- A. The contracting officer for TOWN shall be the Public Works and Engineering Director, 20120 Mainstreet, Parker, Colorado 80138.
- B. The contracting officer for DISTRICT shall be the Executive Director, 2480 West 26th Avenue, Suite 156B, Denver, Colorado 80211.
- C. The contracting officers for PARTIES each agree to designate and assign a PROJECT representative to act on the behalf of said PARTIES in all matters related to PROJECT undertaken pursuant to this Agreement. Each representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT or TOWN. Said representatives shall have the authority for all approvals, authorizations, notices or concurrences required under this Agreement. However, in regard to any amendments or addenda to this Agreement, said representative shall be responsible to promptly obtain the approval of the proper authority.

14. RESPONSIBILITIES OF PARTIES

DISTRICT shall be responsible for coordinating with TOWN the information developed by the various consultants hired by DISTRICT and for obtaining all concurrences from TOWN needed to complete PROJECT in a timely manner. TOWN agrees to review all concept plans, preliminary

design plans, and final plans and specifications; and to provide comments within 21 calendar days after the drafts have been provided by DISTRICT to TOWN.

15. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

16. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

17. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Jurisdiction for any and all legal actions regarding this Agreement shall be in the State of Colorado and venue for the same shall lie in the TOWN where PROJECT is located.

18. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the nonassigning party or parties to this Agreement.

19. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

20. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

21. TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) days' written notice by any party to this Agreement, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions.

22. PUBLIC RELATIONS

It shall be at TOWN's sole discretion to initiate and to carry out any public relations program to inform the residents in PROJECT area as to the purpose of PROJECT and what impact it may have on them. Technical information shall be presented to the public by the selected engineer. In any event DISTRICT shall have no responsibility for a public relations program, but shall assist TOWN as needed and appropriate.

23. NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified because of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability and further agree to insert the foregoing provision in all subcontracts hereunder.

24. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of TOWN and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of TOWN and/or DISTRICT.

25. NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PARTIES receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

26. ILLEGAL ALIENS

PARTIES agree that any public contract for services executed as a result of this intergovernmental agreement shall prohibit the employment of illegal aliens in compliance with §8-17.5-101 C.R.S. *et seq.* The following language shall be included in any contract for public services:

- A. At the time of execution of this Agreement, CONTRACTOR does not knowingly employ or contract with an illegal alien who will perform work under this Agreement.
- B. CONTRACTOR shall participate in the E-Verify Program, as defined in § 8 17.5-101(3.7), C.R.S., to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.
- C. CONTRACTOR shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- D. CONTRACTOR shall not enter into a contract with a subconsultant or subcontractor that fails to certify to CONTRACTOR that it shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- E. CONTRACTOR shall confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in the E-Verify Program.
- F. CONTRACTOR is prohibited from using the E-Verify Program procedures to undertake pre-employment screening of job applicants while performing its obligation under this Agreement, and that otherwise requires CONTRACTOR to comply with any and all federal

requirements related to use of the E-Verify Program including, by way of example, all program requirements related to employee notification and preservation of employee rights.

- G. If CONTRACTOR obtains actual knowledge that a subconsultant or subcontractor performing work under this Agreement knowingly employs or contract with an illegal alien, it will notify such subconsultant or subcontractor and PARTIES within three (3) days. CONTRACTOR shall also then terminate such subconsultant or subcontractor if within three (3) days after such notice the subconsultant or subcontractor does not stop employing or contracting with the illegal alien, unless during such three (3) day period the subconsultant or subcontractor provides information to establish that the subconsultant or subcontractor has not knowingly employed or contracted with an illegal alien.
- H. CONTRACTOR shall comply with any reasonable request made in the course of an investigation by the Colorado Department of Labor and Employment under authority of § 8-17.5-102(5), C.R.S.
- I. CONTRACTOR shall, within twenty days after hiring an employee who is newly hired for employment to perform work under this Agreement, affirms that it has examined the legal work status of such employees, retained file copies of the documents required by 8 U.S.C. Section 1324a, and not altered or falsified the identification documents for such employees. CONTRACTOR shall provide a written, notarized copy of the affirmation to PARTIES.

27. GOVERNMENTAL IMMUNITIES

PARTIES hereto intend that nothing herein shall be deemed or construed as a waiver by any party of any rights, limitations, or protections afforded to them under the Colorado Governmental Immunity Act (§ 24-10-101, *et seq.*, C.R.S.) as now or hereafter amended or otherwise available at law or equity.

28. INTENT OF AGREEMENT

Except as otherwise stated herein, this Agreement is intended to describe the rights and responsibilities of and between PARTIES and is not intended to and shall not be deemed to confer rights upon any person or entities not named as PARTIES, nor to limit in any way the powers and responsibilities of the TOWN, the DISTRICT or any other entity not a party hereto.

29. EXECUTION IN COUNTERPARTS – ELECTRONIC SIGNATURES

This Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement, may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. PARTIES approve the use of electronic signatures for execution of this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement. Only the following two forms of electronic signatures shall be permitted to bind PARTIES to this Agreement, and all subsequent documents requiring the signatures of PARTIES to this Agreement.

- A. Electronic or facsimile delivery of a fully executed copy of a signature page; or
- B. The image of the signature of an authorized signer inserted onto PDF format documents.

Documents requiring notarization may also be notarized by electronic signature, as provided above. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, CRS §§ 24-71.3-101 to -121.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

By_____

Name Ken A. MacKenzie

Title Executive Director

Date_____

Checked By

TOWN OF PARKER

By_____

Mike Waid

Title Mayor

Date_____

(SEAL)

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

AGREEMENT REGARDING
FINAL DESIGN AND CONSTRUCTION
OF FEE-IN-LIEU DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LEMON GULCH UPSTREAM OF CROWFOOT VALLEY ROAD
TOWN OF PARKER

Agreement No. 18-12.24
Project No. 107087

Exhibit A



MULLER ENGINEERING COMPANY
PROJECT FEE ESTIMATE

CLIENT:

Urban Drainage and Flood Control District - Town of Parker

PROJECT:

Hess Ranch (Looking Glass) Fee-in-lieu Scope for Lemon Gulch

PROPOSAL NO.: 918.25

PROJECT NO.: 18028.XX

PREPARED BY: JTW/SRJ

DATE: 2/8/2019

CHECKED BY: JPJ

PROPOSED TOTAL FEE: \$ 255,279

TASK	SHEET	TASK DESCRIPTION						EXPENSES			TOTALS			
			PRINCIPAL ENGINEER 2	SR PROJECT ENGINEER 6 / PROJECT MANAGER 6	PROJECT ENGINEER 4	DESIGN ENGINEER 2	CAD TECHNICIAN 3	OUTSIDE SERVICES	TRAVEL / LIVING	MISCELLANEOUS	TIME (HOURS)	LABOR COST	EXPENSES	SUBTOTAL
		Billing Rate >>>	\$183	\$153	\$128	\$98	\$96							
III		Final design of Lemon Gulch												
A		Hydraulic design and analysis												
1		Lemon Gulch initial grading (outside ordinary high water mark) and ultimate, including 1D and 2D hydraulic modeling, sediment transport modeling	24	32	32	48					136	\$ 18,088		\$ 18,088
2		Geomorphic assessment and recommendations, including review of sediment modeling, stream design concepts, and construction drawings and specifications (ERC)	4	8	4	8		\$ 10,000			24	\$ 3,252	\$ 10,000	\$ 13,252
3		Restoration ecology, including seeding and planting plans (redlined plans by ERC, drafting by Muller), seeding and planting specifications, weed management recommendations, and review of associated construction drawings after drafting by Muller (ERC)	2	4	4	16	4	\$ 15,000			30	\$ 3,442	\$ 15,000	\$ 18,442
4		Topsoil assessment and recommendations (ESCO)	4	6		10		\$ 2,400			20	\$ 2,630	\$ 2,400	\$ 5,030
5		Field visits (2 assumed)	12	12	12	12					48	\$ 6,744		\$ 6,744
B		Hess Ranch Road Bridge Hydraulics												
1		Perform scour calculations to inform abutment design.	2	4		8					14	\$ 1,762		\$ 1,762
2		Perform final rock sizing for abutment protection.	2	4		8					14	\$ 1,762		\$ 1,762
3		Finalize bridge hydraulics and layout (roadway and bridge layout in plan, profile, and sections drawn by others).	1	4		8	4				17	\$ 1,963		\$ 1,963
4		Finalize hydraulic design report text for bridge and furnish to EMK.	1	4		4					9	\$ 1,187		\$ 1,187
C		Construction drawings												
1	1	Title sheet, list of sheets		1		2	2				5	\$ 541		\$ 541
2	2	Legend, notes	1	1		2	2				6	\$ 724		\$ 724
3	3	Index sheet		1		2	2				5	\$ 541		\$ 541
4	4-6	Interim Grading Plan (3 sheets)	8	8		32	24				72	\$ 8,128		\$ 8,128
5	7-9	Open space grading and layout plans 1"=100'@11x17 (3 sheets)	8	8	16	28	36				96	\$ 10,936		\$ 10,936
6	10-11	Stream channel profiles 1"=100'@11x17 (2 sheets)	4	6	12	12	12				46	\$ 5,514		\$ 5,514
7	12-14	Stream channel sections (3 sheets)	4	6	12	12	16				50	\$ 5,898		\$ 5,898
8	15-16	Drop structure 1 plan, sections, details (2 sheets)	4	6	8	12	16				46	\$ 5,386		\$ 5,386
9	17-18	Drop structure 2 plan, sections, details (2 sheets)	4	6	8	12	16				46	\$ 5,386		\$ 5,386
10	19-20	Drop structure 3 plan, sections, details (2 sheets)	4	6	8	12	16				46	\$ 5,386		\$ 5,386
11	21-22	Bank protection details (2 sheets)	2	4		6	4				16	\$ 1,950		\$ 1,950
12	23-24	Misc. details (2 sheets)	2	4		8	16				30	\$ 3,298		\$ 3,298
13	25-27	Erosion control plan 1"=100'@11x17 (Initial and interim phases shown on one sheet, final phase in seeding and planting plans) (3 sheets)	2	6	8	12	16				44	\$ 5,020		\$ 5,020
14	28-36	Erosion control details (Town standard details, 9 sheets)	1	2	2	2	4				11	\$ 1,325		\$ 1,325
15	37-42	Open space planting and seeding plans (3 sheets)	2	8	8	16	16				50	\$ 5,718		\$ 5,718
16	43-46	Open space planting and seeding details (4 sheets)	2	4	4	8	8				26	\$ 3,042		\$ 3,042

TASK	SHEET	TASK DESCRIPTION						EXPENSES			TOTALS				
			PRINCIPAL ENGINEER 2	SR PROJECT ENGINEER 6 / PROJECT MANAGER 6	PROJECT ENGINEER 4	DESIGN ENGINEER 2	CAD TECHNICIAN 3	OUTSIDE SERVICES	TRAVEL / LIVING	MISCELLANEOUS	TIME (HOURS)	LABOR COST	EXPENSES	SUBTOTAL	
Billing Rate >>>			\$183	\$153	\$128	\$98	\$96								
D		Specs, quantities, cost opinion, memo													
1		Prepare SWMP	2	4	6	16					28	\$ 3,314		\$ 3,314	
2		Prepare specifications (assume UDFCD standard specs)	4	6	24	32					66	\$ 7,858		\$ 7,858	
3		Estimate bid quantities and prepare opinion of probable cost	4	6	16	24					50	\$ 6,050		\$ 6,050	
4		Prepare design memo	4	8	12	24					48	\$ 5,844		\$ 5,844	
E		Review and revisions													
1		Senior review	16								16	\$ 2,928		\$ 2,928	
2		Revisions to address senior review comments	8	8	8	12	12				48	\$ 6,040		\$ 6,040	
3		60% submittal to team, Town, UDFCD to review		2	4	4	4				14	\$ 1,594		\$ 1,594	
4		Response to 60% review comments (revisions incorporated into 90% design)	2	4	8	8	8				30	\$ 3,554		\$ 3,554	
5		90% submittal to team, Town, UDFCD to review		2	2	4	4				12	\$ 1,338		\$ 1,338	
6		Revisions to address 90% review comments	8	8	8	12	24				60	\$ 7,192		\$ 7,192	
7		100% submittal to team, Town, UDFCD to review		2		4	4				10	\$ 1,082		\$ 1,082	
8		Revisions to address 100% review comments	2	4	8	12	16				42	\$ 4,714		\$ 4,714	
F		CLOMR													
1		Preparation of CLOMR submittal documents, including work map, forms, and narrative	8	32	24	72	16				152	\$ 18,024		\$ 18,024	
2		CLOMR review fee (FEMA online submittal)								\$ 6,500			\$ 6,500	\$ 6,500	
3		Revisions to address review comments (Only FEMA review included with this scope)	4	12	20	40	8				84	\$ 9,816		\$ 9,816	
G		Environmental Permitting													
1		USACE 404 Permit (Individual) - utilize OHWM, wetland delineation, cultural survey by Apex Environmental (CORVUS)	4	8		20	12	\$ 15,000			44	\$ 5,068	\$ 15,000	\$ 20,068	
H		Meetings													
1		Meetings included within this scope are for project updates and coordination and will occur monthly at a minimum (half in-person, half call-in) until December 2019 (10 meetings). Five additional meetings are included and are anticipated to occur in between the regularly scheduled monthly meetings.	30	30	10	10					80	\$ 12,340		\$ 12,340	
		TOTAL HOURS	196	291	288	594	322				1691				
		TOTAL LABOR	\$ 35,868	\$ 44,523	\$ 36,864	\$ 58,212	\$ 30,912				\$ 206,379				
		TOTAL EXPENSES						\$ 42,400	\$ -	\$ 6,500	\$ 48,900				
		TOTAL FEE									\$ 255,279				

MULLER ENGINEERING COMPANY
PROJECT FEE ESTIMATE

CLIENT:

Urban Drainage and Flood Control District - Town of Parker

PROJECT:

Hess Ranch (Looking Glass) Fee-in-lieu Scope Lemon Tributary

PROPOSAL NO.: 918.25

PROJECT NO.: 18028.XX

PREPARED BY: JTW/SRJ

DATE: 2/8/2019

CHECKED BY: JPJ

PROPOSED TOTAL FEE: \$ 135,096

TASK	SHEET	TASK DESCRIPTION						EXPENSES			TOTALS			
			PRINCIPAL ENGINEER 1	PROJECT MANAGER 6	PROJECT ENGINEER 4	DESIGN ENGINEER 2	CAD TECHNICIAN 3	OUTSIDE SERVICES	TRAVEL / LIVING	MISCELLANEOUS	TIME (HOURS)	LABOR COST	EXPENSES	SUBTOTAL
			Billing Rate >>>	\$183	\$153	\$128	\$98	\$96						
II		Final design of Lemon Tributary												
A		Hydraulic modeling												
1		Lemon Trib initial and ultimate, including 2D hydraulic modeling.	8	16	24	40					88	\$ 10,904		\$ 10,904
2		Geomorphic assessment and recommendations, including review of stream design concepts and construction drawings and specifications (ERC).	4	8		8		\$ 6,000			20	\$ 2,740	\$ 6,000	\$ 8,740
3		Restoration ecology, including seeding and planting plans (redlined plans by ERC, drafting by Muller), seeding and planting specifications, weed management recommendations, and review of associated construction drawings after drafting by Muller (ERC)	4	8		8	4	\$ 6,000			24	\$ 3,124	\$ 6,000	\$ 9,124
4		Field visits (1 assumed)	6	6	6	6					24	\$ 3,372		\$ 3,372
B		Hess Ranch Road Bridge Hydraulics												
1		Perform scour calculations to inform abutment design.	1	2		4					7	\$ 881		\$ 881
2		Perform final rock sizing for abutment protection.	1	2		4					7	\$ 881		\$ 881
3		Finalize bridge hydraulics and layout (roadway and bridge layout in plan, profile, and sections drawn by others).	1	2		4	4				11	\$ 1,265		\$ 1,265
4		Finalize hydraulic design report text for bridge and furnish to EMK.	1	2		4					7	\$ 881		\$ 881
C		Construction drawings												
1	1	Title sheet, list of sheets (in Lemon Gulch plans)												
2	2	Legend, notes (in Lemon Gulch plans)												
3	3	Index sheet (in Lemon Gulch plans)												
4	4-5	Interim grading and layout plans 1"=100'@11x17 (2 sheets)	8	12	8	16	12				56	\$ 7,044		\$ 7,044
5	6-7	Final grading and layout plans 1"=100'@11x17 (2 sheets)	10	16	12	24	16				78	\$ 9,702		\$ 9,702
6	8-9	Stream channel profiles (interim and final) 1"=100'@11x17 (2 sheets)	4	8	8	16	12				48	\$ 5,700		\$ 5,700
7	10-11	Stream channel sections (interim and final)(2 sheet)	4	8	8	16	18				54	\$ 6,276		\$ 6,276
8	12-13	Riffle drop plan, sections, details (2 sheets)	6	12		12	16				46	\$ 5,646		\$ 5,646
9	14	Bank protection details	2	6		10	8				26	\$ 3,032		\$ 3,032
10	15	Misc. details	2	4		8	8				22	\$ 2,530		\$ 2,530
11	16-17	Planting and seeding plans, including topsoil information (2 sheets)	4	8		12	12				36	\$ 4,284		\$ 4,284
12	18-19	Open space planting and seeding details (2 sheets)	4	6		12	16				38	\$ 4,362		\$ 4,362
13	20-21	Erosion control plan 1"=100'@11x17 (Initial and interim phases shown on one sheet, final phase in seeding and planting plans) (2 sheets)	2	6	8	12	16				44	\$ 5,020		\$ 5,020
14	22-30	Erosion control details (Town standard details) (included with Lemon Gulch design)												
D		Technical specs, quantities, cost opinion, memo												
1		Prepare supplemental technical specifications (assume UDFCD standard front end and tech specs)(covered in Lemon Gulch)												
2		Estimate bid quantities and prepare opinion of probable cost	4	8	8	12	6				38	\$ 4,732		\$ 4,732
3		Prepare design memo	6	10		16	4				36	\$ 4,580		\$ 4,580

TASK	SHEET	TASK DESCRIPTION						EXPENSES			TOTALS				
			PRINCIPAL ENGINEER 1	PROJECT MANAGER 6	PROJECT ENGINEER 4	DESIGN ENGINEER 2	CAD TECHNICIAN 3	OUTSIDE SERVICES	TRAVEL / LIVING	MISCELLANEOUS	TIME (HOURS)	LABOR COST	EXPENSES	SUBTOTAL	
															Billing Rate >>>
			\$183	\$153	\$128	\$98	\$96								
E		Review and revisions													
1		Senior review	12									12	\$ 2,196		\$ 2,196
2		Revisions to address senior review comments.	6	8	10	10	16					50	\$ 6,118		\$ 6,118
3		60% submittal to team, Town, UDFCD to review		2	4	4	4					14	\$ 1,594		\$ 1,594
4		Response to 60% review comments (revisions incorporated into 90% design)	2	4	4	4						14	\$ 1,882		\$ 1,882
5		90% submittal to team, Town, UDFCD to review		2	4	4	4					14	\$ 1,594		\$ 1,594
6		Revisions to address 90% review comments	6	8	8	10	16					48	\$ 5,862		\$ 5,862
7		100% submittal to team, Town, UDFCD to review		2	4	4	4					14	\$ 1,594		\$ 1,594
8		Revisions to address 100% review comments	4	4	8	8	12					36	\$ 4,304		\$ 4,304
F		Meetings													
1		Meetings included within this scope are for project updates and coordination and will occur monthly at a minimum (half in-person, half call-in) until December 2019 (10 meetings). Three additional meetings are included and are anticipated to occur in between the regularly scheduled monthly meetings.	26	26	10	10						72	\$ 10,996		\$ 10,996
		TOTAL HOURS	321	359	262	396	304				#VALUE!				
		TOTAL LABOR	\$ 58,743	\$ 54,927	\$ 33,536	\$ 38,808	\$ 29,184				#VALUE!				
		TOTAL EXPENSES						\$ 12,000	\$ -	\$ -	\$ 12,000				
		TOTAL FEE									\$ 135,096				

Additional assumptions:

1. Scope pertains to final design and preparation of construction drawings for Lemon Tributary from Hess Ranch Road to the confluence with Lemon Gulch. Supplementary technical specifications and erosion control details are assumed to be included with the Lemon Gulch construction package.
2. Design drawings will be prepared for the ultimate improvements in Lemon Tributary plus interim grading necessary to receive detention basin releases.
3. Scope includes coordination time with Town of Parker, UDFCD, developer, and others on design team.
4. Scope does not include roadways or roadway drainage, inlets, storm sewers, lot grading, utilities, mass grading of site, erosion control for the mass grading, trails, park improvements, geotechnical investigation/recommendations, survey, subsurface utilities investigation, or public meetings; these tasks are to be undertaken by EMK and others on design team.
5. Scope does not include services during bidding and construction phase; Muller’s stormwater-related services during bidding and construction will be scoped later in the development process as determined by the Town of Parker.

MULLER ENGINEERING COMPANY
PROJECT FEE ESTIMATE

CLIENT:

Town of Parker

PROJECT:

Hess Ranch (Looking Glass) Hydraulic Modelling and Drainage Design Assistance

PROPOSAL NO.: 918.25

PREPARED BY: SRJ

CHECKED BY: JTW

PROJECT NO.: 19016.01

DATE: 3/18/2019

PROPOSED TOTAL FEE: \$ 24,996

TASK	SHEET	TASK DESCRIPTION						EXPENSES				TOTALS			
			PRINCIPAL ENGINEER 1	PROJECT MANAGER 6	PROJECT ENGINEER 4	DESIGN ENGINEER 2	CAD TECHNICIAN 3	OUTSIDE SERVICES	TRAVEL / LIVING	MISCELLANEOUS	VENDOR (MISC.)	TIME (HOURS)	LABOR COST	EXPENSES	SUBTOTAL
		Billing Rate >>>	\$183	\$153	\$128	\$98	\$96								
		Looking Glass Drainage Design Assistance													
A		Hydraulic modeling													
1		Lemon Gulch initial grading (outside ordinary high water mark) and ultimate, including 1D and 2D hydraulic modeling, sediment transport modeling. [Approximately 1/2 of the FILI scope]	12	16	16	25						68.9	\$ 9,132		\$ 9,132
2		Lemon Trib initial and ultimate, including 2D hydraulic modeling. [Approximately 1/2 of the FILI scope]	2	8	12	22						44	\$ 5,282		\$ 5,282
B		Chambers Road Bridge Hydraulics													
1		Perform scour calculations to inform abutment design.	2	4		8						14	\$ 1,762		\$ 1,762
2		Perform final rock sizing for abutment protection.	2	4		8						14	\$ 1,762		\$ 1,762
3		Finalize bridge hydraulics and layout (roadway and bridge layout in plan, profile, and sections drawn by others).	1	4		8	4					17	\$ 1,963		\$ 1,963
4		Finalize hydraulic design report text for bridge and furnish to EMK.	1	4		4						9	\$ 1,187		\$ 1,187
C		Hess Ranch Road Bridge Hydraulics													
1		Perform scour calculations to inform abutment design.	1	2		4						7	\$ 881		\$ 881
2		Perform final rock sizing for abutment protection.	1	2		4						7	\$ 881		\$ 881
3		Finalize bridge hydraulics and layout (roadway and bridge layout in plan, profile, and sections drawn by others).	1	2		4	4					11	\$ 1,265		\$ 1,265
4		Finalize hydraulic design report text for bridge and furnish to EMK.	1	2		4						7	\$ 881		\$ 881
		TOTAL HOURS	24	48	28	91	8					199			
		TOTAL LABOR	\$ 4,392	\$ 7,344	\$ 3,584	\$ 8,908	\$ 768						\$ 24,996		
		TOTAL EXPENSES												\$ -	
		TOTAL FEE													\$ 24,996

Deduct this amount as already paid.



Request for Town Council Action

Date: May 20, 2019

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.28.25 - First Reading**
A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Concerning 3.2 Beer and Changing the Reference from Town Council to Special Licensing Authority in the Parker Municipal Code Where Appropriate

Department: Town Attorney, Jim Maloney
Second Reading: June 3, 2019

EXECUTIVE SUMMARY

In 2018, the Colorado General Assembly passed SB18-243, which made numerous substantive changes to the Colorado Beer Code, one of which was to remove “3.2% Beer” from the Colorado Beer Code, effective January 1, 2019. The purpose of this ordinance is to amend the Town’s “3.2% Beer” regulations to conform with SB18-243, and to address some "cleanup" items changing the reference from Town Council to Special Licensing Authority where appropriate.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On June 4, 2018, Governor Hickenlooper signed SB18-243, which relates to the retail sale of alcohol. This Senate Bill modified the law governing the retail sale of fermented malt beverages as of January 1, 2019. After January 1, 2019, the Colorado Beer Code no longer includes “3.2% Beer” in the definition of “fermented malt beverage.” Rather, “fermented malt beverage” is now defined to mean “beer and any other beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume.” As a result of this change, retailers, such as grocery stores and convenience stores, which were previously limited to the sale of “3.2% Beer,” can now sell full-strength beer. In addition, the ordinance clarifies certain functions of the Special Licensing Authority that were delegated to it by the Town Council

when the Town Council created the Special Licensing Authority to assume liquor licensing responsibilities within the Town.

On April 18, 2018, the Special Licensing Authority passed a motion recommending that the Town Council approve Ordinance No. 5.28.25.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

1. Ordinance No. 5.28.25

RECOMMENDED MOTION

I move to approve Ordinance No. 5.28.25 on first reading and to schedule second reading for June 3, 2019, as part of the consent agenda.

ORDINANCE NO. 5.28.25, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 5.02 OF THE PARKER MUNICIPAL CODE CONCERNING 3.2 BEER AND CHANGING THE REFERENCE FROM TOWN COUNCIL TO SPECIAL LICENSING AUTHORITY IN THE PARKER MUNICIPAL CODE WHERE APPROPRIATE

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Sections 5.02.160(b) and (c)(1) of the Parker Municipal Code are amended to read as follows:

5.02.160 Persons prohibited as licensees.

* * *

(b) In making a determination as to character or when considering the conviction of a crime, the ~~Local~~ **Special** Licensing Authority shall be governed by the provisions of Section 24-5-101, C.R.S.

(c) Investigation.

(1) In investigating the qualifications of the applicant or a licensee, the ~~Local~~ **Special** Licensing Authority may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the ~~Local~~ **Special** Licensing Authority takes into consideration information concerning the applicant's criminal history record, the ~~Local~~ **Special** Licensing Authority shall also consider any information provided by the applicant regarding such criminal history record, including, but not limited to, evidence of rehabilitation, character references and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.

* * *

Section 2. Section 5.02.170(c) of the Parker Municipal Code is amended to read as follows:

5.02.170 Separate license for each business.

* * *

(c) The Town Clerk shall cause the new application for a license reflecting the change of location to be placed on the agenda of a ~~Council~~ **Special Licensing Authority** meeting to be held not less than four (4) days nor more than thirty (30)

days after the TOWN Clerk has received the application. The applicant, or his or her attorney, shall be in attendance at the Authority meeting at which his or her application is presented. The date of presentation of the application to the Authority shall be deemed the date of filing of the application. Upon receipt of the application, the ~~Town Council~~ **Authority** shall follow procedures set forth in this Chapter for the investigation of the applicant, and the conduct of a public hearing and the notice requirement for such public hearing.

Section 3. Section 5.02.200 of the Parker Municipal Code is amended to read as follows:

5.02.200 Additional licenses; rules and regulations; fees.

The Town Clerk shall establish rules and regulations concerning temporary beer or liquor licenses, special events licenses and renewal of ~~3.2 beer~~ **Fermented Malt Beverage** licenses. The Town Clerk is authorized to establish rules and regulations not inconsistent with other provisions of this Chapter for the filing, processing, investigation and review of applications for these licenses. The application and renewal fees for these licenses shall not be greater than the maximum fee allowed by law.

Section 4. Sections 5.02.210(b), (c) and (e) of the Parker Municipal Code are amended to read as follows:

5.02.210 Renewal.

* * *

(b) Upon receiving the completed renewal application, the Town Clerk shall assemble the file of the applicant and review the file to determine whether "good cause" is present for nonrenewal. Whether "good cause" is present is a fact specific inquiry depending on the circumstances of the case, and may be based on evidence that continuation of the license would be contrary to the public interest, as well as the conduct of the licensee. If the Town Clerk's review indicates no facts or circumstances supporting "good cause" for nonrenewal, the Town Clerk shall issue a renewal license. Provided, however, that in the event that the renewal application is made by a financial institution which came into possession of the license by virtue of a deed in lieu of foreclosure, a hearing must be held before ~~Council~~ **the Special Licensing Authority**.

(c) If there is information before the Town Clerk tending to constitute good cause for not renewing a particular license for an additional year, the Town Clerk, at the direction of the ~~Town Council~~ **Special Licensing Authority**, shall cause to be issued a notice of hearing on the license renewal. In the event the Town Clerk issues a notice requiring a hearing to renew a license, the notice shall be served at least thirty (30) days prior to the expiration date on the license and a notice of the hearing shall be conspicuously posted on the premises at least ten (10) days prior to the hearing.

* * *

(e) In the event that a license is renewed by the ~~licensing authority~~ **Special Licensing Authority**, such renewal will not affect a pending show cause order which relates to an incident that occurred prior to the date of the renewal. The **licensing** Authority shall be authorized to take whatever action is necessary against a licensee either in the form of suspension or revocation of the liquor license regardless of when such license has been renewed.

Section 5. The title of Division 2 of Article II of Chapter 5.02 of the Parker Municipal Code is amended to read as follows:

Division 2.

3.2-Beer Fermented Malt Beverages.

Section 6. Section 5.02.360 of the Parker Municipal Code is amended to read as follows:

5.02.360 Application required; filing.

(a) An application for a ~~3.2-beer~~ **fermented malt beverage** license shall be required for the following:

- (1) Sales for consumption off the premises of the licensee; and
- (2) Sales for consumption on the premises of the licensee.

~~(3) Sales for consumption both on and off the premises of the licensee.~~

~~A person licensed pursuant to this Subsection may deliver at retail fermented malt beverages in factory sealed containers in conjunction with the delivery of food products if such person has obtained a permit for the delivery of fermented malt beverages from the state licensing authority.~~

(b) All new applications for ~~3.2-beer~~ **fermented malt beverage** licenses shall be filed, in duplicate, on forms made available by the office of the Secretary of the State, with the Town Clerk and shall be accompanied by the following:

* * *

Section 7. Section 5.02.370 of the Parker Municipal Code is amended to read as follows:

5.02.370 Fee.

An application fee in the amount of five hundred dollars (\$500.00) and a license fee of three dollars and seventy-five cents (\$3.75) shall be paid to the Town at the time of making an application for a ~~3.2-beer~~ **fermented malt beverage** license,

and a renewal fee of twenty-five dollars (\$25.00) shall also be imposed by the Town for renewals. This fee shall be used by the Town to defray the expenses incurred by the Town in investigating the applicant and conducting the hearing. In addition, the Town shall impose a fee of seventy-five dollars (\$75.00) for the reporting of a manager if the manager is different from the licensed person and shall also impose a fee of seventy-five dollars (\$75.00) for a change of manager in accordance with Section 5.02.365 of this Chapter. ~~No part of this fee shall be refundable to the applicant for any reason.~~ All fees are nonrefundable.

Section 8. Section 5.02.380 of the Parker Municipal Code is amended to read as follows:

5.02.380 Establishing neighborhood and public hearing dates.

(a) The Town Clerk shall cause the application for a ~~3.2 beer~~ fermented malt beverage license to be placed on the agenda of a ~~Council~~ Special Licensing Authority meeting to be held not less than four (4) days nor more than thirty (30) days after the Town Clerk has received the application. The date of presentation of the application to the Special Licensing Authority shall be deemed the date of filing of the application.

(b) The ~~Town Council~~ Special Licensing Authority shall designate the neighborhood upon the presentation of the application.

(c) The ~~Town Council~~ Special Licensing Authority shall also set a date for public hearing which date shall be held not less than thirty (30) days from the date of the ~~Council~~ Authority meeting at which the date is set.

Section 9. Sections 5.02.390(a) and (c) of the Parker Municipal Code are amended to read as follows:

5.02.390 Public notice.

(a) The applicant for a ~~3.2 beer~~ fermented malt beverage license shall cause to be posted and published, a public notice of hearing thereon. The sign used for posting such notice shall be of cardboard material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters not less than one (1) inch in height and stating the type of license applied for, the date of the application, the date of hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners. If the applicant is a corporation, association or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary and manager or other managing officers.

* * *

(c) Where the building in which the ~~3.2-beer~~ **fermented malt beverage** is to be sold is in existence at the time of the application for the license therefor, the sign shall be placed on the premises so as to be conspicuous and plainly visible to the general public from the exterior of the building. If the building is not in existence at the time of such application, the sign shall be posted upon the premises upon which the building is to be constructed in such manner that it shall be conspicuous and plainly visible to the general public.

Section 10. Section 5.02.400(a) of the Parker Municipal Code is amended to read as follows:

5.02.400 Investigation of applicant.

(a) The Police Department shall make an investigation of the applicant for a ~~3.2-beer~~ **fermented malt beverage** license, and, in the case of a corporation, the board of directors of the applicant, and in the case of a partnership, the partners of the applicant. Such investigation shall include the fingerprinting and photographing of the applicant and the obtaining from the Colorado Bureau of Investigation a report on the applicant. A written report of the finding of such investigation shall be delivered by the Chief of Police to the Town Clerk at least ten (10) days prior to the hearing on the application.

* * *

Section 11. Section 5.02.410 of the Parker Municipal Code is amended to read as follows:

5.02.410 Procedure at hearing.

The rules of procedure to be followed in the conducting of the public hearing upon an application for a ~~3.2-beer~~ **fermented malt beverage** license shall be established by the ~~Mayor~~ **Special Licensing Authority**.

Section 12. Section 5.02.420 of the Parker Municipal Code is amended to read as follows:

5.02.420 Considerations for approving or denying application.

Before entering any decision to approve or deny the application for a ~~3.2-beer~~ **fermented malt beverage**, the ~~Town Council~~ **Special Licensing Authority** shall consider the following:

* * *

Section 13. Section 5.02.430 of the Parker Municipal Code is amended to read as follows:

5.02.430 Approval or disapproval.

The decision of the ~~Town Council~~ **Special Licensing Authority** approving or disapproving the application for a ~~3.2 beer~~ **fermented malt beverage** license shall be in writing stating the reasons therefor and shall be issued within thirty (30) days after the date of the public hearing on the application. A copy of such decision shall be sent by mail to the applicant to the address shown in the application.

Section 14. Section 5.02.440 of the Parker Municipal Code is amended to read as follows:

5.02.440 ~~Issuance of license in cases of building to be constructed.~~ Business premises prerequisite.

In the case of buildings not yet in existence, where the ~~Town Council~~ **Special Licensing Authority** votes in favor of the issuance of a ~~3.2 beer~~ **fermented malt beverage** license, the license shall not be issued until the building in which the business is to be conducted is ready for occupancy, and then only after inspection of the premises has been made to determine that the applicant has complied substantially with the architect's drawings and plans and specifications submitted with the application for such license.

Section 15. Section 5.02.450 of the Parker Municipal Code is amended to read as follows:

5.02.450 Change of location.

All the procedures outlined in this Division shall be applicable to a change of location of an existing ~~3.2 beer~~ **fermented malt beverage** license.

Section 16. Section 5.02.460 of the Parker Municipal Code is amended to read as follows:

5.02.460 Rehearing limitation.

No application for the issuance of a ~~3.2 beer~~ **fermented malt beverage** license shall be considered by the ~~Town Council~~ **Special Licensing Authority** if an application for a similar license type has been denied for the same location within the two (2) years immediately preceding the date of such new application.

Section 17. Section 5.02.630(b)(2) of the Parker Municipal Code is amended to read as follows:

5.02.630 Optional premises license.

* * *

(b) The requirements for an optional premises license shall be:

* * *

(2) The decisions of the ~~Town Council~~ **Special Licensing Authority** shall be made by resolution within thirty (30) days of the date of providing all information pertinent to the application. No public hearing shall be required, but the ~~Town Council~~ **Authority** may order a public hearing should, in its discretion, a public hearing be necessary.

Section 18. Section 5.02.650 of the Parker Municipal Code is amended to read as follows:

5.02.650 Initial appearance before ~~Council~~ The Authority.

(a) The Town Clerk shall cause the application for a liquor license to be placed on the agenda of a ~~Council~~ **Special Licensing Authority** meeting to be held not less than four (4) days nor more than thirty (30) days after the Town Clerk has received the application. The date of presentation of the application to the Authority shall be deemed the date of filing of the application.

(b) The ~~Town Council~~ **Authority** shall designate the neighborhood upon the presentation of the application.

(c) The applicant shall comply with the policies and procedures established by the Town Clerk and adopted by the ~~Town Council~~ **Authority** for applications, including, but not limited to, the form of petitions and the means and methods for surveying and canvassing the neighborhood.

(d) The ~~Town Council~~ **Authority** shall also set a date for public hearing, which shall be not less than thirty (30) days from the date of the ~~Council~~ **Authority** meeting at which the date is set.

Section 19. Section 5.02.690 of the Parker Municipal Code is amended to read as follows:

5.02.690 Consideration of ~~factors~~ for approving or denying application.

Before entering any decision ~~approving or disapproving~~ **to approve or deny** the application for a liquor license, the ~~Town Council~~ **Special Licensing Authority** shall consider the following:

* * *

Section 20. Section 5.02.700 of the Parker Municipal Code is amended to read as follows:

5.02.700 Decision of the ~~Council~~ Authority.

The decision of the ~~Town Council~~ **Special Licensing Authority** in approving or denying the application for a liquor license shall be in writing stating the reasons therefor and shall be issued within thirty (30) days after the date of the public

hearing thereon. A copy of such decision shall be sent by mail to the applicant at the address shown in the application.

Section 21. Section 5.02.720 of the Parker Municipal Code is amended to read as follows:

5.02.720 Business premises prerequisite.

In the case of buildings not yet in existence, where the ~~Town Council~~ **Special Licensing Authority** votes in favor of the issuance of a liquor license, the license shall not be issued until the building in which the business is to be conducted is ready for occupancy, and then only after inspection of the premises has been made to determine the applicant has complied substantially with the architect's drawings and plans and specifications submitted for such license.

Section 22. Section 5.02.760 of the Parker Municipal Code is amended to read as follows:

5.02.760 Rehearing limitation.

No application for the issuance of an alcoholic liquor license shall be considered by the ~~Town Council~~ **Special Licensing Authority** if an application for a similar type license has been denied for the same location within the two (2) years immediately preceding the date of such new application.

Section 23. Section 5.02.860 of the Parker Municipal Code is amended to read as follows:

5.02.860 Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

* * *

Fermented Malt Beverage ~~or 3.2 beer~~ means ~~any beverage obtained~~ beer and any other beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent (.5%) alcohol by volume ~~and not more than three and two tenths percent (3.2%) alcohol by weight or four percent (4%) alcohol by volume; except that fermented malt beverage shall not include confectionery containing alcohol within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S.~~

* * *

Malt Liquors includes beer and ~~shall be construed to mean~~ means any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing ~~more than three and two tenths percent (3.2%) of alcohol by weight or four percent (4%) alcohol by volume~~ not less than one-half of one percent (0.50%) alcohol by volume.

* * *

Section 24. Section 5.02.900 of the Parker Municipal Code is amended to read as follows:

5.02.900 When consumption is prohibited.

No licensee shall permit the consumption of malt, vinous or spirituous beverages ~~of 3.2 percent beer, or fermented malt beverages~~ on the licensed premises at any time when the sale of such beverages is prohibited by law.

Section 25. Section 5.02.930 of the Parker Municipal Code is amended to read as follows:

9.02.930 Nudity on premises.

No licensee for retail sale by the drink of spirituous, vinous or malt beverages ~~of 3.2 percent beer, or fermented malt beverages~~ shall permit any person to appear in a state of nudity within or upon the premises.

Section 26. Section 5.02.940 of the Parker Municipal Code is amended to read as follows:

5.02.940. Indecent displays.

No licensee for retail sale by the drink of spirituous, vinous or malt beverages ~~of 3.2 percent beer, or fermented malt beverages~~ shall permit any lewd or indecent display by any person within or upon the premises.

Section 27. Section 5.02.950 of the Parker Municipal Code is amended to read as follows:

5.02.950 Showing of films, etc.; depicting acts prohibited.

No licensee for retail sale by the drink of spirituous, vinous or malt beverages ~~of 3.2 percent beer, or fermented malt beverages~~ shall permit the showing of films, still pictures, electronic reproduction or other visual reproductions depicting any act or live performance prohibited by this Article.

Section 28. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is

promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 29. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 30. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: May 20, 2019

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-027**
A Resolution to Appoint a New Chairperson and Vice Chairperson of the Special Licensing Authority

Department: Town Council

EXECUTIVE SUMMARY

The Town Council appoints the Chairperson and Vice Chairperson for the Special Licensing Authority (the “Authority”), as provided by the Parker Municipal Code.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Section 5.08.060 of the Parker Municipal Code provides that the Town Council shall appoint a Chairperson and Vice Chairperson of the Authority. The purpose of this resolution is to appoint the Chairperson and the Vice Chairperson as the recently appointed Chairperson moved out of the Town of Parker as the recently appointed Chairperson moved out of the Town of Parker.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Resolution No. 19-027

RECOMMENDED MOTION

I move to approve Resolution No. 19-027, as part of the consent agenda.

RESOLUTION NO. 19-027, Series of 2019

TITLE: A RESOLUTION TO APPOINT A NEW CHAIRPERSON AND VICE CHAIRPERSON OF THE SPECIAL LICENSING AUTHORITY

WHEREAS, the Chair of the Special Licensing Authority (the “Authority”) has resigned;

WHEREAS, Section 5.08.060 of the Parker Municipal Code provides that the Town Council shall appoint one member of the Authority to be Chairperson and one member to be Vice Chairperson of the Authority; and

WHEREAS, the Town Council desires to appoint a new Chair and Vice Chair for the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council of the Town of Parker hereby appoints David Chung as the Chairperson for the Authority.

Section 2. The Town Council of the Town of Parker hereby appoints Kelli Narde as the Vice Chairperson for the Authority.

RESOLVED AND PASSED this _____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk



Request for Town Council Action

Date: May 20, 2019

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-029**
A Resolution Calling a Special Meeting on May 23, 2019,
Pursuant to Section 3.8 of the Town of Parker Home Rule
Charter

Department: Town Attorney, Jim Maloney

EXECUTIVE SUMMARY

The purpose of this resolution is for Town Council to call a special meeting for May 23, 2019, for the purpose of conducting a second reading and public hearing on Ordinance No. 1.533.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Section 3.8 of the Town of Parker Home Rule Charter provides that a special meeting of the Town Council shall be called on the oral request of the Mayor or any two (2) Councilmembers, on at least seventy-two (72) hours' notice to each member of Council. The Town Council desires to conduct a second reading and public hearing on Ordinance No. 1.533, "A Bill for an Ordinance Authorizing a Lease Purchase Transaction and in Connection Therewith, Authorizing the Leasing of Certain Town Property and the Execution and Delivery by the Town of a Site Lease, a Lease Purchase Agreement, an Escrow Agreement and Other Financing Documents in Connection Therewith," on Thursday, May 23, 2019. The adoption of this resolution will satisfy the requirements of Section 3.8 of the Town of Parker Home Rule Charter because the passage of the resolution will constitute a request of more than two (2) Councilmembers to hold a special meeting and will provide actual notice of the special meeting to be held on Thursday, May 23, 2019.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Resolution No. 19-029

RECOMMENDED MOTION

I move to approve Resolution No. 19-029, as part of the consent agenda.

RESOLUTION NO. 19-029, Series of 2019

**TITLE: A RESOLUTION CALLING A SPECIAL MEETING ON MAY 23, 2019,
PURSUANT TO SECTION 3.8 OF THE TOWN OF PARKER HOME RULE
CHARTER**

WHEREAS, Section 3.8 of the Town of Parker Home Rule Charter provides that a special meeting of the Council shall be called on the oral request of the Mayor or of any two (2) Councilmembers, on at least seventy-two (72) hours' notice to each member of Council;

WHEREAS, at the May 13, 2019, study session, the Mayor and Town Council requested that a special meeting be held on May 23, 2019;

WHEREAS, because of such request, each member of Town Council was provided notice of the special meeting as of May 13, 2019;

WHEREAS, based upon such request, the Town Clerk also caused written notice of such special meeting to be posted in two (2) public places at least seventy-two (72) hours prior to such special meeting; and

WHEREAS, the Town Council desires to conduct the second reading and public hearing on Ordinance No. 1.533, A Bill for an Ordinance Authorizing a Lease Purchase Transaction and in Connection Therewith, Authorizing the Leasing of Certain Town Property and the Execution and Delivery by the Town of a Site Lease, a Lease Purchase Agreement, an Escrow Agreement and Other Financing Documents in Connection Therewith, on Thursday, May 23, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Clerk shall call a special meeting on Thursday, May 23, 2019, at 5:00 p.m., for the purpose of conducting a second reading and public hearing on Ordinance No. 1.533, A Bill for an Ordinance Authorizing a Lease Purchase Transaction and in Connection Therewith, Authorizing the Leasing of Certain Town Property and the Execution and Delivery by the Town of a Site Lease, a Lease Purchase Agreement, an Escrow Agreement and Other Financing Documents in Connection Therewith.

RESOLVED AND PASSED this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk



Request for Town Council Action

Date: May 20, 2019

Submitted By: Randy Sale, Chief Building Official
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-030**
A Resolution of the Town of Parker Approving the
Enforcement of the International Fire Code, 2018 Edition, by
the South Metro Fire Rescue Authority

Department: Community Development, Randy Sale

EXECUTIVE SUMMARY

The proposed resolution will grant the South Metro/Cunningham Fire and Rescue Authority the ability to enforce the 2018 International Fire Code (IFC) in the Town of Parker. This authorization pertains to business inspections and emergency response as addressed in the IFC.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The 2018 International Fire Code (IFC) was adopted by Town Council on October 15, 2018 by Ordinance No. 4.93.5. Consistent with previous code updates, the adoption of the IFC designated the Town's Chief Building Official as the administrative authority pursuant to Ordinance No. 4.93.5. The Chief Building Official requests that the South Metro/Cunningham Fire and Rescue Authority retain its authority to enforce the 2018 IFC as it relates to annual business inspections and emergency response pursuant to the Code.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Resolution No. 19-030

RECOMMENDED MOTION

I move to approve Resolution No. 19-030, as part of the consent agenda.

RESOLUTION NO. 19-030, Series of 2019

TITLE: A RESOLUTION OF THE TOWN OF PARKER APPROVING THE ENFORCEMENT OF THE INTERNATIONAL FIRE CODE, 2018 EDITION, BY THE SOUTH METRO FIRE RESCUE AUTHORITY

WHEREAS, pursuant to Section 31-15-601, et. seq., C.R.S., the Town of Parker ("Town") has the power to adopt and enforce fire regulations; and

WHEREAS, the South Metro/Cunningham Fire Rescue Authority (the "Authority") is a separate governmental entity created pursuant to Section 29-1-203, C.R.S., by the South Metro/Cunningham Fire Rescue Authority Creation and Pre-Unification Agreement dated November 16, 2017 (the "Creation Agreement") by and between Cunningham Fire Protection District and South Metro Fire Rescue Fire Protection District, both of which are fire protection districts operating under the powers and authorities of Article 1, Title 32, C.R.S.; and

WHEREAS, the Authority is organized and operated with all the authorities of, and to provide the services authorized to, a fire protection district organized and operated pursuant to Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to Section 32-1-1002(1) (d), C.R.S., the board of any fire protection district, and thus the Authority as it possesses the powers and authorities of its members, has the power to adopt and enforce fire codes, except that no such code shall apply within any municipality unless the governing body of the municipality adopts a resolution stating that such code shall be applicable within the fire protection district's boundaries;

WHEREAS, the Board of Directors of the Authority and the Board of Directors of the South Metro Fire Rescue Fire Protection District have adopted the International Fire Code, 2018 Edition, together with appendices and amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. Approval of Adoption of the International Fire Code by South Metro Fire Rescue. Pursuant to Section 32-1-1002(1)(d), C.R.S., the Town Council approves the adoption and enforcement by South Metro/Cunningham Fire Rescue Authority and the South Metro Fire Rescue Fire Protection District, 2018 Edition, as adopted by Authority Resolution No. 2019-03 and District Resolution No. 2019-05, attached hereto as **Exhibits A and B** and incorporated herein (collectively referred to as the "Authority Resolution"); provided that, Section 4 of the Authority Resolution shall not apply within the Town of Parker.

Section 2. Effect of Consolidation of the Districts. Pursuant to Authority Creation Agreement the South Metro Fire Rescue Fire Protection District and the Cunningham Fire Protection District anticipate consolidating into a single fire protection district through the inclusion of the Cunningham Fire Protection District into the South Metro Fire Rescue Fire Protection District at the end of 2019 or beginning of 2020. Upon such consolidation the approval given by this Resolution shall continue and apply to the adoption and enforcement by the South

Metro Fire Rescue Fire Protection District of the International Fire Code, 2018 Edition as set forth in the Authority Resolution, in conformance with Section 2 of the Authority Resolution.

Section 3. Repeal. All prior resolutions or parts thereof in conflict with the provisions hereof are hereby repealed.

Section 4. Effective Date. This Resolution shall become effective immediately following passage.

RESOLVED AND PASSED this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

SOUTH METRO/CUNNINGHAM FIRE RESCUE AUTHORITY

RESOLUTION NO. 2019 - 03

A RESOLUTION ADOPTING THE 2018 EDITION OF THE *INTERNATIONAL FIRE CODE*, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE SOUTH METRO/CUNNINGHAM FIRE RESCUE AUTHORITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR.

WHEREAS, the South Metro/Cunningham Fire Rescue Authority (the “Authority”) is a separate governmental entity created pursuant to Section 29-1-203, C.R.S., by the South Metro/Cunningham Fire Rescue Authority Creation and Pre-Unification Agreement dated November 16, 2017 (the “Creation Agreement”) by and between Cunningham Fire Protection District and South Metro Fire Rescue Fire Protection District, both of which are fire protection districts operating under the powers and authorities of Article 1, Title 32, C.R.S.; and

WHEREAS, the Authority is organized and operated with all the authorities of, and to provide the services authorized to, a fire protection district organized and operated pursuant to Article 1, Title 32, C.R.S.; and

WHEREAS, Section 32-1-1002(1) (d), C.R.S. authorizes fire protection districts to adopt and enforce fire codes, although no such fire code shall apply within any municipality or unincorporated portion of a county unless the governing body of such municipality or county adopts a resolution stating that such code, or specific portions thereof, shall be applicable within the fire protection district’s boundaries; and

WHEREAS, the Board of Directors of the Authority (the “Board”) desires to adopt by reference the 2018 edition of the *International Fire Code*, including Appendix Chapters B, C, and D, with the amendments set forth herein; and

WHEREAS, the Board hereby finds and determines that adopting the 2018 edition of the *International Fire Code*, as set forth herein, for application within the Authority for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security and welfare of the inhabitants and property owners of the Authority is appropriate and necessary for the health, safety and welfare of the residents and visitors of the Authority and to the function and operation of the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTH METRO/CUNNINGHAM FIRE RESCUE AUTHORITY, AS FOLLOWS:

1. **Adoption of Fire Code.** That a certain document, three (3) copies of which are on file in the Fire Marshal's Office of the South Metro/Cunningham Fire Rescue Authority, being marked and designated as the *International Fire Code*, 2018 edition, including Appendix Chapters B, C, and D, as published by the International Code Council, be and is hereby adopted as the Fire Code of the South Metro/Cunningham Fire Rescue Authority, in the State of Colorado regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Authority are hereby referred to, adopted, and made a part hereof, as if fully set out in this Resolution, with the additions, insertions, deletions and changes, if any, prescribed in Sections 2, 3, 4 and 5 of this Resolution.

2. **Town of Parker Stipulations.** The Fire Code adopted pursuant to this Resolution is modified within the Town of Parker's jurisdictional boundaries, as follows:

(a) Except as set forth in this Section 2, in the event of a conflict between this Resolution and Town of Parker ordinances, as they may be amended from time to time, such ordinances shall control, including without limitation Town of Parker Ordinance No. 4.93.5, Series of 2018.

(b) Sections 105 with the exception of Section 105.6.14 Explosives, 105.6.32 Open Burning, Section 105.6.33 Open Flame or torches, Section 105.6.40 Pyrotechnic special effects material, and 112 of the Fire Code shall not apply within the Town of Parker, except that the Authority may enforce and collect any and all fees pursuant to Section 106 for those limited permits, and associated fees, as listed above.

(c) A new Section 107.1.1 is added to read as follows:

107.1.1 Annual Inspections. The Chief of the South Metro/Cunningham Fire Rescue Authority is authorized to inspect, or cause to be inspected by members or officers of his department, as often as he shall deem necessary, all buildings, premises, and public places, except the interior of any private dwelling, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or for the purpose of obtaining information relative to the violation of the various provisions of the Fire Code, and for such purposes shall have all authorities and responsibilities of the Fire Code Official under Section 104 of the Fire Code.

3. **Arapahoe County Stipulations.** The Fire Code adopted pursuant to this Resolution:

(A) Is modeled after the International, Fire Code and is intended to be uniform generally with other fire districts within Arapahoe County;

(B) Is in conformance with State statute;

(C) Shall not conflict with the Arapahoe County Building Department or other County resolutions and ordinances, as they may be amended from time to time; in the event of a conflict between this Resolution and Arapahoe County resolutions and ordinances, such resolutions and ordinances shall control; and

(D) Does not provide for general police powers for the Authority's fire officials, but rather sets forth rules, standards, and procedures by and under which the Authority's fire officials will exercise the powers conferred by State law.

4. **Amendments.** The International Fire Code, 2018 Edition, shall be amended as follows:

(a) The following Appendices are hereby adopted as part of this code:

(i) Appendix B, Fire-Flow Requirements for Buildings, as amended.

(ii) Appendix C, Fire Hydrant Locations and Distribution.

(iii) Appendix D, Fire Apparatus Access Roads, as amended.

(b) Section 101.1 is deleted and replaced by the following:

101.1 Title. These regulations shall be known as the Fire Code of the unincorporated counties and municipalities within the boundaries of the South Metro Fire Rescue Authority or the South Metro Fire Protection District.

(c) Section 103.1 is deleted and replaced by the following:

103.1 General. The South Metro Fire Rescue Authority or, following termination of the Authority, the South Metro Fire Rescue Fire Protection District Fire Marshal's Office is hereby designated as the Fire Marshal's Office within the jurisdiction of the unincorporated counties and municipalities within the boundaries of the South Metro Fire Rescue Authority or the South Metro Fire Protection District under the direction of the fire code official. The function of the Fire Marshal's Office shall be the implementation, administration and enforcement of the provisions of this code.

(d) Section 103.2 is deleted and replaced by the following:

103.2 Appointment. The Fire Marshal of the South Metro Fire Rescue Authority or, following termination of the Authority, the South Metro Fire Rescue Fire Protection District, or a designee is hereby appointed as the fire code official.

- (e) Section 105.6.36 is deleted and replaced by the following:

105.6.36 Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 500 persons.

- (f) Section 105.6.47 is deleted and replaced by the following:

105.6.47 Temporary membrane structures and tents. An operational permit is required to operate a membrane structure, air-inflated membrane structure, air-supported membrane structure, a temporary special event structure, or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

- (1) [no change]
- (2) [no change]

- (g) Section 105.7 is amended to read as follows:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Section 105.7.1 through 105.7.26

- (h) Section 105.7.25 is deleted and replaced by the following:

105.7.25 Temporary membrane structures and tents. A construction permit is required to erect a membrane structure, air-inflated membrane structure, air-supported membrane structure, a temporary special event structure, or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

- (1) [no change]
- (2) [no change]
- (3) [no change]

- (i) Section 105.7.26 is added to read as follows:

105.7.26 Buildings and facilities. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change occupancy of a

building, or structure, or facility, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit.

(j) Section 109.1 is deleted and replaced by the following:

109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be created a Regional Fire Code Board of Appeals by the entry of various fire districts into an intergovernmental agreement ("IGA"). The board of appeals shall be appointed through the operation of the IGA. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

(k) Section 110.4 is amended to read as follows:

Section 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to fine and/or imprisonment in accordance with Section 32-1-1001 and Section 32-1-1002, C.R.S.. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(l) Section 112.4 is amended to read as follows:

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fine and/or imprisonment in accordance with Section 32-1-1001 and Section 32-1-1002, C.R.S..

(m) Section 503.1 is deleted and replaced by the following:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D.

(n) Section 503.1.1 is deleted and replaced by the following:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

(1) The fire code official is authorized to increase the dimension of 150 feet (45 720mm) where any of the following conditions occur:

a) The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13), the dimension shall be unlimited, as approved, provided access roads are extended to within 150 feet (45 720mm) of at least one, approved side of the building or structure. Fire hydrant requirements of Section 507 may necessitate additional roads to serve hydrants near large buildings.

b) The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D), the dimension shall be increased to 200 feet (60 960mm).

c) The fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

d) There are not more than two Group R-3 or Group U occupancies.

(2) Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

(o) Section 503.2 is amended to read as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D.

(p) Section 503.2.3 is deleted and replaced by the following:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus weighing up to 80,000 pounds and shall be surfaced so as to provide all-weather driving capabilities and in accordance with Section D102.

(q) Section 503.2.7 is deleted and replaced by the following:

503.2.7 Grade. The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the fire code official based on fire department apparatus specifications.

- (r) Section 503.3 is deleted and replaced by the following:

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which the fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Marking of the fire apparatus access roads shall be in accordance with the fire code official's specifications.

- (s) Section 503.4 is deleted and replaced by the following:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances in Sections 503.2.1, 503.2.2, and Appendix D shall be maintained at all times.

- (t) Section 503.6 is deleted and replaced by the following:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official and shall be in accordance with Section D103.5.

- (u) Section 507.3 is deleted and replaced by the following:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B, as amended, or by an approved method.

- (v) Section 507.5 is deleted and replaced by the following:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.

- (w) Section 510.1 is deleted and replaced by the following:

510.1 Emergency responder radio coverage in new buildings. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

(1) Where approved by the fire code official, a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.

(2) [no change]

(3) [no change]

(x) Section 903.3 is amended to read as follows:

903.3 Installation requirements. Automatic sprinkler systems shall be designed and installed in accordance with Section 903.3.1 through 903.3.9

(y) Section 903.3.9 is added and reads as follows:

903.3.9 Spare sprinklers. Spare sprinklers shall be provided per NFPA 13, NFPA 13R, NFPA 13D and in accordance with the fire code official's supplemental documents outlining specific provisions for multiple buildings under the same ownership.

(z) Section 905.4, (1) is amended to read as follows:

1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the main floor landing unless otherwise approved by the fire code official.

Exception: Deleted in its entirety.

(aa) Section 1103.7.6(3) Group R-2, is amended to read as follows:

3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.2 to 3.5.

(bb) Section 5601.1.3 Fireworks, is deleted and replaced by the following:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

(1) The use of fireworks for display as allowed in Section 5608.

(2) The possession, storage, sale, handling and use of permissible fireworks as defined by Section 12-28-101, C.R.S., and in accordance with applicable provisions of the Fire Code.

(cc) Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited, is deleted in its entirety.

(dd) Section 5706.2.4.4 Locations where above-ground tanks are prohibited, is deleted in its entirety.

(ee) Section 5806.2 Limitations, is deleted in its entirety.

(ff) Section 6104.2 Maximum capacity within established limits, is deleted in its entirety.

(gg) Section B105.1 is deleted and replaced by the following:

B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 buildings having a fire flow calculation area that does not exceed 3,600 square feet (344.5 m²) shall be 1,000 gallons per minute (3785 L/min) for 1 hour. Fire-flow and flow duration for one- and two-family dwellings, Group R-3 and R-4 buildings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B105.1.

Exception: A reduction in required fire-flow of 25 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system.

(hh) Section B105.2 is deleted and replaced by the following:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwelling, Group R-3 and R-4 buildings shall be as specified in Table B105.1.

Exception: A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1. A reduction in required fire-flow of 25 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration in Table B105.1.

(ii) Section B105.3 is deleted in its entirety.

(jj) Table B105.1(1) is deleted in its entirety.

(kk) Table B105.2 is deleted in its entirety.

(ll) Table B105.1(2) title only is amended to read as follows:

“Table B105.1: MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS”.

(mm) Section D102.1 is deleted and replaced by the following:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 80,000 pounds (34 050 kg).

(nn) Section D103.1 is deleted in its entirety.

(oo) Section D103.2 is deleted and replaced by the following:

D103.2 Grade. The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the fire code official based on fire department apparatus specifications.

(pp) Section D103.4 is deleted and replaced by the following:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 and the roadway design standards of the unincorporated counties and municipalities within the boundaries of the South Metro Fire Rescue Authority or the South Metro Fire Protection District.

(qq) Section D103.6 is deleted in its entirety.

(rr) Section D104.1 is deleted and replaced by the following:

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

(ss) Section D106.1 is deleted and replaced by the following:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Deleted in its entirety.

5. Miscellaneous.

(a) If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

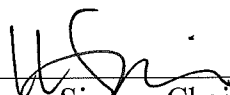
(b) Nothing in this Resolution or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

(c) All resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed, provided that this section shall not repeal the repealer clauses of any prior resolutions or hereby revive any ordinances or resolutions previously repealed.

(d) This Resolution and the rules, regulations, provisions; requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption.

Adopted this 20th day of February, 2019.

SOUTH METRO/CUNNINGHAM FIRE
RESCUE AUTHORITY

By: 
Laura Simon, Chairman

Attest:

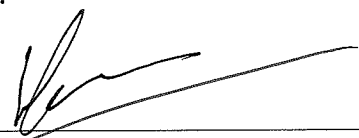

Mark L. Lampert, Secretary

EXHIBIT B

SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT

RESOLUTION NO. 2019 - 05

A RESOLUTION ADOPTING THE 2018 EDITION OF THE *INTERNATIONAL FIRE CODE*, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR.

WHEREAS, the South Metro Fire Rescue Fire Protection District (“District”) is organized and operated with all the authorities of, and to provide the services authorized to, a fire protection district organized and operated pursuant to Article 1, Title 32, C.R.S.; and

WHEREAS, Section 32-1-1002(1) (d), C.R.S. authorizes fire protection districts to adopt and enforce fire codes, although no such fire code shall apply within any municipality or unincorporated portion of a county unless the governing body of such municipality or county adopts a resolution stating that such code, or specific portions thereof, shall be applicable within the fire protection district’s boundaries; and

WHEREAS, the Board of Directors of the District (the “Board”) desires to adopt by reference the 2018 edition of the *International Fire Code*, including Appendix Chapters B, C, and D, with the amendments set forth herein; and

WHEREAS, the Board hereby finds and determines that adopting the 2018 edition of the *International Fire Code*, as set forth herein, for application within the District for the purpose of establishing rules of conduct and standards for the protection of life, health, property, security and welfare of the inhabitants and property owners of the District is appropriate and necessary for the health, safety and welfare of the residents and visitors of the District and to the function and operation of the District.

WHEREAS, the South Metro/Cunningham Fire Rescue Authority (the “Authority”) is a separate governmental entity created pursuant to Section 29-1-203, C.R.S., by the South Metro/Cunningham Fire Rescue Authority Creation and Pre-Unification Agreement dated November 16, 2017 (the “Creation Agreement”) by and between Cunningham Fire Protection District and the District; upon termination of the Creation Agreement by inclusion of Cunningham into the District the District succeeds to the responsibilities of the Authority under the *International Fire Code* as adopted hereby.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT, AS FOLLOWS:

1. **Adoption of Fire Code.** That a certain document, three (3) copies of which are on file in the Fire Marshal's Office of the South Metro Fire Rescue Fire Protection District, being marked and designated as the *International Fire Code*, 2018 edition, including Appendix Chapters B, C, and D, as published by the International Code Council, be and is hereby adopted as the Fire Code of the South Metro Fire Rescue Fire Protection District, in the State of Colorado regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the District are hereby referred to, adopted, and made a part hereof, as if fully set out in this Resolution, with the additions, insertions, deletions and changes, if any, prescribed in Sections 2, 3, 4 and 5 of this Resolution.

2. **Town of Parker Stipulations.** The Fire Code adopted pursuant to this Resolution is modified within the Town of Parker's jurisdictional boundaries, as follows:

(a) Except as set forth in this Section 2, in the event of a conflict between this Resolution and Town of Parker ordinances, as they may be amended from time to time, such ordinances shall control, including without limitation Town of Parker Ordinance No. 4.93.5, Series of 2018.

(b) Sections 105 with the exception of Section 105.6.14 Explosives, 105.6.32 Open Burning, Section 105.6.33 Open Flame or torches, Section 105.6.40 Pyrotechnic special effects material, and 112 of the Fire Code shall not apply within the Town of Parker, except that the District may enforce and collect any and all fees pursuant to Section 106 for those limited permits, and associated fees, as listed above.

(c) A new Section 107.1.1 is added to read as follows:

107.1.1 Annual Inspections. The Chief of the South Metro Fire Rescue Fire Protection District is authorized to inspect, or cause to be inspected by members or officers of his department, as often as he shall deem necessary, all buildings, premises, and public places, except the interior of any private dwelling, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or for the purpose of obtaining information relative to the violation of the various provisions of the Fire Code, and for such purposes shall have all authorities and responsibilities of the Fire Code Official under Section 104 of the Fire Code.

3. **Arapahoe County Stipulations.** The Fire Code adopted pursuant to this Resolution:

(A) Is modeled after the International Fire Code and is intended to be uniform generally with other fire districts within Arapahoe County;

(B) Is in conformance with State statute;

(C) Shall not conflict with the Arapahoe County Building Department or other County resolutions and ordinances, as they may be amended from time to time; in the event of a conflict between this Resolution and Arapahoe County resolutions and ordinances, such resolutions and ordinances shall control; and

(D) Does not provide for general police powers for the District's fire officials, but rather sets forth rules, standards, and procedures by and under which the District's fire officials will exercise the powers conferred by State law.

4. **Amendments.** The International Fire Code, 2018 Edition, shall be amended as follows:

(a) The following Appendices are hereby adopted as part of this code:

(i) Appendix B, Fire-Flow Requirements for Buildings, as amended.

(ii) Appendix C, Fire Hydrant Locations and Distribution.

(iii) Appendix D, Fire Apparatus Access Roads, as amended.

(b) Section 101.1 is deleted and replaced by the following:

101.1 Title. These regulations shall be known as the Fire Code of the unincorporated counties and municipalities within the boundaries of the South Metro Fire Rescue Authority or the South Metro Fire Protection District.

(c) Section 103.1 is deleted and replaced by the following:

103.1 General. The South Metro Fire Rescue Authority or, following termination of the Authority, the South Metro Fire Rescue Fire Protection District Fire Marshal's Office is hereby designated as the Fire Marshal's Office within the jurisdiction of the unincorporated counties and municipalities within the boundaries of the South Metro Fire Rescue Authority or the South Metro Fire Protection District under the direction of the fire code official. The function of the Fire Marshal's Office shall be the implementation, administration and enforcement of the provisions of this code.

(d) Section 103.2 is deleted and replaced by the following:

103.2 Appointment. The Fire Marshal of the South Metro Fire Rescue Authority or, following termination of the Authority, the South Metro Fire Rescue Fire Protection District, or a designee is hereby appointed as the fire code official.

- (e) Section 105.6.36 is deleted and replaced by the following:

105.6.36 Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 500 persons.

- (f) Section 105.6.47 is deleted and replaced by the following:

105.6.47 Temporary membrane structures and tents. An operational permit is required to operate a membrane structure, air-inflated membrane structure, air-supported membrane structure, a temporary special event structure, or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

(1) [no change]

(2) [no change]

- (g) Section 105.7 is amended to read as follows:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Section 105.7.1 through 105.7.26

- (h) Section 105.7.25 is deleted and replaced by the following:

105.7.25 Temporary membrane structures and tents. A construction permit is required to erect a membrane structure, air-inflated membrane structure, air-supported membrane structure, a temporary special event structure, or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

(1) [no change]

(2) [no change]

(3) [no change]

- (i) Section 105.7.26 is added to read as follows:

105.7.26 Buildings and facilities. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change occupancy of a

building, or structure, or facility, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit.

(j) Section 109.1 is deleted and replaced by the following:

109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be created a Regional Fire Code Board of Appeals by the entry of various fire districts into an intergovernmental agreement ("IGA"). The board of appeals shall be appointed through the operation of the IGA. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

(k) Section 110.4 is amended to read as follows:

Section 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to fine and/or imprisonment in accordance with Section 32-1-1001 and Section 32-1-1002, C.R.S.. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(l) Section 112.4 is amended to read as follows:

Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fine and/or imprisonment in accordance with Section 32-1-1001 and Section 32-1-1002, C.R.S..

(m) Section 503.1 is deleted and replaced by the following:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D.

(n) Section 503.1.1 is deleted and replaced by the following:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

(1) The fire code official is authorized to increase the dimension of 150 feet (45 720mm) where any of the following conditions occur:

a) The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13), the dimension shall be unlimited, as approved, provided access roads are extended to within 150 feet (45 720mm) of at least one, approved side of the building or structure. Fire hydrant requirements of Section 507 may necessitate additional roads to serve hydrants near large buildings.

b) The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D), the dimension shall be increased to 200 feet (60 960mm).

c) The fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

d) There are not more than two Group R-3 or Group U occupancies.

(2) Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

(o) Section 503.2 is amended to read as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D.

(p) Section 503.2.3 is deleted and replaced by the following:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus weighing up to 80,000 pounds and shall be surfaced so as to provide all-weather driving capabilities and in accordance with Section D102.

(q) Section 503.2.7 is deleted and replaced by the following:

503.2.7 Grade. The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the fire code official based on fire department apparatus specifications.

- (r) Section 503.3 is deleted and replaced by the following:

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which the fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Marking of the fire apparatus access roads shall be in accordance with the fire code official's specifications.

- (s) Section 503.4 is deleted and replaced by the following:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances in Sections 503.2.1, 503.2.2, and Appendix D shall be maintained at all times.

- (t) Section 503.6 is deleted and replaced by the following:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official and shall be in accordance with Section D103.5.

- (u) Section 507.3 is deleted and replaced by the following:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B, as amended, or by an approved method.

- (v) Section 507.5 is deleted and replaced by the following:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.

- (w) Section 510.1 is deleted and replaced by the following:

510.1 Emergency responder radio coverage in new buildings. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

(1) Where approved by the fire code official, a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.

(2) [no change]

(3) [no change]

(x) Section 903.3 is amended to read as follows:

903.3 Installation requirements. Automatic sprinkler systems shall be designed and installed in accordance with Section 903.3.1 through 903.3.9

(y) Section 903.3.9 is added and reads as follows:

903.3.9 Spare sprinklers. Spare sprinklers shall be provided per NFPA 13, NFPA 13R, NFPA 13D and in accordance with the fire code official's supplemental documents outlining specific provisions for multiple buildings under the same ownership.

(z) Section 905.4, (1) is amended to read as follows:

1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the main floor landing unless otherwise approved by the fire code official.

Exception: Deleted in its entirety.

(aa) Section 1103.7.6(3) Group R-2, is amended to read as follows:

3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.2 to 3.5.

(bb) Section 5601.1.3 Fireworks, is deleted and replaced by the following:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

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Exception: A reduction in required fire-flow of 25 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system.

(hh) Section B105.2 is deleted and replaced by the following:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwelling, Group R-3 and R-4 buildings shall be as specified in Table B105.1.

Exception: A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1. A reduction in required fire-flow of 25 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration in Table B105.1.

(ii) Section B105.3 is deleted in its entirety.

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D103.2 Grade. The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the fire code official based on fire department apparatus specifications.

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D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 and the roadway design standards of the unincorporated counties and municipalities within the boundaries of the South Metro Fire Rescue Authority or the South Metro Fire Protection District.

(qq) Section D103.6 is deleted in its entirety.

(rr) Section D104.1 is deleted and replaced by the following:

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

(ss) Section D106.1 is deleted and replaced by the following:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Deleted in its entirety.

5. Miscellaneous.

(a) If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

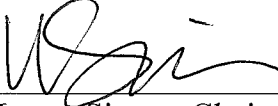
(b) Nothing in this Resolution or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or resolution hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Resolution.

(c) All resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed, provided that this section shall not repeal the repealer clauses of any prior resolutions or hereby revive any ordinances or resolutions previously repealed.

(d) This Resolution and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon adoption.

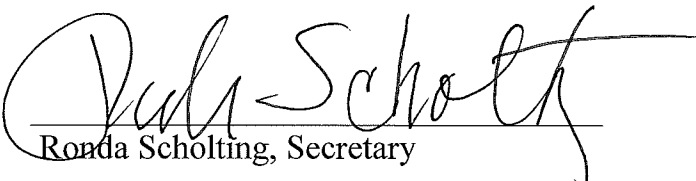
Adopted this 20th day of February, 2019.

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT

By: 

Laura Simon, Chairman

Attest:



Ronda Scholting, Secretary



Request for Town Council Action

Date: May 20, 2019

Submitted By: Ken LaVelle, Commander
Traci Gorman, Procurement Officer

Reviewed By: Michelle Kivela, Town Administrator

Title: Taser Program Contract

Amount: \$229,413.60
Contractor: Axon Enterprises
Department: Police, Ken La Velle

EXECUTIVE SUMMARY

The Town of Parker Police Department currently operates a Taser Program supported by Axon Enterprises, Inc., through their Replacement Program and NextGen Program. This agreement outlines the professional services required for the purchase, delivery, use and support of products and services for the Police Department's Taser Program.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker Police Department currently operates a Taser Program supported by Axon Enterprises, Inc., through their Replacement Program and NextGen Program. This agreement outlines the professional services required for the purchase, delivery, use and support of products and services for the Police Department's Taser Program.

FINANCIAL IMPACT

This agreement is structured as a five (5) year agreement to provide professional services required for the purchase, delivery, use and support of products and services for the Police Department's Taser Program. There is no budget allocated for 2019 as these costs were covered by the trade-in of the current product being used. Budget for years 2020, 2021, 2022, and 2023 will be allocated appropriately.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Request for Town Council Action

Date: May 20, 2019
Submitted By: Kristin Schledorn, Deputy Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: **ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 - 6**

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This resolution approves the First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In 2016, Town Council approved the Amended and Restated Service Plan for Cherry Creek South Metropolitan District Nos. 2 and 3 and a Consolidated Service Plan for Cherry Creek South Metropolitan District Nos. 2 and 3 and Anthology West Metropolitan District Nos. 4-6 (the "Consolidated Service Plan").

This First Amendment to the Consolidated Service Plan ("First Amendment") is proposed for an increase in debt authorization, specific only to Anthology West Metropolitan District Nos. 5 and 6, in connection with the imminent development of property within Anthology West Metropolitan District Nos. 5 and 6 ("Filing 1"). Due to favorable market conditions, the currently anticipated development of Filing 1 results in a much greater assessed valuation than was originally anticipated in the Consolidated Service Plan. This is primarily due to the fact that unit prices associated with homes to be built in Filing 1 have increased substantially. Similarly, costs have increased for construction anticipated for development within Filing 1. As a consequence, the Districts desire to amend the Consolidated Service Plan to provide for increased debt authorization to facilitate development of Filing 1.

The application was administratively reviewed by Town staff as required by Section 10.11.160 of the Parker Municipal Code and a comprehensive analysis is contained in the written report,

which is attached hereto.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve Resolution No. 19-031, conditional upon approval of Ordinance No. 9.264.1, approving the First Amendment to Intergovernmental Agreement Between the Town of Parker, Colorado, and Anthology West Metropolitan District Nos. 5 and 6.

RESOLUTION NO. 19-031, Series of 2019

TITLE: A RESOLUTION TO APPROVE THE FIRST AMENDMENT TO CONSOLIDATED SERVICE PLAN FOR ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6

WHEREAS, by Resolution No. 16-024, the Town Council of the Town of Parker (the “Town”) on April 4, 2016, approved a Consolidated Service Plan (“Original Service Plan”) for the organization of the Cherry Creek South Metropolitan District Nos. 2 and 3 and Consolidated Service Plan for Cherry Creek Metropolitan District Nos. 2 and 3 and Anthology West Metropolitan Districts Nos. 4, 5 and 6; and

WHEREAS, Anthology West Metropolitan District Nos. 5 and 6 (the “Districts”) filed a First Amendment to Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6 (“Service Plan Amendment”) in the office of the Town Clerk of the Town of Parker; and

WHEREAS, the Town, pursuant to C.R.S. § 32-1-101, *et seq.*, (the “Special Districts Act”) and Chapter 10.11 of the Town of Parker Municipal Code (the “Code”), has the authority to approve service plans and service plan amendments for metropolitan districts that are organized within the Town’s boundaries; and

WHEREAS, the Town Council has reviewed the Service Plan Amendment, the evidence and related exhibits, and has determined that the same meets the municipal approval criteria under the Special District Act and the Code, and therefore, has determined to adopt a resolution of approval of the Service Plan Amendment for the Districts; and

WHEREAS, a copy of the Service Plan Amendment is attached hereto as **Exhibit 1** and incorporated herein by reference; and

WHEREAS, notice of the public hearing before the Town Council for its consideration of the Service Plan Amendment was duly published in the *The Denver Post* on April 30, 2019, in accordance with the Special Districts Act, as evidenced by the Affidavit of Publication attached hereto as **Exhibit 2** and incorporated herein by reference; and

WHEREAS, in accordance with the Special Districts Act, notice of the hearing before the Town Council was also duly mailed by first class mail on April 30, 2019, to all property owners within the boundaries of the Districts, to interested persons, defined as follows: (1) the Colorado Division of Local Government; and (2) the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three miles of the Districts’ boundaries, as evidenced by the Certificate of Mailing of Notice of Hearing to Three Mile Radius Entities attached hereto as **Exhibit 3** and incorporated herein by reference; and

WHEREAS, the boundaries of the Districts are wholly contained within the boundaries of the Town; and

WHEREAS, pursuant to the provisions of the Special Districts Act and the Code, the Town Council held a public hearing on the Service Plan Amendment for the Districts on May 20, 2019; and

WHEREAS, the Town Council considered the Service Plan Amendment, and all other testimony and evidence presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council hereby determines that the hearing before the Town Council was open to the public; all interested parties were heard or had the opportunity to be heard; and all relevant testimony and evidence submitted to the Town Council was considered.

Section 2. The Town Council hereby determines that the requirements of the Special Districts Act and the Code, relating to the filing of the Service Plan Amendment for the Districts, and the requirements of C.R.S. § 32-1-204 relating to notice of the hearing by the Town Council, and the requirements of the Special Districts Act and the Code, relating to the approval by the Town Council, have been fulfilled.

Section 3. Upon consideration of the Service Plan Amendment for the Districts, and evidence at the public hearing on the Service Plan, the Town Council does find, determine and declare, as required by C.R.S. § 32-1-203 and the Code, as follows:

1. There continues to be sufficient existing and projected need for organized service in the area to be serviced by the Districts;
2. That the existing service in the area to be served by the Districts continues to be inadequate for present and projected needs;
3. That the Districts are capable of providing economical and sufficient service to the area within their boundaries;
4. That the area included in the Districts has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
5. That adequate service is not or will not be available to the area through the Town or other existing quasi-municipal corporations, including existing districts, within a reasonable time and on a comparable basis;
6. That the facility and service standards of the Districts are compatible with the facility and service standards of the Town;
7. That the Service Plan Amendment is in substantial compliance with the Town's master plan;
8. That the Service Plan Amendment is in substantial compliance with the county, regional or state long-range water quality management plan for the area;

9. That approval of the Service Plan Amendment for the Districts will be in the best interests of the area to be served;

10. That approval of the Service Plan Amendment for the Districts will be in the best interests of the residents or future residents of the area proposed to be served;

11. That the Service Plan Amendment is in substantial compliance with Sections 10.11.010, *et seq.*, of the Code; and

12. That the approval of the Service Plan Amendment for the Districts will not foster urban development that is remote from or incapable of being integrated with existing urban areas, or place a burden on the Town or adjacent jurisdictions to provide urban services to residents of the Districts.

Section 4. The Town Council hereby finds that approval of the Service Plan Amendment is in the best interests of the property to be served, the Town and the Districts.

Section 5. The Town Council hereby approves the Service Plan Amendment for the Districts as submitted.

Section 6. A certified copy of this Resolution shall be filed in the records of the Town and the Douglas County Clerk and Recorder.

RESOLVED AND PASSED this _____ day of May, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1
Service Plan Amendment

**FIRST AMENDMENT TO THE
CONSOLIDATED SERVICE PLAN
FOR
ANTHOLOGY WEST METROPOLITAN DISTRICT NO. 5
ANTHOLOGY WEST METROPOLITAN DISTRICT NO. 6
TOWN OF PARKER, COLORADO**

Prepared

By

**WHITE BEAR ANKELE TANAKA & WALDRON
2154 E. COMMONS AVENUE, SUITE 2000
CENTENNIAL, COLORADO 80122**

_____, 2019

LIST OF EXHIBITS

Exhibit D-1: Pro Forma Capital Expenditure Plan for Additional Regional Improvements

Exhibit D-2: Pro Forma Capital Expenditure Plan for Interior Improvements

Exhibit E-1: Map Depicting Additional Regional Improvements

Exhibit E-2: Map Depicting Interior Improvements

Exhibit F-1: Financial Plan, including Underwriter's Certificate

I. INTRODUCTION

Cherry Creek South Metropolitan District Nos. 2 and 3 (now known as Anthology West Metropolitan District Nos. 2 and 3, respectively, pursuant to Orders for Name Change recorded in the real property records of the Clerk and Recorder of Douglas County, Colorado on August 31, 2016) were organized in November 2004, under a Consolidated Service Plan (with Cherry Creek South Metropolitan District Nos. 4 through 11), as approved by the Town in September 2004 (the “**Original Service Plan**”). As a result of slowing economic conditions, District Nos. 2 and 3 did not achieve projected development revenue assumptions set forth in the Original Service Plan. Consequently, under the Town Code, Section 10.11.060, District Nos. 2 and 3 were deemed to be in material deviation and were required to undertake a service plan amendment.

In March of 2016, the Original Service Plan was fully amended and restated, as the same specifically applied to District Nos. 2 and 3, and was further consolidated into that certain Amended and Restated Service Plan for Cherry Creek South Metropolitan District Nos. 2 and 3 and a Consolidated Service Plan for Cherry Creek South Metropolitan District Nos. 2 and 3 and Anthology West Metropolitan District Nos. 4-6 (the “**Consolidated Service Plan**”). The Consolidated Service Plan applies to Anthology West Metropolitan District No. 2, Anthology West Metropolitan District No. 3, Anthology West Metropolitan District No. 4, Anthology West Metropolitan District No. 5 and Anthology West Metropolitan District No. 6 (“District No. 2,” “District No. 3,” “District No. 4,” “District No. 5,” and “District No. 6” or the “Districts,” collectively. District Nos. 4-6 were organized via elections held in May 2016, and operate together with District Nos. 2 and 3 under the Consolidated Service Plan.

This First Amendment to the Consolidated Service Plan (“**First Amendment**”) is proposed for an increase in debt authorization specific only to District Nos. 5 and 6 in connection with the imminent development of property within District Nos. 5 and 6 (“**Filing 1**”). Due favorable market conditions, the currently anticipated development of Filing 1 results in a much greater assessed valuation than was originally anticipated in the Consolidated Service Plan. This is primarily due to the fact that unit prices associated with homes to be built in Filing 1 have increased substantially. Similarly, costs have increased for construction anticipated for development within Filing 1. As a consequence, the Districts desire to amend the 2016 Service Plan to provide for increased debt authorization to facilitate development of Filing 1.

The following is a summary of the revised financing plan projections applicable to District No. 5 and 6 based on currently anticipated market conditions, as compared to the original projections contained in the financing plan that was a part of the Consolidated Service Plan. The revised Financing Plan, attached as **Exhibit F**, has been calculated using the current Residential Maximum Debt Mill Levy, adjusted as permitted in the 2016 Service Plan.

District No. 5 and 6	Consolidated Service Plan Projections (2016)	Current Projections
Absorption	218 units by 2019	209 units by 2021
Unit Prices	\$360,390 to \$433,818	\$424,900 to \$635,900
Total Market Valuation at Buildout	\$91,883,444	\$110,227,100
Bonding Capacity for District 5 and 6	\$3,544,094	\$6,975,000
Mill Levy	35 Mills (non-Gallagher adjusted)	47.347 (Gallagher adjusted to current assessed ratio of 7.2%)

All provisions of the Consolidated Service Plan shall remain in full force and effect as to each of the Districts with the exception of those amendments set forth herein, which shall be specific to *only District Nos. 5 and 6*.

Section V.A.9 regarding the Powers of the Districts and Service Plan Amendment shall be amended as follows:

Total Debt Issuance Limitation. District Nos. 5 and 6 shall not issue Debt in excess of \$7,500,000 total aggregate principal amount, which limit is a combined, total aggregate amount for both Districts, specifically exclusive of any intergovernmental agreements by, among or between the Districts which create a multi-fiscal year obligation on the part of any of the Districts.

Section V.B regarding the Capital Plan shall be amended and supplemented as follows, as the same is indicated in italics:

The Districts shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within the boundaries of the Districts, and, to the extent necessary to improve adjacent streets, traffic and safety improvements, drainage and storm sewer improvements and related utilities and connect Public Improvements to existing infrastructure, without the boundaries of the Districts, all to be more specifically defined in an Approved Development Plan. The same includes in-tract improvements such as utilities (sewer, water and storm drainage lines) and curb, gutter and asphalt within the public rights-of-way. A Capital Plan, including: (1) a comprehensive list of the Public Improvements to be developed by the Districts; (2) an estimate of the cost of the Public Improvements, together with

a letter from a Colorado professional registered engineer certifying that such costs are reasonable in the engineer's opinion and that such estimates were prepared based upon Town construction standards; and (3) a pro forma capital expenditure plan correlating expenditures with development is attached hereto as **Exhibit D**. A Map Depicting Public Improvements is attached hereto as **Exhibit E**. As shown in the Capital Plan, the estimated cost of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed by the Districts is \$5,800,000.

*In addition to those Public Improvements set forth on **Exhibits D and E** of the Consolidated Service Plan, additional regional improvements are anticipated to be constructed for the development associated with Filing 1, with an estimated cost of \$5,795,834. A pro forma capital expenditure plan setting forth the expected costs and detail associated with the additional regional improvements is attached hereto as **Exhibit D-1**, and a map depicting the same is attached hereto as **Exhibit E-1**. Further, additional interior public streets, curbs and gutters, sanitary sewer distribution mains, water mains, storm sewers and other public utilities are anticipated for the Filing 1, with an estimated cost of \$4,286,748. A pro forma capital expenditure plan setting forth the expected costs and detail associated with such interior improvements is attached hereto as **Exhibit D-2**, and a map depicting the same is attached hereto as **Exhibit E-2**. This results in a total estimated cost for Filing No. 1 improvements of \$10,082,582, based on the current construction drawings. Costs of required Public Improvements that cannot be financed by the Districts within the parameters of this Service Plan and the financial capability of the District are expected to be financed by the developer of the Project.*

The Districts shall be permitted to allocate costs between such categories of the Public Improvements as deemed necessary in their discretion.

All of the Public Improvements described herein will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the Town and shall be in accordance with the requirements of the Approved Development Plan. All descriptions of the Public Improvements to be constructed, and their related costs, are estimates only and are subject to modification as engineering, development plans, economics, the Town's requirements, and construction scheduling may require. Upon approval of this Service Plan, the Districts will continue to develop and refine the Capital Plan and the Map Depicting Public Improvements, as necessary, and prepare for issuance of Debt. All cost estimates will be inflated to then-current dollars at the time of the issuance of Debt and construction. All construction cost estimates contained in **Exhibit D** assume construction to applicable standards and specifications of the Town and state or federal requirements.

Section VI.A regarding the Financial Plan shall be amended and supplemented as follows, as the same is indicated in italics:

The Districts shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from their revenues and by and through the proceeds of Debt to be issued by the Districts. The Financial Plan for the Districts shall be to issue such Debt as the Districts can reasonably pay from revenues derived from the Residential Maximum Debt Mill Levy and other legally available revenues. All bonds and other Debt issued by the Districts may be payable from any and all legally available revenues of the Districts, including general *ad valorem* taxes to be imposed upon all taxable property within the Districts. The Districts will also rely upon various other revenue sources authorized by law, such as interest, specific ownership taxes, advances from the Project developer and grants. The Districts are also authorized to assess and collect a Development Fee as set forth in Section VI.E, below. Unless specifically authorized in the Intergovernmental Agreement, the District shall not impose or assess any fees, rates, tolls, penalties, or charges other than the Development Fee without first obtaining Town approval of an amendment to this Service Plan, which amendment shall be deemed to be a material modification hereof.

*Except as otherwise set forth herein for District Nos. 5 and 6, the total Debt that the Districts shall be permitted to issue shall not exceed \$10,000,000 in aggregate principal amount, which limit is a combined, total aggregate amount for all Districts, exclusive of any intergovernmental agreements by, among or between the Districts which create a multi-fiscal year obligation on the part of any of the Districts. As is further detailed in the Financial Plan at **Exhibit F**, it is anticipated that District No. 2 will refund its currently outstanding bonds through the issuance of bonds with a par amount of \$1,900,000. The Financial Plan contemplates additional debt to be issued by District No. 2 for purposes of funding future repairs or replacement of public improvements previously constructed in an amount of approximately \$900,000. District No. 4 and District No. 5 are anticipated to issue debt with a par of approximately \$6,645,00 to fund the Public Improvements generally identified in the Capital Plan. Debt is permitted to be issued on a schedule and in such year or years as the issuing District determines shall meet the needs of the Capital Plan referenced above and the progression of the development, subject to compliance with this Service Plan. The \$10,000,000 that the Districts shall be permitted to issue is supported by the Financial Plan prepared by D.A. Davidson & Co., attached hereto as **Exhibit F**, which includes a certification from D.A. Davidson & Co. that based upon the assumptions contained therein and its professional opinion, the Districts are expected to retire all Debt referenced in the Financial Plan within the restrictions set forth in the Service Plan, including but not limited to the Residential Maximum Debt Mill Levy and the Residential Maximum Debt Mill Levy Imposition Term, as applicable. Debt is permitted to be issued on a schedule and in such year or years as the issuing District determines shall meet the needs of the Capital Plan referenced above and the progression of the*

development, subject to compliance with this Service Plan. The \$10,00,000 that the Districts shall be permitted to issue is supported by the Financial Plan prepared by D.A. Davidson & Co., attached hereto as **Exhibit F**, which includes a certification from D.A. Davidson & Co. that based upon the assumptions contained therein and its professional opinion, the Districts are expected to retire all Debt referenced in the Financial Plan within the restrictions set forth in the Service Plan, including but not limited to the Residential Maximum Debt Mill Levy and the Residential Maximum Debt Mill Levy Imposition Term, as applicable.

*As of November 2018, a total of \$8,290,000 in Debt had been issued by District No. 2 and District No. 4, respectively, specifically exempting intergovernmental agreements creating a multi-fiscal year or other financial obligation as between the Districts. This includes the outstanding Debt in District No. 2 of \$1,850,000 and District No. 4's Series 2018 General Obligation Limited Tax Bonds of \$6,440,000, the latter of which is supported through a subordinate pledge from District No. 2. In addition to the aggregate Debt authorization set forth herein of \$10,000,000, District Nos. 5 and 6 shall be further authorized to issue additional amounts of Debt in an amount not to exceed a total of \$7,500,000. A District No. 5 and 6 Financing Plan is attached hereto as **Exhibit F-1**, depicting increases in assessed valuation within the boundaries of District No. 5 and 6 sufficient to support such additional Debt at the Residential Maximum Debt Mill Levy. **Exhibit F-1** further includes a certification from D.A. Davidson & Co. that based upon the assumptions contained therein and its professional opinion, District Nos. 5 and 6 are expected to retire all Debt referenced in the Financial Plan within the restrictions set forth in the Service Plan, including but not limited to the Residential Maximum Debt Mill Levy and the Residential Maximum Debt Mill Levy Imposition Term, as applicable.*

XII. CONCLUSION

It is submitted that this First Amendment for Anthology West Metropolitan District No. 5 and Anthology West Metropolitan District No. 6, as required by Section 32-1-203(2), C.R.S., and Section 10.11.180 of the Town Code, establishes that:

1. There is sufficient existing and projected need for organized service in the area to be serviced by District Nos. 5 and 6;
2. The existing service in the area to be served by District Nos. 5 and 6 is inadequate for present and projected needs;
3. District Nos. 5 and 6 are capable of providing economical and sufficient service to the area within their proposed boundaries; and
4. The area to be included in District Nos. 5 and 6 does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

5. Adequate service is not, and will not be, available to the area through the Town or County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.

6. The facility and service standards of District Nos. 5 and 6 are compatible with the facility and service standards of the Town.

7. The proposal is in substantial compliance the Town's Master Plan.

8. The proposal is in compliance with any duly adopted Town, regional or state long-range water quality management plan for the area.

9. The creation of District Nos. 5 and 6 is in the best interests of the area proposed to be served.

10. The creation of District Nos. 5 and 6 is in the best interests of the residents and future residents of the area proposed to be served.

11. The proposal is in substantial compliance with Chapter 10.11 of the Town Code.

12. The proposal will not foster urban development that is remote or incapable of being integrated with existing urban areas, and will not place a burden on the Town or adjacent jurisdictions to provide urban services to residents of District Nos. 5 and 6.

EXHIBIT D-1

Pro Forma Capital Expenditure Plan for Additional Regional Improvements

ARA - ANTHOLOGY WEST METRO DISTRICT
District 5 Service Plan Amendment
Preliminary Opinion of Probable Construction Cost
 for
District #5 French Creek Avenue
April 30, 2019

Item	Description	Unit	Quantity	Unit Cost	Total Cost
Public Roadway Improvements					
1	Curb and Gutter	LF	2,052	\$14.00	\$28,728.00
2	Concrete Sidewalk	SY	628	\$32.00	\$20,096.00
3	Concrete Pavement	SY	996	\$90.00	\$89,640.00
4	Pedestrian Ramp	EA	6	\$2,750.00	\$16,500.00
5	4" Trench Drain	LF	2,052	\$18.00	\$36,936.00
6	Signage and Striping	LS	1	\$3,500.00	\$3,500.00
7	Traffic Control	LS	1	\$35,000.00	\$35,000.00
Public Roadway Improvements Sub Total					\$230,400.00
Stormwater Management					
8	Storm Inlet Type R 5'	EA	1	\$6,125.00	\$6,125.00
9	Storm Inlet Type R 15'	EA	1	\$11,200.00	\$11,200.00
10	Connect to Existing	EA	2	\$5,000.00	\$10,000.00
Stormwater Management					\$27,325.00
Erosion and Sedimentation Control					
11	Erosion and Sedimentation Control	LS	1	\$20,000.00	\$20,000.00
Erosion and Sedimentation Control					\$20,000.00
Parks & Trails					
12	ROW Landscaping	AC	0.1	\$200,000.00	\$28,000.00
Parks & Trails Improvements Sub Total					\$28,000.00
FRENCH CREEK AVENUE TOTAL					\$305,725.00

ARA - ANTHOLOGY WEST METRO DISTRICT
District 5 Service Plan Amendment
Preliminary Opinion of Probable Construction Cost
for
District #5 South Great Plain Way
April 29, 2019

Item	Description	Unit	Quantity	Unit Cost	Total Cost
Public Roadway Improvements					
13	Curb and Gutter	LF	1,675	\$14.00	\$23,450.00
14	Concrete Sidewalk	SY	853	\$32.00	\$27,296.00
15	4" Trench Drain	EA	1,628	\$18.00	\$29,304.00
16	Pedestrian Ramp	EA	4	\$2,750.00	\$11,000.00
17	8' Cross Pan	SY	99	\$75.00	\$7,425.00
18	Asphalt Pavement (9" Depth)	TON	1,314	\$80.00	\$105,120.00
19	Signage and Striping	LS	1	\$2,500.00	\$2,500.00
Public Roadway Improvements Sub Total					\$206,095.00
Erosion and Sedimentation Control					
20	Erosion and Sedimentation Control	LS	1	\$5,000.00	\$5,000.00
Erosion and Sedimentation Control Sub Total					\$5,000.00
Parks & Trails					
21	ROW Landscaping	AC	0.3	\$200,000.00	\$60,000.00
Parks & Trails Improvements Sub Total					\$60,000.00
Water Improvements					
22	8" PVC	LF	812	\$33.00	\$26,796.00
23	8" Gate Valve	EA	2	\$1,800.00	\$3,600.00
24	8"x8" Tee	EA	1	\$650.00	\$650.00
25	8" Bend W/Thrust Block & Rodding	EA	1	\$300.00	\$300.00
26	Plug	EA	1	\$420.00	\$420.00
27	2" Blowoff Valve	EA	1	\$2,300.00	\$2,300.00
28	Connect To Existing	EA	1	\$6,000.00	\$6,000.00
Water Improvements Sub Total					\$40,066.00
Sanitary Sewer					
29	Adjust Existing Manhole	EA	3.0	\$700.00	\$2,100.00
Sanitary Sewer Improvements Sub Total					\$2,100.00
SOUTH GREAT PLAIN WAY TOTAL					\$313,261.00

ARA - ANTHOLOGY WEST METRO DISTRICT
District 5 Service Plan Amendment
Preliminary Opinion of Probable Construction Cost
for
District #5 Oak Gulch Drainage Improvements
April 29, 2019

Item	Description	Unit	Quantity	Unit Cost	Total Cost
Oak Gulch Channel and Regional Detention Facilities					
30	Cascading Drop Structure (2' Drop)	EA	5	\$70,000.00	\$350,000.00
31	Cascading Drop Structure (3' Drop)	EA	4	\$95,000.00	\$380,000.00
32	Type L Soil Riprap (channel banks and outfalls)	CY	3,182	\$75.00	\$238,650.00
33	Granular Bedding (8" under soil riprap)	CY	1,414	\$40.00	\$56,560.00
34	Stilling Basin	EA	1	\$57,330.00	\$57,330.00
35	CoirMat Erosion Protection	SY	21,200	\$10.00	\$212,000.00
36	Regional Pond Outlet Structure Modifications	EA	1	\$35,000.00	\$35,000.00
Oak Gulch Channel & Regional Detention Facilities Improvements Sub Total					\$1,329,540.00
Maintenance Trail					
37	10' Concrete Sidewalk	SY	1,082.0	\$32.00	\$34,624.00
Maintenance Trail Improvements Sub Total					\$34,624.00
Earthwork, Erosion and Sedimentation Control					
38	Earthwork (Complete in Place) - Embankment	CY	7,000	\$11.00	\$77,000.00
39	Seeding and Mulching	AC	16	\$2,500.00	\$40,000.00
40	Erosion and Sedimentation Control	LS	1	\$45,000.00	\$45,000.00
Earthwork, Erosion and Sedimentation Control Sub Total					\$162,000.00
Soft Costs					
41	Civil Engineering - HKS	LS	1	\$102,260.00	\$102,260.00
42	Environmental Engineering - ERO	LS	1	\$15,980.00	\$15,980.00
43	Geotechnical Engineering - Olsson	LS	1	\$15,783.00	\$15,783.00
44	NW Permit - Core	LS	1	\$16,200.00	\$16,200.00
45	Historic PH1	LS	1	\$6,800.00	\$6,800.00
46	Historic Study PH2	LS	1	\$18,900.00	\$18,900.00
Soft Costs Sub Total					\$175,923.00
OAK GULCH DRAINAGE IMPROVEMENTS TOTAL					\$1,702,087.00

ARA - ANTHOLOGY WEST METRO DISTRICT
District 5 Service Plan Amendment
Preliminary Opinion of Probable Construction Cost
for
District #5 Motsenbocker Road
April 29, 2019

Item	Description	Unit	Quantity	Unit Cost	Total Cost
Public Roadway Improvements					
47	Concrete Sidewalk	SY	666	\$32.00	\$21,312.00
Public Roadway Improvements Sub Total					\$21,312.00
Erosion and Sedimentation Control					
48	Erosion and Sedimentation Control	LS	1	\$5,000.00	\$5,000.00
Erosion and Sedimentation Control Sub Total					\$5,000.00
Parks & Trails					
49	ROW Landscaping	AC	0.2	\$200,000.00	\$40,000.00
Parks & Trails Improvements Sub Total					\$40,000.00
MOTSENBOCKER ROAD TOTAL					\$66,312.00

ARA - ANTHOLOGY WEST METRO DISTRICT
District 5 Service Plan Amendment
Preliminary Opinion of Probable Construction Cost
for
District #5 Parks & Recreation
April 29, 2019

Item	Description	Unit	Quantity	Unit Cost	Total Cost
Parks & Recreation					
50	Neighborhood Parks and Streetscape	LS	1	\$1,412,497.00	\$1,412,497.00
51	Irrigation Taps	LS	1	\$340,000.00	\$340,000.00
Parks & Recreation Sub Total					\$1,752,497.00
PARKS & RECREATION TOTAL					\$1,752,497.00

ARA - ANTHOLOGY WEST METRO DISTRICT
District 5 Service Plan Amendment
Preliminary Opinion of Probable Construction Cost
for
District #5 Total Summary
April 29, 2019

FRENCH CREEK AVENUE TOTAL	\$305,725.00
SOUTH GREAT PLAIN WAY	\$313,261.00
OAK GULCH DRAINAGE TOTAL	\$1,702,087.00
MOTSENBOCKER ROAD TOTAL	\$66,312.00
PARKS & RECREATION TOTAL	\$1,752,497.00
SUBTOTAL	\$4,139,882.00
DESIGN/PLANNING (10%)	\$413,988.20
CONTINGENCY (10%)	\$413,988.20
MOBILIZATION (5%)	\$206,994.10
SURVEYING (3%)	\$124,196.46
CONSTRUCTION MANAGEMENT & TESTING (12%)	\$496,785.84
GRAND TOTAL	\$5,795,834.80

EXHIBIT D-2

Pro Forma Capital Expenditure Plan for Interior Improvements

STROH RANCH FILING FILING 1
TOWN OF PARKER
ENGINEERS OPINION OF PROBABLE
FOR IN TRACT PUBLIC IMPROVEMENT
11/14/2018

EARTHWORK

No.	Description	Quantity	Unit	Unit Cost	Total
1	Overlot Grading	312,851	CY	\$2.50	\$ 782,127.50
Earthwork Sub Total					\$ 782,127.50

ROADWAY

No.	Description	Quantity	Unit	Unit Cost	Total
1	6" Vertical Spill Curb & Gutter	2,100	LF	\$ 14.83	\$ 31,143.00
2	6" Vertical Catch Curb & Gutter	12,464	LF	\$ 15.11	\$ 188,331.04
3	Hot Mix Asphalt Pavement (Residential Local) (5" Depth)	8,400	TON	\$ 80.00	\$ 672,000.00
4	Aggregate Base Course (Residential Local) (8" Depth)	6,786	CY	\$ 35.00	\$ 237,518.64
5	Subgrade Prep (Residential Local)	30,538	SY	\$ 2.00	\$ 61,076.22
6	Concrete Subgrade Prep (Sidewalk, Curb and Gutter, Crosspan)	11,027	SY	\$ 1.15	\$ 12,681.18
7	5' walk, 6" thick	9,363	SY	\$ 43.26	\$ 405,043.38
8	Crusher Fines Path	680	SY	\$ 10.00	\$ 6,800.00
9	Corner Curb Ramp	304	SY	\$ 108.72	\$ 33,067.19
10	Truncated Domes	25	EA	\$ 150.00	\$ 3,750.00
11	Midblock Curb Ramp	80	SY	\$ 107.85	\$ 8,654.96
12	8-foot Cross Pan	537	SY	\$ 75.00	\$ 40,275.00
13	8-foot Valley Pan	318	SY	\$ 75.00	\$ 23,850.00
14	Chain Fence	6,530	LF	\$ 5.00	\$ 32,650.00
Roadway Sub Total					\$ 1,756,840.61

SIGNAGE AND STRIPING

No.	Description	Quantity	Unit	Unit Cost	Total
1	Stop Signs	11	EA	\$ 118.23	\$ 1,300.53
2	Speed Limit Signs	3	EA	\$ 106.45	\$ 319.35
3	No Parking - Fire Lane	20	EA	\$ 153.70	\$ 3,074.00
4	Roadway Name Signs	22	EA	\$ 153.69	\$ 3,381.18
5	Epoxy Pavement Marking - Parking	685	LF	\$ 3.00	\$ 2,055.00
6	Epoxy Pavement Marking - Crosswalk	120	LF	\$ 6.00	\$ 720.00
Signage & Striping Sub Total					\$ 10,850.06

STROH RANCH FILING FILING 1
TOWN OF PARKER
ENGINEERS OPINION OF PROBABLE
FOR IN TRACT PUBLIC IMPROVEMENT

DRAINAGE AND STORMWATER IMPROVEMENTS

No.	Description	Quantity	Unit	Unit Cost	Total
1	18-inch Class III RCP	2,664	LF	\$ 60.30	\$ 160,639.20
2	21-inch Class III RCP	1,258	LF	\$ 68.00	\$ 85,544.00
3	24-inch Class III RCP	43	LF	\$ 75.48	\$ 3,271.30
4	30-inch Class III RCP	258	LF	\$ 81.58	\$ 21,047.64
5	36-inch Class III RCP	1,077	LF	\$ 106.40	\$ 114,592.80
6	42-inch Class III RCP	175	LF	\$ 132.00	\$ 23,100.00
7	8-inch PVC*	1,602	LF	\$ 37.00	\$ 59,274.00
8	In-line Landscape Drain*	23	EA	\$ 40.00	\$ 920.00
9	4-foot Diameter Manhole	36	EA	\$ 3,323.60	\$ 119,649.60
10	5-foot Diameter Manhole	6	EA	\$ 3,138.97	\$ 18,833.82
11	Inlet 5-foot Type R	7	EA	\$ 4,200.00	\$ 29,400.00
12	Inlet 10-foot Type R	1	EA	\$ 4,808.01	\$ 4,808.01
13	Inlet 15-foot Type R	10	EA	\$ 5,881.96	\$ 58,819.60
14	Inlet Type 16 Valley Double	4	EA	\$ 4,000.00	\$ 16,000.00
15	Inlet Type C	3	EA	\$ 3,372.27	\$ 10,116.81
16	36-Inch FES w/ Concrete Cutoff Wall	1	EA	\$ 5,000.00	\$ 5,000.00
17	48-Inch FES w/ Concrete Cutoff Wall	1	EA	\$ 10,000.00	\$ 10,000.00
18	Pipe Trench Bedding	252	CY	\$ 26.46	\$ 6,663.68
*Items 7 and 8 have not been designed so quantities are ballpark estimates					
Drainage & Stormwater Sub Total					\$ 747,680.46

PUBLIC IMPROVEMENT TOTALS

Public Improvements Subtotal	\$ 3,297,498.64
Construction Contingency (10%)	329,749.86
Mobilization (5%)	\$ 164,874.93
Survey (3%)	\$ 98,924.96
Construction Management & Testing (12%)	395,699.84
Public Improvements Total	\$ 4,286,748.23
Letter of Credit at 110%	\$ 4,715,423.05

Notes:

1. This opinion of probable costs has been prepared using the best available data know to the engineer at the time the cost estimate was prepared and is provided for informational purposes only. It is not a guarantee of project costs.
2. This opinion of probable costs includes labor and materials.
3. Erosion & Sediment Control costs shall be submitted with the Grading Permit.
4. Water and Sewer Costs have been submitted to PW&SD with the corresponding improvement plans.

STROH RANCH
ENGINEERS OPINION OF PROBABLE
FOR IN TRACT PUBLIC IMPROVEMENT
11/14/2018

SANITARY IMPROVEMENTS

No.	Description	Quantity	Unit	Unit Cost	Total
1	8" PVC, SDR-35	7,945	LF	\$ 37.00	\$ 293,965.00
2	4' Diameter Manhole	48	EA	\$ 4,000.00	\$ 192,000.00
3	5' Diameter Manhole	3	EA	\$ 5,000.00	\$ 15,000.00
4	Adjust Manhole	14	EA	\$ 700.00	\$ 9,800.00
5	Trench Bedding	34,426	CF	\$ 1.00	\$ 34,425.69
6	Connect to Existing	2	EA	\$ 4,100.00	\$ 8,200.00
Sanitary Sub Total					\$ 553,390.69

WATER SYSTEM IMPROVEMENTS

No.	Description	Quantity	Unit	Unit Cost	Total
1	8" PVC C900 DR 14 w/ Tracer Wire	9,050	LF	\$ 29.00	\$ 262,450.00
2	6" Ductile Iron Pipe	850	LF	\$ 95.00	\$ 80,750.00
3	8" Gate Valve	41	EA	\$ 1,800.00	\$ 73,800.00
4	8"x8" Tee w/ Thrust Block	14	EA	\$ 450.00	\$ 6,300.00
5	8"x8" Cross w/ Thrust Block	1	EA	\$ 1,000.00	\$ 1,000.00
6	8"x6" Tee w/ Thrust Block	23	EA	\$ 400.00	\$ 9,200.00
7	8" 11.25° Bend w/ Thrust Block & Rodding	36	EA	\$ 280.00	\$ 10,080.00
8	8" 22.5° Bend w/ Thrust Block & Rodding	4	EA	\$ 295.00	\$ 1,180.00
9	8" 45° Bend w/ Thrust Block & Rodding	10	EA	\$ 305.00	\$ 3,050.00
10	8" 90° Bend w/ Thrust Block & Rodding	1	EA	\$ 350.00	\$ 350.00
11	Trench Bedding	42,306	CF	\$ 1.00	\$ 42,306.00
12	8" Blow Off Assembly	1	EA	\$ 2,300.00	\$ 2,300.00
14	Fire Hydrant Assembly w/ 8"x6" Tee & Gate Valve	23	EA	\$ 6,000.00	\$ 138,000.00
15	Air & Vacuum Valve	4	EA	\$ 2,250.00	\$ 9,000.00
16	Connect to Existing	6	EA	\$ 6,000.00	\$ 36,000.00
17	8" Plug	1	EA	\$ 500.00	\$ 500.00
18	2" Irrigation Lines	2	EA	\$ 1,000.00	\$ 2,000.00
Water System Sub Total					\$ 678,266.00

PUBLIC IMPROVEMENT TOTALS

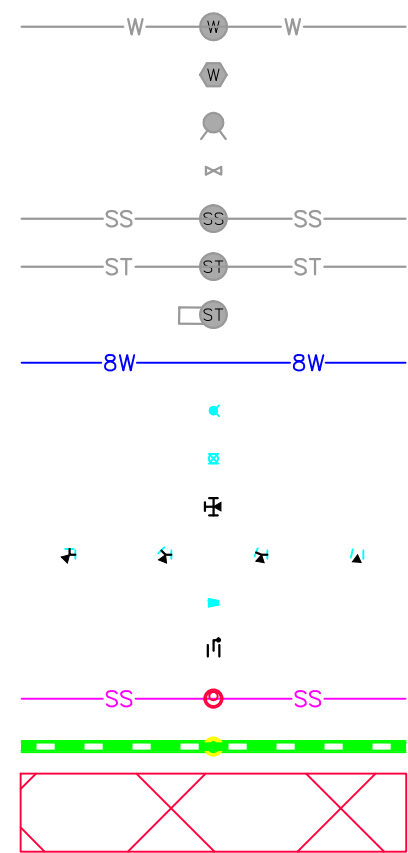
		Public Improvements Subtotal	\$ 1,231,656.69
		Construction Contingency (20%)	\$ 246,331.34
		Public Improvements Total	\$ 1,477,988.02

EXHIBIT E-1

Map Depicting Additional Regional Improvements

LEGEND

EXISTING WATER MAIN & MANHOLE
EXISTING WATER METER
EXISTING FIRE HYDRANT
EXISTING WATER VALVE
EXISTING SANITARY SEWER & MANHOLE
EXISTING STORM SEWER & MANHOLE
EXISTING STORM SEWER INLET
PROPOSED WATER MAIN
PROPOSED FIRE HYDRANT
PROPOSED VALVE
PROPOSED TEE
PROPOSED BEND
PROPOSED REDUCER
PROPOSED BLOW OFF
PROPOSED SANITARY SEWER & MANHOLE
PROPOSED STORM SEWER & MANHOLE
DISTRICT IMPROVEMENTS AREA



NORTH LINE OF SECTION 33
N89°34'39"E 2643.56'

UNPLATTED
OWNER:
NORTH PARKER INVESTMENTS, LLC

UNPLATTED
OWNER:
NORTH PARKER INVESTMENTS, LLC

STROH RANCH
FILING No. 17A
1ST AMENDMENT
REC. NO. 2003022324

STROH RANCH
FILING No. 18A
1ST AMENDMENT

HKS HARRIS
KOCHER
SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

SERVICE PLAN EXHIBIT DISTRICT IMPROVEMENTS

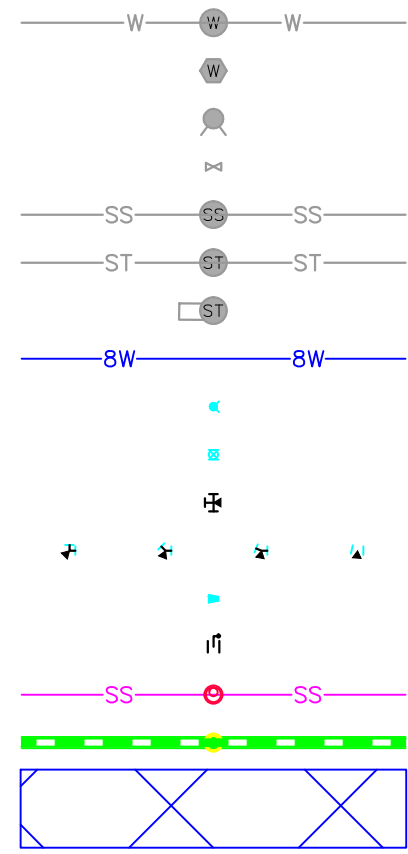
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SCALE: 1" = 100'

EXHIBIT E-2

Map Depicting Interior Improvements

LEGEND

- EXISTING WATER MAIN & MANHOLE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING SANITARY SEWER & MANHOLE
- EXISTING STORM SEWER & MANHOLE
- EXISTING STORM SEWER INLET
- PROPOSED WATER MAIN
- PROPOSED FIRE HYDRANT
- PROPOSED VALVE
- PROPOSED TEE
- PROPOSED BEND
- PROPOSED REDUCER
- PROPOSED BLOW OFF
- PROPOSED SANITARY SEWER & MANHOLE
- PROPOSED STORM SEWER & MANHOLE
- PRIVATE IMPROVEMENTS AREA



NORTH LINE OF SECTION 33
N89°34'39"E 2643.56'

UNPLATTED
OWNER:
NORTH PARKER INVESTMENTS, LLC

UNPLATTED
OWNER:
NORTH PARKER INVESTMENTS, LLC

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1ST AMENDMENT
REC. NO. 2003022324

STROH RANCH
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HarrisKocherSmith.com

SERVICE PLAN EXHIBIT
PRIVATE IMPROVEMENTS

100 0 100 200
SCALE: 1" = 100'

EXHIBIT F-1

Financial Plan, including Underwriter's Certificate

April 25, 2019

Anthology West Metropolitan Districts Nos. 5&6
Anthology Recovery Acquisition LLC
7200 S. Alton Way, Suite C-400
Centennial, CO 80112

RE: Anthology West Metropolitan District Nos. 5 and 6

We have analyzed the bonding capacity for development proposed within Anthology West Metropolitan District Nos. 5 and 6 (“the District”). The analysis presented summarizes and presents information provided by Anthology Recovery Acquisition LLC (“the Land Owner”) and RainTree Investment Corp (an affiliate of the Land Owner) and does not include independently verifying the accuracy of the information or assumptions.

The following assumptions have been provided by the Land Owner and form the basis of the residential analysis.

Residential Plan Assumptions

1. The development in Anthology West Metropolitan District Nos. 5 and 6 is comprised of 209 residential units of which there are 57 total 55-foot lots, 68 total 60-foot lots, and 84 total paired homes. The homes are projected to be completed at a pace of 28 in 2019, 76 in 2020 and 105 in 2021. The base year price is modeled at a range of \$424,900 for smaller lots to \$635,900 for larger lots. The base year price is modeled with a 2% annual inflation rate.
2. The residential debt service mill levy target assumed for the Districts is 47.347 mills (in today’s 7.20% residential assessment rate terms) less an operations carve out of \$30k (inflating 1% per year) for the Districts.

Estimate of Potential Bonding Capacity

1. The existing debt issued for the Anthology West project totals \$8.29mm, against a debt authorization limitation under the Original 2016 Service Plan, as follows:
 - a. Anthology West Metropolitan District No. 2: General Obligation Limited Tax Bonds, Series 2014, in the amount of \$1,850,000
 - b. Anthology West Metropolitan District No. 4: General Obligation Limited Tax Bonds, Series 2018, in the amount of \$6,440,000
2. Anthology West Metropolitan District No. 5 is modeled to issue additional senior bonds in December, 2019 with a par of \$6,975,000.00. An interest rate of 5.0% was modeled based upon 23-year debt. At issuance, it is projected that the District will fund \$624,614.58 for a Debt Service Reserve Fund, \$523,125.00 in capitalized interest and \$389,500.00 in costs of issuance with bond proceeds. The remaining \$5,437,760.42 will be available for reimbursement of eligible public improvement expenses.

3. Specific Ownership Tax revenues have been calculated based on applying a factor of 6.0% to annual property tax revenues.
4. It is projected that 98% of property taxes levied will be collected and available to the Districts (for both the Debt Service and Operations levies).
5. It is projected that there will be a 4% biennial inflation rate on assessments. The bonding capacity could be higher if the rate of assessment inflation is greater or conversely lower if the inflation rate is below 4%.

Based upon the assumptions contained therein and D.A. Davidson's professional opinion as underwriter, the Issuing Districts are expected to retire all Debt referenced in the Financial Plan within the restrictions set forth in the Service Plan, including, but not limited to, the Residential Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, as applicable.

The assumptions disclosed in the Financial Plan are those of the Land Owner and have not been independently reviewed by D.A. Davidson. Those assumptions identified are believed to be the significant factors in determining financial feasibility; however, they are likely not to be all-inclusive. There will usually be differences between forecasted and actual results, because events and circumstances frequently do not occur as projected, and those differences may be material. Key assumptions — like those relating to market values of real property improvements and the build out schedule of such property — are particularly sensitive in terms of the timing necessary to create the tax base for the District. A small variation in these variables, and to their timing, can have a large effect on the forecasted results. There is a high probability that the forecasted results will differ from realized future tax base factors and such variations can be material. Additionally, other key assumptions relating to inflation, assessment ratios, interest rates, and infrastructure, administrative, and operating costs may, and likely will, vary from those projected.

Because D.A. Davidson has not independently evaluated or reviewed the assumptions that the financial model is based upon, we do not vouch for the achievability (and disclaim any opinion) of the information provided. Furthermore, because of the inherent nature of future events, which are subject to change and variation as events and circumstances change, the actual results may vary materially from the results presented here. D.A. Davidson has no responsibility or obligation to update this information or this financial model for events occurring after the date of this report.

Respectfully submitted,

D.A. DAVIDSON & CO. FIXED INCOME CAPITAL MARKETS



Sam Sharp

Managing Director, Public Finance

ANTHOLOGY WEST METROPOLITAN DISTRICT No. 5

Development Projection at 47.347 (target) Mills for Debt Service (less Carve-Out for Ops.) -- 04/23/2019

Series 2019, G.O. Bonds, 100x, Non-Rated, 30-yr. Maturity -- Service Plan

YEAR	<<<<<<< Residential >>>>>>>						< Platted/Developed Lots >					Total Available Revenue
	Total Res'l Units	Mkt Value Biennial Reasses'mt @ 4.0%	Cumulative Market Value	As'ed Value @ 7.20% of Market (2-yr lag)	Cumulative Market Value	As'ed Value @ 29.00% of Market (2-yr lag)	Total Assessed Value	District D/S Mill Levy [47.347 Target] [47.347 Cap]	District D/S Mill Levy Collections @ 98%	District S.O. Taxes Collected @ 6%	Total Facility Fees Collections	
2017	0		0		2,379						\$0	
2018	0		0	0	1,628,099	690	690	0.000	0	0	0	0
2019	28		16,257,200	0	4,314,300	690	1,690	47.347	78	5	70,000	70,083
2020	76	650,288	60,892,336	0	5,090,945	472,149	473,149	47.347	21,954	1,317	190,000	213,271
2021	105		113,846,095	1,170,518	0	1,251,147	2,422,665	47.347	112,412	6,745	262,500	381,657
2022	0	4,553,844	118,399,939	4,384,248	0	1,476,374	5,861,622	47.347	271,980	16,319	0	288,298
2023	0		118,399,939	8,196,919	0	0	8,197,919	47.347	380,384	22,823	0	403,207
2024	0	4,735,998	123,135,936	8,524,796	0	0	8,525,796	47.347	395,597	23,736	0	419,333
2025	0		123,135,936	8,524,796	0	0	8,525,796	47.347	395,597	23,736	0	419,333
2026	0	4,925,437	128,061,374	8,865,787	0	0	8,866,787	47.347	411,419	24,685	0	436,105
2027	0		128,061,374	8,865,787	0	0	8,866,787	47.347	411,419	24,685	0	436,105
2028	0	5,122,455	133,183,829	9,220,419	0	0	9,221,419	47.347	427,874	25,672	0	453,547
2029	0		133,183,829	9,220,419	0	0	9,221,419	47.347	427,874	25,672	0	453,547
2030	0	5,327,353	138,511,182	9,589,236	0	0	9,590,236	47.347	444,988	26,699	0	471,687
2031	0		138,511,182	9,589,236	0	0	9,590,236	47.347	444,988	26,699	0	471,687
2032	0	5,540,447	144,051,629	9,972,805	0	0	9,973,805	47.347	462,785	27,767	0	490,552
2033	0		144,051,629	9,972,805	0	0	9,973,805	47.347	462,785	27,767	0	490,552
2034	0	5,762,065	149,813,694	10,371,717	0	0	10,372,717	47.347	481,295	28,878	0	510,172
2035	0		149,813,694	10,371,717	0	0	10,372,717	47.347	481,295	28,878	0	510,172
2036	0	5,992,548	155,806,242	10,786,586	0	0	10,787,586	47.347	500,545	30,033	0	530,577
2037	0		155,806,242	10,786,586	0	0	10,787,586	47.347	500,545	30,033	0	530,577
2038		6,232,250	162,038,492	11,218,049	0	0	11,219,049	47.347	520,565	31,234		551,798
2039			162,038,492	11,218,049	0	0	11,219,049	47.347	520,565	31,234		551,798
2040		6,481,540	168,520,031	11,666,771	0	0	11,667,771	47.347	541,385	32,483		573,868
2041			168,520,031	11,666,771	0	0	11,667,771	47.347	541,385	32,483		573,868
2042		6,740,801	175,260,833	12,133,442	0	0	12,134,442	47.347	563,039	33,782		596,821
2043			175,260,833	12,133,442	0	0	12,134,442	47.347	563,039	33,782		596,821
2044		7,010,433	182,271,266	12,618,780	0	0	12,619,780	47.347	585,559	35,134		620,692
2045			182,271,266	12,618,780	0	0	12,619,780	47.347	585,559	35,134		620,692
2046		7,290,851	189,562,117	13,123,531	0	0	13,124,531	47.347	608,979	36,539		645,518
2047			189,562,117	13,123,531	0	0	13,124,531	47.347	608,979	36,539		645,518
2048		7,582,485	197,144,601	13,648,472	0	0	13,649,472	47.347	633,336	38,000		671,337
2049			197,144,601	13,648,472			13,649,472	47.347	633,336	38,000		671,337
	209	83,948,794							13,941,540	836,492	522,500	15,300,532

ANTHOLOGY WEST METROPOLITAN DISTRICT No. 5
Development Projection at 47.347 (target) Mills for Debt Service (less Carve-Out for Ops.) -- 04/23/2019
Series 2019, G.O. Bonds, 100x, Non-Rated, 30-yr. Maturity -- Service Plan

YEAR	Less Carve-out for Ops. [@\$30,000/yr.] Infl. @ 1.0%	Net Available for Debt Svc	Ser. 2019 \$6,975,000 Par [Net \$5.438 MM] Net Debt Service	Annual Surplus	Surplus Release @ to \$697,500	Cumulative Surplus \$697,500 Target	Debt/ Assessed Ratio	Debt/ Act'l Value Ratio	Cov. of Net DS: @ Target	Cov. of Net DS: @ Cap
2017										
2018										
2019	(30,000)	40,083	\$0	40,083		40,083	1474%	11%	0%	0%
2020	(30,300)	182,971	0	182,971	0	223,054	288%	6%	0%	0%
2021	(30,603)	351,054	174,375	176,679	0	399,733	119%	6%	201%	201%
2022	(30,909)	257,389	348,750	(91,361)	0	308,372	85%	6%	74%	74%
2023	(31,218)	371,989	368,750	3,239	0	311,611	82%	6%	101%	101%
2024	(31,530)	387,803	387,750	53	0	311,664	81%	6%	100%	100%
2025	(31,846)	387,488	385,750	1,738	0	313,402	78%	5%	101%	101%
2026	(32,164)	403,941	403,750	191	0	313,592	77%	5%	100%	100%
2027	(32,486)	403,619	400,750	2,869	0	316,461	73%	5%	101%	101%
2028	(32,811)	420,736	417,750	2,986	0	319,448	72%	5%	101%	101%
2029	(33,139)	420,408	418,750	1,658	0	321,106	69%	5%	100%	100%
2030	(33,470)	438,217	434,500	3,717	0	324,823	68%	5%	101%	101%
2031	(33,805)	437,882	434,250	3,632	0	328,455	64%	4%	101%	101%
2032	(34,143)	456,409	453,750	2,659	0	331,114	63%	4%	101%	101%
2033	(34,484)	456,068	452,000	4,068	0	335,182	59%	4%	101%	101%
2034	(34,829)	475,343	475,000	343	0	335,525	57%	4%	100%	100%
2035	(35,177)	474,995	471,500	3,495	0	339,020	53%	4%	101%	101%
2036	(35,529)	495,048	492,750	2,298	0	341,319	51%	4%	101%	101%
2037	(35,884)	494,693	492,500	2,193	0	343,512	48%	3%	100%	100%
2038	(36,243)	515,555	511,750	3,805	0	347,317	45%	3%	101%	101%
2039	(36,606)	515,193	514,500	693	0	348,009	41%	3%	100%	100%
2040	(36,972)	536,897	536,500	397	0	348,406	39%	3%	100%	100%
2041	(37,341)	536,527	531,750	4,777	0	353,183	35%	2%	101%	101%
2042	(37,715)	559,106	556,500	2,606	0	355,789	32%	2%	101%	101%
2043	(38,092)	558,729	554,250	4,479	0	360,268	28%	2%	101%	101%
2044	(38,473)	582,219	581,250	969	0	361,238	25%	2%	100%	100%
2045	(38,858)	581,834	581,000	834	0	362,072	21%	1%	100%	100%
2046	(39,246)	606,272	604,750	1,522	0	363,593	17%	1%	100%	100%
2047	(39,639)	605,879	601,250	4,629	0	368,222	13%	1%	101%	101%
2048	(40,035)	631,301	626,750	4,551	0	372,774	9%	1%	101%	101%
2049	(40,435)	630,901	630,135	766	373,540	0	0%	0%	100%	100%
	(1,083,982)	14,216,550	13,843,010	373,540	373,540					

[GApr2319 19nrspG]

ANTHOLOGY WEST METROPOLITAN DISTRICT No. 5

Development Summary

Development Projection -- Buildout Plan (Service Plan) - (updated 4/23/19)



Residential Development

Product Type	SFD - 50 x 110	SFD - 60 x 110	SFA - Paired Home - 25 x 80	Res'l Totals
Base \$ ('19)	\$549,900	\$635,900	\$424,900	
2017	-	-	-	-
2018	-	-	-	-
2019	18	10	-	28
2020	36	30	10	76
2021	3	28	74	105
2022	-	-	-	-
2023	-	-	-	-
2024	-	-	-	-
2025	-	-	-	-
2026	-	-	-	-
2027	-	-	-	-
2028	-	-	-	-
2029	-	-	-	-
2030	-	-	-	-
2031	-	-	-	-
2032	-	-	-	-
2033	-	-	-	-
2034	-	-	-	-
2035	-	-	-	-
2036	-	-	-	-
2037	-	-	-	-
	57	68	84	209
MV @ Full Buildout (base prices;un-infl.)	\$31,344,300	\$43,241,200	\$35,691,600	\$110,277,100

notes:

Platted/Dev Lots = 10% MV; one-yr prior

Base MV \$ inflated 2% per annum

Res'l Fac. Fees = \$2,500 per unit

Development Projection -- Buildout Plan (Service Plan) - (updated 4/23/19)

YEAR	Residential Development										Residential Summary										
	<u>SFD - 50 x 110</u>					<u>SFD - 60 x 110</u>					<u>SFA - Paired Home - 25 x 80</u>										
	Incr/(Decr) in					Incr/(Decr) in					Incr/(Decr) in							Total Res'l		Value of Platted &	
	Finished Lot	# Units	Price			Finished Lot	# Units	Price			Finished Lot	# Units	Price			Total Residential	Total	Facility Fees	Developed Lots		
	# Lots	Value @	Completed	Inflated @	Market	# Lots	Value @	Completed	Inflated @	Market	# Lots	Value @	Completed	Inflated @	Market	Market Value	Res'l Units	@ \$2,500/unit	Adjustment¹	Adjusted Value	
	Devel'd	10%	57 target	2%	Value	Devel'd	10%	68 target	2%	Value	Devel'd	10%	84 target	2%	Value						
2017	0	0		\$549,900	0	0	0		\$635,900	0	0	0		\$424,900	0	\$0	0	0	2,379	2,379	
2018	18	989,820		549,900	0	10	635,900		635,900	0	0	0		424,900	0	0	0	0	0	1,625,720	
2019	36	989,820	18	549,900	9,898,200	30	1,271,800	10	635,900	6,359,000	10	424,900		424,900	0	16,257,200	28	70,000	(319)	2,686,201	
2020	3	(1,814,670)	36	560,898	20,192,328	28	(127,180)	30	648,618	19,458,540	74	2,719,360	10	433,398	4,333,980	43,984,848	76	190,000	(865)	776,645	
2021	0	(164,970)	3	572,116	1,716,348	0	(1,780,520)	28	661,590	18,524,530	0	(3,144,260)	74	442,066	32,712,881	52,953,759	105	262,500	(1,195)	(5,090,945)	
2022	0	0	0	583,558	0	0	0	0	674,822	0	0	0	0	450,907	0	0	0	0	0	0	
2023	0	0	0	595,229	0	0	0	0	688,319	0	0	0	0	459,925	0	0	0	0	0	0	
2024	0	0	0	607,134	0	0	0	0	702,085	0	0	0	0	469,124	0	0	0	0	0	0	
2025	0	0	0	619,277	0	0	0	0	716,127	0	0	0	0	478,506	0	0	0	0	0	0	
2026	0	0	0	631,662	0	0	0	0	730,449	0	0	0	0	488,077	0	0	0	0	0	0	
2027	0	0	0	644,295	0	0	0	0	745,058	0	0	0	0	497,838	0	0	0	0	0	0	
2028	0	0	0	657,181	0	0	0	0	759,959	0	0	0	0	507,795	0	0	0	0	0	0	
2029	0	0	0	670,325	0	0	0	0	775,159	0	0	0	0	517,951	0	0	0	0	0	0	
2030	0	0	0	683,732	0	0	0	0	790,662	0	0	0	0	528,310	0	0	0	0	0	0	
2031	0	0	0	697,406	0	0	0	0	806,475	0	0	0	0	538,876	0	0	0	0	0	0	
2032	0	0	0	711,354	0	0	0	0	822,604	0	0	0	0	549,653	0	0	0	0	0	0	
2033	0	0	0	725,581	0	0	0	0	839,057	0	0	0	0	560,647	0	0	0	0	0	0	
2034	0	0	0	740,093	0	0	0	0	855,838	0	0	0	0	571,859	0	0	0	0	0	0	
2035	0	0	0	754,895	0	0	0	0	872,954	0	0	0	0	583,297	0	0	0	0	0	0	
2036	0	0	0	769,993	0	0	0	0	890,414	0	0	0	0	594,963	0	0	0	0	0	0	
2037		0	0	785,393	0		0	0	908,222	0		0	0	606,862	0	0	0	0	0	0	
	57	(0)	57		31,806,876	68	(0)	68		44,342,070	84	0	84		37,046,861	113,195,807	209	522,500	0	(0)	

[1] Adj. to actual/prelim. AV

SOURCES AND USES OF FUNDS

**ANTHOLOGY WEST METROPOLITAN DISTRICT Nos. 5 & 6
GENERAL OBLIGATION BONDS, SERIES 2019
47.347 (target) Mills (less Carve-Out for Ops.)
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 4% Bi-Reassessment Projections)
[Preliminary -- for discussion only]**

Dated Date	12/01/2019
Delivery Date	12/01/2019

Sources:

Bond Proceeds:	
Par Amount	6,975,000.00
	6,975,000.00

Uses:

Project Fund Deposits:	
Project Fund	5,437,760.42
Other Fund Deposits:	
Capitalized Interest Fund	523,125.00
Debt Service Reserve Fund	624,614.58
	1,147,739.58
Cost of Issuance:	
Other Cost of Issuance	250,000.00
Delivery Date Expenses:	
Underwriter's Discount	139,500.00
	6,975,000.00

BOND SUMMARY STATISTICS

ANTHOLOGY WEST METROPOLITAN DISTRICT Nos. 5 & 6
GENERAL OBLIGATION BONDS, SERIES 2019
47.347 (target) Mills (less Carve-Out for Ops.)
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 4% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Dated Date	12/01/2019
Delivery Date	12/01/2019
First Coupon	06/01/2020
Last Maturity	12/01/2049
Arbitrage Yield	5.000000%
True Interest Cost (TIC)	5.153637%
Net Interest Cost (NIC)	5.000000%
All-In TIC	5.440802%
Average Coupon	5.000000%
Average Life (years)	22.984
Weighted Average Maturity (years)	22.984
Duration of Issue (years)	13.426
Par Amount	6,975,000.00
Bond Proceeds	6,975,000.00
Total Interest	8,015,750.00
Net Interest	8,155,250.00
Bond Years from Dated Date	160,315,000.00
Bond Years from Delivery Date	160,315,000.00
Total Debt Service	14,990,750.00
Maximum Annual Debt Service	1,254,750.00
Average Annual Debt Service	499,691.67
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	20.000000
Total Underwriter's Discount	20.000000
Bid Price	98.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	PV of 1 bp change
Term Bond due 2049	6,975,000.00	100.000	5.000%	22.984	11/24/2042	10,811.25
	6,975,000.00			22.984		10,811.25

	TIC	All-In TIC	Arbitrage Yield
Par Value	6,975,000.00	6,975,000.00	6,975,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-139,500.00	-139,500.00	
- Cost of Issuance Expense		-250,000.00	
- Other Amounts			
Target Value	6,835,500.00	6,585,500.00	6,975,000.00
Target Date	12/01/2019	12/01/2019	12/01/2019
Yield	5.153637%	5.440802%	5.000000%

BOND DEBT SERVICE

ANTHOLOGY WEST METROPOLITAN DISTRICT Nos. 5 & 6
GENERAL OBLIGATION BONDS, SERIES 2019
47.347 (target) Mills (less Carve-Out for Ops.)
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 4% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2020			174,375	174,375	
12/01/2020			174,375	174,375	348,750
06/01/2021			174,375	174,375	
12/01/2021			174,375	174,375	348,750
06/01/2022			174,375	174,375	
12/01/2022			174,375	174,375	348,750
06/01/2023			174,375	174,375	
12/01/2023	20,000	5.000%	174,375	194,375	368,750
06/01/2024			173,875	173,875	
12/01/2024	40,000	5.000%	173,875	213,875	387,750
06/01/2025			172,875	172,875	
12/01/2025	40,000	5.000%	172,875	212,875	385,750
06/01/2026			171,875	171,875	
12/01/2026	60,000	5.000%	171,875	231,875	403,750
06/01/2027			170,375	170,375	
12/01/2027	60,000	5.000%	170,375	230,375	400,750
06/01/2028			168,875	168,875	
12/01/2028	80,000	5.000%	168,875	248,875	417,750
06/01/2029			166,875	166,875	
12/01/2029	85,000	5.000%	166,875	251,875	418,750
06/01/2030			164,750	164,750	
12/01/2030	105,000	5.000%	164,750	269,750	434,500
06/01/2031			162,125	162,125	
12/01/2031	110,000	5.000%	162,125	272,125	434,250
06/01/2032			159,375	159,375	
12/01/2032	135,000	5.000%	159,375	294,375	453,750
06/01/2033			156,000	156,000	
12/01/2033	140,000	5.000%	156,000	296,000	452,000
06/01/2034			152,500	152,500	
12/01/2034	170,000	5.000%	152,500	322,500	475,000
06/01/2035			148,250	148,250	
12/01/2035	175,000	5.000%	148,250	323,250	471,500
06/01/2036			143,875	143,875	
12/01/2036	205,000	5.000%	143,875	348,875	492,750
06/01/2037			138,750	138,750	
12/01/2037	215,000	5.000%	138,750	353,750	492,500
06/01/2038			133,375	133,375	
12/01/2038	245,000	5.000%	133,375	378,375	511,750
06/01/2039			127,250	127,250	
12/01/2039	260,000	5.000%	127,250	387,250	514,500
06/01/2040			120,750	120,750	
12/01/2040	295,000	5.000%	120,750	415,750	536,500
06/01/2041			113,375	113,375	
12/01/2041	305,000	5.000%	113,375	418,375	531,750
06/01/2042			105,750	105,750	
12/01/2042	345,000	5.000%	105,750	450,750	556,500
06/01/2043			97,125	97,125	
12/01/2043	360,000	5.000%	97,125	457,125	554,250
06/01/2044			88,125	88,125	
12/01/2044	405,000	5.000%	88,125	493,125	581,250
06/01/2045			78,000	78,000	
12/01/2045	425,000	5.000%	78,000	503,000	581,000
06/01/2046			67,375	67,375	
12/01/2046	470,000	5.000%	67,375	537,375	604,750
06/01/2047			55,625	55,625	
12/01/2047	490,000	5.000%	55,625	545,625	601,250
06/01/2048			43,375	43,375	
12/01/2048	540,000	5.000%	43,375	583,375	626,750
06/01/2049			29,875	29,875	
12/01/2049	1,195,000	5.000%	29,875	1,224,875	1,254,750
			6,975,000	8,015,750	14,990,750
				14,990,750	14,990,750

NET DEBT SERVICE

ANTHOLOGY WEST METROPOLITAN DISTRICT Nos. 5 & 6
GENERAL OBLIGATION BONDS, SERIES 2019
47.347 (target) Mills (less Carve-Out for Ops.)
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 4% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Period Ending	Principal	Interest	Total Debt Service	Debt Service Reserve Fund	Capitalized Interest Fund	Net Debt Service
12/01/2020		348,750	348,750		348,750	
12/01/2021		348,750	348,750		174,375	174,375.00
12/01/2022		348,750	348,750			348,750.00
12/01/2023	20,000	348,750	368,750			368,750.00
12/01/2024	40,000	347,750	387,750			387,750.00
12/01/2025	40,000	345,750	385,750			385,750.00
12/01/2026	60,000	343,750	403,750			403,750.00
12/01/2027	60,000	340,750	400,750			400,750.00
12/01/2028	80,000	337,750	417,750			417,750.00
12/01/2029	85,000	333,750	418,750			418,750.00
12/01/2030	105,000	329,500	434,500			434,500.00
12/01/2031	110,000	324,250	434,250			434,250.00
12/01/2032	135,000	318,750	453,750			453,750.00
12/01/2033	140,000	312,000	452,000			452,000.00
12/01/2034	170,000	305,000	475,000			475,000.00
12/01/2035	175,000	296,500	471,500			471,500.00
12/01/2036	205,000	287,750	492,750			492,750.00
12/01/2037	215,000	277,500	492,500			492,500.00
12/01/2038	245,000	266,750	511,750			511,750.00
12/01/2039	260,000	254,500	514,500			514,500.00
12/01/2040	295,000	241,500	536,500			536,500.00
12/01/2041	305,000	226,750	531,750			531,750.00
12/01/2042	345,000	211,500	556,500			556,500.00
12/01/2043	360,000	194,250	554,250			554,250.00
12/01/2044	405,000	176,250	581,250			581,250.00
12/01/2045	425,000	156,000	581,000			581,000.00
12/01/2046	470,000	134,750	604,750			604,750.00
12/01/2047	490,000	111,250	601,250			601,250.00
12/01/2048	540,000	86,750	626,750			626,750.00
12/01/2049	1,195,000	59,750	1,254,750	624,614.58		630,135.42
	6,975,000	8,015,750	14,990,750	624,614.58	523,125	13,843,010.42

BOND SOLUTION

ANTHOLOGY WEST METROPOLITAN DISTRICT Nos. 5 & 6
GENERAL OBLIGATION BONDS, SERIES 2019
47.347 (target) Mills (less Carve-Out for Ops.)
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 4% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Period Ending	Proposed Principal	Proposed Debt Service	Debt Service Adjustments	Total Adj Debt Service	Revenue Constraints	Unused Revenues	Debt Serv Coverage
12/01/2020		348,750	-348,750		-36,946	-36,946	
12/01/2021		348,750	-174,375	174,375	88,554	-85,821	50.78339%
12/01/2022		348,750		348,750	257,389	-91,361	73.80340%
12/01/2023	20,000	368,750		368,750	371,989	3,239	100.87833%
12/01/2024	40,000	387,750		387,750	387,803	53	100.01366%
12/01/2025	40,000	385,750		385,750	387,488	1,738	100.45047%
12/01/2026	60,000	403,750		403,750	403,941	191	100.04720%
12/01/2027	60,000	400,750		400,750	403,619	2,869	100.71589%
12/01/2028	80,000	417,750		417,750	420,736	2,986	100.71485%
12/01/2029	85,000	418,750		418,750	420,408	1,658	100.39599%
12/01/2030	105,000	434,500		434,500	438,217	3,717	100.85540%
12/01/2031	110,000	434,250		434,250	437,882	3,632	100.83639%
12/01/2032	135,000	453,750		453,750	456,409	2,659	100.58611%
12/01/2033	140,000	452,000		452,000	456,068	4,068	100.90001%
12/01/2034	170,000	475,000		475,000	475,343	343	100.07228%
12/01/2035	175,000	471,500		471,500	474,995	3,495	100.74126%
12/01/2036	205,000	492,750		492,750	495,048	2,298	100.46640%
12/01/2037	215,000	492,500		492,500	494,693	2,193	100.44526%
12/01/2038	245,000	511,750		511,750	515,555	3,805	100.74356%
12/01/2039	260,000	514,500		514,500	515,193	693	100.13464%
12/01/2040	295,000	536,500		536,500	536,897	397	100.07393%
12/01/2041	305,000	531,750		531,750	536,527	4,777	100.89834%
12/01/2042	345,000	556,500		556,500	559,106	2,606	100.46834%
12/01/2043	360,000	554,250		554,250	558,729	4,479	100.80814%
12/01/2044	405,000	581,250		581,250	582,219	969	100.16673%
12/01/2045	425,000	581,000		581,000	581,834	834	100.14361%
12/01/2046	470,000	604,750		604,750	606,272	1,522	100.25159%
12/01/2047	490,000	601,250		601,250	605,879	4,629	100.76990%
12/01/2048	540,000	626,750		626,750	631,301	4,551	100.72619%
12/01/2049	1,195,000	1,254,750	-624,615	630,135	630,901	766	100.12150%
	6,975,000	14,990,750	-1,147,740	13,843,010	13,694,050	-148,960	

EXHIBIT 2

Affidavit of Publication

The Denver Post, LLC

PUBLISHER'S AFFIDAVIT

City and County of Denver)
State of Colorado)
)

The undersigned Nicole Maestas
being first duly sworn under oath, states
and affirms as follows:

1. He/she is the legal Advertising Reviewer of The Denver Post, LLC, publisher of *The Denver Post* and *Your Hub*.
2. *The Denver Post* and *Your Hub* are newspapers of general circulation that have been published continuously and without interruption for at least fifty-two weeks in Douglas County and meet 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 Denver Post* on the following date(s):

April 30, 2019

Nicole Maestas
Signature

Subscribed and sworn to before me this 6
day of May, 2019.

Jamie Lynn Kittelson
Notary Public

Jamie Lynn Kittelson
Notary Public
State of Colorado
Notary ID 20054026395
My Commission Expires July 6, 2021

(SEAL)

NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

IN RE ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6,
COUNTY OF DOUGLAS, STATE OF COLORADO

NOTICE IS HEREBY GIVEN that, pursuant to § 32-1-204(1), C.R.S., a First Amendment to the Consolidated Service Plan (the "Service Plan Amendment") for the Anthology West Metropolitan District Nos. 5 and 6 (each a "District") has been filed with the Town of Parker.

A public hearing on the Service Plan will be held by the Town Council of the Town of Parker, Colorado (the "Town Council") on May 20, 2019, at 7:00 p.m., at 20120 E. Mainstreet, Parker, Colorado, or as soon thereafter as the Town Council may hear such matter.

The purpose of the hearing is to consider the Service Plan Amendment and to form a basis for adopting a resolution approving, conditionally approving or disapproving the Service Plan Amendment.

A general description of the land contained within the boundaries of the proposed District is as follows: West of Molsenbocker Road and South of Hess Road, Parker, Colorado.

Pursuant to § 32-1-203(3.5), C.R.S., any person owning property in the proposed District may request that such property be excluded from the District by submitting such request to the Town Council no later than ten days prior to the public hearing.

BY ORDER OF THE TOWN CLERK,
TOWN OF PARKER, COLORADO

EXHIBIT 3

Certificate of Mailing of Notice of Hearing to Property Owners and Three Mile Radius Entities

CERTIFICATE CONCERNING NOTICES OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

IN RE ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6
TOWN OF PARKER, DOUGLAS COUNTY, STATE OF COLORADO

I, Rose A. Vallesio, a paralegal at the law firm of White Bear Ankele Tanaka & Waldron Professional Corporation, acting on behalf of Anthology West Metropolitan District Nos. 5 & 6 (the “Districts”), do hereby certify as follows:

1. That the Town Council of the Town of Parker, (the “Town Council”) set a public hearing for May 20th, 2019 at 7:00 p.m. at 20120 E. Mainstreet, Parker, Colorado (the “Hearing”), for the purpose of considering the First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6 (the “Service Plan Amendment”) for the Districts and to form a basis for adopting a resolution approving, conditionally approving or disapproving the Service Plan Amendment;
2. That, pursuant to § 32-1-204(1), C.R.S., the Notice of Public Hearing on the Service Plan Amendment, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference, was provided by U.S. mail on April 30, 2019, to the Petitioners and to the governing body of any existing municipality or special district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the proposed Districts’ boundaries, as set forth on the list attached hereto as **Exhibit B** and incorporated herein by this reference;
3. That, pursuant to § 32-1-204(1), C.R.S., the Notice of Public Hearing on the Service Plan Amendment, a copy of which is attached hereto as **Exhibit C** and incorporated herein by this reference, was published on April 30, 2019, in *The Denver Post*. A copy of the Affidavit of Publication of Notice of Public Hearing on the Service Plan Amendment is attached hereto as **Exhibit D** and incorporated herein by this reference;
4. That, pursuant to § 32-1-204(1.5), C.R.S., the Notice of Public Hearing on the Service Plan Amendment, a copy of which is attached hereto as **Exhibit E** and incorporated herein by this reference, was sent by U.S. mail on April 30, 2019 (which date is no more than thirty days nor less than twenty days prior to the Hearing), to the property owners within the Districts as listed on the records of the County Assessor, as set forth on the list attached hereto as **Exhibit F** and incorporated herein by this reference.; and

Signed this 3rd day of May, 2019.

By: 

Rose A. Vallesio

EXHIBIT A
TO CERTIFICATE OF MAILING AND PUBLICATION OF
NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT
(Notice of Public Hearing on Service Plan Amendment for Petitioners and
3-Mile Taxing Entities)

NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

IN RE ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6, COUNTY OF DOUGLAS, STATE OF COLORADO

NOTICE IS HEREBY GIVEN that, pursuant to § 32-1-204(1), C.R.S., a public hearing on a First Amendment to the Consolidation Service Plan for Anthology West Metropolitan District Nos. 5 and 5 will be held by the Town Council of the Town of Parker, Colorado on May 20, 2019, at 7:00 p.m. at 20120 E. Mainstreet, Parker, Colorado, or as soon thereafter as the Town Council may hear such matter.

BY ORDER OF TOWN CLERK,
TOWN OF PARKER, COLORADO

EXHIBIT B
TO CERTIFICATE OF MAILING AND PUBLICATION OF
NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

(Mailing List of 3-Mile Taxing Entities)

District 5

Antelope Heights Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Anthology West Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 2 Debt Service
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 3
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 4
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 5
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 6
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Canterberry Crossing Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Canterberry Crossing Metro District II
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Canyons Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Carousel Farms Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Castle Rock Fire Protection District
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Cedar Hill Cemetery Association
880 E Wolfensberger Rd
Castle Rock, CO 80104

Cherry Creek Basin Water Quality Authority
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Cherry Creek South Metro District 1
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 10
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 11
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 4
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 5
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 6
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 7
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 8
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 9
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cielo Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228

City of Castle Pines
360 Village Square Ln Suite B
Castle Pines, CO 80108

City of Lone Tree
9220 Kimmer Dr Ste 100
Lone Tree, CO 80124

Denver SE Suburban Water & Sanitation District
5242 Old Schoolhouse Rd
Parker, CO 80134

Douglas County Government
100 Third St
Castle Rock, CO 80104

Douglas County Law Enforcement
100 Third St
Castle Rock, CO 80104

Douglas County Re-1 School District
701 Prairie Hawk Dr
Castle Rock, CO 80109

Douglas County Schools - Cap Reserve
701 Prairie Hawk Dr
Castle Rock, CO 80109

Douglas County Schools - Debt Service
701 Prairie Hawk Dr
Castle Rock, CO 80109

Douglas County Schools - Insurance Reserve
701 Prairie Hawk Dr
Castle Rock, CO 80109

Douglas County Soil Conservation District
PO Box 688
Franktown, CO 80116

Douglas Public Library District
100 S Wilcox St
Castle Rock, CO 80104

E-470 Public Highway Authority
22470 E Sixth Pkwy Ste 100
Aurora, CO 80018

Franktown Fire Protection District
1959 N Hwy 83
Franktown, CO 80116

Hess Ranch Metro District 1
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Hess Ranch Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Hess Ranch Metro District 3
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Hess Ranch Metro District 4
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 5
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 6
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 7
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 8
1700 Lincoln St Ste 2000
Denver, CO 80203

High Prairie Farms Metro District
1189 S Perry St Ste 220
Castle Rock, CO 80104

Horse Creek Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Horseshoe Ridge Metro District 1
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Horseshoe Ridge Metro District 2
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Horseshoe Ridge Metro District 3
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Jordan Crossing Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Lincoln Creek Metro District
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Lincoln Meadows Metro District
9068 Forsstrom Dr #C-1
Lone Tree, CO 80124

Lincoln Meadows Metro District Debt Service
9068 Forsstrom Dr #C-1
Lone Tree, CO 80124

Lincoln Park Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Meridian Village Metro District 1 Debt Service
6380 S Fiddlers Green Cir Ste 400
Greenwood Village, CO 80111

Meridian Village Metro District 2
6380 S Fiddlers Green Cir Ste 400
Greenwood Village, CO 80111

Neu Towne Metro District
304 Inverness Way S Ste 490
Englewood, CO 80112

Olde Town Metro District
7995 E Prentice Ave Ste 103E
Greenwood Village, CO 80111

Overlook Metro District
450 E 17th Ave Ste 400
Denver, CO 80203

Parker Central Area URP
20120 E Mainstreet
Parker, CO 80138

Parker Homestead Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Parker Road Area URP
20120 E Mainstreet
Parker, CO 80138

Parker Water & Sanitation District
18100 E Woodman Dr
Parker, CO 80134

Pine Bluffs Metro District
5291 E Yale Ave
Denver, CO 80222

Pinery Commercial Metro District 1
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Pinery Commercial Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Pinery West Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Rampart Range Metro District 1
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Rampart Range Metro District 4
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Rampart Range Metro District 5
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Rampart Range Metro District 8
450 E 17th Ave Ste 400
Denver, CO 80203

Rampart Range Metro District 9
450 E 17th Ave Ste 400
Denver, CO 80203

Reata North Metro District
304 Inverness Way S Ste 490
Englewood, CO 80111

Reata Ridge Village Metro District 1
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Reata Ridge Village Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Reata South Metro District
390 Union Blvd Ste 400
Lakewood, CO 80228

Regency Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Regional Transportation District
1600 Blake St
Denver, CO 80202

Robinson Ranch Metro District
7995 E Prentice Ave Ste 103E
Greenwood Village, CO 80111

Salisbury Heights Metro District
8390 E Crescent Pkwy Ste 300
Greenwood village, CO 80111

Sierra Ridge Metro District 2
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

South Metro Fire Rescue Fire Protection District
9195 E Mineral Ave
Centennial, CO 80112

Stone Creek Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Stonegate Village Metro District

10252 Stonegate Pkwy

Parker, CO 80134

Town of Parker

20120 E Mainstreet

Parker, CO 80138

Urban Drainage & Flood Control District

2480 W 26th Ave Ste 156-B

Denver, CO 80211

Urban Drainage & Flood South Platte

2480 W 26th Ave Ste 156-B

Denver, CO 80211

Village on the Green Metro District 1

1700 Lincoln St Ste 2000

Denver, CO 80203-4554

District 6

Antelope Heights Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Anthology West Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 2 Debt Service
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 3
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 4
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 5
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Anthology West Metro District 6
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Canterberry Crossing Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Canterberry Crossing Metro District II
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Carousel Farms Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

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Centennial, CO 80112

Cherry Creek South Metro District 11
7208 S Tuscan Way Ste 125
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Cherry Creek South Metro District 4
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 5
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 6
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 7
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 8
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cherry Creek South Metro District 9
7208 S Tuscan Way Ste 125
Centennial, CO 80112

Cielo Metro District
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Lakewood, CO 80228

City of Lone Tree
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Lone Tree, CO 80124

Denver SE Suburban Water & Sanitation District
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Douglas County Law Enforcement
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Castle Rock, CO 80109

Douglas County Schools - Cap Reserve
701 Prairie Hawk Dr
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Douglas County Schools - Debt Service
701 Prairie Hawk Dr
Castle Rock, CO 80109

Douglas County Schools - Insurance Reserve
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Douglas County Soil Conservation District
PO Box 688
Franktown, CO 80116

Douglas Public Library District
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Castle Rock, CO 80104

E-470 Public Highway Authority
22470 E Sixth Pkwy Ste 100
Aurora, CO 80018

Franktown Fire Protection District
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Franktown, CO 80116

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2154 E Commons Ave Ste 2000
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Hess Ranch Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Hess Ranch Metro District 3
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Hess Ranch Metro District 4
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 5
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 6
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 7
1700 Lincoln St Ste 2000
Denver, CO 80203

Hess Ranch Metro District 8
1700 Lincoln St Ste 2000
Denver, CO 80203

High Prairie Farms Metro District
1189 S Perry St Ste 220
Castle Rock, CO 80104

Horse Creek Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Horseshoe Ridge Metro District 1
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Horseshoe Ridge Metro District 2
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Horseshoe Ridge Metro District 3
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Jordan Crossing Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Lincoln Creek Metro District
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

Lincoln Meadows Metro District
9068 Forsstrom Dr #C-1
Lone Tree, CO 80124

Lincoln Meadows Metro District Debt Service
9068 Forsstrom Dr #C-1
Lone Tree, CO 80124

Lincoln Park Metro District
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Meridian Village Metro District 1 Debt Service
6380 S Fiddlers Green Cir Ste 400
Greenwood Village, CO 80111

Meridian Village Metro District 2
6380 S Fiddlers Green Cir Ste 400
Greenwood Village, CO 80111

Neu Towne Metro District
304 Inverness Way S Ste 490
Englewood, CO 80112

Olde Town Metro District
7995 E Prentice Ave Ste 103E
Greenwood Village, CO 80111

Overlook Metro District
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Denver, CO 80203

Parker Central Area URP
20120 E Mainstreet
Parker, CO 80138

Parker Homestead Metro District
141 Union Blvd Ste 150
Lakewood, CO 80228-1898

Parker Road Area URP
20120 E Mainstreet
Parker, CO 80138

Parker Water & Sanitation District
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Parker, CO 80134

Pine Bluffs Metro District
5291 E Yale Ave
Denver, CO 80222

Pinery Commercial Metro District 1
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Centennial, CO 80122

Pinery Commercial Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Pinery West Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Rampart Range Metro District 1
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Rampart Range Metro District 4
8390 E Crescent Pkwy Ste 300
Greenwood Village, CO 80111

Reata North Metro District
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Englewood, CO 80111

Reata Ridge Village Metro District 1
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Centennial, CO 80122

Reata Ridge Village Metro District 2
2154 E Commons Ave Ste 2000
Centennial, CO 80122

Reata South Metro District
390 Union Blvd Ste 400
Lakewood, CO 80228

Regency Metro District
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Lakewood, CO 80228-1898

Regional Transportation District
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Denver, CO 80202

Robinson Ranch Metro District
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Greenwood Village, CO 80111

Salisbury Heights Metro District
8390 E Crescent Pkwy Ste 300
Greenwood village, CO 80111

Sierra Ridge Metro District 2
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Denver, CO 80203-4554

South Metro Fire Rescue Fire Protection District
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Centennial, CO 80112

Stone Creek Metro District
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Lakewood, CO 80228-1898

Stonegate Village Metro District
10252 Stonegate Pkwy
Parker, CO 80134

Town of Parker
20120 E Mainstreet
Parker, CO 80138

Urban Drainage & Flood Control District
2480 W 26th Ave Ste 156-B
Denver, CO 80211

Urban Drainage & Flood South Platte
2480 W 26th Ave Ste 156-B
Denver, CO 80211

Village on the Green Metro District 1
1700 Lincoln St Ste 2000
Denver, CO 80203-4554

EXHIBIT C
TO CERTIFICATE OF MAILING AND PUBLICATION OF
NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT
(Notice of Public Hearing on Service Plan Amendment for Publication)

NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

IN RE ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6, COUNTY OF DOUGLAS, STATE OF COLORADO

NOTICE IS HEREBY GIVEN that, pursuant to § 32-1-204(1), C.R.S., a First Amendment to the Consolidated Service Plan (the “Service Plan Amendment”) for the Anthology West Metropolitan District Nos. 5 and 6 (each a “District”) has been filed with the Town of Parker.

A public hearing on the Service Plan will be held by the Town Council of the Town of Parker, Colorado (the “Town Council”) on May 20, 2019, at 7:00 p.m., at 20120 E. Mainstreet, Parker, Colorado, or as soon thereafter as the Town Council may hear such matter.

The purpose of the hearing is to consider the Service Plan Amendment and to form a basis for adopting a resolution approving, conditionally approving or disapproving the Service Plan Amendment.

A general description of the land contained within the boundaries of the proposed District is as follows: West of Motsenbocker Road and South of Hess Road, Parker, Colorado.

Pursuant to § 32-1-203(3.5), C.R.S., any person owning property in the proposed District may request that such property be excluded from the District by submitting such request to the Town Council no later than ten days prior to the public hearing.

BY ORDER OF THE TOWN CLERK,
TOWN OF PARKER, COLORADO

EXHIBIT D
TO CERTIFICATE OF MAILING AND PUBLICATION OF
NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

(Affidavit of Publication of Notice of Public Hearing on Service Plan Amendment)

The Denver Post, LLC

PUBLISHER'S AFFIDAVIT

City and County of Denver)
State of Colorado)
)

The undersigned Nicole Maestas
being first duly sworn under oath, states
and affirms as follows:

1. He/she is the legal Advertising Reviewer of The Denver Post, LLC, publisher of *The Denver Post* and *Your Hub*.
2. *The Denver Post* and *Your Hub* are newspapers of general circulation that have been published continuously and without interruption for at least fifty-two weeks in Douglas County and meet 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 Denver Post* on the following date(s):

April 30, 2019

Nicole Maestas
Signature

Subscribed and sworn to before me this 6
day of May, 2019.

Jamie Lynn Kittelson

Notary Public

Jamie Lynn Kittelson
Notary Public
State of Colorado
Notary ID 20054026395
My Commission Expires July 6, 2021

(SEAL)

NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

IN RE ANTHOLOGY WEST METROPOLITAN DISTRICT NOS. 5 AND 6,
COUNTY OF DOUGLAS, STATE OF COLORADO

NOTICE IS HEREBY GIVEN that, pursuant to § 32-1-204(1), C.R.S., a First Amendment to the Consolidated Service Plan (the "Service Plan Amendment") for the Anthology West Metropolitan District Nos. 5 and 6 (each a "District") has been filed with the Town of Parker.

A public hearing on the Service Plan will be held by the Town Council of the Town of Parker, Colorado (the "Town Council") on May 20, 2019, at 7:00 p.m., at 20120 E. Mainstreet, Parker, Colorado, or as soon thereafter as the Town Council may hear such matter.

The purpose of the hearing is to consider the Service Plan Amendment and to form a basis for adopting a resolution approving, conditionally approving or disapproving the Service Plan Amendment.

A general description of the land contained within the boundaries of the proposed District is as follows: West of Molsenbocker Road and South of Hess Road, Parker, Colorado.

Pursuant to § 32-1-203(3.5), C.R.S., any person owning property in the proposed District may request that such property be excluded from the District by submitting such request to the Town Council no later than ten days prior to the public hearing.

BY ORDER OF THE TOWN CLERK,
TOWN OF PARKER, COLORADO

EXHIBIT E
TO CERTIFICATE OF MAILING AND PUBLICATION OF
NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

(Notice of Public Hearing on Service Plan Amendment for Property Owners)

NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT

IN RE ANTHOLOGY WEST METROPOLITAN DISTRICT NOS.5 AND 6

PUBLIC NOTICE IS HEREBY GIVEN that there has been filed with the Town of Parker, Colorado (the "Town"), a First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District Nos. 5 and 6 (the "Service Plan Amendment") (each a "District"). The Service Plan Amendment is on file and available for public inspection in the office of the Town Clerk of the Town.

Pursuant to Section 32-1-204.5, C.R.S., the Town Council of the Town will hold a public hearing on the Service Plan Amendment at 20120 E. Mainstreet, Parker, Colorado, **at 7:00 p.m. on May 20, 2019.**

The purpose of the hearing before the Town Council is to consider the Service Plan Amendment and to form a basis for adopting a resolution approving, disapproving or conditionally approving the Service Plan Amendment.

Each District is a metropolitan district governed by Title 32 of the Colorado Revised Statutes.

The 2019 maximum mill levy for each District is 42.827 mills, as may be adjusted in accordance with the provisions of the Service Plan.

All protests and objections must be submitted in writing to the Town Clerk at the address noted above, at or prior to the public hearing or any continuance or postponement thereof in order to be considered.

By Order of the Town Clerk,
Town of Parker, Colorado

Published in: *The Denver Post*
Published On: April 30, 2019

EXHIBIT F
TO CERTIFICATE OF MAILING AND PUBLICATION OF
NOTICE OF PUBLIC HEARING ON SERVICE PLAN AMENDMENT
(Mailing List of Property Owners)

ANTHOLOGY RECOVERY ACQUISITION LLC
7200 S ALTON WAY STE C400
CENTENNIAL, CO 801122366

TOWN OF PARKER
20120 E MAINSTREET
PARKER, CO 80138

TOWN OF PARKER
20120 E MAINSTREET
PARKER, CO 80138



MEMO

To: Kristin Schledorn, Town of Parker
From: Monica Rosenbluth, Butler Snow
Date: May 6, 2019
Re: First Amendment to the Consolidated Service Plan for Anthology West Metropolitan District No. 5 and Anthology West Metropolitan District No. 6

The following sets forth our report on the proposed First Amendment to the Consolidated Service Plan ("Service Plan Amendment") for Anthology West Metropolitan District No. 5 and Anthology West Metropolitan District No. 6 (the "Districts") which is set for a public hearing before the Town Council on May 20, 2019. This report summarizes key information about the Districts and the Service Plan Amendment.

Anthology West Metropolitan District Nos. 5 & 6

Developer: Anthology West Acquisition

Attorney: White Bear Ankele Tanaka & Waldron (Kristen D. Bear and Trisha K. Harris)

Finance: D.A. Davidson & Co.

Accounting: Simmons & Wheeler (Mark Chambers)

Engineer: Harris Kocher Smith

Bond Counsel: Kutak Rock (Saranne Maxwell and Kristine Lay)

Location: Southwest of Hess Road and Crowfoot Valley Road

Area/Land Use: District 5: 59.39 acres
District 6: 0.15 acres

Build Out Schedule: Build out anticipated to occur 2021, per Financial Plan

Projected Assessed: \$113,195,807 projected total assessed valuation (AV) for all residential development at completion of project build out, anticipated for 2021 completion year (per Financial Plan, with 2-year lag for AV realization)

Powers: Per the original Amended and Restated Service Plan for Cherry Creek South Metropolitan Districts 2&3, and Consolidated Service Plan for Cherry Creek South Metropolitan Districts 2&3, and Anthology West Metropolitan Districts 4-6, approved by the Town in 2016 (the “Original Service Plan”): streets, traffic and safety improvements, drainage and storm sewer improvements and related utilities. No ongoing operations or maintenance authority, though the District will have “warranty” and maintenance obligations prior to dedication of improvements to Town and others. No enlargement of powers is requested in the Service Plan Amendment.

Improvement Costs: \$10,082,582, consisting of regional improvements for Filing 1 that are in addition to the Public Improvements set forth in the Original Service Plan as Exhibits D and E. Exhibits D-1 and E-1 to the Service Plan Amendment identify the additional regional improvements that will be required for Filing 1, including improvements to French Creek Avenue, South Great Plain Way and Motsenbocker Road; Oak Gulch drainage improvements; and a regional park, for a total estimated cost of \$5,795,834. Exhibits D-2 and E-2 to the Service Plan Amendment identify additional interior public streets, curbs and gutters, sanitary sewer distribution mains, water mains, storm sewers and other public infrastructure required for Filing 1, with an estimated cost of \$4,286,748.

Debt Limit: \$7,500,000, which is in addition to the \$10,000,000 in debt authorization authorized by the Original Service Plan. Of the \$10,000,000 authorized in the Original Service Plan, a total of \$8,290,000 in debt has been issued to date, as follows:

- District No. 2: Series 2014, \$1,850,000 General Obligation Limited Tax Bonds. These bonds were issued in connection with the Settlement Agreement, Covenant Not-To-Sue and Mutual Release between Stroh Ranch Development, LLC, the collective Cherry Creek South Metropolitan Districts Nos. 2 through 11, Pivotal Group, Inc., Pivotal Parker Investments 2009, LLC, Pivotal Colorado II, LLC, North Parker Investments, LLC, and various individual defendants. The bond proceeds were used to reimburse advances made by the developer to Cherry Creek South Metro District No. 2 from its inception (1984) to the year 2004 for regional public improvements; the amount eligible for reimbursement, which was certified by Reynolds Henrie & Associates, PC (a CPA), was \$1,883,449.41.
- District No. 4: Series 2018, \$6,440,000 General Obligation Limited Tax Bonds. The proceeds of these bonds were spent on local and regional improvements.

The debt authorization remaining for all five districts, after the addition of the \$7,500,000 requested in the Service Plan Amendment to the \$10,000,000 in the Original Service Plan, and after the issuance of the District 2 bonds in 2014 (\$1,850,000) and the District 4 bonds in 2018 (\$6,440,000), is \$9,210,000. From this remaining debt authorization, Districts 5 & 6 intend to issue \$6,975,000 in debt.

Mill Levy: The mill levy in the 2016 Original Service Plan was 42.827 mills, which had been adjusted (Gallagherized) from 35 mills, using 2000 as the base year.

The mill levy in the Service Plan Amendment is 47.347 mills, which has been adjusted (Gallagherized) from 35 mills using 2000 as the base year.

Comments:

1. The proposed Service Plan Amendment generally conforms to the Town's Model Service Plan.

2. No changes other than the increase in debt authorization are being requested by Districts 5 & 6.

3. Cherry Creek South Metropolitan Districts 2 & 3 were organized in 2004 and are now known as Anthology West Metropolitan Districts 2 & 3. Anthology West Metropolitan Districts 4, 5 and 6 were organized in 2016, and operate together with Districts 2 & 3 under the Original Service Plan.

4. The Financial Plan (Exhibit F-1 to the Service Plan Amendment) anticipates an issuance of bonds in 2019 in the amount of \$6,975,000. The Total Debt Issuance Limitation would not apply to refunding Bonds issued to refund outstanding Debt. All Debt must meet statutory requirements.

Anthology West Metro Districts 4 & 5 Vicinity Map





Request for Town Council Action

Date: May 20, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-026 (Continued from 5/6/19)**
A Resolution Authorizing the Possession and Consumption of
Alcoholic Beverages in Discovery Park, Subject to Certain
Conditions

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

Pursuant to Sections 8.08.010 and 12.02.200 of the Parker Municipal Code, the Town Council may designate park lands where the possession and consumption of alcohol beverages are allowed. This resolution designates Discovery Park, subject to certain conditions.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

On May 6, 2019, the Town Council approved Ordinance Nos. 5.28.24 and 12.03.5, to allow the public possession and consumption of alcohol in designated park lands within the Town of Parker. Consideration of Resolution No. 19-026 was continued to the May 20, 2019, Town Council meeting.

At the May 13, 2019, study session, Town Council directed staff to revise Resolution 19-026 to limit alcohol consumption in Discovery Park during Concerts in the Park events. Based on that direction, the Resolution has been revised to allow alcohol possession and consumption (glass containers prohibited) during the hours of 4 p.m. to 9 p.m. on the following concert dates: May 30; June 13, 20 and 27; July 11, 18 and 25; and August 1. Concerts begin at 6 p.m. and are scheduled to end around 8 p.m.

FINANCIAL IMPACT

Minimal impact for additional park signage.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT

ATTACHMENTS

1. Resolution No. 19-026

RECOMMENDED MOTION

I move to approve Resolution 19-026.

RESOLUTION NO. 19-026, Series of 2019

TITLE: A RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN DISCOVERY PARK, SUBJECT TO CERTAIN CONDITIONS

WHEREAS, the Town of Parker is a home rule municipality duly organized and existing under laws of the State of Colorado and the Town's Charter;

WHEREAS, the Colorado General Assembly enacted SB 18-243, which, among other things, allows municipalities and counties to authorize the consumption of any fermented malt beverage or malt, vinous or spirituous liquor in any public place, other than a public right-of-way, if specifically authorized by ordinance, resolution or rule;

WHEREAS, Sections 8.08.010 and 12.02.200 of the Parker Municipal Code authorize the possession and consumption of alcohol on park lands designated by Town Council resolution; and

WHEREAS, the Town Council of the Town of Parker desires to authorize the possession and consumption of alcoholic beverages in Discovery Park, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. Discovery Park is hereby designated as the only park lands within the Town of Parker where the possession and consumption of alcoholic beverages, including any fermented malt beverage, or any malt, vinous or spirituous liquor, shall be allowed, subject to the following limitations:

a. Possession or consumption of alcoholic beverages in glass containers shall not be allowed.

b. Possession or consumption of alcoholic beverages shall only be allowed from 4:00 p.m. until 9 p.m. on the following dates: May 30, 2019; June 13, 2019; June 20, 2019; June 27, 2019; July 11, 2019; July 18, 2019; July 25, 2019; and August 1, 2019.

RESOLVED AND PASSED this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk



Request for Town Council Action

Date: May 20, 2019

Submitted By: Bryce Matthews, Planning Manager
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.342 - Second Reading**
A Bill for an Ordinance to Amend Sections 13.07.080,
13.07.090, 13.07.100 and 13.10.230 of the Parker Municipal
Code Concerning Mylar Copies

Department: **Community Development, Bryce**
Matthews

EXECUTIVE SUMMARY

The Parker Land Development Ordinance (LDO) requires applicants to provide the Town with two (2) plat mylars after the approval of subdivision and condominium plats. Staff records one (1) plat mylar with Douglas County and retains one (1) plat mylar for Town records.

The proposed LDO amendment changes the number of required plat mylars from two (2) to one (1). This change will eliminate the need for the Town to store plat mylars thus freeing up space. Applicants will provide the Town with a digital version of the plat mylar that will be stored electronically.

On April 11, 2019, the Planning Commission unanimously recommended Town Council approve Ordinance No. 3.342.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parker LDO requires the submittal of two (2) photographic mylar copies of final plats, minor development plats and condominium plats. Mylars are legal plat documents printed on a thin plastic sheet and are used for long-term record keeping. The Town has limited storage space and little need for hardcopy mylars because the Town has transitioned to digital platforms for applications/permitting and record-keeping in the past few years.

The proposed LDO amendment will still require applicants to provide the Town with one (1) plat mylar for recordation with the Douglas County Clerk and Recorder. The proposed amendment also revises those sections of the LDO describing paper documents because they are no longer needed with the transition to digital platforms for applications/permitting and record-keeping.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance 3.342 Redline

RECOMMENDED MOTION

I move to approve Ordinance No. 3.342 on second reading.

ORDINANCE NO. 3.342, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.07.080, 13.07.090, 13.07.100 AND 13.10.230 OF THE PARKER MUNICIPAL CODE CONCERNING MYLAR COPIES

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 13.07.080, Subsection (c), of the Parker Municipal Code is amended to read as follows:

13.07.080 Final plat.

* * *

(c) Review process.

(1) The applicant shall submit ~~one (1) copy of~~ a complete application to the Planning Department.

* * *

(3) Once the submittal is determined complete, staff will notify the applicant of the ~~number of copies of the final plat required for distribution to the Director of Engineering, appropriate water and sanitation districts, Town Department of Engineering and other referral agencies as determined by the Planning Department. Referral packets, with all exhibits folded to 9" x 12", shall be provided by the applicant to the Planning Department application fees. Once the application fees have been paid,~~ Planning staff shall distribute electronically the agency referrals ~~packets~~. The applicant shall ~~distribute submit~~ any revised plans, as required by staff.

* * *

(5) The staff planner shall notify the applicant of the date and time of the scheduled meeting and will prepare a staff report for the Planning Director and Director of Engineering. The applicant shall submit ~~two (2) copies~~ one (1) copy (Fix-line, emulsion down) of the final plat ready for recordation (except for Town signatures) and a signed subdivision agreement to the Planning Department prior to the scheduled meeting. All signatures on the plat shall be in indelible, black ink. The subdivision agreement shall be approved by the Town Attorney prior to final plat approval. Construction plans and cost estimates for public improvements, if any, shall be approved prior to final plat approval.

Section 2. Section 13.07.090, Subsections (c) and (i), of the Parker Municipal Code is amended to read as follows:

13.07.090 Minor development—single-family residential.

* * *

(c) Review process.

(1) The applicant shall submit ~~one (1) copy of~~ a complete application to the Planning Department.

* * *

(3) Once the submittal is determined complete, staff will notify the applicant of the ~~number of copies of the minor development plat required for distribution to referral agencies. Referral packets, with all plan exhibits folded to 9" x 12", shall be provided by the applicant to the Planning Department application fees. Once the required fees have been paid,~~ Planning staff shall electronically distribute the agency referrals ~~packets~~. The applicant shall ~~distribute-submit~~ any revised plans, as required by staff.

* * *

(i) Recordation procedure.

* * *

(2) Within ninety (90) days of approval of the minor development plat, unless stated otherwise in such approval, the applicant shall submit: ~~two (2)~~ one (1) photographic Mylar ~~copies-copy~~ (Fix-line, emulsion down) of the approved minor development plat, amended, if necessary, and ready for recordation (except for Town signatures), all required documentation not previously submitted and all mapping and recordation fees to the Planning Department. The applicant shall also provide appropriate security in accordance with Paragraph 13.07.150(b)(1) of this Chapter to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision agreement.

* * *

Section 3. Section 13.07.100, Subsections (c) and (i), of the Parker Municipal Code is amended to read as follows:

13.07.100 Minor development—nonresidential and multiple-family.

* * *

(c) Review process.

(1) The applicant shall submit ~~one (1) copy of~~ a complete application to the Planning Department.

* * *

(3) Once the submittal is determined complete, staff will notify the applicant of the ~~number of copies of the minor development plat required for distribution to referral agencies. Referral packets, with plan exhibits folded to 9" x 12", shall be provided by the applicant to the Planning Department application fees. Once the required application fees have been paid,~~ Planning staff shall electronically distribute the agency referrals ~~s-packets~~. The applicant shall distribute-submit any revised plans as required by staff.

* * *

(i) Recordation procedure.

* * *

(2) Within ninety (90) days of approval of the minor development plat, unless stated otherwise in such approval, the applicant shall submit: ~~two (2)~~ one (1) photographic Mylar ~~copies-copy~~ (Fix-line, emulsion down) of the approved final plat, amended, if necessary, and ready for recordation (except for Town signatures), all required documentation not previously submitted, and all mapping and recordation fees to the Planning Department. The applicant shall also provide appropriate security in accordance with Paragraph 13.07.150(b)(1) of this Chapter to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision agreement.

* * *

Section 4. Section 13.10.230, Subsections (d) and (g), of the Parker Municipal Code is amended to read as follows:

13.10.230 Condominium unit map procedures and requirements.

(d) Review process.

(1) The applicant shall submit ~~one (1) copy of~~ a complete application to the Planning Department.

* * *

(3) Once the submittal is determined complete, staff will notify the applicant of the ~~number of additional copies of the condominium unit map~~

required ~~for distribution. Referral packets, with all exhibits folded to 9" x 12", shall be provided by the applicant to the Planning Department application fees. Once the required application fees have been paid,~~ Planning staff shall electronically distribute the ~~packets to agency referrals agencies.~~ Agencies shall have twenty (20) business days to respond.

* * *

(5) After approval of all documents by the appropriate entity and after all requirements of this Section have been met, the applicant shall submit ~~two (2)~~ one (1) photographic Mylar ~~copies-copy~~ (Fix-line, emulsion down) of the condominium unit map ready for recordation (except for Town signatures). All signatures on the condominium unit map shall be in indelible, black ink.

* * *

(g) Recordation procedure. Within thirty (30) days of receipt of the Mylar ~~copies-copy~~ (Fix-line, emulsion down) of the condominium unit map ready for recordation, all required documentation not previously submitted, and all mapping and recordation fees, the staff planner shall obtain all Town signatures, as required, and record the condominium unit map and all related documents.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: May 20, 2019

Submitted By: Chris Hudson, Public Works Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.532 - Second Reading**
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District at the Stroh Soccer Park

Department: **Engineering and Public Works, Chris Hudson**

EXECUTIVE SUMMARY

This item is associated with an ordinance to dedicate a sanitary sewer easement to the Parker Water and Sanitation District (PWSD) over Town owned property at the Stroh Soccer Park. This easement has been requested for sanitary sewer infrastructure necessary to serve future development south of Stroh Road.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Town Council approved Ordinance 9.150 in 2008 and Ordinance 1.354 in 2009 related to PWSD easements. These easements were for sanitary sewer and water lines to be constructed on the west side of Cherry Creek to support the Rueter-Hess Reservoir and proposed development south of Stroh Road. In 2009, PWSD constructed these improvements which included most of the sanitary sewer lines needed to support future development south of Stroh Road. PWSD's contractor attempted to directionally bore the proposed sewer line under Stroh Road just west of Cherry Creek but twice hit obstructions at different locations. The proposed sanitary sewer line connection under Stroh Road was not completed in 2009 due to the cost implications and was postponed due to the economic downturn and stagnation in development.

There is now active development occurring south of Stroh Road including the Trails at Crowfoot and Meadowlark development projects in the Town. These planned developments will result in residential development occurring in the southern portion of the PWSD service

area later this year. This will result in the need to complete the sanitary sewer line connection under Stroh Road that was abandoned ten (10) years earlier. PWSD has engaged a consultant to redesign this sanitary sewer connection to avoid the previous conflicts in 2009. As part of the redesign, the sanitary sewer line crossing will need to be moved several hundred feet west of the planned 2009 location and requires additional easement area.

The easement would grant a 30-foot wide non-exclusive easement to PWSD to install this necessary sanitary sewer connection. PWSD is scheduling to complete this work during the summer of 2019 when there is a break in the use of Stroh Soccer Park. In addition, the PWSD needs a Temporary Construction Easement (TCE) to complete this construction. The areas covered by these easements are denoted on the attached vicinity map. Since the TCE is not a permanent conveyance of property, it does not require approval by Town Council by ordinance. PWSD will be required to restore all areas disturbed by the construction, including impacts to the parking lot, sidewalk and the soccer field.

FINANCIAL IMPACT

None. The proposed easement is part of an on-going easement and right-of-way exchange between the Town and PWSD.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Vicinity Map-PWSD Easement at Stroh Soccer Park
2. Ordinance No. 1.532

RECOMMENDED MOTION

I move to approve Ordinance No. 1.532 on second reading.

PWSD Easements at Stroh Soccer Park Vicinity Map



ORDINANCE NO. 1.532, Series of 2019

TITLE: A BILL FOR AN ORDINANCE CONVEYING CERTAIN REAL PROPERTY BY EASEMENT TO PARKER WATER AND SANITATION DISTRICT AT THE STROH SOCCER PARK

WHEREAS, the Town Council of the Town of Parker desires to convey certain real property to Parker Water and Sanitation District at the Stroh Soccer Park; and

WHEREAS, the Town Council of the Town of Parker desires to authorize the Mayor to execute the subject Easement Agreement.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby approves the Easement Agreement by the Town of Parker conveying certain property to Parker Water and Sanitation District at the Stroh Soccer Park, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to execute the Easement Agreement on behalf of the Town.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is dated this ____ day of _____, 2019, by THE TOWN OF PARKER, COLORADO (hereafter referred to as "Grantor"), having an address at 20120 E. Mainstreet, Parker, Colorado 80138, and THE PARKER WATER AND SANITATION DISTRICT (hereafter referred to as "Grantee"), a Colorado special district and political subdivision, having an address at 18100 E. Woodman Drive, Parker, Colorado 80134.

WHEREAS, Grantee desires to install sanitary sewer line in certain real property owned by Grantor and situate in Douglas County, Colorado, which real property is more particularly described and depicted in **Exhibit A** attached hereto and incorporated herein (the "Easement Property"); and

WHEREAS, Grantor is willing to grant an easement to Grantee in the Easement Property for the aforesaid purposes, subject to the terms and provisions hereof.

NOW, THEREFORE, for good and valuable consideration to Grantor by Grantee, and for the additional consideration of the performance by the parties of the terms and conditions hereof, the receipt and adequacy of which are hereby acknowledged, Grantor does hereby grant to Grantee, and Grantee accepts from Grantor, the following Easement as hereinbelow set forth:

1. Grant of Easement. Grantor does hereby grant and convey to Grantee, its successors, assigns, lessees, licensees and agents, a nonexclusive perpetual easement upon, over, under, across and through the Easement Property for the purpose of Grantee's construction, reconstruction, operation, maintenance and removal of the sanitary sewer line required by Grantee from time to time. Grantee shall have the right of ingress and egress over and across the adjacent lands of Grantor to and from the Easement Property as may be necessary in connection with Grantee's construction, reconstruction, operation, maintenance and removal of the sanitary sewer line.

2. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor and its successors and assigns as follows:

(A) Grantee shall protect the Easement Property and the adjacent lands of Grantor over which Grantee has rights of ingress and egress from damage caused in whole or in part by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents. Grantee shall clean, cure and correct any such damage to any elements of the Easement Property or the above-referenced adjacent lands, including, but not limited to, all pavement, curbs, gutters, walks, streets, other utilities, structures and other improvements situate therein or thereon, and shall keep all of such property reasonably clean and clear of equipment, building materials, dirt, debris and similar materials. If Grantee fails to clean, cure or correct such damage within fourteen (14) days after notice thereof from Grantor, then Grantor may do so, at Grantee's expense;

(B) In all activities undertaken on property belonging to Grantor, Grantee and/or its employees, agents, contractors, subcontractors, successors, assigns, lessees and/or licensees shall conduct and construct all work in a good and workmanlike manner; and

(C) Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants, as defined by the Clean Water Act and any amendments thereto, to be dumped, spilled, released, permanently stored, or deposited on, over or beneath the Easement Property. Any hazardous, toxic or flammable substances used by Grantee, its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees in the construction, reconstruction, operation, maintenance or removal of the sanitary sewer line shall be utilized in a lawful manner and in compliance with all federal, state and local requirements relating to protection of health or the environment.

3. Grantor's Right of Relocation. In the event that the construction of any other utilities, roadways, or other improvements upon, over, under or across the Easement Property necessitates the relocation and/or encasement of the sanitary sewer line, then Grantor shall, at its sole cost and expense, timely perform or cause the performance of such relocation and/or encasement of the sanitary sewer line.

4. Indemnification of Grantor by Grantee. Grantee agrees, and hereby does, to the extent permitted by law, indemnify and hold harmless Grantor, any directors, officers employees and agents of Grantor, and any successors or assigns of Grantor, from any costs, expenses, damages, claims or demands incurred or asserted against Grantor as a result of or arising out of the activities of Grantee, its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees in the construction, reconstruction, operation, maintenance or removal of the sanitary sewer line or otherwise relating to the Grantee's use of the Easement Property.

5. Miscellaneous.

(A) Except as otherwise expressly provided for herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective parties, their heirs, successors and assigns.

(B) This Easement constitutes the entire agreement between the parties.

(C) This Easement shall be of no force and effect until the same is duly and validly executed by each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Easement by their respective duly authorized officers as of the date and year first above set forth.

GRANTOR:

Town of Parker, Colorado

By: _____
Mike Waid, Mayor

ATTEST:

By: _____
Carol Baumgartner, Town Clerk

GRANTEE:

Parker Water & Sanitation District,
a Colorado special district and political
subdivision.

By: _____
Ron R. Redd, P.E., District Manager

ATTEST:

By: _____
Maleia Good, Engineering Secretary

STATE OF COLORADO)
) ss
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Mike Waid, Mayor of the Town of Parker, Colorado.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Ron R. Redd, P.E., District Manager of the Parker Water and Sanitation District.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT A

A SANITARY SEWER EASEMENT BEING A PORTION OF TRACT C, STROH RANGE FILING NO. 16, AS RECORDED UNDER RECEPTION NUMBER 2002049948 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 34 BEARS N89°33'38"E (ASSUMED), FROM THE SOUTH 1/4 CORNER OF SAID SECTION 34, A 3-1/4" ALUMINUM CAP STAMPED PLS 297461, 2006, A DISTANCE OF 2648.73 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 34 WITH A 3-1/4" ALUMINUM CAP STAMPED AZTEC CONSULTANTS INC, LS 17666, 1999;

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT C; THENCE S89°33'38"W ALONG THE SOUTH LINE OF SAID TRACT C AND ALONG THE NORTHERLY RIGHT OF WAY OF STROH ROAD, 691.20 FEET TO THE **POINT OF BEGINNING**;

THENCE S89°33'38"W CONTINUING ALONG SAID SOUTH LINE, 50.00 FEET;

THENCE N00°01'22"E, 64.22 FEET;

THENCE N84°54'36"E, 633.08 FEET;

THENCE S05°05'24"E, 30.00 FEET;

THENCE S84°54'36"W, 513.01 FEET;

THENCE S67°45'56"W, 78.08 FEET;

THENCE S00°01'22"W, 15.06 FEET TO THE SOUTH LINE OF SAID TRACT C AND THE **POINT OF BEGINNING**.

CONTAINING 21,674 SQUARE FEET OR 0.498 ACRES, MORE OR LESS.



PREPARED BY CHRISTOPHER A. BROOKS, PLS 38063
FOR AND ON BEHALF OF FARNSWORTH GROUP, INC.
5613 DTC PARKWAY, SUITE 1100
GREENWOOD VILLAGE, CO 80111

ILLUSTRATION FOR EXHIBIT A

THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.
SECTION LINE DIMENSIONS AND CALCULATION
OF EXISTING PROPERTY BOUNDARIES ARE
BASED ON DEEDS & GIS LAND POSITIONS ONLY.

POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING

EXISTING 50' UTILITY
EASEMENT REC. NO.
2004047191

**TRACT C
STROH RANCH
FILING NO. 16**
REC. NO. 02049948

**SANITARY SEWER
EASEMENT**
21,674 SF
0.498 AC

EXISTING 30' UTILITY
EASEMENT
REC. NO. 200078907

OWNER:
TOWN OF PARKER
PID: 2233-343-01-191/ R0438531
REC. NO. 2002093993 (WARRANTY DEED)

0 30 60
SCALE: 1"=60'
U.S. SURVEY FEET

SEE SHEET 2

TRACT C

EXISTING 30' NON-EXCLUSIVE
UTILITY EASEMENT
REC. NO. 2009066674

EXISTING PWSO UTILITY EASEMENT
REC. NO. 2008045038

BASIS OF BEARINGS
SOUTH LINE SW 1/4 SECTION 34
N89°33'38"E 2648.73'

P.O.C.
SOUTHEAST CORNER TRACT C,
STROH RANCH FILING NO. 16

SOUTH 1/4 CORNER SECTION 34,
T6S, R67W, 6TH PM
FOUND 3-1/4" ALUMINUM CAP
STAMPED PLS 29761, 2006

STROH ROAD

RIGHT-OF-WAY VARIES

SOUTHWEST CORNER SECTION 34,
T6S, R67W, 6TH PM
FOUND 3-1/4" ALUMINUM CAP
STAMPED AZTEC CONSULTANTS
INC., LS 17666, 1999



| jneel | J:\2017\0171205.00 - PWSO CC Interceptor\Survey\07_Drawings\STROH ROAD EASEMENTS\V_ESMT - SAN SEWER-STROH-PERM.dwg

Farnsworth
GROUP

5613 DTC PARKWAY, SUITE 1100
GREENWOOD VILLAGE, COLORADO 80111
(303) 692-8838 / info@f-w.com

TOWN OF PARKER

SANITARY SEWER EASEMENT
SW 1/4 SECTION 34, TOWNSHIP 6 SOUTH,
RANGE 66 WEST, 6TH P.M. DOUGLAS COUNTY, CO

Project No: 0171205.05
Drawn by: JAN
Approved: CAB
Date: 04/12/2019
Revised:

1 OF 2

ILLUSTRATION FOR **EXHIBIT A**

THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY TO
DEPICT THE ATTACHED DESCRIPTION.
SECTION LINE DIMENSIONS AND CALCULATION
OF EXISTING PROPERTY BOUNDARIES ARE
BASED ON DEEDS & GIS LAND POSITIONS ONLY.

PAGE 2 OF 2

POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING

TRACT C STROH RANCH FILING NO. 16

REC. NO. 02049948

OWNER:
TOWN OF PARKER
PID: 2233-343-01-191/ R0438531
REC. NO. 2002093993
(WARRANTY DEED)

SANITARY SEWER
EASEMENT
21,674 SF
0.498 AC

EXISTING 15' WIDE
INGRESS\EGRESS AND
UTILITY EASEMENT
REC. NO. 02049948

N00°01'22"E
64.22'

N84°54'36"E 633.08'

S84°54'36"W 513.01'

S67°45'56"W
78.08'

TRACT C

S00°01'22"W 15.06'

S89°33'38"W 691.20'

S89°33'38"W
50.00'

EXISTING 30' NON-EXCLUSIVE
UTILITY EASEMENT
REC. NO. 2009066674

P.O.B.

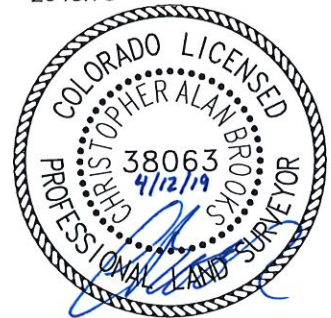
BASIS OF BEARINGS
SOUTH LINE SW 1/4 SECTION 34

N89°33'38"E 2648.73'

STROH ROAD

RIGHT-OF-WAY VARIES

SOUTHWEST CORNER SECTION 34,
T6S, R67W, 6TH PM
FOUND 3-1/4" ALUMINUM CAP
STAMPED AZTEC CONSULTANTS
INC., LS 17666, 1999



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Farnsworth
GROUP

5613 DTC PARKWAY, SUITE 1100
GREENWOOD VILLAGE, COLORADO 80111
(303) 692-8838 / info@f-w.com

TOWN OF PARKER

SANITARY SEWER EASEMENT
SW 1/4 SECTION 34, TOWNSHIP 6 SOUTH,
RANGE 66 WEST, 6TH P.M. DOUGLAS COUNTY, CO

Project No: 0171205.05
Drawn by: JAN
Approved: CAB
Date: 04/12/2019
Revised:

2 OF 2



Request for Town Council Action

Date: May 20, 2019

Submitted By: Mary Lou Brown, Finance Director
Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 8.28.8 - Second Reading**
A Bill for an Ordinance to Amend Section 4.03.030 of the
Parker Municipal Code Concerning Sales and Use Tax

Department: **Finance, Mary Lou Brown**
Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This ordinance amends the definition of "Engaged in Business in the Town" that is contained in Section 4.03.030 (Sales and Use Tax) of the Parker Municipal Code to include language that was omitted when the Town adopted the standardized tax definitions.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In May 2017, the Town Council adopted standardized tax definitions as part of a major sales tax simplification initiative between Colorado's home rule municipalities that collect their own sales tax and the retail business community. Language at the end of one of the standard definitions, "Engaged in Business in the Town," was inadvertently omitted from the ordinance. This ordinance adds in the omitted language to ensure that the definition of "Engaged in Business in the Town," is the same as in the standardized tax definitions.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 8.28.8

RECOMMENDED MOTION

I move to approve Ordinance No. 8.28.8 on second reading.

ORDINANCE NO. 8.28.8, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 4.03.030 OF THE PARKER MUNICIPAL CODE CONCERNING SALES AND USE TAX

WHEREAS, in Senate Joint Resolution 14-038 the General Assembly asked the Colorado Municipal League to revive the tax simplification project from the 1990s to address current systemic problems associated with local tax collection;

WHEREAS, the Town Council has determined that the standard tax definitions project is a major collaborative sales tax simplification initiative by Colorado's home rule municipalities that locally collect their sales tax and the retail business community;

WHEREAS, in May 2017, the Town Council adopted the standard tax definitions pursuant to Ordinance No. 8.28.4;

WHEREAS, language at the end of one of the standard definitions, "Engaged in Business in the Town," was inadvertently omitted from the ordinance;

WHEREAS, the Town Council has determined that addition of the omitted language is necessary to ensure that the definition of "Engaged in Business in the Town," is the same as in the standard tax definitions project, which was intended to be adopted in its entirety in 2017; and

WHEREAS, the Town Council has determined that, because it was part of the standard tax definitions project for which the Town Council made a similar determination, the change proposed by this ordinance does not constitute a change in tax policy requiring voter approval under TABOR and that the proposed change is revenue neutral.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 4.03.030 of the Parker Municipal Code is amended to read as follows:

4.03.030 Definitions.

For the purpose of this Code, unless the context clearly indicates otherwise, the words, terms and phrases set forth below shall have the following meanings:

* * *

Engaged in Business in the Town means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption within the Town. Engaged in business in the Town includes, but is not limited to, any one of the following activities by a person:

- a. Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction;
- b. Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons;
- c. Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction;
- d. Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; or
- e. Makes more than one delivery into the taxing jurisdiction within a twelve month period **by any means other than a common carrier.**

* * *

Section 2. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: May 20, 2019

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.345**
A Bill for an Emergency Ordinance to Impose a Temporary Suspension for One Hundred Eighty (180) Days in Duration on the Processing and Approval of any Application for a Town of Parker Permit or License Related to the Operation of a Business That Would be Engaged in the Growing, Storage, Extraction, Processing or Manufacturing of Industrial Hemp or the Extraction, Processing or Manufacturing of Industrial Hemp in Commercial Products Containing Industrial Hemp; Directing the Prompt Investigation of the Town's Regulatory Authority Over Such Businesses Pursuant to the Authority Granted by Article XX, Section 6, of the Colorado Constitution; and Declaring the Intention of the Town Council to Consider the Adoption of Appropriate Town Regulations with Respect to Such Businesses if Permitted by Law

Department: Town Attorney, Jim Maloney

EXECUTIVE SUMMARY

Amendment 64 (which legalized the recreational use of marijuana) directed the General Assembly to enact legislation to govern the cultivation, processing and sale of industrial hemp. The General Assembly passed SB19-240, which is currently awaiting the signature of the Governor. This senate bill would authorize local governments to establish licensing requirements on businesses engaged in the growing, storage, extraction, processing, or manufacturing of industrial hemp or commercial products containing industrial hemp. The Town's current regulations are not adequate to address the location and public safety impacts of businesses engaged in the storage, extraction, processing or manufacture of industrial hemp or commercial products containing industrial hemp. The purpose of this emergency ordinance is to temporarily suspend for 180 days the processing and approval of any application or permit

related to the operation of a business engaged in the activity described above to allow for the preparation and adoption of appropriate regulations.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Amendment 64 (Colo. Const. Article XVIII §16) legalized the recreational use of marijuana. Amendment 64 also provided the following related to industrial hemp:

“In the interest of enacting national policies for the treatment of all variations of the cannabis plant, the people of Colorado further find and declare that industrial hemp shall be regulated separately from strains of cannabis with higher delta-9 tetrahydrocannabinol (THC) concentration.”

Colo.Const.Art. XVIII, §16(1)(c). Amendment 64 also directed the General Assembly to enact “legislation governing the cultivation, processing and sale of industrial hemp.” Id. at §16(5)(j). While the General Assembly enacted the “Industrial Hemp Regulating Program Act (the “Act”) (C.R.S. §§ 35-61-101, et seq.), the Act generally regulates the cultivation of hemp, but not the storage, extraction, processing or manufacture of industrial hemp or commercial products containing industrial hemp.

During the 2019 legislative session, SB19-240 was introduced to address this shortfall in complying with the constitutional mandate of enacting legislation to govern the “processing and sale” of industrial hemp. A copy of SB19-240, which was passed on 3rd reading by both the Senate and the House is attached. SB19-240 is currently awaiting the signature of the Governor. Under Section 3 of SB19-240, the “governing bodies of municipalities” would have the power to regulate hemp businesses “to charge a fee for a local license and establish licensing requirements for businesses engaged in the storage, extraction, processing or manufacture of industrial hemp . . . or industrial hemp products . . .” The Town Council desires to investigate the authority of the Town, as a Colorado home rule municipality under Article XX, Section 6, of the Colorado Constitution and SB19-240 if it goes into effect, to establish licensing requirements for businesses engaged in the storage, extraction, processing or manufacture of industrial hemp or commercial products containing industrial hemp (the “Hemp Operations”).

Town staff has determined that there are significant land-use and public safety impacts associated with Hemp Operations. The Town currently has general land-use regulations to address the location of Hemp Operations. The Town Council desires to investigate the appropriate manner of accommodating Hemp Operations within the Town, including location, bulk standards, potential nuisance impacts, and proximity to sensitive receptors/uses.

While the Town has building code regulations that may mitigate some of the public safety impacts associated with Hemp Operations, Town staff wishes to evaluate the need for additional standards because Hemp Operations would constitute a new type of business activity in Town.

For example, the process for extracting the cannabidiol (“CBD”) from hemp may involve the use of flammable solvents and result in the release of hazardous vapors, which may necessitate fire suppression, scrubbers and filters and which may require further evaluation. Additionally, there may be a need for regulations to address potential nuisance impacts, which may include, but are not be limited to, the proper storage of hemp (and mitigation of the odor), the storage and handling of chemicals and the proper disposal of hemp byproducts associated with Hemp Operations. The Town Council desires to investigate the appropriate regulations needed to properly accommodate business activity and associated with Hemp Operations within the Town.

The Town’s Building Division has received several inquiries about opening businesses that would engage in Hemp Operations. The Town’s current regulations may not be adequate to address the impacts associated with this type of use and activity. Town staff will need a minimum of 180 days to develop adequate regulations to address Hemp Operations in the Town.

There is currently one pending application with the Town for a business that would engage in Hemp Operations and would be located within a limited-industrial area of the Town, which business would not be subject to the attached ordinance.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

1. Ordinance No. 3.345

RECOMMENDED MOTION

I move to approve Emergency Ordinance No. 3.345.

ORDINANCE NO. 3.345, Series of 2019

TITLE: A BILL FOR AN EMERGENCY ORDINANCE TO IMPOSE A TEMPORARY SUSPENSION FOR ONE HUNDRED EIGHTY (180) DAYS IN DURATION ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF PARKER PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT WOULD BE ENGAGED IN THE GROWING, STORAGE, EXTRACTION, PROCESSING OR MANUFACTURING OF INDUSTRIAL HEMP OR THE EXTRACTION, PROCESSING OR MANUFACTURING OF INDUSTRIAL HEMP IN COMMERCIAL PRODUCTS CONTAINING INDUSTRIAL HEMP; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XX, SECTION 6, OF THE COLORADO CONSTITUTION; AND DECLARING THE INTENTION OF THE TOWN COUNCIL TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW

WHEREAS, Amendment 64 (which legalized the recreational use of marijuana) directed the General Assembly to enact legislation to govern the cultivation, processing and sale of industrial hemp;

WHEREAS, the General Assembly previously adopted Article 61 of Title 35 of the Colorado Revised Statutes enacting the Industrial Hemp Regulatory Program, but such provisions generally regulate only the cultivation of hemp, but not the storage, extraction, processing or manufacturing of industrial hemp or the extraction, processing or manufacturing of industrial hemp in commercial products containing industrial hemp;

WHEREAS, the provisions generally regulating the cultivation of industrial hemp do not adequately address the impacts of growing, storage, extraction, processing or manufacturing of industrial hemp or the extraction, processing or manufacturing of industrial hemp in commercial products containing industrial hemp in the Town of Parker;

WHEREAS, the General Assembly passed Senate Bill 19-240, which is currently awaiting the signature of the Governor, which if finally enacted, would authorize local governments to establish licensing requirements on businesses engaged in the growing, storage, extraction, processing, or manufacturing of industrial hemp or the extraction, processing or manufacturing of industrial hemp in commercial products containing industrial hemp ("Industrial Hemp Operations");

WHEREAS, the Town Council has been made aware that staff has received inquiries from persons who are interested in opening and operating businesses engaged in Industrial Hemp Operations, including one now-pending application;

WHEREAS, there are likely significant land use and public safety impacts associated with Industrial Hemp Operations;

WHEREAS, the Town Council desires to investigate the appropriate land use provisions that provide a manner of accommodating Industrial Hemp Operations within the Town, including location, bulk standards, potential nuisance impacts, and proximity to sensitive receptors/uses;

WHEREAS, the Town has general building code regulations applicable to Industrial Hemp Operations, and such regulations likely do not adequately address the impacts of such Industrial Hemp Operations within the Town, including the use of extremely flammable and combustible solvents and materials used in the extraction of industrial hemp, which could result in the release of hazardous vapors, and which may necessitate fire suppression, scrubbers and filters, which may require further evaluation;

WHEREAS, the Town Council further finds that there may be a need for regulations to address potential nuisance impacts of such Industrial Hemp Operations, which may include, but are not limited to, the proper storage of hemp (and mitigation of the odor), the storage and handling of chemicals, and the proper disposal of hemp byproducts associated with Industrial Hemp Operations;

WHEREAS, the imposition of a 180-day suspension on the processing and approval of any new application for a Town of Parker permit or license related to the operation of a business that would be engaged in the growing, storage, extraction, processing or manufacturing of industrial hemp or the extraction, processing or manufacturing of industrial hemp in commercial products containing industrial hemp will allow the Town staff and the Town Council to investigate the Town's ability to regulate such businesses and to develop and implement any appropriate land use, licensing and building code regulations, while allowing any application deemed complete as of May 10, 2019, for an Industrial Hemp Operation (the "Pending Application") to be processed in accordance with existing Town regulations; and

WHEREAS, a 180-day temporary suspension is a reasonable length of time for the Town to properly investigate, develop and, if appropriate, adopt and implement any regulations with respect to such new Industrial Hemp Operations and related uses, or any amendments to the now-pending application.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council of the Town of Parker.

Section 2. Imposition of Temporary Suspension on Applications for Permits and Licenses Related to the Operation of a Business that would be Engaged in the Growing, Storage, Extraction, Processing or Manufacturing of Industrial Hemp or the Extraction, Processing or Manufacturing of Industrial Hemp in Commercial Products Containing Industrial Hemp. Upon the adoption of this Ordinance, a temporary suspension is imposed upon the processing and approval of all new applications for permits and licenses by the Town related to the operation of a

business that would be engaged in the growing, storage, extraction, processing or manufacturing of industrial hemp or the extraction, processing or manufacturing of industrial hemp in commercial products containing industrial hemp, referred to as Industrial Hemp Operations. The Town staff is directed to refuse to process, review or approve any such new applications for such businesses during the temporary suspension period. Provided, however, the Pending Application shall not be included within the temporary suspension, provided that the Pending Application is not amended.

Section 3. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the temporary suspension imposed by this Ordinance, the Town staff, working with the Town Attorney, shall prepare appropriate regulations, if any, concerning Industrial Hemp Operations.

Section 4. Police Power Finding. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town and the inhabitants thereof.

Section 5. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29 C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) Section 31-15-501 C.R.S. (concerning municipal power to regulate businesses); (vi) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vii) the powers contained in the Town of Parker Home Rule Charter (the "Charter").

Section 6. Emergency Declared; Effective Date; Expiration. Pursuant to Section 7.6 of the Charter, the Town Council finds, determines and declares that passage of this Ordinance is necessary for the immediate preservation of the public peace, health and safety in order to prevent the processing and approval of any application for a Town permit or license relating to the processing and approval of any application for a Town of Parker permit or license related to the operation of a business that would be engaged in the growing, storage, extraction, processing or manufacturing of industrial hemp or the extraction, processing or manufacturing of industrial hemp in commercial products containing industrial hemp, until the Town has had a reasonable opportunity to determine: (i) the extent of the Town's regulatory authority over such businesses, including, but not limited to, the authority to license, zone and otherwise regulate such businesses; and (ii) what regulations, if any, should be imposed by the Town upon such businesses. Failure to immediately impose the temporary suspension provided for in this Ordinance will potentially allow acquisition of certain rights with respect to businesses that would be engaged in the growing, storage, extraction, processing or manufacturing of industrial hemp or the extraction, processing or manufacturing of industrial hemp in commercial products containing industrial hemp before the Town has had a reasonable opportunity to consider appropriate regulations thereof. The Town Council further determines that the adoption of this Ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Parker. The temporary suspension imposed by the Ordinance shall commence as of the date of the adoption of this Ordinance and shall expire one hundred eighty (180) days thereafter, unless repealed prior to that date or extended, if necessary, as determined by Town ordinance.

Section 7. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the publication of an agenda that contains the title to this Ordinance in a newspaper of local circulation prior to first and final reading of this Ordinance creates a financial burden on the Town and that the title to this Ordinance was posted in two (2) public places two (2) days before the Town Council meeting to the extent required by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 8. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 9. This Ordinance shall become effective immediately upon adoption.

INTRODUCED, ADOPTED AND PASSED ON FIRST READING this _____ day of _____, 2019.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney